

MINUTES

NAGLEE BURK IRRIGATION DISTRICT
Board of Directors Special Meeting
October 4, 2022

DIRECTORS PRESENT: Fagundes, Tosta, Vieira, Wright

DIRECTORS ABSENT: Ohlendorf

OTHERS PRESENT: Alexis K. Stevens (District Counsel)
Kelly M. Doyle (Somach Simmons & Dunn)
Joelle Smith (District Secretary)

The meeting was called to order by Director Vieira at 3:22 p.m.

1. ROLL CALL

Roll call was taken and Directors Tosta, Vieira, Fagundes, and Wright were present when the meeting was called to order.

2. PUBLIC COMMENT

None.

3. MINUTES

Director Wright moved to approve the minutes for the September 8, 2022 Board Meeting. Director Fagundes seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Fagundes:	YES	Director Vieira:	YES
Director Ohlendorf:	ABSENT	Director Wright:	YES
Director Tosta:	YES		

The motion to approve the minutes for the September 8, 2022 Board Meeting was carried.

4. FINANCIAL STATEMENTS

The Board reviewed and discussed the Financial Statements for October 2022, the Warrants, and the Delinquent List.

Director Fagundes moved to approve the Financial Statements for October 2022 and the Warrants. Director Tosta seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Fagundes:	YES	Director Vieira:	YES
Director Ohlendorf:	ABSENT	Director Wright:	YES
Director Tosta:	YES		

The motion to approve the Financial Statements for October 2022 and the Warrants was carried.

5. ACTION ITEMS

- a) Review and Adopt Budget for FY 2022-2023

Director Wright moved to adopt the budget for FY 2022-2023. Director Fagundes seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Fagundes: YES
Director Ohlendorf: ABSENT
Director Tosta: YES

Director Vieira: YES
Director Wright: YES

The motion to the budget for FY 2022-2023 was carried.

b) Review and Approve Final Rental Agreements for Ditchtenders

Director Fagundes moved to approve the final rental agreements for the Ditchtenders. Director Tosta seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Fagundes: YES
Director Ohlendorf: ABSENT
Director Tosta: YES

Director Vieira: YES
Director Wright: YES

The motion to approve the final rental agreements for the Ditchtenders was carried.

6. COMMUNICATIONS

a) Notice from SJC Community Development Dept. Re: General Plan Update

The District Secretary reviewed the communication from the SJC Community Development Department.

7. Review Sample Irrigation Rules from Other Districts

District Counsel provided examples of irrigation rules from other districts. The Board discussed the need for irrigation rules. The main issue that needs to be addressed is how to deal with shortages if/when they occur and how to deal with irrigators who are wasteful. The Board determined that it would review the examples provided and give further direction to District Counsel at the next Board meeting.

8. GENERAL COUNSEL REPORT

General Counsel reported to the Board on her review of the Delta Stewardship Counsel's proposed regulation changes and conclusion that they should not affect the District's operations. General Counsel discussed the District's SB 88 compliance and a course of action was determined. District Counsel is to review her communications with the Delta Watermaster and follow-up with him as needed in accordance with direction given by the Board.

9. OTHER BUSINESS

The District Secretary discussed the need for a potential new Board member as she works to determine Director Ohlendorf's situation. The Board requested District Counsel to review issues related to the District's divisions in the event an appointment is needed. The District Secretary also mentioned a call she received from a landowner complaining about a tree that fell into a ditch on Middle Road.

10. CLOSED SESSION

None.

11. NEXT BOARD MEETING

The Board discussed the next Board Meeting and whether they wanted to reschedule it given that District Counsel was unavailable. The Board determined that it would hold its regular meeting on November 10th at 3:30pm. Kelly M. Doyly from Somach Simmons & Dunn will attend in place of District Counsel.

12. ADJOURNMENT

There being no further business, Director Vieira adjourned the meeting at 4:45 p.m.