

MINUTES

NAGLEE BURK IRRIGATION DISTRICT
Board of Directors Meeting
January 5, 2023

DIRECTORS PRESENT: Fagundes, Tosta, Vieira, Wright

DIRECTORS ABSENT: None

OTHERS PRESENT: Alexis K. Stevens (District Counsel)
Joelle Smith (District Secretary)
Gary Faulkner (Landowner)
Tony Koep (Landowner)

The meeting was called to order by Director Vieira at 3:35 p.m.

1. ROLL CALL

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

2. PUBLIC COMMENT

Tony Koep told the Board he was concerned about the condition of the District's ditches as most of them are full of tullies. He also commented that he does not see the ditchtenders working very often just sees their trucks parked at their homes. Director Vieira offered to take Mr. Koep around to see the work that is being done to shore up the District canals.

3. MINUTES

Director Tosta moved to approve the minutes for the December 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 (vacant):	N/A	Director Wright:	YES
Director Tosta:	YES		

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

4. FINANCIAL STATEMENTS

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

Director Wright moved to approve the Financial Statements for December 2022 and the Warrants. 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 (vacant):	N/A	Director Wright:	YES
Director Tosta:	YES		

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

5. ACTION ITEMS

a) Consider and Discuss Addition of Action Item to agenda regarding Appointment of New Director to Fill Vacancy

District Counsel explained that it was necessary to add an action item related to the appointment of a new director to fill Ms. Ohlendorf's position on the Board. The Board just received notice from an interested party and must take action on the appointment within 60 days of informing the County Registrar of Voters. The Board is not scheduled to meet again until after the 60-day time period expired and therefore must take action on the appointment at today's meeting.

Trustee Wright moved to add an action item to the agenda regarding the Appointment of New Director to Fill Vacancy. Trustee Vieira seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Fagundes:	YES	Director Vieira:	YES
Director (vacant):	N/A	Director Wright:	YES
Director Tosta:	YES		

The motion to add an action item to the agenda regarding the Appointment of New Director to Fill Vacancy was carried.

b) Election of Officers

Director Wright moved to keep the same slate of officers:

**President - John Vieira
Vice-President - Greg Wright
Secretary - Joelle Smith**

Directors Fagundes seconded the motion. The matter was put to a vote and the votes were cast as follows:

Director Fagundes:	YES	Director Vieira:	YES
Director (vacant):	N/A	Director Wright:	YES
Director Tosta:	YES		

The motion to keep the same slate of officers:

**President - John Vieira
Vice-President - Greg Wright
Secretary - Joelle Smith**

was carried.

c) Appointment of New Director to Fill Vacancy

Director Vieira reported that Alan Oshier, a landowner and resident of Division 1 of the District was interested in serving on the District Board of Directors. The Board considered Mr. Oshier's appointment.

Director Wright moved to appoint Alan Oshier as a new director to fill the vacancy on the Board for Division 1. Director Fagundes seconded the motion. The matter was put to a vote and the votes were cast as follows:

Director Fagundes: YES
Director (vacant): N/A
Director Tosta: YES

Director Vieira: YES
Director Wright: YES

The motion to appoint Alan Oshier as a new director to fill the vacancy on the Board for Division 1 was carried.

6. COMMUNICATIONS

None.

7. General Counsel/Secretary Report

The District Secretary reported that Everett Jones' son refuses to pay the District's assessment. Mr. Jones' son claims that a neighbor has cut off access to the water and he refuses to pay for water he cannot access. Director Vieira is going to go out and meet with Mr. Jones' son to figure out what is going on.

District Counsel provided updates regarding curtailments and water use reporting. She inquired about the status of the Dichtender rental agreements. Director Vieira told her that he needed to schedule meetings with the Dichtenders to provide the agreements. District Counsel also inquired about the proposed irrigation rules. The Board approved of the draft but request that the reference to putting "notice on the gate" be removed. The Board expressed its preference to wait to adopt the irrigation rules until Fall 2023 that way they can be provided to landowners when the annual assessment is sent out. District Counsel will finalize the draft rules for the Board's consideration at the September board meeting.

8. OTHER BUSINESS

It was reported that Frankie Arnaudo's fields are full of water and that he is planning to dig a ditch so that they will drain into a District ditch. The Board requested that District Counsel write a letter to the City of Tracy informing the City that the District cannot give permission for the use of its ditch for this purpose.

Director Vieira reported that there were issues with the City's detention basin on the southwest corner of Middle Road and Naglee. Director Vieira is working with the City to figure out what is going on and how to fix it.

9. CLOSED SESSION

None.

10. NEXT BOARD MEETING

The next meeting will be February 9, 2023.

11. ADJOURNMENT

There being no further business, Director Vieira adjourned the meeting at 5:04 p.m.