**Final Minutes**

December 14, 2023, 6:00 pm

1887 Howard Street, Anderson (Council Chambers)

1. **Call To Order-** 6:01 p.m.

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

Staff Present- Dahl, Duncan, White, Miller, and Dustin Cooper (legal counsel)

1. **Flag Salute** was led by Terri White
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.

Mike Berry- Complimented the Board for the work that they are doing, being involved, and it shows that they really care about the District.

1. **Consent Items**
2. Minutes – Approve the Minutes of the Special Board Meeting on November 1, 2023, and the Regular Board Meeting on November 9, 2023
3. Financial Status Report for Year-to-Date through November 2023
4. Payroll: Approve the Payroll Check Register for the Month of November 2023
5. Electronic Federal Tax Payment System (EFTPS) & Automated Clearing House (ACH) – Approve transactions for the Payroll Period of November 2023
6. Voided and/or missing checks for November 2023
7. Cash Disbursement Journal for November 2023

Director Lund made a motion to pull consent items 4.a. Minutes, and 4.f. Cash Disbursement Journal down to the Business Items, and it was seconded by Director Butcher. Vote 5-0.

Director Lund made a motion to approve consent items b,c,d,e, and seconded by Director McCarley.

Vote 5-0.

1. **Presentation** – Increasing District Revenue Under Propositions 218 and 26 (District Legal Counsel-

Dustin Cooper)

1. **Business Items**

**Moved from Consent items; 4.a. Minutes, and 4 f. Cash Disbursement Journal**

**4.a.;** Director Rickert made a motion to approve the November 1, 2023, Minutes as amended, and to table the November 9, 2023, minutes for correction, and it was seconded by Director Butcher. Vote 5-0.

**4**.**f**.; Director Lund made a motion to approve the Cash Disbursement Journal, and it was seconded by Director McCarley. Vote 5-0.

1. Direct Staff and Counsel to Begin Assessment and/or Rate Increase Process

Public Participation-

Mike Berry- What does the annual budget actually look like without all of this catch up?

Director Lund made a motion to have staff move ahead with the Prop. 218 assessment process, and it was seconded by Director Rickert. Vote 5-0.

1. Discuss & Approve Increase in 2024 Irrigation Season Application Fee

Public Participation-

Laurrie Shaw-A lot of the people from last year will be upset with the assessment, they are not happy with the irrigation to begin with, some people got water, and some people didn’t get any. Many others are still in recovery mode from last year. Also, some people do not have internet, and it is difficult for them to know what is going on in the District.

Mike Berry- Agrees if you want a modern system, you will need to come up with some modern prices, wants the procedure to be upgraded.

Director McCarley made a motion to increase the water application fee to $135.00 for the 2024 season, and it was seconded by Director Rickert. Vote 5-0.

1. Discuss & Approve 2024 Budget

Directory Lund made a motion to approve the 2024 Working Budget with the following amendments, and it was seconded by Director McCarley. Vote 5-0.

1. Account #6008-Legal fees, increase to $80,000
2. Account #6012-Vehicle Insurance, increase to $15,000
3. Account #6015-Property Insurance, increase to $100,000
4. Account #6017-County taxes/assessments, increase to $6000
5. Account #6023-Utilities, increase to $25,000
6. Account #7011-Engineering Services, increase to $50,000
7. Discuss & Finalize Kevin Peel’s NRCS Project/Construction Bid

Dustin Cooper spoke about how the District should be concerned about a couple things as it relates to a private lateral.

* What you do for one landowner is the expectation for other landowners
* Gift of public funds issue- unless there is a direct public benefit to the District, you can’t use public funds for it

Discussion among Board and staff regarding the issues surrounding Mr. Peels request; pricing fluctuations, it went from $2800- approximately $26,000; use of public funds, minutes from past meetings stating that the District is not required to maintain private ditches, integrity issues (past management potential promises), was there a binding contract? Director Lund asked legal counsel (Dustin Cooper) to put together a couple of policies; a procurement policy, and a District assistance policy for private improvements, to avoid this situation from arising in the future.

Director McCarley made a motion that the District does not fund Kevin Peel’s Natural Resources Conservation Service (NRCS) project, and it was seconded by Director Butcher.

The motion carries with a 4-1 vote. (Director Woolery dissented)

1. Discuss & Approve Bids from Engineers for Shady Lane Project Design

Director McCarley made a motion to accept the lowest bid, and go with SHN Consulting Engineers, and it was seconded by Director Butcher. Vote 5-0.

1. Anderson-Cottonwood Irrigation District Appointment of Officers for 2024: President, Vice-President, Secretary and Treasurer

Directory McCarley brought up his idea of keeping Dan Woolery as the President, and James Rickert as the Vice-President for one more year, since the Board has made a lot of progress during 2023, and he would like to keep the status quo going through 2024. The staff and Board were all in agreement. Director Woolery accepted the nomination and noted that he will not be running after 2024.

Director Lund made a motion to keep all the officers the same for 2024; Dan Woolery, President, James Rickert, Vice-President, Director Lund, Director McCarley, Director Butcher, and Justin Dahl, Secretary/ Treasurer. Vote 5-0.

1. **Other Business**
2. Operations Manager Report-Ben Duncan gave a Power Point presentation-Dam removal, lateral repairs, McCarty project, Panorama between Locust & Jim Dandy, etc.
3. General Manager Report-Justin Dahl talked about the lining project off Diamond Street, and about some of the meetings that he recently was a part of. He would like to thank the crew for all the hard work that they have done so far.
4. Board Member Report on the Educational Water Workshop (Ronnean Lund attended 12/8/2023)

Director Lund gave a summary of a talk presented by Eliza Jane Whitman. Miss Whitman was concerned that small farm owners don’t have adequate representation related to water rights.

Director Woolery announced the recess to closed session at 9:32 p.m. to take the following actions:

1. **Closed Session: Conference with Legal Counsel – Existing Litigation (Government Code § 54956.9(d)(1).). Consider the following liability claims:**
2. Susan Grabeal
3. John VanEperen

The Board returned from Closed Session into Open Session at 10:05 p.m.

**REPORT OF CLOSED SESSION ACTIONS**

Directory Woolery reported the following actions taken:

A motion was made by Director McCarley to deny John VanEperen’s claim, and it was seconded by Director Butcher. Vote 5-0.

A motion was made by Director Lund and seconded by Director McCarley to approve the Grabeal claim.

Vote 5-0.

**Adjourned** at 10:10 p.m.

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 Dan Woolery, President