

Water Wrights

Westlands Water District September 15, 2020

By Don A. Wright

The Westlands Water District held its board of directors meeting on Tuesday, September 15, 2020 remotely from its Fresno headquarters on BlueJeansNetwork.com. Chairman **Daniel Errotabere** called the meeting to order at the scheduled time of 1:00pm. **Bobbie Ormonde**, WWD VP of Admin called roll and there was a quorum with all directors present. As with most public meetings there's a laundry list of items needing to be dealt with. One of the items was pulled entirely and the order was swapped around to accommodate consultants. The minutes were approved.

Bonds & Investments

The pulled item had to do with bonds for the San Luis Delta Mendota Water Authority issued some bonds which WWD is a part of. There is a good opportunity to save some money refinancing the bonds said Ormonde. The board was presented with Resolution No. 123-20 authorizing the refi of obligations by the SLDMWA and asked to approve. Director **Don Peracchi** asked when the bond will come to market and Ormonde



said the bonds will hit in December. It will be a taxable issue. Bond Counsel **Doug Brown** was on the line and said in addition to this resolution if this moves forward WWD will have to make another financial disclosure much like the one it does annually. Director Larry Enos reported the Finance & Admin Committee recommended approving this resolution and the board approved.

General Manager **Tom Birmingham** asked Ormonde since consultants are on the phone if it wouldn't be a good time to take a look at WWD's revising the statement of investment policy. An addition conflict of interest protection and other best management practices were included. The board approved revising the policy.

GM Report

The GM Report was next and Birmingham asked attorney **Jon Rubin** to introduce **Tammi Sagitellian** as the district's newest assistant counsel. Sagitellian said she was from Fresno and honored to be working with Westlands. Good for her.

Russ Freeman gave his update saying WWD expects to pump more than 400,000 a/f by the end of the year. The district's total supply is expected to have 170,000 a/f of carry over. There has been 90,000 a/f supplemental water available this year. The price is \$700 per a/f.

Tom Boardman gave his report saying the Jones Plant has been running full capacity and there are elevated inflow to the Delta. This should continue into October. The state Banks Plant has been

pumping lower all summer due to lower Oroville storage. He said carryover in Shasta is doing pretty good and the temperature control releases have been effective. Early in the year there was a threat of Shasta going into a critical year should it have less than 3.2 million a/f inflow. Boardman said next year the bar has been set at 3.9 million a/f of inflow. That amount and above triggers a full Exchange Contractors allocation.

Boardman said storage is doing better this year in San Luis Reservoir with 250,000 a/f of federal share by the end of August. That's a good head start and everyone's keeping an eye out for good storms. Listener **Eric Johnson** asked when the next slug of supplemental water will be released. Freeman said sometime in October but there isn't as big a chunk as hoped. Johnson said he'd like to see the US Bureau of Reclamation to release the carryover from SLR to prevent more groundwater pumping.

Shelly Ostrowski said a couple of bills from California have been presented in the House. She added the California legislature has ended for the year. **Kat Boren** reported there was no update on public outreach for this month. **Birmingham** said this is indicative of the Big Marxist Virus' impact on the Fresno office's operations. He said the offices are locked and only a minimal amount of staff is on hand. The public can submit documents through the mail slot and he apologizes for all the inconvenience.

Freeman reported the SLDMWA is expected to refi bonds, withdraw from the Temperance Flat program and there was no ACWA report. Nor was there a SFWCA report. Nor was there a legal affairs report.

Director **Frank Coelho** gave a O&M committee report on the new mag style meters and he hopes they will all be in place by March 2022. Staff will be meeting see how the schedule can be maintained.

Canal in Coalinga

There was no personnel report and Director **Todd Neves** reported the Water Policy committee considers recommending the board authorizes execution of the amendment to the restated contract between WWD and the City of Coalinga for the transportation of water and the costs related to do so. Directors **William Bourdeau** and **Jim Anderson** both recused themselves as they could have a conflict either from taking delivery of this water or connections to the city. Freeman gave an update and Coelho asked what would happen to allocations if there is a power outage. Freeman said capacity to additional turnouts will come after other obligations. There were no public comments and the board authorized the amendment of an additional turnout.

SGMA

SGMA was next and there was a delay while engineer **Kiti Campbell** waited with everyone to have Bourdeau and Anderson rejoin the meeting. The regular WWD board is also the WWDGSA board. Campbell said there was a workshop last month that is posted on the website. She's looking at submitting a grant to hire a watershed coordinator. The Fall 2020 ground water report should be up for a look at next month.

The board was asked to adopt Resolution No. GSA 102-20 to apply for the Prop 50 funded grant for the watershed coordinator. This position is for three years and the grant funds \$100,000 per year. Whoever gets this gig will help smooth cooperative actions between various groundwater interests in the area. I think each sub basin gets a shot at this. The board approved.

Then meeting then returned to Finance Committee matters and Ormonde said WWD has to adopt a revised salary schedule to stay in line with similar positions elsewhere. It sounded to me like the board gave out a few raises to a few employees holding specific positions. Good for them.

Next Ormonde spoke about a \$809,000 grant for the Broadview Aquifer Storage & Recovery project. That is a matching grant. WWD will have to transfer some ducats from one account to another and the board agreed. The board also approved paying the bills. The last item dealing with a report on investments and other financial reports was also accepted.

The board considered Resolution No. 124-20 authorizing the filing a notice of Statutory Exemption and Categorical Exemption from CEQA the contract between WWD, the United States of America for project water service from Delta Division and Facilities Repayment. What does that mean? I'm not sure, my screen froze then went black. Birmingham's image appeared, froze, when black then reappeared, froze again and went black again. Well, CEQA is the California Environmental Quality Act that requires agencies to conduct an assessment of environmental impacts. However, an agency can be exempt from CEQA. In this case a contract between the US may not require California's regulators to get their nose and nuts in the middle of it. The action returned to my screen just as the board approved and seconded the resolution. Upon roll call the board unanimously approved.

Voter Participation

The next Resolution was No. 125-20 dealing with a cure for voters in WWD who have had problems with the proxy votes. Director Boudreau had to recuse again as his employer may be involved in this matter. Ormonde said there will be a presentation of the staff memo. Birmingham said attorney **David Prentice** will be available for questions. Ormonde said the district is responsible for conducting the elections. It's an all-mail ballot. (Where have we heard that before?) There have been uncounted ballots, a number large enough to cause a desire to fix this. It can get a bit wordy and I can only type so fast so you may want to refer to WWD for a more stable account of what follows.

Birmingham said Prentice is from the Fresno firm of Prentice & Wong, a firm that deals with public agency law. Prentice said one problem is the voter's signature doesn't compare with the title holder. An authorization to vote form/documentation has to be on file and filled out correctly before the election. If this doesn't happen the proxy doesn't count. If I understood Prentice correctly if this all isn't in place before the election it's too late to fix. An example given was Jane Doe signs her name Janet Flow she has to file some paper saying she signs her name different than the name on the property title. Remember Water District votes are weighed by acreage, not number of voters. In an irrigation district each registered voter gets a vote, just like voting for a mayor for the folks live in a city. But in a water district only landowners can vote, whether corporate, probate, trusts or an individual. For illustrative purposes each acre gets one vote. So if you own 100 acre you get 100 votes. I own 50 acres I get 50 votes. Doesn't matter where we live. You may live in Europe and not really involved in water district business. But you trust my judgement to vote for what would be in both our best interests you can give me your proxy and provided the proper forms are filled out properly I can cast your 100 votes as I see fit.

Prentice summarized his presentation by saying voter education is key. He said district staff has worked to improve the information. Ormonde presented a draft document and a couple of edits for the board to consider before approving the document. This document is meant to help clear up confusion and allow more votes to count. Rubin said it is provided to send out notice to remind folks to fill out that paperwork. I think that's what he said. Rubin is a gentleman and might let an error in my reporting slide. I hope he reads this and clues me in if I didn't get this correct. Proxy votes have caused landowners and staff a good deal of heartburn in the past and there are folks with some passionate feelings. I wish every legitimate voter in the United States shared that passion for a free and fair elections. There were a couple of comments from the public. **Stuart Woolf**, a WWD grower thanked the staff for looking into this matter. He said in the past about 20 percent of the votes didn't count and 80 percent of those were proxy votes. He said he has in-house council looking at their votes and one

candidate running. He asks how that can be. Birmingham said most of these rejected votes come from non-natural voters – voters who aren't individuals, like corporations. He said he agrees this is a significant issue and the district is trying to remedy the situation. He hopes the interest shown to this matter will make folks ask if they have the proper paperwork filed to make their votes count. He said what ever assistance district can give will be given. He said the voters in WWD are sophisticated and he hopes things will improve. Attorney **Ravi Patel*** represents many of the voters and he wanted to know how someone who didn't have the right proxy form but voted could cause a change in the intended vote. Also, what about the form that was submitted but not filled out correctly.

Prentice said you've got until 8pm the day of voting to get the right forms submitted or the vote won't count. However, if it is just a matter of verifying a signature in question that's a different deal. Patel wasn't completely satisfied but ended his comments.

Jon Reiter spoke next saying it doesn't seem to him the offered solution is consistent with the law but not really directed to fixing the problem. He said the group he's working with doesn't see the difference between the "no form" and the "incorrect form" problem. Birmingham said he understood the question to be – can there be a cure and correction after the vote. He continued saying staff is trying to prevent the problem before it happens with better voter outreach and education. Today's efforts are not the only ones taking place to make things more understandable. He reiterated his desire this attention will call awareness to voters to be sure and get the proper forms in on time. Reiter said education is good but the same percentage of ballots have been rejected election after election and he doesn't see staff recommendations addressing the no form or incorrect form.

Sarah Woolf asked Prentice if there will be an opportunity to fix a deficient proxy form. Reiter asked Prentice to explain the difference between the legality of no form or deficient form. Birmingham said Prentice works for the WWD board and the callers have their own counsel. Patel didn't have permission to disclose that and the board then voted to approve the resolution with amendments.

The next item 14 was the board sitting as the board for Distribution District Number Two. The WWD board was suspended. Somewhere in all of this Chairman Errotabere I guess left the meeting. Coelho being vice chair took over. I have to fully confess I have never heard of DD2 and come to find out it has to do with land in Pleasant Valley WD. A landowners wants DD2 and the City of Coalinga to increase the amount of a water transfer according to Freeman. In any event this is an annual transfer and the board approved. There was no public comment and the DD2 meeting adjourned W2D started up again.

The last item was public comment for WWD. The silence was welcomed in some quarters and Birmingham announced there would be a closed session where I counted 19 items on the agenda and the open part ended. That was that.

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Westlands Water District

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Board: Daniel Errotabere-President, Frank Coelho Jr. – Vice President, Jim Anderson, William Bourdeau, Don Peracchi, Larry Enos, Ryan Ferguson, Stan Nunn & Todd Neves.

Staff: Tom Birmingham-General Manager, Jon Rubin-Attorney, Jose Gutierrez-COO, Russ Freeman-Deputy GM Resources, Diana Giraldo-Public Affairs Representative, Shelly Ostrowski-Associate GM Water Policy, Kitty Campbell-Supervisor of Resources, Bobbie Ormonde-VP of Finance & Administrative Affairs

About: Without irrigation, farming in the Westlands area of California would be limited and ineffectual. The history of Westlands is one of continual adaptation, careful water stewardship and advanced technology. By maintaining a fierce commitment to sustainability, the Westlands' comprehensive water supply system continues to adapt, educate, and surpass conservation goals. Throughout its history, Westlands Water District has demonstrated a lasting dedication to water conservation and recognized that the long-term survival of its farms depends on the effective management of California's precious water resources. From www.wwd.ca.gov