

**FRESNO IRRIGATION DISTRICT  
MINUTES OF THE REGULAR MEETING  
HELD APRIL 13, 2010**

Fresno Irrigation District's Board of Directors met in regular session in the District office located at 2907 South Maple Avenue – Fresno, California, on April 13, 2010. Meeting was called to order at 5:00 pm by Board President Jeff Boswell.

**DIRECTORS PRESENT**

President Jeff Boswell  
Vice President Jeff Neely  
Ryan Jacobsen  
George Porter

**DIRECTORS ABSENT**

Steven Balls

**STAFF PRESENT**

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

**OTHERS PRESENT**

County of Fresno Representative Alan Weaver  
Homeowners in CSA 51 area (list available upon request)

**REVIEW AGENDA**

Staff requested that Item 11 a. (CSA 51 Agreement) be moved to the beginning of the meeting.

**M/S/C/(Porter/Neely)** That Board of Directors approved moving Item 11 a. to the beginning of the meeting by the following vote. (Ayes Neely, Boswell, Porter, Jacobsen; Nays 0; Absent Balls; Abstain 0)

**REVIEW OF FUTURE MEETINGS**

Director Porter stated some of the constituents in his area would like to hold an informational meeting in the near future. Mr. Serrato thought this would be a good idea and will start making plans to host one.

**PUBLIC PRESENTATION**

None

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**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]**

On March 9, during the Public Presentation portion of the meeting, Vernon Crowder, who was in attendance to support Fresno County's request for an amendment to the FID/County water supply agreement, asked Director Boswell whether or not he needed to recuse himself from any discussion or vote on the amendment because of legal consultations that Director Boswell may have had with a Mr. Pat Wymore. Mr. Crowder observed that Mr. Wymore opposes the bond vote to establish infrastructure for CSA 51 and has told the County that they can't use his land for a pipeline based on an e-mail that he received from Director Boswell regarding the County's use of private lands. Mr. Boswell did not respond to Mr. Crowder at the March 9<sup>th</sup> meeting as that matter was not on the Board's agenda that night but was on the agenda for the April 13 meeting. Responding to Mr. Crowder's question regarding recusal, Director Boswell responded to the question as to whether or not he had a conflict of interest issue regarding CSA 51. According to Mr. Crowder, his belief stemmed from his knowledge of a communication he had seen that Mr. Boswell had with Mr. Wymore. Mr. Crowder indicated that Mr. Boswell had advised Mr. Wymore that the County could not build a public pipeline in a private road owned by Mr. Wymore without acquiring (via agreement or condemnation) a public utility easement. Mr. Crowder stated that because of Mr. Boswell's legal opinion and Mr. Boswell's representation to Mr. Wymore on this issue, that Mr. Boswell must be opposed to CSA 51 as Mr. Wymore opposed the CSA 51 bond vote. Mr. Boswell stated that he does not oppose the water development agreement for CSA 51 and stated that he had signed the original Agreement in September 2009. Mr. Boswell noted that FID has been committed to Fresno County for a number of years to help find water for the County in the eastern areas of the District. Director Boswell further stated that his opinion regarding the County's requirement to acquire easements for a public pipeline is the same opinion as that held by the Fresno County Counsel on the issue. Director Boswell stated that he does not have any financial interest in this project but has represented clients on both sides of this issue in the past and has clients in and out of CSA 51 boundaries, some of whom support and some of whom don't support the upcoming CSA 51 vote. But, on the issue before the Board regarding providing water to the County under the historic agreement, Mr. Boswell noted that he has always been in support of same and that he voted for and signed that agreement in 2009 on behalf of the Board. To say that he is not supportive of water for CSA 51 would be inaccurate of his historic voting position on this matter.

**ADMINISTRATIVE MATTERS**

**a. CSA 51 Issue**

Director Boswell re-iterated that the District has an existing Agreement with the County of Fresno to provide up to 580 acre-feet of water to CSA 51 (under certain conditions) from the Waldron Banking Facility. The current issues before the Board for adoption

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are the amendments to the existing contract which would allow landowners to sell their service connection to another parcel within the CSA 51 boundaries, and to allow two parcels that are located both in and out of the area boundaries to do likewise.

Staff makes the recommendation that the Board approve the amended Agreement between the District and Fresno County.

**Public Comments Opened Up at 5:15 pm**

Director Boswell informed the public that comments should concern only the amendments to the existing agreement as that is all that the Board is voting upon. Director Boswell opened up comments from individuals in favor of the amendments.

Mr. Alan Weaver spoke in favor of the amended agreement. Mr. Weaver feels this agreement addresses the concerns of the residents requesting the County's help in receiving water in the CSA 51 area. By passing the amended agreement, it takes this process back to the residents of CSA 51 for a vote on whether to approve the installation of water connections and additional assessment fees.

Director Boswell next opened up for comment from individuals opposed to the amendments. Mr. Jerome Shinaver, spoke on behalf of the residents opposed to the amendment, stated that the project would be cost prohibitive and that the amended agreement may induce additional growth in the area.

**Public Comments Closed at 5:51 pm**

With no additional comments, President Boswell closed the public comments and asked for any comments and motion from the Board Members.

**M/S/C/(Jacobsen/Porter)** That Board of Directors approved the *Amended and Restated Water Banking and Reliability Agreement* by the following vote. (Ayes Neely, Boswell, Porter, Jacobsen; Nays 0; Absent Balls; Abstain 0)

**CONSENT CALENDAR**

- a. **Approval of Regular Board Meeting Minutes – March 23, 2010**
- b. **March 2010 Check Register**
- c. **March 2010 Payroll Registers**
- d. **March 2010 Unpaid Assessment Report**
- e. **March 2010 Unpaid ISIP Assessment Report**
- f. **March 2010 Investment Account**
- g. **March 2010 COP Investment Account**

**M/S/C/(Jacobsen/Porter)** That Board of Directors approved the Consent Calendar by the following vote. (Ayes Neely, Boswell, Porter, Jacobsen; Nays 0; Absent Balls; Abstain 0)

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**380: WATER REPORT**

**a. Current Water Conditions**

The current and projected water supply information was given by Watermaster Jim Irwin. As of April 12, Pine Flat release was 1,002 cfs and storage was 604,526 acre-feet. Precipitation at Pine Flat is currently at 21.40 inches for the season which is approximately 124.4% of normal. Consolidated Irrigation District will begin water deliveries on Thursday, April 15 and Alta Irrigation District will begin water deliveries on Monday April 19.

With the recent storms, snow sensors are indicating an increase in water content at every elevation. Long-range forecasts are indicating additional chances of storms in April. The District current routing is indicating deliveries to run through October.

Mr. Serrato praised the Water Department on the work they did on storm water diversion during the last storm.

**b. Class II Water Sale**

San Luis Water District and Westlands Water District have expressed an interest in the purchase any Class II allocations from Friant. Staff will bring this topic back at the next meeting for further discussion and possible motion.

**CONTROLLER'S REPORT**

**Miscellaneous**

The annual audit report is coming to completion. Auditor Bill Patterson, from Sampson and Sampson, will be presenting the 2009 audit report at the next board meeting.

Staff has arranged for a presentation at the April 27 Board meeting on *Other Post Employment Benefit* trust accounts.

Joseph Viau has been selected to rent the head-gate house. His move in date is April 16.

Staff has completed the selection of office furniture for the administrative side of the new building.

Director Jacobsen requested that at a May meeting that HR Director Regina Davis review the OPEB trust accounts with the Board.

- a. February 2010 Fund Statement**
- b. February 2010 Notes to the Fund Statement**
- c. February 2010 Treasurer's Report**
- d. February 2010 Deposits and Investments**

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Controller DeAnn Hailey reviewed expenses and income for the month of February.

**M/S/C/(Neely/Porter)** That Board of Directors approved the Controller's Report and Financial Statements as presented by the following vote. (Ayes Neely, Boswell, Porter, Jacobsen; Nays 0; Absent Balls; 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** – Staff is processing four Developer pipeline projects for the 2010-2011 maintenance season. No projects are taking place at the current time.

**Agency Projects** – Staff is processing five Agency projects for the 2010-2011 maintenance season. No projects are taking place at the current time.

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

Crews are completing the last of the punch-list items. The trashrake at the Houghton West Headgate has been experiencing some minor issues. The manufacture has addressed these issues to Staff's satisfaction. Engineering and Operations/Maintenance Staff are calculating the remaining funds from the Three-Year Project and prioritizing the outstanding projects to see what can be funded.

**c. Informational Items:**

**i. USBR Field Service Grant Update – Item 2010-05**

The District was successful in receiving another \$50,000 Challenge Grant. Funds will be used to purchase and install canal gate actuators, measurement devices, and the necessary telemetry equipment required for remote control at the American Colony and Fresno Colony headworks. Cost is estimated at \$100,000. The grant was written by District employee Jennifer Williams.

**ii. Report of USCID's Conference in Sacramento – Item 2010-04**

The conference was informative with a positive networking platform. Most of the participants were engineers with a few general managers and board members in attendance. Mr. Stretch presented a paper during the conference he had co-written.

**ASSISTANT MANAGER'S REPORT**

Assistant General Manager Laurence Kimura reported on the following:

**a. Nielsen Site Rubble Pile Update**

Mr. Erickson's equipment remains on site. Staff remains in contact with the County of Fresno. Quite a bit of material remains on site.

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**b. Waldron Banking Facility**

Staff continues to meet with all the parties involved on the deterioration of the liner in hopes of working out an amicable financial solution. Staff has contacted legal counsel.

**c. District Office Plan**

Crews waited for the site to dry out before continuing with the steel structure. Framing and rough electrical has gone in along with part of the roof decking. The work pace has started to pick up.

**d. General Maintenance and Equipment Update**

- Heavy equipment is at Jameson pond;
- Excavator equipment is moving the spoil piles along the Enterprise;
- Backhoes are taking care of gopher holes;
- Crews are working on a blockage on the Victoria West Branch near Brawley and Olive avenues;
- Spraying is taking place as weather permits – crews are working on Mill and Herndon canals;
- Trash crew is working on hot spots and work order items.

Director Boswell would like Staff to contact the responsible parties who maintains the cover over the District's canal at Herndon and Brawley and ask if they could clean-up the weeds that are over three feet tall.

**MANAGER'S REPORT**

General Manager Gary Serrato reported on the following:

**KINGS RIVER WATER ASSOCIATION**

**Upper Kings River Agreement – Exhibit "C" Flows**

Fresno and Alta Irrigation Districts' Board have approved the Upper River Agreement and Consolidated Irrigation District is expected to follow suit at their next board meeting scheduled for April 14. Once all the signatures are on the document, it will be given to the Watermaster at KRWA for implementation.

**Exhibit "D" Flows**

Exhibit "D" Flows will be required this year as the Kings River runoff is above 95%. 30-35 cfs will be required in addition to the Exhibit "C" Flows. Consolidated or Fresno Irrigation District will divert Exhibit D flows at the Fresno Weir.

**FRIANT WATER USERS AUTHORITY / FRIANT WATER AUTHORITY**

As of the Board Meeting, 1,200 cfs interim flows have been released from the reservoir.

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**9(d) Contract Negotiations**

Negotiations continue with the Bureau of Reclamation with the next meeting scheduled for April 16. Remaining issues, including financing of the capital component of the Contract, continue to be discussed.

**OTHER**

**State Water Resources Control Board - Jameson Pond**

The State has notified the District that the Jameson Groundwater Banking Facility has been approved as the replacement project for the Proposition 50 grant. Required documents for first reimbursement have been prepared.

**State Water Resources Control Board**

KRWA Legislative Committee met with State Water Resources Control Board Member Ms. Spivy-Weber in Fresno. Staff had the opportunity to discuss the Waldron Groundwater Banking Facility which also included a site visit.

**East Side Stream Group Application**

Staff, along with city and county representatives, has submitted an application to receive water from the east side tributaries. The State Board is now requiring that a plan be submitted on reporting water received from the tributaries. Yearly reporting will now be required.

**ADMINISTRATIVE MATTERS**

- b. Overnight Stay for Controller to Attend Special District and Local Government Institute Seminar; June 10-11, 2010 in San Diego, CA**

The Controller submitted a request to attend the next section in a series of workshops hosted by the Special District and Local Government Institute (SDLGI). The next section covers Administration and will be held on June 10-12, 2010, in San Diego, CA.

**M/S/C/(Porter/Neely)** That Board of Directors approved the Controller attending the Administration portion of SDLGI Series by the following vote. (Ayes Neely, Boswell, Porter, Jacobsen; Nays 0; Absent Balls; Abstain 0)

**DIRECTORS' REPORT**

Director Neely – stated he received one and a quarter inches of rain from the past few storms.

**CLOSED SESSION**

The Board went into Closed Session at 8:15 pm.

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

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

**Government Code Section 54956.8 Real Property Transactions.**

Negotiators: Gary R. Serrato, FID and Pacheco Partnership  
Properties: APN 015-080-17S  
Terms and Conditions: Agreement for Purchase and Sale of Real Property and Escrow Instructions

**Government Code Section 54956.8 Real Property Transactions.**

Negotiators: Gary R. Serrato, FID and River Cross, Inc.  
Properties: APN 015-330-15S  
Terms and Conditions: Agreement for Purchase and Sale of Real Property and Escrow Instructions

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

President Boswell stated there was nothing to report from Closed Session. Closed Session was concluded at 8:35 pm.

**ADJOURNMENT**

President Boswell adjourned the meeting at 8:36 p.m.

Submitted By,

Gary R. Serrato  
Board Secretary