

Approved Final Minutes

Regular Board of Directors (Board) Meeting

February 9, 2023

1. **Call To Order**

The meeting was called to order at 6:00 pm.

Directors present:

Butcher, Lund, McCarley, Rickert, Woolery

Staff Present:

General Manager Jered Shipley

Finance Manager Terri White

Operations Manager Ben Duncan

Legal Counsel:

Dustin Cooper of Minasian, Meith, Soares, Sexton & Cooper, LLP – Attorneys at Law

1. **Flag Salute**

The flag salute was led by Director Audie Butcher.

1. **Public Participation**

Time set aside for members of the public that wish to address the Board regarding operations of the District within the jurisdiction of the Board. Individuals are requested to limit comments to a maximum of three minutes.

Rich Vietheer commented on the financial status of the District and helping customers related to the impact of no irrigation in 2022.

Nadine Bailey commented on Sustainable Groundwater Management Act (SGMA) as well as a Realtors meeting she attended in Tehama County where she heard rumors that ACID has already sold our 2023 water allotment.

Elaine Roberts wants ACID to establish a Grant to help water users reseed their pastures. President Woolery explained that ACID could not do that as it would be considered a “gift of public funds.”

John Ross asked how Churn Creek Bottom customers will be affected if the Bureau of Reclamation does not keep the release high enough for ACID to use our pumps at the Churn Creek pump site. Manager Shipley addressed his concerns.

Mike Berry spoke regarding the Reserve Policy, and he suggests we spend the money we have, not reserve it. He also thought it should not be set by a percentage. Manager Shipley explained the Reserve Policy is not set by percentages.

Annalise Pearce asked about why the Board Packet was not posted to the web site and inquired how she could get a copy of it. Manager Shipley addressed her comments.

1. Consent Items
   1. Minutes – Approve the Minutes of the Regular Meeting on January 12, 2023.

President Woolery asked for the Draft Minutes from January 12, 2023 be pulled from Consent Agenda Items and move to the first item under Business Items. Director Rickert made a motion to remove the Draft Minutes from Consent Items, Director McCarley made the second, and the motion passed with a 5-0 vote.

* 1. Financial Status Report for Year-to-Date through January 2023.
  2. Payroll – Approve the Payroll Check Register for January 2023.
  3. Electronic Federal Tax Payment System (EFTPS) & Automated Clearing House (ACH) – Approve transactions for the Payroll Periods of January 3, 2023 and January 16, 2023.
  4. Voided and/or missing checks for January 2023.
  5. Cash Disbursement Journal for January 2023.

Directors Rickert and Lund asked a few questions regarding the Financial Status Report, which staff answered. Director Butcher then made a motion to approve Consent Items B – F, Director McCarley made the second and the motion passed with a 5-0 vote.

1. **Business Items**

Approve the Minutes of the Regular Meeting on January 12, 2023.

President Woolery asked for the following language be added to the Minutes of January 12, 2023. “Mary Johnson was asked if the Audit was designed to detect intentional fraud. She replied that it was not. The Board then discussed the need for adequate fraud protection procedures to be in place and General Manager Shipley stated that he would review current systems and recommend changes as needed.” Director Rickert asked for these additions: Director Rickert asked the Auditor if a normal timeline was followed for the 2021 Audit and the Auditor stated it was not. Director Rickert also asked about including a General Manager Letter in future audits.

After discussion regarding the minutes, Director Rickert made a motion to bring the January 12, 2023 Amended Minutes back to the March 9, 2023 Board Meeting. Director McCarley made the second and the motion passed with a 5-0 vote.

* 1. Consider Finance Manager Terri White’s request to earn sick and vacation time.

President Woolery asked the Board if they had any comments regarding Whites request. None were forthcoming. He then asked if the public had any comments. No comments were made from the public, at which time Director Lund made the motion to approve Whites request for earned sick leave and vacation time per her written request. Director Rickert made the Second and the motion passed with a 5-0 vote.

* 1. Review and Discuss Draft District Reserve Policy.

After discussion by the Board, staff, and some comments from the public, it was a consensus of the Board that the Reserve Policy be brought back to the Board at a future Board meeting.

* 1. Review and Consider Request for Proposal regarding Main Canal Survey and associated work.

After discussion with General Manager Shipley, members of the Board and Legal Counsel Dustin Cooper, it was decided that further information and follow up was required on this item and that it should be brought back to the Board at a future Board Meeting.

1. **Other Business**

General Manager Shipley gave a report on a multitude of meetings he has attended as well as items he is currently working on.

President Woolery announced the meeting would recess into Closed Session.

1. **Closed Session**
   1. Public Employee Employment and/or Performance Evaluation  
      (Government Code §54957)  
      Title – General Manager Evaluation
   2. Conference With Legal Counsel – Existing Litigation (Government Code §54956.9(d)(1).)
      1. *PCFFA v. Raimondo* (USDC E.D. Cal., Case No. 1:20-cv-00431-JLT-EPG
      2. *CNRA v. Raimondo* (USDC E.D. Cal., Case No. 1:20-cv-00426-JLT-EPG
   3. Conference With Legal Counsel – Anticipated Litigation (Government Code §54956.9(d)(2) or (d)(4)); One Case.

President Woolery reconvened back into Open Session at 9:23 pm with no action being taken.

1. **Adjourn**

President Woolery adjourned the meeting at 9:25 pm.

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Dan Woolery

President