

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 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 August 20, 2013. Meeting was called to order at 5:00 p.m. by Board Vice President Steven Balls.

DIRECTORS PRESENT

President Ryan Jacobsen (arrived at 5:11 pm)
Vice President Steven Balls
Jeff Neely
George Porter
Gregory Beberian

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager Gary Serrato
Assistant General Manager Laurence Kimura
Assistant General Manager of Operations Bill Stretch
Watermaster Jim Irwin
Controller DeAnn Hailey
Human Resources Director September Singh
Recording Secretary Lynn B. Rowe
Safety Manager David Burrow

OTHERS PRESENT

None.

REVIEW AGENDA

Staff asked that item 11 c. be moved ahead and presented as soon as President Jacobsen arrives.

REVIEW OF FUTURE MEETINGS

No changes.

PUBLIC PRESENTATIONS

None.

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.

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CONSENT CALENDAR

- a. **Approval of Regular Board Meeting Minutes – July 16, 2013**
- b. **Approval of Finance Committee Meeting Minutes – July 30, 2013**
- c. **July 2013 Check Register**
- d. **July 2013 Payroll Registers**
- e. **July 2013 Unpaid Assessment Report**
- f. **July 2013 Investment Account**

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

CONTROLLER'S REPORT

Controller DeAnn Hailey reviewed the following financial reports:

a. Report of July 30, 2013, Finance Committee Meeting

Ms. Hailey reviewed the sale of water from the District's banking facilities. A total of 14,000 acre-feet was sold. Ms. Hailey presented a list of the "possible use of funds" for approval.

M/S/C/(Neely/Porter) That the Board of Directors approved the use of net funds in the amount of \$3,862,000.00 as recommended by Staff by the following vote. (Ayes – Balls, Porter, Neely; Nays – Beberian; Absent – Jacobsen; Abstain – 0)

- b. **June 2013 Fund Statement**
- c. **June 2013 Notes to the Fund Statement**
- d. **June 2013 Treasurer's Report**
- e. **June 2013 Deposits and Investments**

The Controller reported that the District is within the 2013 Budget for June. Maintenance Construction expenses are below budget but are expected to increase as the maintenance season gets underway.

Vice President Balls turned the meeting over to President Jacobsen.

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

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
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ADMINISTRATIVE MATTERS

c. Homeless Encampments on FID Property

The HR Director and Safety Manager presented the issue of the significantly increasing homeless activity along the District's canal banks. Staff has been spending an extraordinary amount of time addressing the number of homeless camps that recently have been established. Staff is very diligent about adhering to all local and state regulations and laws including posting of signs and storing items from the cleanups. Staff held a meeting with representatives from the Fresno Police Department, Fresno County Sheriff Department, City of Clovis Police Department, and the Fresno Metropolitan Flood Control District to discuss options in handling these camps. A slide show was presented to highlight the growing problem and show FID crews cleaning up different locations. Issues that occur at the homeless encampments are:

- Maintaining the safety and health of FID employees and the public;
- Illegal activity;
- Ownership of land and easements;
- FID manpower taken away from normal maintenance activities; and
- Storage of items from homeless camps for 90 days.

It is Staff's recommendation that the homeless camp cleanups be contracted out to a qualified third party who is trained and bonded to perform clean-up work. FID crews are not trained to handle this type of task and the liability issue is significant. *Request For Proposals* applications have been sent out and Staff is waiting for them to be returned. Discussion with the County and the Cities enforcement divisions are ongoing which will help in developing a process for dealing with the illegal encampments. Staff requested that the Board allocate \$20,000 from the Water Purchase Fund to augment the cost of purchasing "No Trespassing" signs to be placed at locations with public access to the canals. By placing the signs, law enforcement agencies will be able to escort trespassers off the canals before they can start setting up encampments.

Director Beberian suggested that Staff look into "no camping" ordinances and signs and look for landowners to share in the cost of cleanup. Director Jacobsen asked if some of the cleanup could be split between the third-party company and the FID crews.

M/S/C/(Neely/Porter) That the Board of Directors approved the allocation of \$20,000 from the Water Purchase Fund for the purpose of addressing the cleanup and enforcement of illegal encampments by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 2013**

WATER REPORT

a. Current Water Conditions Report

Watermaster Jim Irwin reported on the current and projected water supply information. As of August 19, Pine Flat release was 1,085 cfs with storage at 160,583 acre-feet. The pre-project for the Kings River is at 127 cfs. Only three districts continue to run with all members shutting down by the end of August. Current thunderstorm activity occurring in the mountains may bring additional pre-project runoff.

Mr. Irwin presented the Board with figures for providing additional hardship water for both the first half of September and also the entire month of September. Staff suggested running hardship water run through the end of September.

Mr. Serrato reported from the KRWA meeting that Pine Flat Reservoir will be at a low point of 140,000 acre-feet when the member districts complete their run by the end of August. Reasons for the higher amount of water in storage were due to shortened water runs, less channel losses, and storm activity in the mountains.

M/S/C/(Porter/Balls) That the Board of Directors approved the running of hardship water until the end of September by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter; Nays – 0; Absent – 0; Abstain – Neely)

a. Report of July 30, 2013, Finance Committee Meeting

Mr. Stretch briefly reviewed the approximate 41 projects listed on the Capital Improvement projects that were brought before the Finance Committee during the July 30 meeting. Projects include pipeline repair/replacement and landowner initiated projects. Director Beberian wanted line item 5 and 6 removed for a later discussion.

M/S/C/(Neely/Balls) That the Board of Directors approved the Capital Improvement project list with line items 5 and 6 removed as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

ASSISTANT GENERAL MANAGER - OPERATIONS REPORT / ENGINEERING AND MAINTENANCE (formerly known as the Chief Engineer's Report)

Assistant Manager of Operations Bill Stretch reported on the following items:

a. Developer and Agency Project Schedule Update for 2013-2014

Developer Projects –There is one project in progress which is the on-going replacement of 620 feet of 21-inch PVC with 24-inch RGRCP on the Helm Colonial W. Branch at Nees and Peach avenues which is expected to be completed in September. Another five or six projects are expected to be completed by February 2014.

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 2013**

Agency Projects – CVIN has completed their fiber optic project.

California High Speed Rail Update (CHSR)

Staff expects to receive the second reimbursement check for \$65,000 by late August. Staff has not heard anything more from the Department of Fish and Wildlife regarding permit issues. CHSR has a signed agreement with the “design-build” contractor. The contractor will hire an engineering consultant firm who will be responsible for negotiating a task order agreement with FID and other impacted entities.

b. Landowner Initiated Projects Update for 2013-14

Currently there are no projects in progress.

c. FID Projects Update for 2013-14

Waldron Recovery Well #104: Equipping – the contractor is experiencing several delays with parts and equipment that have been ordered. Completion is expected sometime in early September.

d. General Maintenance Update for 2013-14

- Heavy equipment operators are working in the Fresno Canal near MacDonough Avenue where they are pushing the cobble from the bottom onto the side slopes to protect the sides from erosion;
- Heavy equipment operators are also working on the Nielsen Rubble pile;
- Crews are working on filling in behind the liners at the South Branch of the East Branch;
- WSOs are updating the Crop Survey report for their area – this is done on a yearly basis;
- Crews are documenting which parcels are tied to each gate valve;
- Crews are identifying and labeling the District’s confined space structures; and
- District yard organizing, maintenance, and cleanup are taking place.

e. Landowner Project – Replace Two Landowner Bridges Across the Thompson Canal No. 54 Located S/W Dakota & Jameson Avenues. Action Request No. 2013-11

Dennis Haupt and Gary Christian, two landowners with private bridges over the Thompson Canal, have expressed belief that the District has been running higher volumes of water during irrigation season creating erosion and narrowing the canal banks. Staff has met with these landowners and has agreed to construct a Long Crested Weir, build up one of the banks, and add rip-rap along the banks. Mr. Haupt and Mr. Christian want FID to contribute 50% towards the cost of replacing their aging bridges and have FID crews do the construction. Staff said they would bring their request before the Board.

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 2013**

The Board feels that it is not the District's responsibility to build, repair, or pay for aging bridge replacement/maintenance. Director Porter made the suggestions of FID crews performing the repairs on the two bridges or as another option that the landowners pay for the bridge but FID crews would perform the work. Mr. Stretch stated he was not in favor of FID crews making repairs to the bridges due to liability issues. After some continued discussion, it became clear that the Board feels the District should not get into the "bridge building business."

M/S/C/(Porter/none) Director Porter made the motion to deny the 50% contribution but have FID crews construct the bridges in an effort to reduce the landowners cost. This motion died for lack of second.

Break

A short break was taken at 7:12 pm until 7:30 p.m. during which time no District business was discussed.

ASSISTANT GENERAL MANAGER'S REPORT

Assistant General Manager Laurence Kimura reported on the following:

a. Nielsen Site Rubble Pile

The Regional Water Quality Control Board and the County of Fresno both reviewed and concurred with the District's submitted work plan. FID Staff is making arrangements for the equipment and safety measures needed to carry out the work plan. Crews are scheduled to start watering down the mounds later this week and start moving materials next week. Staff hopes to have the project completed by the end of next week.

b. District Office Plan

The Site Plan Review application and draft plans have been approved by the County of Fresno. In order to pull construction permits, approvals from the FMFCD and Cal-Fire are still needed. FMFCD has approved the plans and now Staff waits to hear back from Cal Fire. PG&E reviewed its historical records for the construction of the old office and has determined that the wires between the service pole and basement belong to FID. Staff had the wires analyzed and found nothing hazardous.

c. Equipment and Committee Recommendations

Staff is making arrangements to dispose of three vehicles due to various mechanical issues. The Board concurred with Staff's recommendation to dispose of:

- 1979 Ford F600 (201,081 miles)
- 1989 Ford F450 Cab & Chassis (189,250 miles)
- 2003 Chevrolet C1500 Pickup (198,700 miles)

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Mr. Kimura recapped the Equipment Committee meeting that was held just prior to the Board meeting. Staff will continue with getting bids for purchasing five new pickups, an industrial compressor, and a bucket for the excavator. The Committee recommended purchasing four new desktop computers, two laptop computers, and appurtenant software proposed under the normal four-year rotation program.

M/S/C/(Porter/Neely) That the Board of Directors approved the recommendation of the Equipment Committee to purchase four new desktop computers, two laptop computers, and appurtenant software at approximately \$11,700 with monies to come from the Power Revenue Fund as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

MANAGER’S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

Temperature Control Pool

It was reported back from a special meeting to the membership that when a situation arises where water needs to be taken from the TCP, a special meeting with the membership be called to discuss the emergency before any water is released.

Hardship Water

The landowners purchasing hardship water have expressed their appreciation to the Board for making this water available for purchase.

Pre-1914 Water Rights

Mr. Haugen reported that the SWRCB is also looking to augment the original budget by increasing it by an additional \$15,000. The increase has already been budgeted by KRWA. Total cost of the report, including consultant’s portion, is approximately \$300,000.

FRIANT WATER AUTHORITY

Mr. Serrato announced there will be a Friant Board Meeting on Thursday that he and Director Porter will be attending.

Westland Area of Origin Application

Friant Water Authority General Manager Ron Jacobsma informed the authority members that the Westland Water District (WWD) Board of Directors voted to assign back to the Friant Water Authority the Area of Origin Application. A letter from WWD has been sent to the State Resources Control Board informing them of this change. In return, Friant has agreed to work with WWD on long-term agreements to develop and provide WWD with available water supplies.

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MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 2013**

Friant / Bureau Negotiations

Friant continues to negotiate the following agreements with the Bureau of Reclamation:

- a) Recapture / Recirculation
- b) Groundwater Banking
- c) Rescheduling Guidelines

OTHER

Senator Cannella

Staff met with Senator Cannella (Ceres) who came down to talk with various water districts and growers.

Supervisor Henry R. Perea Meeting

Mr. Serrato met with Supervisor Perea and discussed with him the homeless situation and the need for the County to develop an ordinance that would help with the illegal encampments.

City of Fresno and the Fresno Irrigation District

Staff attended a meeting earlier in the week with City of Fresno representatives. Topics of discussion were the Conveyance Agreement, the City's cone of depression, and the water supply needs of the surface water treatment plants. The meeting was generally positive and Staff recommends continuing discussions. It was agreed that the two agencies would meet in February of each year to decide if water would be sold that year. Staff also recommends that the City develop and submit a water delivery schedule each year for their monthly water supply needs.

Mr. Serrato stated that Westland Water District has re-stated its interest in purchasing water from the Cities of Fresno and Clovis Regional Waste Water Treatment Plant.

ADMINISTRATIVE MATTERS

a. ACWA Region 6 Ballot

Mr. Serrato recommends the Board of FID vote for the ballot as presented by Region 6 Nominating Committee.

M/S/C/(Neely/Balls) That the Board of Directors approved to accept the Region 6 Nominating Committee's ballot as presented by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

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b. Damage Claim Form – Marlyn Milloy

It is Staff's recommendation to deny the claim submitted by Mrs. Milloy and forward it to JPIA. The Board directed Staff to inform JPIA there may be additional claims in the future on similar matters and want JPIA's suggestion on how to handle them.

M/S/C/(Porter/Balls) That the Board of Directors denied Ms. Milloy's claim and directed Staff to have it submitted to JPIA by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

DIRECTORS' REPORT

Director Beberian – none

Director Balls – none

Director Jacobsen – none

Director Porter – none

Director Neely – thanked the board for the hardship water and let them know it was appreciated.

ADJOURNMENT

Open Session adjourned at 8:22 p.m.

CLOSED SESSION

The Board went into Closed Session at 8:23 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.

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.

Government Code Section 54956.8 Real Property Transactions.

Negotiators: Gary R. Serrato-FID, Bill Stretch-FID, and the City of Clovis

Properties: APN 560-031-11 & 557-031-05, 39

Terms and Conditions: Negotiations of Purchase and Sale of Real Property.

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD AUGUST 20, 2013**

Conference with Legal Counsel-Anticipated Litigation (Government Code Section 54956.9(b)). Conference with Legal Counsel – Potential Litigation (G.C. §54956.9(a)): Jeremy Hobensack vs. Fresno Irrigation District.

CLOSED SESSION ADJOURNMENT

President Jacobsen adjourned Closed Session at 8:44 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated there was nothing to report from Closed Session.

ADJOURNMENT

Open Session adjourned at 8:45 p.m.

Submitted By,

Gary R. Serrato
Secretary of the Board