

Durham Irrigation District Board of Directors - Meeting Agenda

October 20, 2020 - 5:30 PM
Remote Meeting via Zoom (see below)

Special Notice: Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, Durham Irrigation District will be closing the Board of Directors Meetings to members of the public and non-essential District staff.

The public may listen to and/or participate in this meeting via landline or mobile telephone or via computer, with video and audio enabled or audio only. If you wish to comment on an item, but do not wish to participate during the meeting, the public may submit comments prior to the meeting via email to info@didwater.org before 5:00 p.m. on Tuesday, September 8, 2020 and they will be read into the record.

ACCESSING THE ONLINE MEETING:

We recommend logging-in **15 minutes early (at 5:15 pm)** to get set up and address any technical issues before the meeting starts. When you access the meeting, **you will be placed into a waiting room and admitted** into the meeting by the meeting hosts. There are four methods for joining the meeting:

1 - From Computer - One Click to Join

<https://us02web.zoom.us/j/495193613?pwd=QTduKzhTc0cxMThrOXFMVWdMYVVM2QT09>

2 - From Computer Web Browser

<https://zoom.us/join>

When prompted, use Meeting ID: 495 193 613

Passcode: 646356

3 - From your Mobile Phone: One-Tap Mobile

+16699006833,,495193613#,,,,,0#,,646356#

4 - Dial-in using your Mobile Phone or Landline:

+1 669 900 6833

When prompted, use Meeting ID: 495 193 613

**If you are having any issues connecting to the meeting, please call
Durham Irrigation District at (530) 343-1594 for assistance.**

Please note that when you access the meeting, you will be placed into a waiting room and admitted into the meeting by the meeting host.

- The Board of Directors is committed to making its meetings accessible to all citizens. If you need a special accommodation to participate in the meeting, please contact the District Administrative Office at (530) 343-1594 or info@didwater.org at least 24 hours in advance of the meeting.
- The Board of Directors or its President pursuant to Government Code section 54954.3 reserves the right to impose reasonable rules governing public participation on agenda and non-agenda items, including limiting the total amount of time allocated to public testimony on particular issues and for each individual speaker.

**Durham Irrigation District
Board of Directors
MEETING AGENDA**

October 20, 2020 - 5:30 PM

COPIES OF THIS AGENDA AVAILABLE FROM:
Durham Irrigation District Office or Online at www.didwater.org

**Posted: October 15, 2020 at 9418-C Midway, Durham, CA 95938 and Online at www.didwater.org
Prior to: 5:00 pm**

Board of Directors:

Matt Doyle, Chair
Raymond Cooper
Kevin Phillips

District Staff:

Kamie Loeser, General Manager
Mark Adams, District Engineer
Jeff Carter, District Counsel
Rex Munroe and Mike Butler, Water Operator

AGENDA ITEMS:

1. CALL TO ORDER

- 1.1. Roll Call/Establishment of Quorum
- 1.2. Introduction of Guests

2. ADJUSTMENTS AND APPROVAL OF AGENDA

3. PUBLIC COMMENT - public members wishing to address the Board on items not listed on the Agenda.

The Durham Irrigation District Board of Directors may take official action only on items included in the posted agenda for a specific scheduled meeting. Items addressed during the Public Comment section are generally matters not included on the agenda and therefore, the Board will not take action at this scheduled meeting. However, such items may be put on the agenda for a future meeting. The public shall have the opportunity to address items that are on the posted agenda. Speakers shall be limited to three minutes each.

4. PRESENTATIONS *(All Items Informational/Possible Action)*

Metron Farnier: Smart Water Meters & Systems (www.metronfarnier.com)

5. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and will be enacted by one motion unless an item is removed. Resolutions will be read by title only. There will be no separate discussion of these items unless members of the Board, or persons in the audience, request specific items to be removed from the Consent Agenda to the Regular Agenda for separate discussion, prior to the time the

Board votes on the motion to adopt the Consent Agenda. If any item(s) are removed from the Consent Agenda, the item(s) will be considered immediately following action on the Consent Agenda.

- 5.1. Minutes for Regular Meeting held on September 8, 2020
- 5.2. Monthly Financial Report for September 2020
- 5.3. Payment of monthly bills and approve the warrant sheet and refund register September 8, through October 15, 2020.

Action Requested: that the Board of Directors approve the Consent Agenda.

6. REGULAR AGENDA

- 6.1. Items Removed from Consent Agenda

7. GENERAL ADMINISTRATION BUSINESS (All Items Informational/Possible Action)

7.1. CORRESPONDENCE: (All Items Informational/Possible Action)

- a. Email correspondence from Mr. Pat Button. Informational Purposes Only, No Action Requested.
 - Wednesday, September 16, 2020, RE: Vina Membership Dues
 - Wednesday, September 16, 2020, RE: Closed Session Handbook
 - Monday, September 21, 2020, RE: Proposition 218
- 7.2. Policies and Procedures Document: Chapter 7 – Water Rates, Operating Fees, and Billing Procedure. Action Requested: Review and approve Chapter 7 of the District Policies and Procedures Document.
- 7.3. Will Serve Application Process & Standard Conditions of Approval. Action Requested: Review and approve the Draft Will Serve Application Process & Standard Conditions of Approval.

8. WATER OPERATIONS BUSINESS (All Items Informational/Possible Action)

- 8.1. Daily Log for September 2020 - (Operator Rex Munroe/Mike Butler):
 - a. Update on 2338 Brown Street meter/leak repair. Informational Purposes, Possible Action. The meter for 2338 Brown Street is in the alley behind the gas station at the corner of Midway and Brown Street. The leak was caused by a Recology truck driving over and damaging the meter box.
 - b. Response to questions/comments regarding customer service calls, meter installs etc.
- 8.2. Other Water System Improvements, Needs and Updates:
 - a. Needed Meter Installations: New Meters, Broken Meters
 - b. Fire Hydrant Testing Program

9. ATTORNEY REPORT *(All Items Informational/Possible Action)*

9.1. Attorney's Update

10. MANAGER REPORT *(All Items Informational/Possible Action)*

10.1. Manager's Report/Updates *(All Items Informational/Possible Action)*

- a. USBR Grant Extension Request. The District has requested a one-year time extension for the Water System Infrastructure Efficiency Project, Phase 1.
- b. CSDA Board Secretary/Clerk Virtual Conference. The District has received a scholarship for General Manager, Kamie Loeser to participate in the conference, October 26-28, 2020.

11. VINA GSA

11.1. Vina GSA Report *(District Manager Loeser, Legal Counsel Carter)*

12. DIRECTORS' COMMENTS: Opportunity for Board comments on items not listed on the agenda.

13. CLOSED SESSION

Pursuant to Government Code Section 54956.9(d)(4), Conference with Legal Counsel - Initiation of litigation: Based on existing facts and circumstances, the Board of Directors is deciding whether to initiate litigation. One case.

OPEN SESSION

14. ADJOURNMENT

**Durham Irrigation District
Board of Directors
DRAFT Meeting Minutes**

September 8, 2020 - 5:30 PM

COPIES OF THIS AGENDA AVAILABLE FROM:
Durham Irrigation District Office or Online at www.didwater.org

**Posted: September 3, 2020 at 9418-C Midway, Durham, CA 95938 and Online at www.didwater.org
Prior to: 5:00 pm**

Board of Directors:

Matt Doyle, Chair – In attendance
Raymond Cooper – In attendance
Kevin Phillips – Absent

District Staff:

Kamie Loeser, General Manager – In attendance/In Office
Jeff Carter, District Counsel – In attendance/In Office
Mike Butler, Water Operator – In attendance

AGENDA ITEMS:

1. CALL TO ORDER

- 1.1. Roll Call/Establishment of Quorum - The meeting was called to order at 5:31PM by Chair Doyle. Roll Call was taken as noted “in attendance” above. Attendees participated via Zoom; with the exception of those noted as “in office” above.
- 1.2. Introduction of Guests
Guests participated via Zoom.
 - Mr. Pat Button
 - Mrs. Christy Patterson

2. ADJUSTMENTS AND APPROVAL OF AGENDA

None.

3. PUBLIC COMMENT

- Mrs. Christy Patterson thanked the District for the installation of the valve and meter work conducted at their home at 2368 Florida Lane.
- Mr. Pat Button shared his thoughts regarding the District’s participation in the Vina Groundwater Sustainability Agency, stating that he felt that it is unnecessary for the District to be a member of the GSA. He also noted his objection to the payment of the annual fee/dues of \$5000 to the Vina GSA.

4. PRESENTATIONS

None.

5. CONSENT AGENDA

- 5.1. Minutes for Regular Meeting held on July 14, 2020
- 5.2. Minutes for Regular Board Meeting held on August 11, 2020
- 5.3. Monthly Financial Report for August 2020
- 5.4. Payment of monthly bills and approve the warrant sheet and refund register August 11 through September 8, 2020. *Action Requested: that the Board of Directors authorize payment of the monthly bills and approve the warrant sheet, deposit, and refund registers.*

Action Taken:

On a motion made by Director Cooper, seconded by Chair Doyle, the Board of Directors approved the Consent Agenda.

The vote was as follows: Ayes carried.

Roll call vote:

Ayes: Cooper, Doyle

Noes: None

Abstained: None

Absent: Phillips

6. REGULAR AGENDA

- 6.1. Items Removed from Consent Agenda - None

7. GENERAL ADMINISTRATION BUSINESS

7.1. CORRESPONDENCE:

- a. Email from Mr. Pat Button to Mr. Paul Gosselin, Director, Butte County Department of Water and Resource Conservation RE: Membership Dues for Durham Irrigation District.

Informational Purposes Only/No Action Taken. Legal Counsel Carter provided an overview of Mr. Button's email, summarizing Mr. Button's concerns. Mr. Button reiterated his objection to the payment of fees/membership dues.

- b. Certificate to Initiative Petition Signature Verification and Signature Verification Results - Proposed Initiative Measure to Repeal the Water Rate Increases Adopted by the Board of Directors of the Durham Irrigation District on January 1, 2019.

Informational Purposes Only/No Action Taken. General Manager Loeser provided an overview of the correspondence received by the County Clerk-Recorder indicating that the petition for "Proposed Initiative Measure to Repeal the Water Rate Increases..." had received the

required number of qualified electors and that the petition had been found to be sufficient. Mr. Button noted that he had more signatures.

- 7.2. Change of Regular Board Meeting Date. *Action Requested: To adopt the Resolution Changing Meeting Date for the Regular Meeting of the Board of Directors from the second Tuesday of each month to the third Tuesday of each month beginning October 20, 2020 at 5:30 p.m.*

Legal Counsel Carter provided a review of the Resolution and compliance with the public noticing requirements.

Mr. Button made a comment wondering about the necessity of changing the meeting time.

Action Taken:

On a motion made by Director Cooper, seconded by Chair Doyle, the Board of Directors approved the Resolution Changing Meeting Date for the Regular Meeting of the Board of Directors from the second Tuesday of each month to the third Tuesday of each month beginning October 20, 2020 at 5:30 p.m.

The vote was as follows: Ayes carried.

Roll call vote:

Ayes: Cooper, Doyle

Noes: None

Abstained: None

Absent: Phillips

- 7.3. Temporary Change in District Office Hours. *Discussion of and Possible Action: To change Tuesday's open office hours to 1:00-5:00 p.m.*

General Manager Loeser requested a change to the office hours to accommodate schedule changes due to COVID-19. The Board discussed the change from Tuesday from 9:00AM-1:00PM to the afternoon from 1:00-5:00PM and maintaining the Thursday time. The Board suggested that the new office hours be posted on the website, Facebook, and Next Door.

Action Taken:

On a motion made by Chair Doyle, seconded by Director Cooper, the Board of Directors approved the change of office hours to Tuesdays and Thursdays from 1:00-5:00 pm.

The vote was as follows: Ayes carried.

Roll call vote:

Ayes: Cooper, Doyle

Noes: None

Abstained: None

Absent: Phillips

- 7.4. Conflict of Interest Code. *Action Requested: Ratification and confirmation of Code previously adopted in 2018 and as attached hereto for 2020.*

Legal Counsel Carter provided a summary of the changes to the Conflict of Interest Code, which included changes to the Government Code references. It was determined that a Resolution would be prepared, and the Conflict of Interest Code would be attached. This would then be provided to the Butte County Office of the County Counsel per the 2020 Local Agency Biennial Notice.

Action Taken:

On a motion made by Chair Doyle, seconded by Director Cooper, the Board of Directors approved the change of office hours to Tuesdays and Thursdays from 1:00-5:00 pm. The vote was as follows: Ayes carried.

Roll call vote:

Ayes: Cooper, Doyle

Noes: None

Abstained: None

Absent: Phillips

- 7.5. Policies and Procedures Document: Chapter 7 – Water Rates, Operating Fees, and Billing Procedure. Action Requested: *Review and approve Chapter 7 of the District Policies and Procedures Document.*

Action Taken:

This item was tabled to discuss the service fees that would be identified for Appendix A.

- 7.6. Standard Conditions of Approval. Discussion of and Possible Action: *Use of standard conditions of approval checklist and will-serve letter for 1) proposed Tentative Parcel Maps (four or fewer parcels) and 2) proposed land use projects that only require issuance of a Building Permit from Butte County.*

Action Taken:

This item was tabled until October to incorporate Legal Counsel's comments.

8. WATER OPERATIONS BUSINESS *(All Items Informational/Possible Action)*

- 8.1. Daily Log for August 2020 - (Operator Rex Munroe/Mike Butler):
- a. Update on repairs conducted in August
 - b. Response to questions/comments regarding customer service calls, meter installs etc.
 - Assistant Water Operator Butler provided a summary of repairs, noting that the valve at Goodspeed/Brown Streets has been replace.
 - Butler discussed a residence that appears to be wasting water and that a backflow device should be installed at this location. The Board directed that we should investigate the wasteful use and notify Environmental Health of the potential hazard.

8.2. Other Water System Improvements, Needs and Updates

a. Butte County - Midway Sidewalk Improvement Project

Butler has been coordinating with Butte County Director of Public Works, Dennis Schmidt, regarding this project; noting that potential leaks are on the customer's side.

b. Needed Meter Installations: New Meters, Broken Meters

No specific discussion.

c. Valve Replacements / Upgrades

No specific discussion.

d. Fire Hydrant Testing Program

Discussed that fire hydrants should be tested quarterly or biannually. Butler to provide a cost estimate to provide this service for the District.

9. **ATTORNEY REPORT** *(All Items Informational/Possible Action)*

9.1. Attorney's Update

None.

10. **MANAGER REPORT** *(All Items Informational/Possible Action)*

10.1. Manager's Report/Updates

a. Website and use of the "Engage" component within the software.

General Manager Loeser provided an overview of the Engage component of the Streamline software that hosts the District's website and that it would be a good platform to increase community outreach and engagement; to collect email addresses for newsletters, emergency notifications, and District announcements. The Board agreed that the use of Engage would be beneficial for community outreach.

b. Metron Farnier: Smart Water Meters & Systems (www.metronfarnier.com)

General Manager Loeser provided an overview of the smart water meters and systems that this vendor provides and suggested that Metron Farnier conduct a presentation for the Board at a future meeting. The Board directed Loeser to schedule a presentation.

c. District listing on County eTrakit System

General Manager Loeser noted that the County has yet to respond to the request to discuss being added to the eTrakit system. However, the proposed will-serve policy, Item 7.6, once reviewed and approved will be provided to the Butte County Department of Development Services, Environmental Health, and Building Department to facilitate future compliance with District review of development applications.

11. VINA GSA

11.1. Vina GSA Report (*District Manager Loeser*)

General Manager Loeser noted the next dates for the Vina GSA Board in September.

12. DIRECTORS' COMMENTS: Opportunity for Board comments on items not listed on the agenda.

None.

13. CLOSED SESSION

Pursuant to Government Code section 54956.9(c), Conference with Legal Counsel - Initiation of litigation:
One case.

OPEN SESSION

At 7:27PM the Board returned to Open Session and summarized the Closed Session as follows:

No Action was taken; the matter was continued to the next regular meeting of the Board in Closed Session.

14. ADJOURNMENT

Chair Doyle adjourned the meeting at 7:28PM until the next regular meeting on October 20, 2020.

Durham Irrigation District

Balance Sheet

As of September 30, 2020

Item 5.2

Sep 30, 20

ASSETS

Current Assets

Checking/Savings

Current Assets

Cash	148,485.10
Cash on Hand	100.00
Development Fees	26,193.24
Savings	14,377.10

Total Current Assets 189,155.44

Total Checking/Savings 189,155.44

Total Current Assets 189,155.44

Fixed Assets

CAPITAL ASSETS

Depreciable Assets

Equipment	43,002.14
Mains	623,540.00
Pumps	172,575.00
Structures	16,084.00
Wells	127,486.00
Less Accum. Dep'n	-434,456.00

Total Depreciable Assets 548,231.14

Total CAPITAL ASSETS 548,231.14

Non-Depreciable Assets

Land 20,331.00

Total Non-Depreciable Assets 20,331.00

Total Fixed Assets 568,562.14

TOTAL ASSETS 757,717.58

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities

Uncleared Checks 100.00

Total Other Current Liabilities 100.00

Total Current Liabilities 100.00

Total Liabilities 100.00

Equity

NET POSITION

Net Investment in Capital Asset 566,549.00

Total NET POSITION 566,549.00

Unrestricted Net Assets 137,166.07

Net Income 53,902.51

Total Equity 757,617.58

TOTAL LIABILITIES & EQUITY 757,717.58

Durham Irrigation District
Profit & Loss
 January through September 2020

	Jan 20	Feb 20	Mar 20	Apr 20	May 20
Ordinary Income/Expense					
Income					
Water Sales Income					
OPERATING REVENUES					
Meter Sales	0.00	0.00	0.00	0.00	650.00
Water Sales	25,785.27	18,335.59	30,977.08	26,817.86	26,325.68
Total OPERATING REVENUES	25,785.27	18,335.59	30,977.08	26,817.86	26,975.68
Total Water Sales Income	25,785.27	18,335.59	30,977.08	26,817.86	26,975.68
Total Income	25,785.27	18,335.59	30,977.08	26,817.86	26,975.68
Expense					
Contract Services					
Accounting Fees	606.00	693.75	431.25	393.75	256.50
Engineering Support	0.00	0.00	0.00	1,065.00	0.00
Legal Fees	2,925.00	2,700.00	2,700.00	4,199.65	2,363.51
Management & Administration	7,125.00	4,407.50	4,135.00	5,073.75	4,083.00
Water Operations Mgmt.	2,500.00	6,012.50	5,437.50	4,762.50	1,200.00
Total Contract Services	13,156.00	13,813.75	12,703.75	15,494.65	7,903.01
OPERATING EXPENSES					
Administration					
Board Stipends	300.00	300.00	300.00	600.00	300.00
District Wages, Taxes, Insur.					
Insurance	503.72	0.00	0.00	0.00	0.00
Payroll Service Fees	0.00	185.25	58.00	58.00	70.00
Payroll Tax Expense	0.00	-44.53	0.00	0.00	0.00
Total District Wages, Taxes, Insur.	503.72	140.72	58.00	58.00	70.00
Fees, Dues, Memberships	4,051.20	1,015.00	1,828.00	431.95	12.50
Office Expense					
Meals	0.00	0.00	0.00	0.00	24.64
Postage	300.00	150.00	150.00	150.00	150.00
Software	0.00	0.00	0.00	0.00	0.00
Supplies	147.96	0.00	0.00	186.04	0.00
Website Hosting	75.00	75.00	75.00	150.00	75.00
Total Office Expense	522.96	225.00	225.00	486.04	249.64
Rent	556.02	450.00	450.00	450.00	556.02
Software Fees	100.00	100.00	220.00	100.00	100.00
Supplies	17.25	0.00	0.00	0.00	0.00
Utilities					
Garbage	105.56	108.43	108.43	108.43	108.43
Gas & Electric	3,230.13	2,902.08	3,327.49	3,591.78	3,666.81
Telephone/Internet	227.57	226.66	236.92	226.92	253.00
Total Utilities	3,563.26	3,237.17	3,672.84	3,927.13	4,028.24
Water System Maint, Repair, Repl					
Regular Operations & Maint					
O & M Supplies	223.07	218.51	282.33	375.62	960.00
Water Testing Fees	1,510.80	206.40	67.20	67.20	206.40

Durham Irrigation District
Profit & Loss
January through September 2020

	Jan 20	Feb 20	Mar 20	Apr 20	May 20
Weed Management	0.00	0.00	0.00	0.00	680.00
Regular Operations & Maint - Other	0.00	0.00	0.00	0.00	0.00
Total Regular Operations & Maint	1,733.87	424.91	349.53	442.82	1,846.40
Water System Repair & Repl.+					
Repairs	1,194.78	0.00	0.00	93.31	95.99
Repair Supplies	0.00	0.00	0.00	0.00	0.00
Contractor	2,061.00	0.00	0.00	0.00	3,054.12
Water Operator	0.00	0.00	0.00	0.00	0.00
Total Water System Repair & Repl.+	3,255.78	0.00	0.00	93.31	3,150.11
Total Water System Maint,Repair,Repl	4,989.65	424.91	349.53	536.13	4,996.51
Total Administration	14,604.06	5,892.80	7,103.37	6,589.25	10,312.91
Bank Service Charges	0.00	10.00	118.00	0.00	0.00
Total OPERATING EXPENSES	14,604.06	5,902.80	7,221.37	6,589.25	10,312.91
Total Expense	27,760.06	19,716.55	19,925.12	22,083.90	18,215.92
Net Ordinary Income	-1,974.79	-1,380.96	11,051.96	4,733.96	8,759.76
Other Income/Expense					
Other Income					
NON-OPERATING REVENUE					
Interest Income	0.18	0.11	0.12	0.12	0.12
Total NON-OPERATING REVENUE	0.18	0.11	0.12	0.12	0.12
SPECIAL PROJECTS					
Development Projects Income					
Payments Received	0.00	0.00	0.00	0.00	6,889.24
Total Development Projects Income	0.00	0.00	0.00	0.00	6,889.24
Total SPECIAL PROJECTS	0.00	0.00	0.00	0.00	6,889.24
Total Other Income	0.18	0.11	0.12	0.12	6,889.36
Other Expense					
Special District Projects					
Expenses					
Agency Fees	3,109.06	0.00	0.00	0.00	0.00
Development Project Fees	1,560.17	340.00	0.00	0.00	0.00
Total Expenses	4,669.23	340.00	0.00	0.00	0.00
Total Special District Projects	4,669.23	340.00	0.00	0.00	0.00
Total Other Expense	4,669.23	340.00	0.00	0.00	0.00
Net Other Income	-4,669.05	-339.89	0.12	0.12	6,889.36
Net Income	-6,643.84	-1,720.85	11,052.08	4,734.08	15,649.12

Durham Irrigation District
Profit & Loss
January through September 2020

	Jun 20	Jul 20	Aug 20	Sep 20	TOTAL
Ordinary Income/Expense					
Income					
Water Sales Income					
OPERATING REVENUES					
Meter Sales	650.00	0.00	0.00	0.00	1,300.00
Water Sales	31,497.51	34,259.95	36,297.33	35,878.85	266,175.12
Total OPERATING REVENUES	32,147.51	34,259.95	36,297.33	35,878.85	267,475.12
Total Water Sales Income	32,147.51	34,259.95	36,297.33	35,878.85	267,475.12
Total Income	32,147.51	34,259.95	36,297.33	35,878.85	267,475.12
Expense					
Contract Services					
Accounting Fees	281.25	318.75	337.50	393.75	3,712.50
Engineering Support	0.00	1,715.00	1,775.00	210.00	4,765.00
Legal Fees	2,205.00	2,047.50	1,897.10	2,677.50	23,715.26
Management & Administration	4,015.16	5,183.75	5,266.25	5,115.00	44,404.41
Water Operations Mgmt.	0.00	0.00	0.00	0.00	19,912.50
Total Contract Services	6,501.41	9,265.00	9,275.85	8,396.25	96,509.67
OPERATING EXPENSES					
Administration					
Board Stipends	300.00	600.00	300.00	500.00	3,500.00
District Wages, Taxes, Insur.					
Insurance	564.46	5,674.55	0.00	0.00	6,742.73
Payroll Service Fees	58.00	58.00	70.00	58.00	615.25
Payroll Tax Expense	0.00	0.00	0.00	0.00	-44.53
Total District Wages, Taxes, Insur.	622.46	5,732.55	70.00	58.00	7,313.45
Fees, Dues, Memberships	7.08	1,265.08	1,000.00	1,481.45	11,092.26
Office Expense					
Meals	0.00	0.00	0.00	0.00	24.64
Postage	450.00	150.00	300.00	0.00	1,800.00
Software	54.99	182.51	0.00	0.00	237.50
Supplies	411.93	136.96	161.52	60.03	1,104.44
Website Hosting	75.00	75.00	75.00	75.00	750.00
Total Office Expense	991.92	544.47	536.52	135.03	3,916.58
Rent	450.00	530.00	556.02	450.00	4,448.06
Software Fees	100.00	100.00	100.00	100.00	1,020.00
Supplies	0.00	0.00	0.00	0.00	17.25
Utilities					
Garbage	108.43	108.43	108.43	108.43	973.00
Gas & Electric	4,890.20	6,074.54	6,616.46	7,718.22	42,017.71
Telephone/Internet	253.14	243.14	265.33	254.49	2,187.17
Total Utilities	5,251.77	6,426.11	6,990.22	8,081.14	45,177.88
Water System Maint, Repair, Repl					
Regular Operations & Maint					
O & M Supplies	498.26	2,962.23	1,937.88	1,517.18	8,975.08
Water Testing Fees	134.40	0.00	457.20	269.20	2,918.80

Durham Irrigation District
Profit & Loss
January through September 2020

	Jun 20	Jul 20	Aug 20	Sep 20	TOTAL
Weed Management	800.00	800.00	0.00	0.00	2,280.00
Regular Operations & Maint - Other	0.00	0.00	0.00	1,000.00	1,000.00
Total Regular Operations & Maint	1,432.66	3,762.23	2,395.08	2,786.38	15,173.88
Water System Repair & Repl.+					
Repairs	0.00	1,799.77	-1,126.00	6,759.30	8,817.15
Repair Supplies	390.35	0.00	0.00	0.00	390.35
Contractor	0.00	6,246.50	0.00	0.00	11,361.62
Water Operator	7,425.00	2,500.00	2,500.00	2,500.00	14,925.00
Total Water System Repair & Repl.+	7,815.35	10,546.27	1,374.00	9,259.30	35,494.12
Total Water System Maint,Repair,Repl	9,248.01	14,308.50	3,769.08	12,045.68	50,668.00
Total Administration	16,971.24	29,506.71	13,321.84	22,851.30	127,153.48
Bank Service Charges	0.00	0.00	50.85	206.25	385.10
Total OPERATING EXPENSES	16,971.24	29,506.71	13,372.69	23,057.55	127,538.58
Total Expense	23,472.65	38,771.71	22,648.54	31,453.80	224,048.25
Net Ordinary Income	8,674.86	-4,511.76	13,648.79	4,425.05	43,426.87
Other Income/Expense					
Other Income					
NON-OPERATING REVENUE					
Interest Income	0.12	0.12	0.12	0.12	1.13
Total NON-OPERATING REVENUE	0.12	0.12	0.12	0.12	1.13
SPECIAL PROJECTS					
Development Projects Income					
Payments Received	0.00	9,617.00	0.00	0.00	16,506.24
Total Development Projects Income	0.00	9,617.00	0.00	0.00	16,506.24
Total SPECIAL PROJECTS	0.00	9,617.00	0.00	0.00	16,506.24
Total Other Income	0.12	9,617.12	0.12	0.12	16,507.37
Other Expense					
Special District Projects					
Expenses					
Agency Fees	0.00	0.00	0.00	0.00	3,109.06
Development Project Fees	662.50	315.00	45.00	0.00	2,922.67
Total Expenses	662.50	315.00	45.00	0.00	6,031.73
Total Special District Projects	662.50	315.00	45.00	0.00	6,031.73
Total Other Expense	662.50	315.00	45.00	0.00	6,031.73
Net Other Income	-662.38	9,302.12	-44.88	0.12	10,475.64
Net Income	8,012.48	4,790.36	13,603.91	4,425.17	53,902.51

Durham Irrigation District
General Ledger
As of September 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>	<u>Balance</u>
Current Assets					184,730.27
Cash					144,060.05
09/02/2020		Deposit	Deposit	827.05	144,887.10
09/02/2020		Bank Charge	cc fee	-166.25	144,720.85
09/02/2020		Deposit	Deposit	434.42	145,155.27
09/04/2020		Deposit	Deposit	546.99	145,702.26
09/08/2020	9176	Kevin Phillips	Sept 2020	-100.00	145,602.26
09/08/2020	9177	Matt Doyle	Sept 2020	-200.00	145,402.26
09/08/2020	9178	Raymond Cooper	Sept 2020	-200.00	145,202.26
09/08/2020	9179	Tozier's True Value ...	supplies	-68.20	145,134.06
09/08/2020	9180	Basic Laboratory	colilert test/perchlorat...	-269.20	144,864.86
09/08/2020	9181	Trites Backflow Serv...		-1,000.00	143,864.86
09/08/2020	9182	Sierra Water Utility		-3,573.98	140,290.88
09/08/2020	9183	Ferguson Waterworks	repairs	-4,634.30	135,656.58
09/08/2020	9184	Camp & McLaughlin	Sept rent	-450.00	135,206.58
09/08/2020	9185	AT & T		-254.49	134,952.09
09/08/2020	9186	PG & E		-7,718.22	127,233.87
09/08/2020	9187	Recology		-108.43	127,125.44
09/08/2020	9188	Sequoyah		-100.00	127,025.44
09/08/2020	9189	Streamline		-75.00	126,950.44
09/08/2020	9190	Sheryl Bosman	Bookkeeping	-393.75	126,556.69
09/08/2020	9191	Carter Law Office		-3,158.95	123,397.74
09/08/2020	9192	Kamie Loeser Cons...		-5,115.00	118,282.74
09/08/2020	9193	Northstar Engineering	lead service laterals r...	-210.00	118,072.74
09/08/2020	9194	Culligan of Chico		-2,500.00	115,572.74
09/08/2020	9195	Vina GSA		-1,000.00	114,572.74
09/08/2020	9196	Kamie Loeser Cons...	reimb. Staples	-60.03	114,512.71
09/08/2020		Deposit	Deposit	337.10	114,849.81
09/08/2020		Deposit	Deposit	52.71	114,902.52
09/08/2020		Deposit	Deposit	32.59	114,935.11
09/09/2020		Deposit	Deposit	28.99	114,964.10
09/10/2020		Paychex		-58.00	114,906.10
09/11/2020		Deposit	Deposit	138.68	115,044.78
09/14/2020		Deposit	Deposit	218.70	115,263.48
09/14/2020		Deposit	Deposit	50.00	115,313.48
09/15/2020		Deposit	Deposit	3,501.79	118,815.27
09/15/2020		Deposit	Deposit	28.99	118,844.26
09/16/2020		Deposit	Deposit	423.19	119,267.45
09/17/2020		Deposit	Deposit	6,172.85	125,440.30
09/17/2020		Deposit	Deposit	149.07	125,589.37
09/18/2020		Deposit	Deposit	265.91	125,855.28
09/21/2020		Deposit	Deposit	388.26	126,243.54
09/21/2020		Deposit	Deposit	209.71	126,453.25
09/21/2020		Deposit	Deposit	28.99	126,482.24
09/21/2020		Returned Item	returned item	-242.96	126,239.28
09/21/2020		Bank Charge	returned item fee	-10.00	126,229.28
09/22/2020		Deposit	Deposit	4,282.51	130,511.79
09/22/2020		Deposit	Deposit	45.00	130,556.79
09/23/2020		Deposit	Deposit	11,204.26	141,761.05
09/23/2020		Deposit	Deposit	74.77	141,835.82
09/24/2020		Deposit	Deposit	392.34	142,228.16
09/24/2020		Returned Item	returned item	-100.00	142,128.16
09/24/2020		Bank Charge	returned item fee	-10.00	142,118.16
09/24/2020		Returned Item	returned item	-104.38	142,013.78
09/25/2020		Bank Charge	returned item fee	-10.00	142,003.78
09/25/2020		Returned Item	returned item	-99.40	141,904.38
09/25/2020		Bank Charge	returned item fee	-10.00	141,894.38
09/28/2020		Deposit	Deposit	320.00	142,214.38
09/28/2020		Deposit	Deposit	182.79	142,397.17
09/28/2020		Deposit	Deposit	52.70	142,449.87
09/29/2020		Deposit	Deposit	5,206.23	147,656.10
09/29/2020		Deposit	Deposit	62.11	147,718.21
09/30/2020		Deposit	Deposit	766.89	148,485.10
Total Cash				4,425.05	148,485.10
Cash on Hand					100.00
Total Cash on Hand					100.00

Durham Irrigation District
General Ledger
As of September 30, 2020

Date	Num	Name	Memo	Paid Amount	Balance
Development Fees					26,193.24
Total Development Fees					26,193.24
Savings					14,376.98
09/30/2020		Deposit	Deposit	0.12	14,377.10
Total Savings					0.12
Total Current Assets					4,425.17
CAPITAL ASSETS					548,231.14
Depreciable Assets					548,231.14
Equipment					43,002.14
Total Equipment					43,002.14
Mains					623,540.00
Total Mains					623,540.00
Pumps					172,575.00
Total Pumps					172,575.00
Structures					16,084.00
Total Structures					16,084.00
Wells					127,486.00
Total Wells					127,486.00
Less Accum. Dep'n					-434,456.00
Total Less Accum. Dep'n					-434,456.00
Total Depreciable Assets					548,231.14
Total CAPITAL ASSETS					548,231.14
Non-Depreciable Assets					20,331.00
Land					20,331.00
Total Land					20,331.00
Total Non-Depreciable Assets					20,331.00
Uncleared Checks					-100.00
Total Uncleared Checks					-100.00
NET POSITION					-566,549.00
Net Investment in Capital Asset					-566,549.00
Total Net Investment in Capital Asset					-566,549.00
Total NET POSITION					-566,549.00
Unrestricted Net Assets					-137,166.07
Total Unrestricted Net Assets					-137,166.07
Water Sales Income					-231,596.27
OPERATING REVENUES					-231,596.27
Meter Sales					-1,300.00
Total Meter Sales					-1,300.00

Durham Irrigation District
General Ledger
As of September 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>	<u>Balance</u>
Water Sales					-230,296.27
09/02/2020		Deposit	Deposit	-827.05	-231,123.32
09/02/2020		Deposit	Deposit	-434.42	-231,557.74
09/04/2020		Deposit	Deposit	-546.99	-232,104.73
09/08/2020		Deposit	Deposit	-337.10	-232,441.83
09/08/2020		Deposit	Deposit	-52.71	-232,494.54
09/08/2020		Deposit	Deposit	-32.59	-232,527.13
09/09/2020		Deposit	Deposit	-28.99	-232,556.12
09/11/2020		Deposit	Deposit	-138.68	-232,694.80
09/14/2020		Deposit	Deposit	-218.70	-232,913.50
09/14/2020		Deposit	Deposit	-50.00	-232,963.50
09/15/2020		Deposit	Deposit	-3,501.79	-236,465.29
09/15/2020		Deposit	Deposit	-28.99	-236,494.28
09/16/2020		Deposit	Deposit	-423.19	-236,917.47
09/17/2020		Deposit	Deposit	-6,172.85	-243,090.32
09/17/2020		Deposit	Deposit	-149.07	-243,239.39
09/18/2020		Deposit	Deposit	-265.91	-243,505.30
09/21/2020		Deposit	Deposit	-388.26	-243,893.56
09/21/2020		Deposit	Deposit	-209.71	-244,103.27
09/21/2020		Deposit	Deposit	-28.99	-244,132.26
09/21/2020		Returned Item	returned item	242.96	-243,889.30
09/22/2020		Deposit	Deposit	-4,282.51	-248,171.81
09/22/2020		Deposit	Deposit	-45.00	-248,216.81
09/23/2020		Deposit	Deposit	-11,204.26	-259,421.07
09/23/2020		Deposit	Deposit	-74.77	-259,495.84
09/24/2020		Deposit	Deposit	-392.34	-259,888.18
09/24/2020		Returned Item	returned item	100.00	-259,788.18
09/24/2020		Returned Item	returned item	104.38	-259,683.80
09/25/2020		Returned Item	returned item	99.40	-259,584.40
09/28/2020		Deposit	Deposit	-320.00	-259,904.40
09/28/2020		Deposit	Deposit	-182.79	-260,087.19
09/28/2020		Deposit	Deposit	-52.70	-260,139.89
09/29/2020		Deposit	Deposit	-5,206.23	-265,346.12
09/29/2020		Deposit	Deposit	-62.11	-265,408.23
09/30/2020		Deposit	Deposit	-766.89	-266,175.12
Total Water Sales				-35,878.85	-266,175.12
Total OPERATING REVENUES				-35,878.85	-267,475.12
Total Water Sales Income				-35,878.85	-267,475.12
Contract Services					88,113.42
Accounting Fees					3,318.75
09/08/2020	9190	Sheryl Bosman	Bookkeeping	393.75	3,712.50
Total Accounting Fees				393.75	3,712.50
Engineering Support					4,555.00
09/08/2020	9193	Northstar Engineering	meter reading	210.00	4,765.00
Total Engineering Support				210.00	4,765.00
Legal Fees					21,037.76
09/08/2020	9191	Carter Law Office	legal fees	2,677.50	23,715.26
Total Legal Fees				2,677.50	23,715.26
Management & Administration					39,289.41
09/08/2020	9192	Kamie Loeser Cons...	Staples reimb.	5,115.00	44,404.41
Total Management & Administration				5,115.00	44,404.41
Water Operations Mgmt.					19,912.50
Total Water Operations Mgmt.					19,912.50
Total Contract Services				8,396.25	96,509.67

Durham Irrigation District
General Ledger
As of September 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>	<u>Balance</u>
OPERATING EXPENSES					104,481.03
Administration					104,302.18
Board Stipends					3,000.00
09/08/2020	9176	Kevin Phillips	Sept 2020	100.00	3,100.00
09/08/2020	9177	Matt Doyle	Sept 2020	200.00	3,300.00
09/08/2020	9178	Raymond Cooper	Sept 2020	200.00	3,500.00
Total Board Stipends				500.00	3,500.00
District Wages, Taxes, Insur.					7,255.45
Insurance					6,742.73
Total Insurance					6,742.73
Payroll Service Fees					557.25
09/10/2020		Paychex		58.00	615.25
Total Payroll Service Fees				58.00	615.25
Payroll Tax Expense					-44.53
Total Payroll Tax Expense					-44.53
Total District Wages, Taxes, Insur.				58.00	7,313.45
Fees, Dues, Memberships					9,610.81
09/08/2020	9195	Vina GSA		1,000.00	10,610.81
09/08/2020	9191	Carter Law Office	public notice in ER	481.45	11,092.26
Total Fees, Dues, Memberships				1,481.45	11,092.26
Office Expense					3,781.55
Meals					24.64
Total Meals					24.64
Postage					1,800.00
Total Postage					1,800.00
Software					237.50
Total Software					237.50
Supplies					1,044.41
09/08/2020	9196	Kamie Loeser Cons...	Staples reimb.	60.03	1,104.44
Total Supplies				60.03	1,104.44
Website Hosting					675.00
09/08/2020	9189	Streamline		75.00	750.00
Total Website Hosting				75.00	750.00
Total Office Expense				135.03	3,916.58
Rent					3,998.06
09/08/2020	9184	Camp & McLaughlin	Sept rent	450.00	4,448.06
Total Rent				450.00	4,448.06
Software Fees					920.00
09/08/2020	9188	Sequoyah		100.00	1,020.00
Total Software Fees				100.00	1,020.00
Supplies					17.25
Total Supplies					17.25
Utilities					37,096.74
Garbage					864.57
09/08/2020	9187	Recology		108.43	973.00
Total Garbage				108.43	973.00

Durham Irrigation District
General Ledger
As of September 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>	<u>Balance</u>
Gas & Electric					34,299.49
09/08/2020	9186	PG & E		7,718.22	42,017.71
Total Gas & Electric				7,718.22	42,017.71
Telephone/Internet					1,932.68
09/08/2020	9185	AT & T		254.49	2,187.17
Total Telephone/Internet				254.49	2,187.17
Total Utilities				8,081.14	45,177.88
Water System Maint,Repair,Repl					38,622.32
Regular Operations & Maint					12,387.50
O & M Supplies					7,457.90
09/08/2020	9179	Tozier's True Value ...	supplies	68.20	7,526.10
09/08/2020	9182	Sierra Water Utility		1,448.98	8,975.08
Total O & M Supplies				1,517.18	8,975.08
Water Testing Fees					2,649.60
09/08/2020	9180	Basic Laboratory	colilert test/perchlorat...	269.20	2,918.80
Total Water Testing Fees				269.20	2,918.80
Weed Management					2,280.00
Total Weed Management					2,280.00
Regular Operations & Maint - Other					0.00
09/08/2020	9181	Trites Backflow Serv...		1,000.00	1,000.00
Total Regular Operations & Maint - Other				1,000.00	1,000.00
Total Regular Operations & Maint				2,786.38	15,173.88
Water System Repair & Repl.+					26,234.82
Repairs					2,057.85
09/08/2020	9183	Ferguson Waterworks	repairs	4,634.30	6,692.15
09/08/2020	9182	Sierra Water Utility		2,125.00	8,817.15
Total Repairs				6,759.30	8,817.15
Repair Supplies					390.35
Total Repair Supplies					390.35
Contractor					11,361.62
Total Contractor					11,361.62
Water Operator					12,425.00
09/08/2020	9194	Culligan of Chico		2,500.00	14,925.00
Total Water Operator				2,500.00	14,925.00
Total Water System Repair & Repl.+				9,259.30	35,494.12
Total Water System Maint,Repair,Repl				12,045.68	50,668.00
Total Administration				22,851.30	127,153.48
Bank Service Charges					178.85
09/02/2020		Bank Charge	cc fee	166.25	345.10
09/21/2020		Bank Charge	returned item fee	10.00	355.10
09/24/2020		Bank Charge	returned item fee	10.00	365.10
09/25/2020		Bank Charge	returned item fee	10.00	375.10
09/25/2020		Bank Charge	returned item fee	10.00	385.10
Total Bank Service Charges				206.25	385.10
Total OPERATING EXPENSES				23,057.55	127,538.58

Durham Irrigation District
General Ledger
As of September 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>	<u>Balance</u>
NON-OPERATING REVENUE					-1.01
Interest Income					-1.01
09/30/2020		Deposit	Deposit	-0.12	-1.13
Total Interest Income				-0.12	-1.13
Total NON-OPERATING REVENUE				-0.12	-1.13
SPECIAL PROJECTS					-16,506.24
Development Projects Income					-16,506.24
Payments Received					-16,506.24
Total Payments Received				-16,506.24	-16,506.24
Total Development Projects Income				-16,506.24	-16,506.24
Total SPECIAL PROJECTS				-16,506.24	-16,506.24
Special District Projects					6,031.73
Expenses					6,031.73
Agency Fees					3,109.06
Total Agency Fees				3,109.06	3,109.06
Development Project Fees					2,922.67
Total Development Project Fees				2,922.67	2,922.67
Total Expenses				6,031.73	6,031.73
Total Special District Projects				6,031.73	6,031.73
TOTAL				0.00	0.00

Item 7.1.a

From: [Patrick Button](#)
To: [Jeff Carter](#); [Cc: : Matt Doyle](#); [Raymond Cooper \(RCooper@buttecounty.net\)](#); [Kevin Phillips](#); [Durham Irrigation District](#); [Gosselin, Paul](#); [Linda Herman](#); [Erik Gustafson](#); [Peterson, Kelly](#)
Subject: Re: Vina Membership dues for DID
Date: Wednesday, September 16, 2020 10:19:32 AM

Hello Jeff Carter;

I hope that you might ask the Durham Irrigation District Board to withdraw their membership with Vina because of the unfair cost that our ratepayers are paying for membership compared to other ratepayers. Our membership in Vina is unnecessary as the County represents the larger population of Durham. It is also a probable misuse of ratepayers fees to pay for membership to Vina, according to Proposition 218. The District could fix a lot of their leaks with the money that is being spent unnecessarily on membership to an organization that the District is not required to belong to. I would appreciate your response to my request. Thank you.

Kindest regards;



Patrick Button

On Fri, Sep 4, 2020 at 8:03 AM Patrick Button <patrickbuttonsr@gmail.com> wrote:

Jeff:

As with much of your own interpretation you are wrong. My concern is that the water rate payers of the Durham Irrigation District are paying an unfair amount more to "sit at the table" than others. I disagree with you that it is a "small price to pay" ...**IT IS AN UNFAIR AMOUNT TO PAY FROM RATEPAYERS FEES AND IS POSSIBLY A VIOLATION OF PROPOSITION 218!** (do the math and let the County do their job).

Kindest regards;



Patrick Button

From: [Patrick Button](#)
To: [Durham Irrigation District](#)
Cc: [Jeff Carter](#); matt.doyle101@gmail.com
Subject: Re: FW: Closed Session Handbook.pdf
Date: Wednesday, September 16, 2020 9:28:55 AM
Attachments: [6 e AttachmentJBB9321ClosedSessionPurposesAndAgendas_0.pdf](#)

Hello Kamie;

Thank you for your email, I am forwarding the standard agenda listing templates provided in Government Code 54954.5

which will insulate the District from being sued for giving inadequate notice regarding closed session topics. You should be

aware that the Act also requires that most, if not all, actions taken by the board in closed session be disclosed afterwards,

either immediately at the same meeting in most cases, or upon request or later if there remains some formality. In addition

the Board must reveal the action taken, and the votes or abstentions of the members present.

Kindest regards;



Patrick Button

On Tue, Sep 15, 2020 at 3:03 PM Durham Irrigation District <info@didwater.org> wrote:

Hi Pat,

Thank you for the information, perhaps review of Government Code Sections 54954.5(c) would be helpful, which then cross-references Section 54956.9(c).

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54954.5.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54956.9&lawCode=GOV

Also, the recorded portion of the Open Session after the Closed Session is posted on the website.

<https://www.didwater.org/2020-09-08-board-meeting>

Please let me know if you have any other questions.

Sincerely,

Kamie

From: Patrick Button <patrickbuttonsr@gmail.com>
Sent: Friday, September 11, 2020 1:59 PM
To: Durham Irrigation District <info@didwater.org>
Subject: Fwd: Closed Session Handbook.pdf

Kindest regards;



Patrick Button

----- Forwarded message -----

From: Patrick Button <patrickbuttonsr@gmail.com>
Date: Fri, Sep 11, 2020 at 1:47 PM
Subject: Closed Session Handbook.pdf
To: Jeff Carter <jeff@jccarterlaw.com>

Hello Jeff Carter;

Thank for getting back to me, I am attaching the Closed Session Handbook for you and Kamie

to review the "safe harbor" agenda listings.

From: [Patrick Button](#)
To: [Durham Irrigation District](#)
Subject: Fwd: Proposition 218
Date: Monday, September 21, 2020 10:43:47 AM

Kindest regards;



Patrick Button

----- Forwarded message -----

From: Patrick Button <patrickbuttonsr@gmail.com>
Date: Mon, Sep 21, 2020 at 10:40 AM
Subject: Proposition 218
To: Jeff Carter <jeff@jjcarterlaw.com>

Hello Jeff;

I am enclosing the text of Proposition 218, as well as a Court ruling that states water fees are "property-related fees".

for your review. Perhaps we might be able to clear up any misunderstanding we might have regarding the law. I am looking forward to your response.

ARTICLE XIII D [ASSESSMENT AND PROPERTY-RELATED FEE REFORM] [SECTION 1 - SEC. 6]

(Article 13D added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SECTION 1.

Application. Notwithstanding any other provision of law, the provisions of this article shall **apply to all** assessments, **fees** and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIII C shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

(Sec. 1 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SEC. 2.

Definitions. As used in this article:

(a) "Agency" means any **local** government as defined in subdivision (b) of Section 1 of Article XIII C.

(b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."

(c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.

(d) "District" means an area determined by an agency to contain all parcels which will receive a **special benefit from a proposed public improvement or property-related service.**

(e) "Fee" or "charge" means any levy other than an **ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.**

(f) **"Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.**

(g) **"Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.**

(h) **"Property-related service" means a public service having a direct relationship to property ownership.**

(i) **"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."**

(Sec. 2 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SEC. 3.

Property Taxes, Assessments, Fees and Charges

Limited. (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

(Sec. 3 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SEC. 4.

Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. **Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel.** Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can

demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the

ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

(Sec. 4 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SEC. 5.

Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by

the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

(Sec. 5 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

SEC. 6.

Property Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed

for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse

collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

(Sec. 6 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

November 1, 2006 **Features** Michael G. Colantuono

Metered Utility Rates Are Subject to Proposition 218

Michael G. Colantuono is a shareholder in Colantuono & Levin, P.C., a municipal law firm with offices in Los Angeles and outside Grass Valley. He is city attorney of Auburn, Calabasas and Sierra Madre. He can be reached at Mcolantuono@cllaw.us.

In July the California Supreme Court decided *Bighorn-Desert View Water Agency v. Verjil*, ruling that metered rates for consumption of water are “property-related fees” subject to Proposition 218. The ruling also applies to sewer service charges and charges for refuse collection where the rate is set by a government agency, as opposed to a privately contracted waste hauler.

Prop. 218 created a category of fees known as “property-related fees.” Such fees may not be imposed or increased unless a local government conducts a majority-protest proceeding 45 days after mailing a notice to all fee payers. If no majority protest occurs (as is likely, given how difficult it is to get a majority of property owners to participate), then the agency must submit the measure to a mailed ballot, majority vote of property owners (voting one vote per parcel) or to an at-the-polls, two-thirds vote of registered

voters. This second requirement does not apply to fees for water, sanitary sewer and trash services. These provisions have provoked more controversy and litigation than Prop. 218's assessment and tax provisions.

Kindest regards;



Patrick Button

WILL SERVE LETTER POLICY
Adopted by the Board of Directors on XXXX

Durham Irrigation District (the "District") provides water services within the District's Service Boundary in Butte County, California. Periodically, the District receives requests for the District to provide to a regulatory agency a "Will Serve Letter." A Will Serve Letter provides notification to the regulatory agency and the applicant/developer that the District has sufficient water and facilities available to serve the property/properties and that the District will serve the real property/properties owned by the applicant subject to this policy and conditions contained in the Will Serve Letter. Will Serve Letters will be considered by the District upon receipt of a **complete application** and application fee. If issued, the Will Serve letter will describe the location, type of service and the specific conditions under which the District will provide service. Residential Developments of four (4) or fewer parcels may be approved by the District's General Manager. Subdivision and Commercial Developments must be approved by the Board of Directors. This Will Serve Policy adopted by the Board of Directors of the District sets forth the policies of the District with respect to the issuance of Will Serve Letters.

The District's General Manager will report on any Will Serve Letters issued by the District at the next regularly or specially scheduled Board of Directors meeting.

Additionally, the District's General Manager will provide a report annually on the status of all issued and unexpired Will Serve Letters during the planning process for the upcoming fiscal year.

Section 1 - Will Serve Letters

1. District Will Serve Letters are issued to regulatory agencies consistent with this policy and on behalf of an applicant/developer to provide an indication of the District's willingness and ability to provide domestic water service to real property/properties within the District's Service Boundary. A Will Serve Letter outlines the general conditions under which the District will provide such water service. It is the District's conditional commitment to provide domestic water service to new customers.
2. The District will not issue a Will Serve Letter for real property which is not within the District's Boundary at the time of the request for the Will Serve Letter. At the discretion of the District's Board of Directors, such real property may be annexed to the District, subject to the owner thereof applying to the District therefor, paying all fees and costs incurred by the District in connection therewith and obtaining the approval of the Butte County Local Agency Commission (LAFCo) for annexation.

Section 2 - Eligibility & Criteria

1. Applications for Will Serve Letters requesting water service outside of the District's then existing Service Boundary will only be processed upon approval of an annexation of the affected real property by the District's Board of Directors and contingent upon completion of the annexation of the real property into the District's Service Boundary through the Butte County Local Agency Formation Commission. The applicant shall be responsible for all fees and costs associated with its annexation to the District, including all fees and costs imposed and/or assessed by the Butte County Local Agency Formation Commission for such purposes.
2. To the extent any of the foregoing fees and costs of improvement and annexation benefit other properties presently outside the District's service area but subsequently annexed to it, the applicant may be entitled to reimbursement for a proportion of the above fees and costs determined to be a fraction, the numerator of which is the number of connections to the District's water service resulting from these subsequently annexed properties benefitting from the improvements and annexations fees incurred and paid by the applicant and the denominator of which is the total number of such connections from all such properties benefitting from the improvements and annexation fees incurred and paid by the applicant, including the applicants.

3. A Will Serve Letter issued by the District to an applicant shall terminate at the sooner to occur of **ten (10) years** after the date of the Will Serve Letter or (unless connection to the District water system has been made prior to the termination or expiration of any use permit, tentative map or parcel division approval) upon the termination or expiration of any building permit issued to the applicant for construction of improvements on the real property which is the subject of the Will Serve Letter.
4. Connection of water services as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient water sufficient treatment and delivery capacity to comply with all laws and regulations concerning the delivery of domestic water. All District commitments to deliver water shall, during shortage conditions, be subject to the provisions of the then current Water Shortage Contingency Plan and/or adopted Water Shortage Emergency Measures.

Section 3 - District Fees and Costs

1. Applicants for Will Serve Letters shall be responsible for payment or reimbursement to the District as provided in this policy of all District fees and costs in existence on the date that a request by the applicant for connection to the District's water system is made. Without limitation such fees and costs include professional fees and costs, including those of engineers, surveyors, and attorneys, incurred by the District in connection with such application. Connections to the District's water system will be made only to real property which has, at the time of the request for connection, a valid building permit.
2. The District establishes and periodically updates fees, charges and cost reimbursements which are applicable to connection of water service to real property being developed in the District. The current fees established by the District which are applicable to a Will Serve Letter for which an applicant will be responsible are as set forth on **Exhibit "A"** attached hereto.
3. District fees and costs are normally updated not more frequently than annually although additional fees and costs may be adopted by the District's Board of Directors at any time. An applicant for a Will Serve Letter shall be responsible at the time that such fees are to be collected to pay to or reimburse the District for all fees and costs in existence on the date of the request for connection.

Section 4 - Application for Will Serve Letter - Form

1. Any person or entity requesting a Will Serve Letter from the District shall fully complete and submit to the District an "Application for Will Serve Letter" in the form attached hereto as **Exhibit "B"**. The application will not be considered received by the District until such time as all information required thereon has been provided and the form has been duly executed as provided in the form.
2. An applicant will be required to pay at the time of the submission of the Application for the Will Serve Letter those District administrative fees then in effect for the submissions of an Application for Will Serve Letter together with any deposits required for engineering fees and attorneys' fees, all as provided on **Exhibit "A"** hereto.
3. Following receipt by the District of a complete Application for Will Serve Letter, together with any fees or costs required at the time of the filing of the application, the District will have up to **21 days to review the request**. During the review process the District may require the applicant to furnish the District with such other and further information as the District deems pertinent to review and process the application. If during the District's initial review of the application, the District determines that there are additional fees or costs which are required to evaluate and process the application, the District will provide an estimate of these additional fees and costs in writing to the applicant. The District requires collection of all fees and costs at the times provided

in **Exhibit "A"** hereto. Will Serve requests that must be approved by the District's Board of Directors will be presented to the Board for their consideration at their next regularly scheduled meeting following the completion of the review process.

4. The District will not provide water service to any property in the event of non-payment of any applicable fees or costs.

Section 5 – Development Agreement

1. Applicants who request a Will Serve Letter from the District to supply water to a proposed development which requires the construction of new or additional District water distribution system improvements in order to provide water service requested, will be required to enter into a Development Agreement between the applicant and the District.
2. The Development Agreement will set forth all terms and conditions of water service for the applicant by the District and will describe in detail the responsibilities of the applicant and the District with respect to the construction of and payment for any required District water distribution system improvements.
3. In the event that a Development Agreement is required for the applicant's proposed development, the applicant will be responsible to execute and deliver the Development Agreement prior to acceptance of project improvement plans by the District's General Manager and to pay or to reimburse the District for fees and expenses incurred by the District for its District engineer and attorney in the preparation of the Development Agreement.

Section 6 - Standard Conditions of Approval

1. The District shall approve, in advance and in writing, the plans and specifications for all water installations from its water main up to, and including, the water connection on each parcel. All plans must be submitted in accordance with the District's standards for water facilities. The District will sign off on its portion of the improvement plans when and only when the Butte County Public Works Department has informed the District that all the County plan requirements have been met and the County is prepared to sign and release such improvement plans.
2. The water installations shall be constructed at the applicant's sole cost and expense and completed in a good and workmanlike manner. They shall be subject to inspections and acceptance, in writing, by the District's engineer.
3. The applicant solely shall be responsible for all on-site and off-site improvements necessary for the provision of water service to the parcels.
4. The water installations shall be warranted to be free of any and all defects in materials and workmanship for a period of three (3) years from and after their acceptance by the District. An adequate maintenance bond or other security satisfactory to the District shall be issued to the District to secure this obligation. Should any repair of on- and off-site defects/deficiencies in the materials or workmanship in the water installations arise during such three-year period, the applicant immediately upon written notice of the defect by the District, shall make all repairs in a good and workmanlike manner at the applicant's cost and expense. All repairs will be subject to inspection and acceptance, in writing, by the District's engineer. Should the applicant not do so, the District may undertake, but shall not be obligated to perform, such repair, in which even the District shall make claim against the applicant's maintenance bond.

5. The applicant shall be responsible for payment or reimbursement to the District for all of its fees and costs incurred in connection with its providing connection of the property to its water service, including, without limitation, the fees and costs of the engineer employed by the District to, among other things, review the plans and specifications of the water installations, to monitor their installation and testing, and to inspect and accept them.
6. The applicant shall grant to the District in for acceptable to the District any all public utility easements on, over and across the applicant's property necessary to assure the District's use of, and access to, such water installations. Ownership of such water installations will be conveyed to the District upon their acceptance by the District.
7. Development on the property shall be subject to the following:
 - a. There shall be a 200-foot septic-free setback from any District well located within 200 or fewer feet from the property;
 - b. There shall be a 25-foot septic-free and storm drain trench-free setback from the District's water mains;
 - c. All existing wells on the property will be shown on a map. Wells shall be legally abandoned and decommissioned pursuant to applicable Butte County ordinances and/or state regulations, unless otherwise agreed in writing between the applicant and the District;
 - d. The applicant shall be responsible for extending the District's water main as well as any water main extension necessary to serve the parcel(s).
 - e. The applicant will comply with the requirements of the Butte County Fire Marshall for any new fire hydrants and advise the District as to the requirements therefor. By way of example only, if a fire hydrant is required, the developer will pay the fees and costs necessary to extend a six-inch water main thereto, as well as a public utilities easement to the District to maintain and repair such.
8. Connection fees for water shall be assessed at the then-current rate of the District at such time as they are requested. The applicant and successors, shall pay all water connection fees in advance and prior to connection to the District's water system.

Will Serve Policy adopted by the Durham Irrigation District on _____ and
last amended on _____.

The undersigned, an applicant for a Will Serve Letter from the Durham Irrigation District acknowledges
receipt of the Will Serve Policy this ____ day of

____, 20____.

Authorized Signature

Date

Name (print)

DRAFT

EXHIBIT "A"

WILL SERVE LETTER FEE SCHEDULE

XXXX, 2020

Administrative Fees

Administrative Fees are to be paid at the time an application for a will serve letter or application for connection to the District is received, whichever first occurs.

- (a) District Administrative Overhead Filing, Research and Preliminary Review: \$850.00, or as then set forth in the District Policies and Procedures Manual "Appendix A – Schedule of Rates and Charges," whichever is more current, plus any professional fees incurred by the District in connection therewith at the District's cost therefor.
- (b) Projects requiring an "Agreement for Water System Improvements" shall first execute a Reimbursement Agreement setting forth the terms and conditions to reimburse the District for all project related expenses including staff, engineering and legal expenses associated with the project and preparation of the Off Site Improvements/Development Agreement.

Engineering and Attorney Fees

For subdivisions that will create more than 4 parcels and commercial/industrial projects that will require review by the District's Engineer and/or Attorney a deposit of \$5000.00 (or as superseded in the District Policies and Procedures Manual "Appendix A – Schedule of Rates and Charges") each for engineering and attorney fees is to be collected at the time the District receives an application. After the District's receipt of a complete application, applicants will be provided with an estimate of all District Engineering and Attorney fees to be incurred. Estimated Engineering and Attorney fees in excess of the initial deposit are to be paid upon receipt of the estimate. Engineering and Attorney fees in excess of the deposits will be billed to the applicant by the District upon receipt of the bills thereafter, and are payable immediately. Deposits in excess of final billing will be refunded to the applicant.

Connection Fees

Connection fees are to be paid at the time the real property is connected to the District water system. Connection fees include the following fees and costs pursuant to District's Policy as amended: Capital Improvement Fees, Water Meter Set Fees and Service Line Installation Fees.

EXHIBIT "B"
APPLICATION FOR WILL SERVE LETTER

Date: _____

APPLICANT INFORMATION

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

E-Mail: _____

PROPERTY INFORMATION

Location of Property(s): _____

Legal Description: _____

Assessor's Parcel Number (APN) of lot(s) to be served: _____

Service address of parcel(s) served: _____

Butte County Development Services Department Project Number: _____

Type of Use:

- | | | | | |
|--|-----|--------------------------|----|--------------------------|
| a) Single Family Residence | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| b) Multi Family Residence | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| c) Residential Development
(Including Residential Subdivisions) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| d) Commercial/Industrial | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Number of Units: _____ Type: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED

1. "Request for Will Serve Letter" Form.
2. Multi-Family, Residential and Commercial/Industrial Developments must supply plans.
3. Check payable to the Durham Irrigation District for all fees associated with the Request for Will Serve Letter Form.
4. **Please Note:** Payment for Will Serve Letter fees and the Request Form will not be accepted until all required items have been submitted.

WILL SERVE LETTER ADDRESSEE INFORMATION

This Will Serve Letter needs to be sent to:

Name:

Address:

City:

State:

Zip:

Phone #:

Fax #:

E-Mail:

Property Owner(s) Name, Address and Phone Number:

Name:

Address:

Phone #;

I (We) the undersigned applicant(s) do hereby request a Will Serve Letter from Durham Irrigation District for the real property(s) described in this application. The undersigned certifies under penalty of perjury that I (we) have the authority to make this request and have provided correct information. I (we) understand and agree that I (we) will be responsible for and will pay all fees and costs associated with the Will Serve Letter as provided for in the Will Serve Policy of the Durham Irrigation District

Dated this _____ day of _____ 20_____

Exhibit "C" – Standard Will Serve Letter

{Date}

Re: {Project Name and (Parcel Map, APN, or Proponent)}

This is to inform you that the above referenced real property lies within the Durham Irrigation District's current boundaries.

Water service by the District to this project will be provided contingent upon compliance with all rules, regulations, policies, resolutions, fees, and specifications that are in effect at the time connection to the District's water system is requested and any payment by the applicant of all fees and costs incurred by the District in connection therewith.

The District requires receipt of and an opportunity to comment on:

1. Tentative maps for the real property or use permit applications as the case may be;
2. Review and acceptance of improvement plans for construction of needed water system improvements;
3. Review and acceptance of completed water system improvements whether on site or off site and which are associated with this property; and, if applicable,
4. Completion of the conditions as set forth in an "Agreement for Water System Improvements" for the proposed project. (Note: This project will require an Agreement for Water System Improvements between the applicant and the District with terms and conditions as provided by the District.

Connection of water service as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient water and shall further be contingent upon the District having sufficient treatment and delivery capacity to comply with all laws and regulations concerning the delivery of domestic water. All District commitments to deliver water shall, during water supply shortage conditions, be subject to the provisions of the then current District Water Shortage Contingency Plan and/or Adopted Water Shortage Emergency Measures.

This Will Serve Letter shall terminate at the sooner to occur of either ten (10) years after the date of the Will Serve Letter or upon the termination or expiration of any building permit issued to the applicant for construction of improvements on the real property which is the subject of the Will Serve Letter (unless connection to the District water system has been made prior to the termination or expiration of any use permit, tentative map or parcel division approval).

Should you require additional information, please contact the District office.

Sincerely,

General Manager or District

cc: File
Engineer
Attorney

DRAFT

From: [Durham Irrigation District](#)
To: watersmart.agreements@usbr.gov
Cc: jberens@usbr.gov; jhendricks@usbr.gov
Subject: Agreement No. R18AP00245
Date: Tuesday, October 13, 2020 1:40:00 PM

Agreement No. R18AP00245
 Recipient: Durham Irrigation District
 Project: Water System Infrastructure Efficiency Project, Phase 1

Durham Irrigation District respectfully requests a no-cost, one-year time extension for the Water System Infrastructure Efficiency Project, Phase 1 that was expected to be completed October 2020.

The District has undergone a series of management, operations, and staff changes during the last year, which have led to inconsistency in project management and operations. In January the District shifted from a professional services agreement for management and hired a general manager. Subsequently in February and again in March, the District changed water operators; retaining a new operator beginning in April 2020. The District currently has two part-time staff positions, the general manager and water operator. In addition to these changes, COVID-19 has impacted the District’s ability to complete certain grant tasks by restricting our ability to coordinate with potential vendors, limited Board engagement due to virtual meetings, and the general manager having to intermittently work remotely.

The District is currently conducting the following activities:

- Preparing environmental information for submittal to the Bureau of Reclamation for processing.
- Reviewing potential vendors for automated control equipment and monitoring software. Once a vendor/product is chosen the District will update the anticipated budget and capital expenditures.
- Identifying the residential customers to receive the automatic meter read (AMR) connections.

Our proposed revised timeline is as follows:

Project Scope Description	Time of Completion
Submit Cultural Information for Reclamation processing to SHPO	October 2020
Submit additional environmental documentation for Reclamation review	November 2020
Finalization of Environmental Review (Bureau)	February 2021
Purchase of SCADA equipment	March 2021
RFP for installation of automatic meter reading (AMR)	March 2021

Installation of wellhead meters	May 2021
Installation of AMR connections	May – July 2021
Data Analysis upon project completion	September 2021

Given that we are now implementing District processes and procedures that will assist us in completing the grant tasks, we feel confident in our ability to meet the proposed timeline.

Please let me know if you require any additional information and/or documentation.

Sincerely,

Kamie Loeser

General Manager

Durham Irrigation District

(530) 343-1594

P.O. Box 98

9418-C Midway

Durham, CA 95938

www.didwater.org

Office Hours: Tues/Thurs 1-5PM

From: amberp@sdlf.org
To: [Durham Irrigation District](#)
Subject: 2020 John Yeakley Scholarship Application Status
Date: Thursday, September 17, 2020 3:10:35 PM

Hello Kamie,

I am happy to inform you that your SDLF scholarship application to attend the Board Secretary Clerk Conference has been approved. If you have not already registered, please do so [here](#). Once you have attended the event a reimbursement check will be sent to your district.

Also, I noted that you have several upcoming training listed on your 5-year plan. We currently have 2020 funds available through the [Education Allowance Fund](#). If you need additional funds to cover the cost of some of these trainings, please apply.

Thank you and stay safe.

Amber Phelen

Program Assistant

Special District Leadership Foundation
www.SDLF.org
916-442-7887

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, September 17, 2020 1:38 PM
To: amberp@sdlf.org
Subject: 2020 John Yeakley Scholarship Application [#2]

	Kamie Loeser
Title	General Manager
District:	Durham Irrigation District
Address	<input type="checkbox"/> 9418-C Midway P.O. Box 98 Durham, CA 95938 United States
Email	info@didwater.org
If you are not the District General Manager, is the District General Manager is aware of your scholarship application?	Yes

Is your district budget under \$8 million? Yes

District budget: 300000

Please describe your 5-year plan for attaining the Certified Special District Manager (CSDM) designation.

I have been working in the General Manager capacity for 1 year, 2 months. This is very small district in which the GM performs multiple roles. My plan for attaining the CSDM designation is to actively pursue and participate in continuing education through the courses offered by the CSDA over the course of the next two years and taking the exam in the Fall of 2022, having obtained the required experience of 3 years in a management position for a CSD. The courses I plan on taking in the near term include:

Conference:

- Board Secretary/Clerk Conference (10/26-10/28)

Workshops:

- Rate Setting under 218 & 26 (9/29, 9/30)
- SDLA Mod 3: Board's Role in Finance (10/20)

Webinars:

- ABC's of SDLF (10/14)
- Water Service Rates (10/15)
- Board's Role in HR (11/4-11/5)
- Ethics Compliance (11/18)

Study Group:

- Apply for the CSDM Study Group

As well as attend next year's conferences.

What event are you requesting? Board Secretary/Clerk Conference