

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE SPECIAL MEETING
HELD NOVEMBER 18, 2009**

Fresno Irrigation District's Board of Directors met in special session in the District office located at 2907 South Maple Avenue – Fresno, California, on November 18, 2009. Meeting was called to order at 5:01 pm by Board President Jeff Boswell.

DIRECTORS PRESENT

President Jeff Boswell
Vice President Jeff Neely
Steven Balls
Ryan Jacobsen
George Porter

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager Gary Serrato
Assistant General Manager Laurence Kimura
Chief Engineer Bill Stretch
Watermaster Jim Irwin
HR Director Regina Davis
Controller DeAnn Haley
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

None

REVIEW AGENDA

Staff requested that item 4 f. be pulled from the Consent Calendar so it can be discussed in more detail.

REVIEW OF FUTURE MEETINGS

Mr. Serrato and Mr. Kimura will be attending ACWA during December 2-4, 2009, in San Diego.

POTENTIAL CONFLICTS OF INTEREST

(Any Board Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.) [FPPC §87105]

None stated

PUBLIC PRESENTATION

None

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CONSENT CALENDAR

- a. **Approval of Regular Board Meeting Minutes – October 28, 2009**
- b. **October 2009 Check Register**
- c. **October 2009 Payroll Registers**
- d. **October 2009 Unpaid Assessment Report**
- e. **October 2009 Unpaid ISIP Assessment Report**
- g. **October 2009 COP Investment Account**

M/S/C/(Balls/Porter) That Board of Directors approved the Consent Calendar with corrections on the voting in the October 28 Minutes on items 6 d. and 9 c., d., e., f. by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

f. October 2009 Investment Account

FID Controller, DeAnn Hailey informed the Board's that United Commercial Bank (which the District was invested in) failed on November 6 and the Federal Deposit Insurance Corporation took control of the assets on November 9. The District received all monies invested in UCB on November 12.

M/S/C/(Porter/Jacobsen) That Board of Directors approved item 4 f. by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

380: WATER REPORT

a. Current Water Conditions

The current and projected water supply information was given by Watermaster Jim Irwin. As of November 17, Pine Flat release was 241 cfs and storage was 280,334 acre-feet. Precipitation at Pine Flat is currently at 3.45 inches to date which is approximately 170% of normal – average to date is 2.03 inches.

b. Water Sale

i. Class II Water to Arvin Edison

The Board of Directors agreed to sell 3,750 acre-feet of Class II water to Arvin-Edison Water Storage District for \$50 per acre.

ii. Kings River Water to Corcoran Ditch Company

The Board of Directors agreed to sell 5,000 acre-feet of Kings River water to the Corcoran Ditch Company for \$95 per acre.

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Funds from the sales of water will be deposited into the Water Purchase Fund.

M/S/C/(Balls/Porter) That Board of Directors approved the water sales to Corcoran Ditch Company and Arvin Edison Water Storage District by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

CHIEF ENGINEER'S REPORT

Chief Engineer Bill Stretch reported on the following items:

a. Developer and Agency Project Schedule for 2009/10 Update

Developer Projects – There are no projects currently in progress. Mr. Stretch gave a quick update on the status of the Buddhist Church project with the Fresno Metropolitan Flood Control District.

Agency Projects – There are two projects taking place with one on the Enterprise-Holland Colony Canal where the City of Fresno is widening Fresno and Sierra Avenues and the other on the Gunn/Brown connection located N/W of the Gould Canal and Temperance Avenue as part of the City of Fresno Temporary Surface Water Treatment Plant.

b. Three-Year Maintenance and Facility Upgrade Project for 2009/10

Mr. Stretch gave the following update:

- Pipelines – the Silvia Canal; W. Br. of the East Branch; and Bullard Canal projects are scheduled for early January.
- Regulating Structures – 11 long crested weirs are in various stages of construction; 4 ITRC Flap Gates, 4 Langemann Gates have been ordered and additional sites are being considered;
- Basins – plans for improvements at the Pursell Pond are taking place;
- Trashrakes – new culvert pipe is being installed by Emmetts Excavation at the head of the Houghton West Canal;
- Miscellaneous – Emmetts Excavation has almost completed the Bien Check and Flume/Biola Spillway Project on the Herndon Canal.

Slides were shown of the progress being made on the Three-Year Project. A map of the Regulating Structures for 2009-2010 construction season pointed out the areas of the projects.

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ASSISTANT MANAGER'S REPORT

Assistant General Manager Laurence Kimura reported on the following:

a. Nielsen Site Rubble Pile Update

This will be discussed during Closed Session.

b. District Office Plan

The construction work slowly continues. The construction crew is waiting for the delivery of the steel framing which is expected during the next week or two. Curb and gutter work is continuing as are the utilities.

c. General Maintenance and Equipment Update

- Heavy equipment operators are removing the earthen dam in the Herndon Canal;
- Moving out a homeless encampment at Ashlan and West;
- Pipeline repairs are taking place on the West Branch of the Helm at Peach and Alluvial;
- Gate repairs are starting on the Enterprise Canal;
- Spray trucks are spraying out west as weather permits; and
- Trash truck is working throughout the District

The Maintenance Report covering October 16 – November 15, 2009, was handed out.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

KRWA has circulated a letter to its members outlining the 2010 water rights fees. Invoices were attached for each member's prorated share of the fees. The amount charged to the District this year reflects a one-time 30% decrease from last year due to carryover funds and State Water Resources Control Board staff furloughs. The fee for 2010-2011 fiscal year is anticipated to double due to recent legislation adding 25 staff positions and almost \$4 million to their annual budget.

Mr. Serrato gave the Directors a presentation of the recently passed legislation on the Comprehensive Water Package. Topics covered the following:

- Policy
- Water Bonds
- Co-equal Goals
- Modifies Delta Protection
- Establishes Delta Stewardship
- Develop New Flow Criteria For Delta ecosystem

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- Establishes Bay Delta
- Water Conservation
 - Measurement
 - Ag water management plan
- Groundwater Monitoring
- Water Diversion Reporting

Mr. Serrato next gave the Directors a briefing on Developing Flood Management Issues (flood map). Key points are:

- Army Corp of Engineers (ACOE) Inspections
- FEMA mapping
- DWR Central Valley Flood Management Planning Program
- Forecast – Coordinated
- San Joaquin River Restoration
- Kings River Channel Improvement Project Constructed by ACOE
- ACOE Inspections
- Corrective Action
- FEMA Mapping
- Involvement of Local State Representatives

Upper Kings River Meeting

Alta Irrigation District, Consolidated Irrigation District, and Fresno Irrigation District continue to meet to resolve key issues regarding water to and over the Fresno Weir. There is a meeting scheduled for November 30 to continue the negotiations. The group is striving to complete the negotiations prior to the end of the year. Attorney Alex Peltzer is assisting FID in the revisions of the agreement.

FRIANT WATER AUTHORITY / FRIANT WATER USERS AUTHORITY

The higher releases of interim flows down the San Joaquin River from Friant Dam have appeared at the Mendota Pool. Interim flows have been reduced to 240 cfs as of November 12 and will terminate at the end of November. Flows are scheduled to recommence in February 2010.

ADMINISTRATIVE MATTERS

a. Retention of Labor Law Attorney

Labor Attorney, Howard Sagaser, has moved to a new firm. Staff requested that the Board continue to retain Mr. Sagaser as the District's labor law attorney at his new firm.

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M/S/C/(Neely/Balls) That Board of Directors approved retaining Howard Sagaser as the District's labor law attorney by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

b. Overnight Stay for Controller and Accounting Clerk III – 2009 Government Tax Seminar

Ms. Hailey requested that the Controller and Account Clerk III be allowed to attend a 2009 Government Tax Seminar held in San Francisco, CA in December.

M/S/C/(Jacobsen/Neely) That Board of Directors approved the Controller and Account Clerk III overnight stay to attend a 2009 Government Tax Seminar by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

c. End-of- Year Appreciation Cards

Staff requested the Board to approve the purchase of year-end appreciation cards for each employee in the amount of \$25. The Board recommends raising the amount of the cards to \$35 and would also like to sign the appreciation cards for each employee.

M/S/C/(Neely/Ball) That Board of Directors approved the year-end appreciation cards in the amount of \$35 each by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

d. Resolution 2009-14 – Adoption to Change of Retirement Plan

The Economic Growth and Tax Relief Reconciliation Act (EGTRRA) was passed in 2001. The IRS requires that all plan sponsors formally update their retirement plan documents for EGTRRA and other legislative provisions implemented since 2001 – this is required every six years.

M/S/C/(Balls/Porter) That Board of Directors approved the passing of Resolution 2009-14 as presented by Staff by the following roll call vote. (Ayes Neely, Balls, Boswell, Porter; Jacobsen; Nays 0; Absent 0; Abstain 0)

e. Resolution 2009-16 – Safe Harbor Plan 2010

The District must re-affirm the continuation of the 401 (k) Safe Harbor provisions of the District's 401 (k) plan prior to January 1 of each year. Staff is recommending that the Board approve the Safe Harbor provisions of the District's 401(k) plan.

M/S/C/(Neely/Balls) That Board of Directors approved the passing of Resolution 2009-16 as presented by Staff by the following roll call vote. (Ayes Neely, Balls, Boswell, Porter, Jacobsen; Nays 0; Absent 0; Abstain 0)

f. October 2009 Fund Statements

g. October 2009 Notes to the Fund Statements

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- h. October 2009 Treasurer's Report**
- i. October 2009 Deposits and Investments**

Controller DeAnn Hailey reported on the above mentioned reports and clarified the adjustments.

M/S/C/(Balls/Porter) That Board of Directors approved the financial reports as presented by Staff by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

- j. 2010 Budget**

The budget is based on a six-month water run. The Board will revisit the budget at the next Board Meeting before adoption.

Director Jacobsen requested that the Controller's report be handled closer to the beginning of the meeting instead of the end. Staff stated that the change in the agenda will start with the next Board Meeting.

DIRECTORS' REPORT

Director Neely – the project at Shepherd and Sunnyside is moving along.

Director Porter – expressed appreciation for the flowers at his father's funeral

CLOSED SESSION

Closed Session was called at 7:55 pm.

Natural Resource Defense Council vs. Rodgers (Government Code Section 54956.9). To confer with counsel on pending litigation.

Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)). Conference with Legal Counsel – Anticipated Litigation (G.C. §54956.9. Significant Exposure to Litigation pursuant to subdivision (b)): KRWA.

Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)). Conference with Legal Counsel – Anticipated Litigation (G.C. §54956.9. Significant Exposure to Litigation pursuant to subdivision (b)): Nielsen Avenue Property

Government Code Section 54956.8 Real Property Transactions.

Negotiators: Laurence Kimura and Ardismae Brooks

Properties: Portion of APN 334-320-05

Terms and Conditions: Update

Government Code Section 54956.8 Real Property Transactions.

Negotiators: Gary R. Serrato, FID and Tony Joaquin, City of Fresno

Properties: Portion of APN 487-020-15

Terms and Conditions: Update (Bill Stretch)

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Government Code Section 54956.8 Real Property Transactions.

Negotiators: Gary R. Serrato and Liberty Christian
Terms and Conditions: Update (Gary R. Serrato)

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Boswell adjourned Closed Session at 9:30 and stated that property was sold to the City of Fresno for \$500 (APN 487-020-15).

ADJOURNMENT

President Boswell adjourned the meeting at 9:31 p.m.

Submitted By,

Gary R. Serrato
Board Secretary