

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MARCH 12, 2013**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California, on March 12, 2013. Meeting was called to order at 5:00 p.m. by Board President Ryan Jacobsen.

DIRECTORS PRESENT

President Ryan Jacobsen
Vice President Steven Balls
Jeff Neely (arrived at 5:04 pm)
George Porter
Gregory Beberian

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager Gary Serrato
Assistant General Manager Laurence Kimura
Chief Engineer Bill Stretch
Watermaster Jim Irwin
Controller DeAnn Hailey
Human Resources Director September Singh
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

Joint Powers Insurance Authority (JPIA) CEO Andy Sells
FID Legal Counsel Gary Sawyers

REVIEW AGENDA

President Jacobsen announced that item 11 a. (Gary Sawyers' presentation and Closed Session) will be moved to the beginning of the meeting to accommodate his schedule.

Mr. Serrato requested that an overnight stay be added to the Administrative Matters portion of the agenda as item 11 e.

M/S/C/(Porter/Beberian) That the Board of Directors approved adding item 11 e. to the Administrative Matters portion of the agenda by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter; Nays – 0; Absent – Neely; Abstain – 0)

REVIEW OF FUTURE MEETINGS

President Jacobsen indicated there are no changes to the new meeting schedule.

PUBLIC PRESENTATIONS

Mr. Andy Sells, CEO of JPIA, presented the District with a refund check on the District's property and liability insurance coverage. Mr. Sells announced that FID won the President's Award for its participation in JPIA's liability program.

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President Jacobsen presented Director Jeff Neely with a plaque in appreciation of his dedication and service to the District as the past president of the Board.

ADMINISTRATIVE MATTERS

a. Presentation of Director's Duty and Rights

Mr. Sawyer reviewed the rights and duties of Directors who serve on Special District Boards. Items covered were: the Political Reform Act of 1974, Conflicts of Interest, Section 1090, Public Records Act, and the Brown Act. Penalties for violating directors' responsibilities were discussed. Mr. Sawyer counseled the Board to act as a policy maker and not a manager.

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

CONSENT CALENDAR

- a. Approval of Special Board Meeting Minutes – February 7, 2013**
- b. Approval of Regular Board Meeting Minutes – February 12, 2013**
- c. Approval of Regular Board Meeting Minutes – February 26, 2013**
- d. February 2013 Check Register**
- e. February 2013 Payroll Registers**
- f. February 2013 Unpaid Assessment Report**
- g. February 2013 Investment Account**

Director Balls pointed out a name correction to page 21 of the February 12, 2013 minutes.

M/S/C/(Porter/Balls) That the Board of Directors approved the Consent Calendar with the one correction to page 21 by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

CLOSED SESSION

The Board went into Closed Session at 5:35 p.m.

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)): Nielsen Avenue Property.

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Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)).

Conference with Legal Counsel – Pending Litigation (G.C. §54956.9(a)); Applegate Johnston, Inc. vs. Fresno Irrigation District.

Conference with Legal Counsel-Existing Litigation (Government Code Section

54956.9(a)). Name of matter: Area of origin application pending before an administrative body exercising its adjudicatory authority, the State Water Resources Control Board.

CLOSED SESSION ADJOURNMENT

President Jacobsen adjourned Closed Session at 6:00 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated the Board of Directors had nothing to report from Closed Session.

Mr. Sawyers left the meeting following Closed Session.

Open Session resumed at 6:01 p.m. with the following:

CONTROLLER’S REPORT

Ms. Hailey reported that the auditors had finished their visit at the District and reported there were “no material misstatement of facts” (this is a very positive outcome). The auditors will present the audited financial statements to the Board around April.

a. Renewal of Lease Agreement – 3031 W Nielsen, Fresno, CA

Ms. Hailey reported that the current tenants leasing the property were interested in renewing the lease for one year at the same rate with an option to extend for an additional year at an increased rate. The tenants have paid on a timely basis and have kept the property in good order.

M/S/C/(Porter/Balls) That the Board of Directors approved the one-year lease agreement with an option for one additional year at a higher rate for the Nielsen property as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

WATER REPORT

a. Current Water Conditions

Watermaster Jim Irwin reported on the current and projected water supply information. As of March 11, Pine Flat release was 421 cfs with storage at 331,881 acre-feet. Pine Flat precipitation is at 67.8% of seasonal average. Mr. Irwin reviewed several routings reflecting a dry season (April – July runoff for the 2013 water season). FID is predicting a four-month water run. There will not be any Class II water this season. The long-range projections show below normal precipitation for March and April.

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b. Annex Area Water Supply

Historically, the District has delivered water to Trimmer Spring, Round Mountain, and Dog Creek (collectively known as the Annex Areas) when it was available. This year, due to the dry conditions, Staff is requesting approval from the Board to look for a Class I water contractor for up to 1,500 acre-feet to provide the water needed to the Annex Areas. The cost would be \$150 per acre-foot for up to two acre-feet of water per acre (same cost as last year).

M/S/C/(Neely/Beberian) That the Board of Directors approved the sale of up to two acre-feet per acre at \$150 per acre-foot of water to the Annex Areas by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

c. Discussion and Possible Action for the Start of the 2013 Irrigation Season

After the Watermaster presented several dry year routing options, the Board discussed the best start date for the District; taking into consideration the dry conditions. It was agreed that water in areas 101, 102, 103, 104, 105, and 106 would start on April 1. Areas 108, 109, 110, 111, and 112 would then start on April 16 with area 107 starting on April 10 to accommodate the 21 day schedule. Currently, Staff is projecting water deliveries will be made until the end of July and may require utilizing the Temperature Control Pool in late October.

M/S/C/(Porter/Neely) That the Board of Directors approved the staggered start dates for water as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

A short break was taken from 6:50 p.m. to 7:08 p.m. where no District business was discussed.

Open Session resumed at 7:09 p.m.

CHIEF ENGINEER'S REPORT

Chief Engineer Bill Stretch reported on the following items:

a. Developer and Agency Project Schedule Update for 2012-2013

Developer Projects – Staff is processing approximately seven Developer projects for the 2012-2013 Maintenance Season. There is one project started at Nees and Peach avenues on the Helm Colonial Canal where the old pipe is being removed. The Wal-Mart Department Store project at Kings Canyon and Peach has been completed. Currently there is one project in progress and six projects have been completed since April 1, 2012.

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Agency Projects – Staff is processing approximately six Agency projects for the 2012-2013 Maintenance Season. Currently there are no projects in progress and five projects have been completed since April 1, 2012.

b. California High Speed Rail Update (HSR)

Last week Staff met with representatives of HSR, their consultants, irrigation/water district managers, and attorneys to discuss the issues over the reimbursement agreement and with the California Department of Fish & Game trying to assert their jurisdiction. After much discussion, the participants decided how to deal with the Fish & Game issue. A second meeting was held to address maintenance issues. Mr. Stretch feels we are getting closer to finalizing the agreements and receiving the District's reimbursement costs.

c. Landowner Initiated Projects Update for 2012-13

The turnout structure projects have been wrapped up.

Thompson Canal Bridges – Staff will be deciding shortly on how much to lower the level of water going through the canal. A letter will be sent to the landowners explaining the impact on them during the water season.

Landowner Private Pipeline Crossings – most of the pipeline crossings have been completed.

Projects Update for 2012-13

Staff and FID's consultants have completed most of the planning and engineering for the majority of the following projects:

Basins

Nordstrom Basin – the contractor has completed excavating the basin and constructing the outfall structure with only the fence and gate left to be completed.

Waldron Recovery Well #104 – the contractor has fallen behind schedule but should have it wrapped up by early April. The entire project should be operational by late July.

Open Channel Projects, Regulating Structures, Measuring Stations, etc.

American Colony No. 2 – remaining work includes finishing up the catwalk and weir board guides.

Gould Extension Liner Repairs – this project has been completed.

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Miscellaneous

Limbaugh Property – PG&E has turned off power at the site. The contractor will start next week on a District water filling station and also abandoning the old well.

- d. Agency Project – City of Fresno will Pipeline the Bullard Canal #124 Located S/W Herndon and Blythe Avenues in Accordance with Board Policy. Action Request 2013-01**

The City of Fresno is proposing to widen Herndon Avenue (from four lanes to six lanes) between Brawley and Blythe avenues. The City needs an additional 6-12 feet of road right-of-way on the south side of Herndon Avenue which will impact the Bullard Canal. The project would substitute approximately 230 feet of open canal with 60-inch ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP). The City is proposing to install the pipeline during the fall of 2013, assuming they receive the necessary funding.

The City of Fresno is planning to construct two additional road widening projects that will impact the Bullard Canal later this year. The first project will include the installation of 1,700 feet of 54-inch RGRCP as part of the City's project to widen Herndon Avenue from four to six lanes (between Brawley and Valentine avenues) assuming they receive the necessary federal funding. The second project will include the installation of approximately 120 feet of 60-inch RGRCP as part of the City's project to widen Santa Fe Avenue from two to four lanes.

Staff recommends that the Board approves this project as presented, and that the President, Chief Engineer, and Secretary be authorized to sign and accept all agreements, documents, and maps pertaining to this project.

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

ASSISTANT MANAGER'S REPORT

Assistant General Manager Laurence Kimura reported on the following:

- a. Nielsen Site Rubble Pile**

Staff met with Fresno County Department of Health Services to discuss the site and how to move the project forward. Soil samples were taken from the site with the results coming back at a safe level.

- b. District Office Plan**

Staff is working with SIM Architects on the plans for Phase C of the office project (removal of old building, increased parking area, and redo the Edgar Street entrance).

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c. General Maintenance and Equipment Update

Winter maintenance and construction work continue to take place. Last week the heavy equipment operators (HEO) were busy breaking up the concrete pipe removed from under Cornell Pond and hauling the rubble as riprap for embankment work along the Central Canal near North Avenue. HEOs are also backfilling around the long-crested weir on the Adams Waste Canal and hauling sand to the Gould Canal at Fancher Creek where the siphons were repaired earlier. The motorgrader operators have finished up on the Fresno Colony Canal. Repair crews are working on pipeline and gate repairs. The construction crew is finishing up construction of a long-crested weir on the Adams Waste Ditch. Spray crews are working on hand-spraying in areas inaccessible by vehicles. The trash crew is working on the Dry Creek Canal.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

Mr. Serrato reported that he spoke to Phil Desatoff, General Manager of the Consolidated Irrigation District (CID), regarding the 5,000 acre-feet of water that is owed to FID. Mr. Desatoff stated that he would discuss the issue with his board at their next meeting.

Pre-1914 Water Rights

KRWA Watermaster Steve Haugen and consultants met again with the staff of the State Water Resources Control Board Division of Water Rights. Mr. Haugen reported that the State Board staff requested reimbursement for the work that is being performed in connection with the review of the KRWA report. KRWA has already approved spending up to \$200,000. This is an indication that the State Board is beginning to review the study and has indicated that it would have a response to KRWA by the end of July.

KRWA / San Joaquin River Restoration

The KRWA staff reported that they have developed comments regarding the San Joaquin River Restoration Program regarding Reach 2B. The Mendota Pool is within Reach 2B and this is where the Kings River discharges into the San Joaquin River during flood events. KRWA has requested that the Bureau of Reclamation install a fish barrier that will prohibit salmon from entering the Kings River.

KRWA Incubator Tour

FID participated in the KRWA tour of the new incubator building and a view of the rock slide from the top of Pine Flat Dam. At the time of the tour, the incubator had 150,000 trout eggs that were being raised to be released into the Kings River.

FRIANT WATER AUTHORITY

The Bureau of Reclamation has made an initial allocation of 65% Class I water.

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Friant Kern Canal Maintenance

The Friant Water Authority has refilled the Friant-Kern Canal and is now able to meet the demands of the Friant Contractors. Results of the testing for residual levels have indicated that the levels are within the safe use for both agriculture and municipal needs.

Releases from Friant Dam into the river are now at 400 cfs. Increased demands at Mendota Pool will allow the Bureau of Reclamation to increase releases.

OTHER

Austin Property Purchase

Staff was approached by Granville homes to discuss if FID still had an interest to proceed with the agreement that was developed between Fresno Irrigation District and the Running Horse Developer for the exchange of the property that FID owns on Kearney and Marks for the Austin owned property located on the corner of Valentine and Church avenues. The Austins have agreed to allow Granville Homes to purchase the property out of Tax Sale which would allow for the exchange with FID. Staff provided Granville Homes with the agreement but also informed them that the conditions have changed and that the agreement would need to be modified. The amount of the acres will need to be increased to FID to make up the difference in the exchange. The changes to the agreement were discussed and Granville Homes is willing to adhere to the new conditions.

ACWA Region 6 & 7 Water Forum

ACWA's Regions 6 & 7 are co-hosting a forum on March 15, 2013, in Visalia to discuss San Joaquin Valley policy issues. Subjects to be discussed will be 1) Delta Plan, 2) Irrigated Lands Regulatory Program, and 3) San Joaquin River Restoration.

Grower Meetings

Staff has scheduled two area growers meeting. The first meeting will be held in Easton on March 20 and the second will be held in Kerman on March 22. Discussions will include the start of water, maintenance/construction projects, and the Irrigated Lands Regulatory Program.

Miscellaneous

ACWA Region 6 is looking for directors to volunteer to become officers on the board of directors. Meetings normally take place in Sacramento.

The City of Fresno is proposing a Proposition 218 election to increase the City's water rates. Mr. Kimura attended the meeting last week at the City Council Chambers.

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ADMINISTRATIVE MATTERS

b. Request of Overnight Stay to Attend the Spring 2013 ACWA Conference in Sacramento, CA – May 7-10, 2013

Mr. Serrato reminded the Board the Spring ACWA Conference will be coming up in May and any Directors interested in attending should let Staff know.

M/S/C/(Neely/Porter) That the Board of Directors approved the overnight stay for Directors and Staff to attend the ACWA 2013 Spring Conference in Sacramento, CA by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

c. SDRMA Workers' Compensation Update (walk in)

Staff received the estimated premium for the District's workers compensation. The EMOD rate (credit rating) will be dropping from 118% to 99% resulting in a benefit of lower workers' compensation payments.

d. CalPERS Audit

CalPERS sent the District a notice they will be performing an audit on the District's dependent coverage documentation. Staff has already started to prepare for the audit which will take place in July.

e. Request of Overnight Stay to Attend SDRMA Seminars in Monterey, CA – March 18-19, 2013

Staff requested authorization for a Director to attend two SDRMA seminars in Monterey, CA so the District can take advantage of reduced premiums on their workers' compensation insurance premium.

M/S/C/(Balls/Porter) That the Board of Directors approved the two-night overnight stay for a Director to attend two SDRMA Seminars in Monterey, CA by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

DIRECTORS' REPORT

Director Beberian – was able to get an email address for his FID account.

Director Jacobsen – on Thursday between 7-10 pm, he will be hosting a tribute to Hugh Houser on the Valley's PBS channel.

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Director Porter – discussed the water coalition signup date variation within the valley's area.

Director Neely – thanked everyone for his plaque.

ADJOURNMENT

Open Session adjourned at 8:08 p.m.

CLOSED SESSION

The Board went into Closed Session at 8:09 p.m.

Government Code Section 54957. Personnel Matters.

CLOSED SESSION ADJOURNMENT

President Jacobsen adjourned Closed Session at 8:50 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated the Board of Directors had approved a 1% pay out for the Supervisors of the Fresno Irrigation District.

M/S/C (Neely/Porter) That the Board approve a 1% pay out for the Supervisors of the Fresno Irrigation District by unanimous vote (Ayes 5; Nays 0; Abstain 0)

ADJOURNMENT

Open Session adjourned at 8:52 p.m.

Submitted By,

Gary R. Serrato
Secretary of the Board