

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

**Wednesday, June 1, 2022  
11:00 a.m.**

The meeting will be held at  
BAKER RANCH  
2002 STATE HIGHWAY 152  
DOS PALOS, CA 93620

The public may participate in the meeting as otherwise permitted under the Brown Act at the above location or by calling into this telephone number:

559-515-4290  
Phone Conference ID: 716598559#

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. MINUTES.
  - (a) Review and take action to approve the minutes of the regular board meetings held on March 2, 2022, and April 6, 2022.
4. TREASURER'S REPORT. Review and take action to accept the monthly financial report for April 2022.
5. NEW BUSINESS. The board may take action on any of the following items:
  - (a) Review and consider acceptance of Julia Stornetta resignation as General Manager and termination of contractual agreement effective May 31, 2022.
  - (b) Review and consider adoption of a Fiscal Year 2022 -2023 Budget.

- (c) Review and consider taking action to authorize temporary management services.
- (d) Election Timeline Memo from Baker Manock & Jensen.

6. BOARD MEMBER AND STAFF REPORTS. The Board may take action on any of the following items:

- (a) Merced County GSA
  - i. Coordination Committee
  - ii. Merced Subbasin GSA: May 12, 2022
  - iii. Technical Advisory Committee: May 24, 2022
  - iv. Funding Opportunities Webinar: May 25, 2022
  - v. AgMonitor Program Update
- (b) Madera County GSA
- (c) Other items as needed

7. AGENDA FOR NEXT BOARD MEETING. Review and take action to include items on the agenda for the next regular board meeting on Wednesday, July 6, 2022.

8. 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 Stornetta. Requests must be received at least 48 hours prior to a scheduled public meeting.

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

1. Call to Order:

The board meeting for Clayton Water District was called to order at 11:05 a.m. via conference call by President Larkin Harman. Board members present were Larkin Harman, Lisa Baker, Eddie Gomes, and Scott Menefee. Board members absent: Connley Clayton. Members of the public included: Gabriel Delgado of Baker Manock and Jensen, Julia Berry, and Angela Perez.

2. Public Comment:

There was no public comment.

3. AB361 Resolution:

Director Harman made a motion to adopt AB361 resolution for March 2, 2022 – April 1, 2022, seconded by Director Baker. The motion carried.

4. Minutes:

Director Menefee made a motion, seconded by Director Baker to approve the minutes of the February 2, 2022, Board of Directors meeting. The motion carried.

5. Treasurer's Report:

The report for February will be tabled for the next Board of Directors meeting.

6. New Business:

(a) Researching groundwater monitoring options will be placed under the general direction of GM Stornetta. The Board discussed the possibility of implementing a system such as AgMonitor (PowWow) to use PGE invoices to accurately determine pumping records based on use of electricity for precise water use measurements. The board also discussed the cost estimate between \$250 – \$300 per year to recalibrate meters and directed GM Stornetta to research the number of PG&E smart meters within the district.

(b) The Board tabled the request from Merced County GSA to access the District's wells to monitor groundwater levels. The board would like to know more detail about the purpose and locations where Merced GSA desires to monitor groundwater levels.

7. Staff Report:

(a) Stornetta reported that the Merced County GSA is in the process of conducting a rate study and a Proposition 218 election to establish rates. The Merced County GSA took action to adopt a resolution encouraging surface water right holders to pursue surface water sales within the Merced Subbasin, as opposed to selling outside of the Basin. A

land repurposing survey was conducted, and the results were reviewed at the Merced GSA meeting on February 10, 2022. Lastly, the GSA is applying for SGMA Implementation funds to implement the GSP.

GM Stornetta notified the board of adjustments to the pipelines which will be built to divert water off of the Eastside Bypass, funded by Proposition 68 grant monies. GM Stornetta also mentioned that the grant application submittal which will apply for pumps and fish screens on the Bypass in Merced County will most likely be due in September. The board instructed GM Stornetta to contact Sarah Woolf for more information about the type of fish screens.

- (b) The Madera County GSA is in the process of conducting a Proposition 218 election to pay for project development and infrastructure. They are currently in the public outreach phase of the election.
- (c) Subsidence maps have been updated and may be found on California Groundwater Live, online <https://sgma.water.ca.gov/CalGWLIVE/> .
- (d) Provost and Pritchard will monitor groundwater levels March 22-23, 2022.

8. Agenda for Next Board Meeting:

The next meeting is scheduled for Wednesday, April 6, 2022, at 11:00 a.m.

9. Adjournment:

The meeting was adjourned by consensus at 12:15 pm.

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Connley Clayton, District Secretary

Minutes of the Meeting of the Board of Directors  
Clayton Water District  
held on  
April 6, 2022

1. Call to Order:

The board meeting for Clayton Water District was called to order at 11:04 a.m. at Baker Ranch by President Larkin Harman. Board members present were Larkin Harman, Lisa Baker, Eddie Gomes, and Scott Menefee. Board members absent: Connley Clayton. Members of the public included: Lauren Layne of Baker Manock and Jensen, Julia Stornetta, Kristi Robinson, and Angela Perez.

2. Public Comment:

There was no public comment.

3. Minutes:

The minutes for the March 2, 2022 regular meeting were tabled for the next Board of Directors meeting.

4. Treasurer's Report:

The following expenses were paid for the months of February 2022 and March 2022: Legal \$1,796.02; Engineering \$661.17; Insurance \$1,651; Consulting \$5,096.26. Bank balance as of March 31, 2022 was \$247,501.49.

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

5. Old Business:

- (a) Review and Discuss Merced County GSA request for monitoring well locations. Clayton Water District staff reported that they have suggested to Merced County that the U.S. Bureau of Reclamation may provide the Merced County GSA with historical well monitoring data in lieu of Clayton Water District landowners opting to allow access to their wells. No action was taken, only a discussion.

6. New Business

- (a) Harman commented that the fish screens and the secondary pump to clean the fish screen were approved for the permit. GM Stornetta also mentioned a temporary water right for landowners from the Madera diversion. The Madera diversion leads through Menefee's property allowing access to file a temporary water right. No action was taken.

- (b) GM Stornetta reported on the Governor's March 28, 2022 Executive Order related to new and replacement agricultural well permitting. Once a well application is submitted to the well permitting agency, typically counties, the application will be forwarded to the jurisdictional GSA which will review and comment on the

application. GSAs will comment on whether the well in question will have a negative effect on the management of groundwater or may exacerbate the undesirable results identified in the Groundwater Sustainability Plan. No action was taken.

7. Board Member and Staff Reports:

(a) Merced County GSA

- i. GM Stornetta reported on the status of Merced County GSA approving a new contract. The contract consists of land repurposing, a new resolution, and well consistency/termination policies.
- ii. The Merced GSA entered into contract with Woodard and Curran to update the GSP in response to comments received by Dept of Water Resources. The GSA is implementing a land repurposing program and has created a committee to review the program and make recommendations to the GSA board of board of directors. The GSA board took action to adopt a resolution to authorize the submission of an application to the California Dept of Conservation's Multi-Benefit Land Repurposing Grant Program. A Well-Consistency Determination Policy was reviewed and discussed, but no action was taken on the item by the Merced GSA board of directors. The Item was deferred until the April 14, 2022 meeting. The Merced GSA board of directors has established an ad hoc committee to make recommendation on a Proposition 218 election, and these recommendations will ultimately be shared with the board for inclusion in the Fee Study Report.
- iii. Technical Advisory Committee – No report was given.

- (a) The Madera County GSA Proposition 218 election continues to progress. The concept of fixed rates was approved by the board of directors with the per acre fee for the Chowchilla Subbasin set at \$190 per acre in 2023, increasing to \$194 per acre in 2024, \$202/2025, \$210/2026, \$218/2027.

The Board discussed the possibility of implementing a program to track water use provided by the AgMonitor (PowWow) system. GM Stornetta was directed to follow up by collecting data on the total number of PGE meters in the district. AgMonitor offers a discount of 50% if the district utilizes 100+ smart meters.

8. Agenda for Next Board Meeting:

The next meeting is scheduled for Wednesday, May 4, 2022, at 11:00 a.m.

9. Adjournment:

The meeting was adjourned by consensus at 11:58 am.

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Connley Clayton, District Secretary

DRAFT

**Julia Berry**  
**Julia Berry Consulting, Inc.**  
**1616 W. Shaw, B-6**  
**Fresno, CA 93711**  
**559-970-8778**

May 23, 2022

Board of Directors  
Clayton Water District  
P.O. Box 53  
El Nido, CA 95317

Dear Board of Directors:

This correspondence is intended to inform the board of directors of the Clayton Water District that effective May 31, 2022, Julia Berry Consulting Inc. will terminate the consulting services agreement with the Clayton Water District. Per *Section 5 Term and Termination*, "This Agreement may be terminated at any time and by either Party, with or without cause, on not less than five (5) days prior written notice to the other Party."

Any documentation as a result of work performed over the course of the consulting services agreement will be provided to the district in either electronic and/or hard copies, determined by the format in which it is currently available.

Julia will perform the following services prior to the termination of the contract, unless otherwise directed:

1. Attend May 24, 2022 Merced Subbasin GSA Technical Advisory Committee (notes will be provided)
2. Attend May 25, 2022 Funding Opportunities Webinar (notes will be provided)
3. Complete and distribute board packet for the June 1, 2022 board of directors meeting

Thank you for the opportunity and best wishes for a successful future.

Sincerely,



Julia Stornetta  
President  
Julia Berry Consulting, Inc.

cc: Lauren Layne, District Counsel



**MEMORANDUM**

**TO:** Clayton Water District  
c/o Julia Stornetta, General Manager

**FROM:** Lauren D. Layne  
Gabriel A. Delgado  
BAKER MANOCK & JENSEN, PC

**DATE:** May 11, 2022

**RE:** District Election Procedures & Timeline

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The Clayton Water District (the “District”) has its election cycle in even-numbered years, concurrent with the general statewide election. Accordingly, 2022 is an election year for the District and two (2) director seats will be up for election—Eddie Gomes and Scott Menefee. Please note the following dates:

Date of statewide election – November 8, 2022  
125 days prior to election – July 6, 2022  
113 days prior to election – July 18, 2022 (applications made available)  
88 days prior to election – August 12, 2022  
83 days prior to election – August 17, 2022  
35 days prior to election – October 4, 2022

A director of a California Water District may be elected or appointed pursuant to the Uniform District Election Law codified at Elections Code Section 10500, et seq. The following consists of the appropriate timeline and procedures to follow for electing new directors to a landowner voting water district, such as the District’s Board of Directors. As a reminder, eligible Directors must be landowners, or a representative of a landowner.

1. **Notice of Election.** One hundred twenty-five (125) days prior to the day fixed for the general District election (by July 6, 2022), the Secretary shall deliver notice to the County elections official that the District will be conducting an election. In addition to the Secretary’s signature and the District seal (if there is one), the notice shall also contain: (a) the

elective office of the District to be filled at the next general District election, and (b) whether the District or the candidate is to pay for the publication of a statement of qualifications. (Elec. Code § 10509.) The Secretary shall also deliver to the County elections official 125 days prior to the District election, a map or description of the boundaries of the District or divisions for which elections are to be held. (Elec. Code § 10524.)

2. **Declarations of Candidacy.** Forms for declaration of candidacy shall first be available on the 113th day prior to the general District election (by July 18, 2022) and shall be filed not later than 5:00 p.m. on the 88th day prior to the general district election (by August 12, 2022). (Elec. Code § 10510(a).) The District should already have a declaration of candidacy form, but if you need a format for a new one, please let us know.

3. **Only One Candidate per Elective Office.** If by 5:00 p.m. on the 83rd day prior to the day fixed for the general District election (by August 17, 2022), only one person has filed a declaration of candidacy for any elective office to be filled, or no one has filed a declaration of candidacy, the District shall submit a certificate of these facts to the Clerk to the Board of Supervisors and request that the Board of Supervisors appoint to the office(s) the person(s), if any, who have filed declarations of candidacy. (Elec. Code § 10515.) A blank certificate can usually be obtained from the Clerk to the Board of Supervisors.

4. **No Candidates.** If no person has filed a declaration of candidacy for any office, the Board of Supervisors shall appoint any person to the office who is qualified on the date when the election would have been held. (Elec. Code § 10515(b).) If there is not more than one person to fill each position, then the election is cancelled at this point pursuant to Elections Code Section 10515.

5. **Cancelled Election.** If the election is cancelled, then the Secretary needs to forward the names of the candidates for director to the Clerk to the Board of Supervisors. The Clerk to the Board of Supervisors will schedule onto the Board of Supervisors' calendar a time when the Board of Supervisors will confirm the new directors of the District.

6. **Elections.** If the election is not cancelled because there are two or more candidates for office pursuant to Elections Code Section 10515, then the County elections official shall prepare ballots and conduct the election (Elec. Code §§ 10517, 10526). At least thirty-five (35) days prior to the date fixed for the landowner District election, the Secretary shall deliver to the County elections official a list of voters qualified under the principal act of that District to vote in that County at the next landowner District election. (Elec. Code § 10525(a).) The list delivered shall contain the name of each voter, the residence of each voter, and the manner in which the votes are to be distributed. (Elec. Code § 10525(b).) The election may be conducted by a mailed ballot. (Elec. Code § 10530.) The Secretary shall also sign her name and affix the seal of the District at the bottom of the last page of the list. (Elec. Code § 10525(c).) One copy of this list shall be conspicuously posted in the office of the District in a place to which the public generally has access. (*Ibid.*) The governing board may, by resolution, determine that

the duties of the Secretary may best be performed by the County elections official, in which case the County elections official shall thereafter assume these duties. (Elec. Code § 10525(d).)

7. The remaining steps involve preparing the ballots to be mailed and mailing them in a timely fashion prior to the District election.

8. No later than the Monday before the first Friday in December, the County elections official shall declare the elected candidate(s). (Elec. Code §10551(a).).