

**AGENDA
BOARD OF DIRECTORS
REGULAR MEETING
CLAYTON WATER DISTRICT**

**Wednesday, March 2, 2022
11:00 a.m.**

In accordance with Assembly Bill 361 (2021) and consistent with California Government Code section 54953(e) , which allows local and state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, this meeting
and can be accessed as follows:

559-515-4290
Phone Conference ID: 494 019 898#

The public may participate in the meeting as otherwise permitted under the Brown Act by calling into this telephone number.

1. CALL TO ORDER.

2. PUBLIC COMMENT.

The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. However, California Law prohibits the Board from taking action on any matter that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code section 54954.2. The public will be given the opportunity to address the Board on any item not on the Agenda at this time or before the Board's consideration of that item. If members of the public desire to address the Board relative to a particular agenda item at the time it is to be considered, they should so notify the President of the Board at this time. The President may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

3. AB 361 RESOLUTION.

Review and consider action to adopt a resolution related to the Brown Act and Public Meetings in compliance with AB 361 from March 2, 2022 – April 1, 2022.

4. MINUTES.

(a) Review and take action to approve the minutes of the regular board meeting held on February 2, 2022.

- 5. TREASURER’S REPORT. Review and take action to accept the monthly financial report for January 2021.
- 6. NEW BUSINESS. The Board may take action on any of the following items:
 - (a) Review and discuss groundwater monitoring options and reporting to Groundwater Sustainability Agencies.
 - (b) Review and Discuss Merced County GSA request for monitoring well locations.
 - (c) Review and take action to comment on Madera County GSA assessments.
- 7. BOARD MEMBER AND STAFF REPORTS. The Board may take action on any of the following items:
 - (a) Merced County GSA
 - i. Coordination Committee Dir. Baker
 - ii. Merced Subbasin GSA Berry
 - iii. Technical Advisory Committee Berry
 - (b) Madera County GSA Berry
 - (c) Other items
 - i. Subsidence maps updated
 - ii. USBR water level measurements March 14-25, 2022
- 8. AGENDA FOR NEXT BOARD MEETING. Review and take action to include items on the agenda of the next Board meeting on Wednesday, April 6, 2022.
- 9. ADJOURNMENT.

- ❖ Items on the Agenda may be taken in any order.
- ❖ Action may be taken on any item listed on the Agenda.
- ❖ Writings relating to open session: Agenda items that are distributed to members of the Board of Directors will be available for inspection at the District office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

Americans with Disabilities Act of 1990: Under this act, a qualifying person may request that the District provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for assistance shall be made in person, via telephone, or in written form to the Clayton Water District at P.O. Box 35, El Nido, CA 95317 or at (559) 375-1441, attention Julia Berry. Requests must be received at least 48 hours prior to a scheduled public meeting.

RESOLUTION NO. 03-02-22

CLAYTON WATER DISTRICT

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CLAYTON WATER DISTRICT ACKNOWLEDGING A LOCAL EMERGENCY PERSISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY N-12-21 ISSUED ON AUGUST 16, 2021, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE CLAYTON WATER DISTRICT FOR THE PERIOD MARCH 2, 2022 TO APRIL 1, 2022 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Clayton Water District (the “District”) of Merced and Madera Counties does resolve as follows:

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of its Board of Directors (the “Board”); and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950-54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, specifically Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a resolution on February 2, 2022, finding that the requisite conditions exist for all legislative bodies of the District to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3); and

WHEREAS, as a condition for extending the use of the provisions found in Government Code section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists in Merced and Madera Counties every 30 days; and

WHEREAS, emergency conditions persist within the District's boundaries, specifically, Governor Newsom has signed Executive Order N-12-21 declaring a state of emergency in the State of California, which has been extended to March 31, 2022 through the Governor's Executive Order N-21-21; and

WHEREAS, meeting in person would present imminent risk to the health and safety of all attendees due to the continued prevalence of the COVID-19 virus; and

WHEREAS, the Board does hereby find that the state of emergency declared by the Governor of California and persistence of the COVID-19 pandemic has caused, and will continue to cause condition of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2); and

WHEREAS, the District shall ensure that the public has the opportunity to participate live in all electronic meetings of the Board and all its legislative bodies during all public comment periods.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, that the Board of Directors of the Clayton Water District does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board hereby proclaims that a local emergency continues to exist throughout Merced and Madera

Counties due to the COVID-19 pandemic, and full in-person meetings could cause an imminent risk to the Directors, staff and public.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency.
The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of August 16, 2021.

Section 4. Remote Teleconference Meetings. The District staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately, shall be effective until the earlier of (i) April 1, 2022, or (ii) such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED, APPROVED, AND ADOPTED this 2nd day of March, 2022 by a motion from Director _____, and a second by Director _____, with the following vote to wit:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

LARKIN HARMAN, President
Clayton Water District

Attest:

CONNLEY CLAYTON, Secretary

**CERTIFICATE OF SECRETARY
OF
CLAYTON WATER DISTRICT**

I, CONNLEY CLAYTON, do hereby certify that I am the duly authorized and appointed Secretary of the Clayton Water District, a California water district (the “District”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the District on the 2nd day of March, 2022; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 2nd day of March, 2022.

CONNLEY CLAYTON, Secretary
Clayton Water District

Minutes of the Meeting of the Board of Directors
Clayton Water District
held on
February 2, 2022

1. Call to Order:

The board meeting for Clayton Water District was called to order at 11:01 a.m. via conference call by President Larkin Harman. Board members present were Larkin Harman, Lisa Baker, Connley Clayton, Eddie Gomes, and Scott Menefee. Members of the public included: Gabriel Delgado, Julia Berry, Lauren Layne, Kristi Robinson, and George Park.

2. Election of Officers

Director Menefee made a motion, seconded by Director Gomes to keep the same slate of officers for the 2002 calendar year. Elections for Board positions will occur at the end of 2022.

- i. President: Larkin Harman
- ii. Vice President: Lisa Baker
- iii. Treasurer/Secretary: Connley Clayton

3. Public Comment:

There was no public comment.

4. AB361:

Director Clayton made a motion to adopt AB361 resolution for February 2, 2022 – March 3, 2022, seconded by Director Baker. The motion carried.

5. Minutes:

Director Harman made a motion, seconded by Director Baker to approve the minutes of January 5, 2022, and January 11, 2022 Board of Directors meeting. The motion carried.

6. Treasurer's Report:

a) Director Clayton reported the following January expenses paid: Legal: \$496.92, and one deposit from the Merced County Assessments \$59,301.22. The ending balance January 31, 2022 was \$225,759.19.

Director Menefee made a motion to accept the Treasurer's report, seconded by Director Harman and the motion carried.

7. New Business:

a) Director Harman made a motion, seconded by Director Baker to approve the District to apply for funding through the Merced County Integrated Regional Water Management Round Two grant program. The project will consist of purchasing pumps, adding a fish screen, and pipe (if able to change the elements of the project at this point) to divert water from the Eastside Bypass. The motion carried.

8. Board Member and Staff Reports:

a) Staff Report

(a) Merced County GSA

i. Coordination Committee

Director Baker attended the Merced County Coordination Committee. The Committee discussed that landowner Vanderduessen applied for grant funding to relocate facilities to divert more water for recharge. There is a total of \$7.6 million in grant funding available.

ii. Technical Advisory Committee

Berry reported that comments have been received on the Merced Subbasin GSA GSP. Staff will endeavor to address the concerns raised by Dept of Water Resources over the next few months. A presentation on land repurposing was given at the request of the MSGSA board of directors. The same presentation was given at the Chowchilla Subbasin Advisory Committee meeting. A stakeholder survey was created (18 questions) for owners of active farming properties to reply. The survey addressed funding incentives, potential participation and components of land repurposing.

iii. Chowchilla Subbasin Advisory Committee

Berry reported that Davids Engineering presented a host of options for addressing the comments made by Dept of Water Resourced on the Chowchilla Subbasin GSP. The Advisory Committee voted to contract with Davids Engineering to address the concerns raised by DWR, and to postpone additional modeling until the 5- year review of the GSP comes to pass.

(b) Madera County GSA – no report

(c) Other Items

i. Form 700s – FPPC filing

Board members were reminded of the FPPC requirements and asked to file directed with the state agency instead of with the County, as was historically the process.

ii. District Insurance Renewal

Berry reported that the Districts insurance policy has been renewed with no change in premium.

9. Agenda for Next Board Meeting:

The next meeting is scheduled for Wednesday, March 2, 2022, at 11:00 a.m.

10. Adjournment:

The meeting was adjourned by consensus at 12:00 p.m.

Connley Clayton, District Secretary

DRAFT