**Final Minutes**

November 9, 2023, 6:00 pm

1887 Howard Street, Anderson (Council Chambers)

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

**Directors Present-** Woolery, Rickert, Lund, McCarley, Butcher

**Staff Present**- Ben Duncan (Operations Manager), Colleen Miller (Admin. Specialist)

**Staff Absent-** Justin Dahl (General Manager), Terri White (Finance 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.

**Dana Sandifer-** She missed a Special Board meeting, called office to be put on Regroup. Staff let her know that she will now be getting messages. In addition, she is wondering what the timeline is for the 3 major project areas. What happens if we have a wet winter, how will any of the work get done?

Director Woolery explained to the public that we have signed the contract for the 3 reaches, on Hill, Bruce, and Fair Oaks Street with Bill Spoon heading it up. Deadline is April 1, 2024, to get the projects completed.

1. **Discussion Item**

Should staff and Board members pursue obtaining additional information on landowner-based voting for District Board members? Presentation by Director Lund- she explained that there was a gentleman at a previous meeting who owns property that he rents out in the Churn Creek bottom area, and he was concerned that he didn’t get to vote in the election for Board members. She researched it and found out that whoever lives at the address gets the ballot, and not the actual landowner. In the future if this comes up again, we may want to consult our attorney, and/or LAFCO for more clarification.

1. **Consent Items**
2. Minutes – Approve the Minutes of the Regular Board Meeting on October 12, 2023

A motion was made by Director Rickert and seconded by Director McCarley to move consent Item 5.a. down to Business Items. The motion carries with a 5-0 vote.

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

A motion was made by Director McCarley and seconded by Director Lund to approve consent Items; 5.b.c.d., and e. The motion carries with a 5-0 vote.

1. Cash Disbursement Journal for October 2023

A motion was made by Director Lund and seconded by Director Rickert to move consent Item 5.f. down to Business Items. The motion carries with a 5-0 vote.

1. **Business Items**

Moved from Consent Item- 5.a.

Add to minutes Director Rickert’s comments regarding the ACID documentary under the Public Participation section (Tammi Arrowsmith)

A motion was made by Director Rickert and seconded by Director Butcher to approve 5.a. as amended.

The motion carries with a 5-0 vote.

Moved from Consent Item- 5.b. Director Lund wanted to move Consent Item 5.b. (Financial Status Report), down to Business items after it was already approved (see motion above).

Director Lund asked about 4115-Water Transfer- why hasn’t the CVP water been transferred? Discussion among Board that it is a matter of accounting rather than of transfer. Staff is looking into trying to get more clarity on the numbers. See above in Consent items for the motion to approve 5.b.

Moved from Consent Item- 5.f.

Director Lund asked about the USA underground payment for $13,664.83. Ben Duncan explained that he spoke with a representative of the company to define our area; and in moving forward our charges should decrease.

A motion was made by Director Lund and seconded by Director Butcher to approve 5 f.

The motion carries with a 5-0 vote.

1. Discuss & Consider Bids for Della Lane Project on Main Canal (Action may be taken)

Ben discussed the issues/problems in the Della Lane area; get the trees out and re-compact the canal bank. Director Woolery commented that he would like to see one proposal brought to the Board with the staff recommendations explaining why this is the best option. In addition, Danny and Steve (our engineers) need to review the plans to make sure it is a viable option. Director Rickert added that he thinks it would be helpful for the District to use a few different approaches to see how each one works, and then we can replicate those for future years.

**Public Comment:**

**Laurrie Shaw-**Why aren’t we testing our soil since it doesn’t cost very much? It costs a lot to hire an engineer, why are we spending so much money on them?

**Matt Arrowsmith-**I assume you have done soil testing and know what kind of soil you are dealing with at every one of these sites. Is it red dirt, clay, sand, or what type of soil? It will make a difference as to how you are going to seal it. What is the allowable amount of seepage?

A motion was made by Director Rickert and seconded by Director Butcher to send back to staff for further refinement of project details to review at the next Board meeting. The motion carries with a 5-0 vote.

1. Discuss & Consider Bids for Shady Lane Project (Action may be taken)

Discussion among Board with Ben regarding all the problems/issues in the Shady Lane area.

Shady Lane needs to be piped according to Ben, but it is just an expensive project.

A motion was made by Director Lund to give approval for Ben to work on piping that section, to go back to the drawing board to clean up the information for the Board, and to have the engineers review it before submitting it back to the Board. Director Rickert seconded it.

The motion carries with a 5-0.

**Public Comment:**

**Steve Barr**-Concerned that the public did not have access to the information that the Board is looking at for the costs of the projects. He said it is in violation of The Brown Act.

1. Discuss & Consider Alternative repairs for Lady Smith, & N. Bonnyview on Main Canal) Action may be taken). Director Rickert made a motion to bring it back to staff to work on it some more, and bring it back to a future Board meeting, and it was seconded by Director Lund. The motion carries with a 5-0 vote.
2. Discuss & Consider Kevin Peel’s Natural Resources Conservation Service (NRCS) Project for 2023-2024 offseason. Discussion among the Board.

Kevin Peel spoke about his Natural Resources Conservation Service (NRCS) Project with two other landholders. He lives at 21340 Gaines Lane and has been in the District for over 20 years. He has had years of delivery, and flow problems, including flooding, and has tried to contact the District for help in resolving these issues, but to no avail. Below is Mr. Peel’s reported timeline of communication with the District staff:

* In 2018, John Jones (previous GM) sent him a letter acknowledging that the District would entertain the request to install approximately 180 feet of private irrigation pipe if the landowners would pay for the pipe.
* On April 3, 2020, John Curry (new GM) went out to view the property and met with several of the property owners. John said that if the landowners came up with the infrastructure, the District would provide the labor. John Curry was also instrumental in helping get the Natural Resources Conservation Service (NRCS) grant, and he met with Mindy of Natural Resources Conservation Service (NRCS) on several occasions regarding the pipeline project.
* On May 13, 2022- the Natural Resources Conservation Service (NRCS) grant was awarded, but John Curry was no longer employed with ACID. The job packet was left with Terri White, the Finance Manager, and she stated that the District would not pay for pipe. She was not able to approve the request and told him that she needed to wait for another GM before the District could proceed.
* In February 2023, Jered Shipley (new GM), was on board with completing the project. Ben Duncan went out to the property and met with the landowners. Ben stated that he could not complete the project in 5 days, and he was worried about the manpower and putting up the dam for the upcoming water season. Ben and the landowners agreed to wait until the end of the season to start the project.
* In September 2023, Justin Dahl (new GM), a meeting was set up for October 5, 2023, with Justin, and Ben. At the meeting, Justin agreed to go forward with the project, and for it to start in November after Thanksgiving, but would need Board approval. Back and forth texting with Justin, when he stated that the job is now out of our scope of capabilities but would want to help with possibly finding a contractor to help with the cost.

**Public Comment:**

**Laurrie Shaw-**She did a Natural Resources Conservation Service (NRCS) project on private property, and ACID did not help

**Steve Barr-** ACID needs to enforce a policy regarding Natural Resources Conservation Service

(NRCS) projects

**Matt Arrowsmith-**He stated that he has had a Natural Resources Conservation Service (NRCS) project, but the landowners were all solely responsible for their own portion of the pipe

Discussion among the Board; Director Lund restated past Board minutes (2018 & 2020) regarding Kevin Peel’s complaint, which states ACID does not maintain private ditches. It is the responsibility of the landowner. ACID has in the past partnered with Natural Resources Conservation Service (NRCS) for projects that benefit the District as a whole, but not for the benefit of just a few private property owners. Discussion among the Board that it would be in our best interest to set up a policy in writing to avoid this type of situation in the future. Director McCarley and Butcher mentioned getting bids to see how much the project would cost. Director Woolery is concerned that over the last 12 months, staff has been in favor of doing the job, and he is proposing a compromise; 50/50 split between ACID and the landowners, to have a private contractor do the job, and to have Mr. Peel come back to the next Board meeting with bids. Director Rickert agrees that we should find a compromise, get bids to find out what the actual cost would be, and move on.

Director McCarley made a motion to get a couple bids on the project to find out what the actual cost would be, and to contact our attorney to find out which direction the District should go. The Board would then be able to decide once that information is available.

Director Lund seconded it, and the motion carries with a 5-0 vote.

1. Board members should select and announce their committee members for the Strategic Plan

Committee

* Director Woolery nominated Mike Berry for Division 3
* Director Lund nominated Laurrie Shaw for Division 1
* Director Butcher nominated Larry Forero for Division 2
* Director Rickert nominated Jennifer Brackett for Division 5
* Director McCarley nominated Ivar Amen for Division 4

Director Lund made a motion to approve the above selections for the Strategic Planning Committee, and it was seconded by Director McCarley. The motion carries with a 5-0 vote.

1. **Closed Session-** none
2. **Adjourn-** 7:41 p.m.

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Dan Woolery, President