

Minutes of the Regular Meeting of the Board of Directors of the Orange Cove Irrigation District held on Wednesday January 13, 2021. Chairman Bailey called the meeting to order at 11:58 A.M., with the following Directors and Officers present:

Directors Present: Harvey Bailey, Chairman  
H.A. "Gus" Collin, III-Vice Chairman  
David Brown  
Arlen Miller  
Russell Katayama

Officers: Fergus A. Morrissey, Engineer-Manager/Secretary  
Robert T. Ramirez, Controller/Treasurer

Public: None

**1. Call to order**

Chairman Bailey called the meeting to order at 11:58 A.M., with a quorum of Directors present.

**2. Approval of the Agenda**

No alterations were suggested.

**3. Public Comment**

None

**4. Consent Calendar**

*Director Katayama motioned, and Director Miller seconded the motion to approve the November 2020 Draft minutes for both the Regular and Special Meetings.*

*There were no Opt-Out requests completed in the last two months, however Controller Ramirez noted there are three requests in-process. The three requests conform to the Board Policy that the acreage be not more than 5 acres.*

*The Board voted unanimously in favor of the noted motion and second approving the draft November meeting minutes.*

**5. Warrants**

Controller Ramirez went through the bills for the period November 5, 2020 through January 8, 2021 totaling \$794,855.41 including a discount of \$24.06. There were general questions on the expenses, including those to the State Water Resource Control Board for the water right fees associated with the KRSB. There were also questions regarding the legal fees for BBS, specifically, regarding status and future cost expectations. Following a discussion on these points, *Director Katayama motioned and Director Collin, III seconded the motion to approve the expenditures for the period. The Board voted unanimously in favor of such.*

**6. Treasurer's Report**

Controller Ramirez covered Items A through J of the monthly report; including delinquent stand-by charges categorized into "troubled assets" (foreclosures, hardship, and no response) and late payments. Other items discussed were total water in-District deliveries for the year to date of 31,400 acre feet, representing 80.10% of Contract. With a carryover of 4,290 acre feet remaining, the total available supply to growers in the District for the current Contract Year was 91.05%. The Reclamation allocation for the current Contract Year remains at 65%.

The District's asset balance within LAIF was discussed regarding the potential for water user rebates. Manager Morrissey noted that by next month's meeting, there should be additional information on imposition of costs to the District by the FWA in order to pay for the fix of the FKC due to damage in the subsidized area, notwithstanding the fact that the District does not directly benefit from this fix.

The near-term funds for this expenditure from the District is expected to be in the two-to-four-million-dollar range, which would exhaust reserves. Rebates have been held in abeyance for the last few years due to the anticipated call for funds by the FWA. Under the FWA Transfer Agreement with Reclamation, the FWA can discontinue water deliveries for charges not paid. The method of cost recover, however, is up to the FWA Board and

the District Directors have requested Manager Morrissey to be fully engaged in an equitable determination of the method imposed for cost recover for this capital / repair project.

Also discussed were various financial categories including District power plant revenues and costs, Power Purchase Agreement status associated with the Districts assets, Friant Power Authority power plant revenues, LAIF balance and performance and return on CD's. Legal expenses to date were summarized.

Manager Morrissey reviewed the Monthly O&M Report with the Board and a thorough discussion of operations of the Districts systems was had. *No action was taken by the Board on this topic.*

#### 7. Hydropower Facilities

Manager Morrissey discussed the status of the hydro power plants noting uncertainty regarding their future operation based on potential revenue stream. *No action was taken by the Board on this topic.*

#### 8. FWA Issues

General discussion of various activities undertaken on behalf of the Districts by Friant Water Authority were discussed. *No action was taken by the Board on this topic.*

#### 9. Rules and Regulations (Current and Future).

There was a discussion on the draft Rules and Regulations for the upcoming year as well as a discussion on setting aside the 90% rule for the current year, due to operational constraints imposed by others (Reclamation and the FWA). In addition, the Board requested that Manager Morrissey provide to all landowners, in a separate letter, Item #7 (regarding communications) as it is new to previous years' Rules and Regulations.

Given the circumstances this year, the Board considered allowance of payments for 2020/2021 Contract Year secured supply to be fully creditable and refundable.

The Board noted this relaxation was not precedent setting but given the operational constraints was a reasonable relaxation of that provision in the Rules and Regulations, for this year only.

Director Brown made the motion adopt the 2021/2022 Draft Rules and Regulations and Director Katayama seconded the motion. *The Board voted unanimously in favor of adopting the Draft 2021/22 Rules and Regulations.*

Director Brown made a motion to relax the 90% rule for the current Contract Year ending February 28, 2021, Director Katayama seconded the motion. The following roll call vote was had on this change to the 2020/2021 Rules and Regulations:

Director Brown – Aye  
 Director Katayama – Aye  
 Director Collin – Aye  
 Director Miller – No  
 Chairman Bailey – Abstain

*The motion by Director Brown to suspend the 90% rule for the 2020/2021 Contract Year ending February 28, 2021 passed by majority vote.*

#### 10. 2021/2022 Contract Supply Water Rates

Upcoming Contract Year water rates were discussed, including the need for increase to the pass-through costs for energy (PGE costs) by system, Director Miller motioned to maintain water rates at the same level of the previous two years: Tier 1 (first af/a used) @ \$65 per af and Tier 2 (exceeding Tier 1) @ \$25 per af and increase the energy cost in accordance with recent PGE charge increases. Director Collin, III second the motion and *the Board voted unanimously in favor of the above noted rates.*

#### 11. NCWL Agreement

After a brief discussion, Director Katayama motioned and Director Collin, III seconded the motion to extend the NCWL Agreement ending December 31, 2020 for an additional 12-month period through December 31, 2021. *The Board voted unanimously in favor of this extension.*

**12. Administering Director Oaths of Office**

Controller Ramirez, a Notary Public, administered the oath of office for all District Directors appointed by the respective Board of Supervisors; Bailey, Brown, Miller.

**13. Adjourn**

---

Harvey A. Bailey, Board Chairman



---

Fergus A. Morrissey, Board Secretary

( THIS PAGE LEFT BLANK INTENTIONALLY )

Minutes of the Regular Meeting of the Board of Directors of the Orange Cove Irrigation District held on Wednesday February 10, 2021. Director Collin, III called the meeting to order at 11:55 A.M., with the following Directors and Officers present:

Directors Present: H.A. "Gus" Collin, III-Vice Chairman  
David Brown  
Arlen Miller  
Russell Katayama

Officers: Fergus A. Morrissey, Engineer-Manager/Secretary  
Robert T. Ramirez, Controller/Treasurer

Public: None

**1. Call to order**

Director Collin, III called the meeting to order at 11:55 A.M., with a quorum of Directors present.

**2. Approval of the Agenda**

No alterations were suggested.

**3. Public Comment**

None

**4. Consent Calendar**

*Director Brown motioned, and Director Miller seconded the motion to approve the January 2021 Draft minutes for the Regular Meeting.*

*There were no Opt-Out requests completed in the month.*

*The Board voted unanimously in favor of the noted motion and second approving the draft January meeting minutes.*

**5. Warrants**

Controller Ramirez went through the bills for the period January 9 through February 10, 2021 totaling \$243,726.29 including a discount of \$2.94. There were general questions on the expenses. Following a discussion, *Director Katayama motioned and Director Miller seconded the motion to approve the expenditures for the period. The Board voted unanimously in favor of such.*

**6. Treasurer's Report**

Controller Ramirez covered Items A through J of the monthly report; including delinquent stand-by charges categorized into "troubled assets" (foreclosures, hardship, and no response) and late payments. Other items discussed were total water in-District deliveries for the year to date of 31,400 acre feet, representing 80.10% of Contract. With a carryover of 4,290 acre feet remaining, the total available supply to growers in the District for the current Contract Year was 91.05%. The Reclamation allocation for the current Contract Year remains at 65%.

Also discussed were various financial categories including District power plant revenues and costs, Power Purchase Agreement status associated with the Districts assets, Friant Power Authority power plant revenues, LAIF balance and performance and return on CD's. Legal expenses to date were summarized.

Manager Morrissey reviewed the Monthly O&M Report with the Board and a thorough discussion of operations of the Districts systems was had. *No action was taken by the Board on this topic.*

**7. Hydropower Facilities**

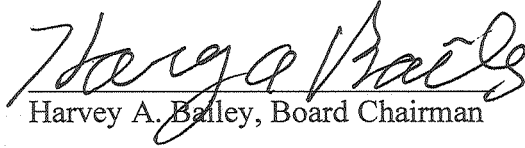
Manager Morrissey discussed the status of the hydro power plants noting completion by staff of the ReMAT application for the FWR and KRSH facilities. Staff is hopeful that a more advantageous contract under ReMAT is forthcoming in the next month and a half. *No action was taken by the Board on this topic.*

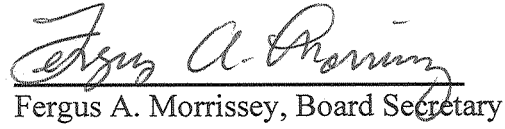
**8. FWA Issues**

General discussion of various activities undertaken on behalf of the Districts by Friant Water Authority were discussed. The Board reviewed the quarterly (expected) call for funds to effectuate the FKCMRCCP. *No action was taken by the Board on this topic.*

**9. Adjourn**

The meeting was adjourned at 1:30 P.M. with the next scheduled meeting set for March 10, 2021 at the District Office.

  
Harvey A. Bailey, Board Chairman

  
Fergus A. Morrissey, Board Secretary

The Regular Meeting of the Board of Directors of the Orange Cove Irrigation District for Wednesday, March 10<sup>th</sup>, 2020 **WAS CANCELLED.**



---

Fergus A. Morrissey, Board Secretary

**( THIS PAGE LEFT BLANK INTENTIONALLY )**



Minutes of the Regular Meeting of the Board of Directors of the Orange Cove Irrigation District held on Wednesday April 14, 2021. Director Collin, III called the meeting to order at 11:44 A.M., with the following Directors and Officers present:

Directors Present: Harvey Bailey, Chairman  
H. A. "Gus" Collin, III-Vice Chairman  
David Brown  
Arlen Miller  
Russell Katayama

Officers: Fergus A. Morrissey, Engineer-Manager/Secretary

Public: None

**1. Call to order**

Director Bailey called the meeting to order at 11:44 A.M., with a quorum of Directors present.

**2. Approval of the Agenda**

No alterations were suggested.

**3. Public Comment**

None

**4. Consent Calendar**

*Director Brown motioned, and Director Miller seconded the motion to approve the February 2021 Draft minutes for the Regular Meeting.*

*There were no Opt-Out requests for consideration.*

*The Board voted unanimously in favor of the noted motion and second approving the draft February meeting minutes.*

**5. Warrants**

Manager Morrissey went through the bills for the period February 11, 2021 through March 5, 2021 and March 6, 2021 through April 8, 2021 totaling \$282,916.52 and \$618,299.82, respectively. There were general questions on the expenses. Following a discussion, *Director Brown motioned, and Director Katayama seconded the motion to approve the expenditures for both noted periods. The Board voted unanimously in favor of such.*

**6. Treasurer's Report**

Manager Morrissey covered Items A through K of the Treasurer's report; including delinquent stand-by charges categorized into "troubled assets" (foreclosures, hardship, and no response) and late payments. Other items discussed were total water in-District deliveries, expenses, receivables and LAIF balance. There was discussion of future financial obligations, short and longer term, particularly associated with the FKCMRCCP. The final total obligation for the FKC capacity fix is uncertain but is expected to be on the order of at least \$2,000,000 over the next 4-year period. Considering reserving that amount for that purpose, a discussion on potential for water user rebates, provided for with excess existing cash reserves took place. The Board requested that a complete assessment of potential rebates be performed by the Treasurer such that a relatively conservative recommendation for rebates be provided to the Board at the next Board of Directors meeting in May.

Manager Morrissey reviewed the Monthly O&M Report with the Board and a thorough discussion of operations of the Districts systems was had. *No action was taken by the Board on this topic.*

**7. Groundwater Pump In Program**

Manager Morrissey went over the documents associated with the policy and the Application For Discharge associated with permitting landowners in the District to discharge water from their privately owned wells into the District's distribution system and the FKC. *Director Katayama motioned and Director Miller seconded the motion to permit both programs, under the same conditions required during the last previous 2015 drought, the last time that this was allowed. The Board voted unanimously in favor of the motion permitting comingling of groundwater and FKC surface water.*

**8. Hydropower Facilities**

Manager Morrissey discussed the status of the hydro power plants noting completion by staff of the ReMAT application for the FWR and KRSH facilities. Staff is hopeful that a more advantageous contract under ReMAT is forthcoming in the next month as PGE has asked for additional information since the initial application. It is unlikely that a Contract will be secured prior to May 1, 2020 so the likely hopeful start of operation under ReMAT is June 1, 2021. *No action was taken by the Board on this topic.*

**9. FWA Issues**

The Board discussed their position on the revised draft Cost Share Agreement provided by FWA to its member districts. This CSA is a document to be executed by the FWA and Reclamation and is needed for the FKCMRCCP to commence. The CSA draft was revised the day before this Board meeting and was modified as a result of repeated requests by the District Board and Manager Morrissey to remove any and all reference to a potential future "zone based management" of the of the FKC by virtue of cash needed over and above those contributions agreed upon by the FWA Board where up to \$50,000,000 be shared by Friant Kern Canal Contractors on the basis of OM&R.

Also discussed was an MOU provided to Districts to preserve their position relative to future disagreement on whether or not the expenditure for the FKCMRCCP is "capital" or OM&R.

*Director Katayama motioned and Director Brown seconded the motion that the Board approve the revised draft CSA and the MOU. The Board voted unanimously in favor of the motion and the second.*

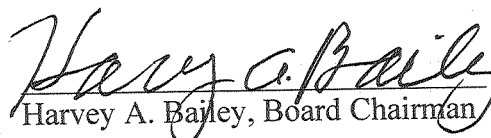
**10. Personnel Issues**

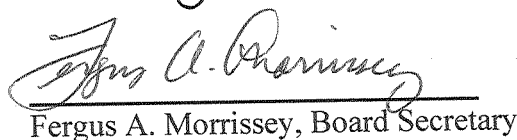
The Board went into Closed Session to discuss personnel matters.

**11. Return to Open Session**

Once the Board came out of Closed Session, it was reported that Mr. Clem be offered a promotion to Assistant General Manager as of May 1, 2021.

12. The meeting was adjourned at 3:57 P.M. with the next scheduled meeting set for May 12, 2021 at the District Office.

  
Harvey A. Bailey, Board Chairman

  
Fergus A. Morrissey, Board Secretary

Minutes of the Regular Meeting of the Board of Directors of the Orange Cove Irrigation District held on Wednesday May 12, 2021. Director Bailey called the meeting to order at 11:59 A.M., with the following Directors and Officers present:

Directors Present: Harvey Bailey, Chairman  
H. A. "Gus" Collin, III-Vice Chairman  
David Brown  
Arlen Miller  
Russell Katayama

Staff: Fergus A. Morrissey, Engineer-Manager/Secretary  
Robert T. Ramirez, Controller/Treasurer  
Keith Clem, Assistant Manager

Public: Yoann Moya, Landowner

**1. Call to order**

Director Bailey called the meeting to order at 11:59 A.M., with all Directors present.

**2. Approval of the Agenda**

No alterations were suggested.

**3. Public Comment**

Ms. Yoann Moya, a landowner in the District with approximately 60 acres, attended the meeting to make a public comment requesting a change to the District's Rules and Regulations. The change Ms. Moya would like the Board to consider relates to the accessibility of water to landowners who fail to submit a timely / on-time water application.

To put the request into context, under the current Rules and Regulations (a very long-standing Policy), failure to submit a timely application to the District during a time when there is a water supply shortage results in the landowner's accessibility to District allocation being "subject to availability". In essence, under the current Policy all allocated water is distributed in a manner such that priority goes to on-time applicants with late applicants eligible to receive an allocation subsequent to **all** timely requests being satisfied.

Ms. Moya does not consider this a fair Policy and requests that the Board consider modification of the subject to availability Policy.

The Board discussed the matter and determined it was worthy of future discussion. As such an agenda item will be included in the next Board meeting to consider a revision to this specific provision of the Policy.

**4. Consent Calendar**

*Director Brown motioned, and Director Miller seconded the motion to approve the April 2021 Draft minutes for the Regular Meeting.*

*There were no Opt-Out requests for consideration.*

*The Board voted unanimously in favor of the noted motion and second approving the draft April 2021 meeting minutes.*

**5. Warrants**

Controller Ramirez went through the bills for the period April 09, 2021 through May 06, 2021 totaling \$284,421.66. There were general questions on the expenses. Following a discussion, *Director Brown motioned, and Director Katayama seconded the motion to approve the expenditures for both noted periods. The Board voted unanimously in favor of such.*

**6. Monthly Report**

Controller Ramirez covered Items A through J of the Treasurer's report; including delinquent stand-by charges categorized into "troubled assets" (foreclosures, hardship, and no response) and late payments. Other items discussed were total water in-District deliveries, expenses, receivables and LAIF balance.

At the previous meeting, the Board requested that an assessment of potential rebates be performed by the Treasurer. Controller Ramirez reported the relative position of cash flow and future obligations. It was determined by that analysis, that under the current fiscal assumptions there is no unobligated reserve to be rebated at this time.

Assistant Manager Clem reviewed the Monthly O&M Report with the Board and a thorough discussion of operations of the Districts systems was had. *No action was taken by the Board on this topic.*

**7. Hydropower Facilities**

Manager Morrissey noted that the KRSH plant has been accepted by PGE into the ReMAT que and that no determination regarding the FWR facility has been communicated by PGE. PGE is obligated to communicate the decision on the FWR in a matter of days and so until that time, the facilities are in a holding pattern.

There is not enough flow to operate the KRSH facility and without a contract there is no ability to operate either facility. The timing of executed ReMAT Contract is to be determined and staff is hopeful that everything will be in place by June 1<sup>st</sup>.

Assistant Manager Clem noted work that has taken place (installation of "new" protective relays) at the FWR facility so that it is ready to engage upon ReMAT PPA.

*No action was taken by the Board on this topic.*

**8. FWA Issues**

The Board discussed FWA governance issues, including participation by district Managers in Closed Session of the FWA and the merits of the maintaining the FWA Executive Committee. These items and others are to be discussed at an upcoming FWA offsite/strategic planning session planned for the end of June this year. Specific dates, times and location are to be determined. Director Brown noted his interest in attending.

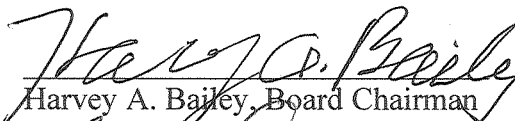
**9. Closed Session**

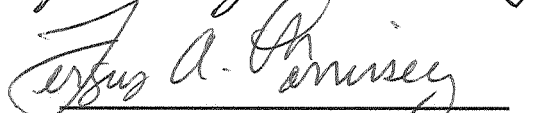
The Board went into Closed Session to discuss potential litigation.

**10. Return to Open Session**

Once the Board came out of Closed Session, there was no reportable action taken by the Board.

- 11.** The meeting was adjourned at 3:35 P.M. with the next scheduled meeting set for June 16, 2021 at the District Office, the 3<sup>rd</sup> Wednesday of the month. The meeting was delayed a week to accommodate Directors ability to attend.

  
Harvey A. Bailey, Board Chairman

  
Fergus A. Morrissey, Board Secretary

Minutes of the Special Meeting of the Board of Directors of the Orange Cove Irrigation District held on Friday May 21, 2021. Director Bailey called the meeting to order at 8:40 A.M., with the following Directors and Officers present:

Directors Present: Harvey Bailey, Chairman (by phone)  
H. A. "Gus" Collin, III-Vice Chairman  
David Brown  
Arlen Miller  
Russell Katayama (by phone)

Staff: Fergus A. Morrissey, Engineer-Manager/Secretary  
Keith Clem, Assistant Manager

Public: None

**1. Call to order**

Director Bailey called the meeting to order at 8:40 A.M., with all Directors participating.

**2. Approval of the Agenda**

No alterations were suggested.

**3. Public Comment**

No Public present.

**4. Rules and Regulations**

The Board discussed the District's current Rules and Regulations, specifically related to the late application penalty where late applications for water receive water on the basis of "subject to availability". Manager Morrissey discussed the results of his polling regarding what other Friant Contractors do regarding late applications and whether or not the Rules and Regulation of the District are typical.

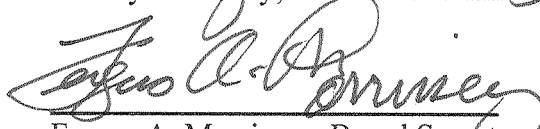
There was discussion that the Rules and Regulations would be broadly reviewed and reconsidered between now and next January.

*Director Brown motioned, and Director Collin, III seconded the motion to immediately relax the rule associated with late application penalties for this year and work toward possible broader modification of the Rules & Regulations adopted for next Contract Year. The Board voted unanimously of the motion and the second.*

**5. Adjourn**

The meeting was adjourned at 09:15 A.M. with the next scheduled meeting set for June 16, 2021 at the District Office, the 3<sup>rd</sup> Wednesday of the month. The meeting was delayed a week to accommodate Directors ability to attend.

  
Harvey A. Bailey, Board Chairman

  
Fergus A. Morrissey, Board Secretary

( THIS PAGE LEFT BLANK INTENTIONALLY )