**Final Minutes**

October 12, 2023 – 6 pm

1887 Howard Street, Anderson, CA

1. **Call To Order at** 6:00 p.m.

Directors present**:** Woolery, Rickert, McCarley, Lund, Butcher

Staff present**:** Justin Dahl (General Manager), Terri White (Finance Manager)

Ben Duncan (Operations Manager)

1. **Flag Salute** was led by Director McCarley
2. **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.

**Laurrie Shaw-** Is concerned with the ditch lining, doesn’t think it will work, and doesn’t think ACID should spend $5 million on the canal for repairs.

**Ken Britt**- Hill Street gate (south side) homeless person down there, who is responsible for the access? If we could put in a better fence that would help.

**Tammi Arrowsmith**- The movie documentary that has come out, “The ACID canal.” Did any of the Board members approve this documentary, or did anyone benefit from this documentary, how did it come about, was anyone asked if they wanted a documentary?

Directory Woolery spoke up to clear the air to let the public know that this documentary was produced by a person who has no relationship with ACID. It was their project, and ACID has no connection with the documentary. If there are any questions about the documentary, they will need to go to the producer for the answers. Director Rickert commented that a local independent filmmaker started the project after the water was shut off in the canal in 2022. He started filming the public meetings, talked to people in the community to understand more, and interviewed them. He found out that I (James Rickert) was running for the Board, and wanted to cover that as well, since he thought that was an interesting part of the story. The Board did not endorse it, and nobody got paid for it. It was just an independent person doing a project.

**Tom Gregory**- Wanted to bring to light a few options that he would like the Board to consider on the maintenance of the canal. Problems- rodent holes, dead trees, over-excavated canal banks. Gave several options for repair/maintenance of the canal which would be more cost-effective than jumping into a big job all at once.

**Ray Eliante- Last** December he asked for his comments to be entered into the minutes, month after month he has asked for them to be entered but with no avail. We have a rogue, unethical Director in the name of James Rickert. James Rickert had a very intricate part in the movie, “The ACID canal,” he methodically documented his movements. The film is nothing but a self-serving, shameless promotion that benefits him but not the District. It seems that withholding his comments from last December and the agenda item that he sent to his Director, the chair, and the GM last Thursday which calls for the immediate resignation of Director James Rickert, as you can see is not on the agenda.

1. **Consent Items**
2. Minutes – Approve the Minutes of the Special Board Meeting on September 07, 2023, the Special Board Meeting on September 27, 2023, and the Regular Board Meeting on September 14, 2023
3. Financial Status Report for Year-to-Date through September 2023
4. Payroll: Approve the Payroll Check Register for the Month of September 2023
5. Electronic Federal Tax Payment System (EFTPS) & Automated Clearing House (ACH) – Approve transactions for the Payroll Periods September 01, 2023, and September 16, 2023, and Voided and missing checks for September 2023
6. Cash Disbursement Journal for September 2023

Director Woolery requested Consent Items, **4. a,b,e,** be moved down to Business Items as he has questions on them. A motion was made to approve Consent Items 4c, and 4d, by Director Rickert, and seconded by Director Butcher. The motion carried with a 5-0 vote.

1. **Business Items**

**Consent Items moved: 4. a,b,e**

Discussion among the Board to amend minutes; September 7, 2023, 4.a., change from 40 million to 40 milliliters, September 14, 2023, 5.e. change from 5-0 vote to 4-0, Director Rickert recused himself from voting on that item, and add “no action taken” for closed session. September 27, 2023, Public Participation, change “field to ditch.” A motion was made to amend the minutes as stated above by Director Butcher and seconded by Director Rickert. The motion carried with a 5-0 vote.

Discussion on the Financial Status Report among the Board; Inaccurate formula (pg. 5), overtime amount was very high (pg. 2), Miscellaneous expenses, they are over budget, what are they? (pg. 3).

Question on when we receive property taxes. A motion was made by Director McCarley to approve the Financial Status Report with changes and seconded by Director Rickert. The motion carried with a 5-0 vote.

Discussion among the Board regarding some of the Cash Disbursements items; K&S Staffing (temp employees), Parcel Quest, Underground Service Alert, and CV Strategies. Staff answered their questions. A motion was made by Director Butcher to approve the Cash Disbursements Journal for September 2023, and seconded by Director Lund. The motion was carried with a 5-0 vote.

1. Consider Bids for Repairs of the Main Canal during the 2023 offseason

Discussion among the Board and staff; Focus is on the 3 most problematic areas: Hill Street, Fair Oaks, and Bruce Street. Due to the unaffordable high bids that were submitted, the District reduced the size of the project, and the bids still came in too high. A new approach is needed to put a cap on the total price that the District is willing to spend on the project.

**Public Comment**

**Laurrie Shaw**- Talked about the Hill, Fair Oaks, and Bruce Streets projects, and according to her calculations, it should only come to approximately 1.6 million for construction. She was asking why the District can’t go with this amount. Also, she was asking about the $100,000 grant and why we are not putting it to use.

**Steve Barr**-Glad to hear that the Board is rejecting the bids, also what was the focus, and how were they decided upon? He brings up that some people are not getting water, it is not just a leakage issue, and the District should be aware of this as well.

**John Tiedeman**- Works with NRCS as an engineer, has been a licensed engineer for the last 40 years, and has some history with the canal and the issues. Talked about different approaches for the improvement of the canal; maybe line the entire canal in sections that have measured seepage, fiber vs. steel, and how does it hold up? Shotcrete has done well in other projects. He would like to see the District due some very focused treatment with methods that we know are proven to work. NRCS has a cost-share program that is a resource to consider for the canal lining.

**Dana Sandifer**- Was not in her house for about 6 weeks over the summer and is concerned about the amount of money that it will cost to repair the canal. She commends the staff for trying to fix the canal. Said for the last 50 years the District has not been running responsibility. A lot of money will be spent on this project, and she is hoping that it will be done correctly and adequately.

**Tom Gregory**- Says there are a lot of heads to this monster when it comes to getting the canal into some type of repair. The Board needs to consider that it starts with the collaboration of engineers, contractors, and stakeholders, to come together with some kind of affordable plan.

A motion was made by Director McCarley to reject the two bids that we currently have and approve a maximum of $3 million for the three projects that the District is focused on (Bruce St., Hill St., and Fair Oaks), and it was seconded by Director Butcher. The motion carried with a 5-0 vote.

1. Consider Resolution Accepting One or More Bids from Qualified Contractors and Authorizing Notice to Proceed to Construct the Anderson-Cottonwood Irrigation District Emergency Management Canal Lining Project. (*Action may be taken*) Discussion among the Board that item 5b. was rejected and is included in 4a. motion above.
2. Discuss and direct the Manager to start the publication process to change the monthly board meeting start time from 6 pm to 10 am, 2nd Thursday of every month (New start time can be decided by the Board) (*Action may be taken*)

**Public Comment**

**Matt Arrowsmith-** You knew Justin when you took this job what you were in for. Everybody else here does the same thing, we get up, we go to work, we come to the meeting, we get up the next day and we go to work.

**Laurrie Shaw**-Is it possible through our Communication System for people to make a comment, and for it to be read at the Board Meetings? Need more communication, and reminders for when meetings are held, etc.

**Elaine Robertson**-She left work to attend the Board Meeting. If we are considering changing the time, she was hoping it would be at 2:00 p.m. What if we alternate meeting times from month to month to accommodate the people who can’t make the 6 p.m. meeting time?

**Ivar Amen**- Most people forget about the meetings; he suggested sending out reminders about the upcoming regular and Special Board meeting times and dates.

**Mary Catherine Lovelace**- Quick suggestion- the morning after a meeting for staff to show up later to make up for the time spent in overtime.

**Steve Barr**- The reason that the meetings were originally changed back when we didn’t have water

was due to public participation because most people couldn’t get there during the day. But usually, it is the agenda that drives the people to get off their couch to come and watch.

**Larry Solsberg-** Most people in this District have day jobs, and do not make most of their money from their irrigated land. So that is going to make a difference in how many people come to the meetings, and why.

**Darren Hale-** This is a public service position, so the public needs to have a say in the answer.

The Board discussed the times that would work best for them individually, as well as the public from early mornings to late afternoons, and/or alternating Regular, and Special meetings between night and day times which would be best so people could get back to work.

A motion was made by Director Lund to table changing the regular Board meeting time until our February Board meeting; with Special Board meetings to be held during the day; and notices to be sent out for all Board meetings, Regular and special, through our Regroup Mass Notification System. It was seconded by Director McCarley. The motion was carried with a 5-0 vote.

1. Discuss and approve the shutdown date for the 2023 water season (*Action may be taken)*

Discussion among the Board regarding whether to shut down or allow another rotation. The Board spoke about some of the irrigators not getting enough water in the south end, as opposed to the north end, where they have received a half dozen irrigations this season. He would not suggest shutting the canal down early. Director Rickert agrees that we should finish the season strong, as we did not have a strong beginning.

**Public Comment**

**Linda Harness-**She would like to get one more rotation.

**Ivar Amen-**Need to pay attention toclosing laterals, causing the water levels in different areas to overflow. Mentioned that the crews need to be checked on during the day to make sure they are getting their work done.

**Steve-** Would like another round.

**Elaine-**Would like another round as well.

**Rick Williams-**Missed two irrigations about a month ago due to a leak over on Panorama, and Lone Tree. He would like to get another round of irrigation.

A motion was made by Director Rickert to approve one more irrigation rotation for people who would like to receive water, and it was seconded by Director Lund. The motion carried with a 5-0 vote.

1. Discuss and Approve ADA Ramp Bids (*Action may be taken*)

Director Lund asked about the excluded items on the quote from Steve Cox; materials testing for the concrete of the ramp, and the disposal of washout concrete.

**Public Comment**

**Nicole Roberts**- spoke about the Steve Cox Concrete bid, and said if they are selected that they will do an excellent job

A motion was made by Director Butcher to accept the Steve Cox Concrete/Vestra bid, and it was seconded by Director Rickert. The motion carried with a 5-0 vote.

1. Discuss and consider adding Irrigated Lands Regulatory Program (ILRP) to the ACID Web Site

Director Lund spoke on this issue and said this is information for the irrigators but was unsure if it would be relevant to post on our website, she would leave it up to the Board to decide.

A motion was made by Director McCarley that we not post this ILRP information on our website, and it was seconded by Director Butcher. The motion carried with a 5-0 vote.

1. Discuss and consider how to select members of the Public to be a part of the Strategic Plan Committee

(*Action may be taken)*

Discussion among the Board suggested that the public appointees should be physically located in their Districts.

**Public Comment**

**Brenda Haynes-** She would like to be on the Committee

A motion was made by Director Rickert that each Board member designate one member from the public to participate in the Strategic Planning Committee from their District and that we bring those selections to the next regular Board meeting, and it was seconded by Director Butcher.

The motion carried with a 5-0 vote.

1. **Other Business**
2. Operations Manager Report

Ben Duncan stated he will go turn the canal back up to 190 cfs in preparation of starting a new rotation on Sunday and will max out at 240 cfs because that is all that they can push out of Sacramento Gulch before overtopping and filling up Anderson Creek.

1. General Manager Report

Justin Dahl talked about the Operations and training of the 4 new water operators; Bradley, Logan, Trevor, and Robert. The new water operators have taken over the areas that they have been assigned and are doing a great job. The District’s focus was on Area 6 to get back on track for deliveries in a timely manner. Ben and Robert worked together to accomplish this goal to the best of their ability. With the water season winding down, Justin would like to thank all of the employees and the water users for making this water season work, even with all the unforeseen challenges this District has been faced with. Regarding the documentary titled, “The ACID canal,” Justin pointed out that the District had no control over the making of this film and received no monetary gain. It was created by a third-party person regarding the 2022 drought and all the devastation that it caused in the area.

Director Woolery announced the closed session at 8:50 p.m.

1. **Closed Session: Conference with Legal Counsel – Existing Litigation (Government Code § 54956.9(d)(1).). Consider the following liability claims:** The meeting returned into open session at 9:25 p.m. President Woolery reported that the following actions were taken in closed session:
	1. City of Anderson, Claimant, by Collin Bogener, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	2. Isabel Maria Andrade, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	3. Rebecca Carrillo and Eriberto Carrillo, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	4. Ralph Carmichael, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	5. Travis Ellena, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	6. Angela Erickson, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	7. Renee Gardunio and Billy Gardunio, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	8. Kalee Gregg and Nickolas Gregg, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	9. Scott Henderson and Kim Henderson, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	10. Michael Hill, Carolyn Hill, and Harold Hill, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	11. Paul Kannard, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	12. Andrew Lindeman and Allison Lindeman, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	13. Phyllis Miller and Becci Miller, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	14. Elana Needles, Claimant, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	15. Tim Nelson and Chloe Nelson, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	16. Chuck Niedreinghaus, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimant’s claim.
	17. Paul Otto and Hattie Otto, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimants’ claim.
	18. Todd Randolph and Tricia Randolph, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	19. Parri Salsi and Deborah Salsi, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	20. Ora Sherwood and Tracy (Therese) Sherwood, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	21. Joe Stokley, Sr. and Pat Stokley, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher and unanimously carried to deny the Claimants’ claim.
	22. Joe Stokley and Sheila Stokley, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimants’ claim.
	23. Donna Stokley, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimant’s claim.
	24. Daniel Teeter and Miranda Teeter, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimants’ claim.
	25. Harry Merte and Peggy Merte, Claimants, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimants’ claim.
	26. Matthew Marriott and Molly Marriott, Claimants, by Paul C. Meidus, Claimants Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimants’ claim.
	27. Margarita Cordova, Claimant, by Paul C. Meidus, Claimant Representative. Motion made by Director McCarley, seconded by Director Butcher, and unanimously carried to deny the Claimant’s claim.
2. **Adjourn- 9:30 p.m.**