

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 18, 2014**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California, on November 18, 2014. The meeting was called to order at 5:00 p.m. by Board President Ryan Jacobsen.

DIRECTORS PRESENT

President Ryan Jacobsen
Vice President Steven Balls
George Porter
Gregory Beberian (arrived at 5:01 p.m.)
Jerry Prieto, Jr.

DIRECTORS ABSENT

None

STAFF PRESENT

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

OTHERS PRESENT

Sun World Representative Clifton Lollar
Michiel Feijt, visiting master's student from the Netherlands
Granville Homes Representative John Ritter

REVIEW AGENDA

Mr. Serrato stated there were no changes to the current agenda.

REVIEW OF FUTURE MEETINGS

There are no changes to the calendar.

PUBLIC PRESENTATIONS

None presented.

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 Special Board Meeting Minutes – October 14, 2014**
- b. **Approval of Regular Meeting Minutes – October 21, 2014**
Items c. and d. pulled for further discussion
- e. **October 2014 Payroll Registers**
- f. **October 2014 Unpaid Assessment Report**
- g. **October 2014 Investment Account**
- h. **Developer Pipeline Project: Thomas Albin – Replacement of Existing Pipeline Clovis S. Branch Canal No. 115 Located Southwest of Barstow and Sunnyside Avenues in Accordance with Board Policy. Action Request 2014-13**

Director Prieto stated he would like to pull items c. and d. for further questions.

M/S/C/(Balls/Porter) That the Board of Directors approved Consent Calendar items 5 a., b., e., f., g., and h. by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr. Nays – 0; Absent – 0; Abstain – 0)

- c. **Approval of Equipment Committee Minutes – November 6, 2014**

Director Prieto pointed out that the date of the Committee Meeting minutes was written as October 2 in the opening paragraph instead of the actual date of November 6, 2014. Staff will make that correction.

- d. **October 2014 Check Register**

Director Prieto inquired about payments for the office landscaping and concrete purchases. Staff was able to satisfactorily answer the Board's questions.

M/S/C/(Prieto/Balls) That the Board of Directors approved Consent Calendar items 6 c. and d. with the correction by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr. Nays – 0; Absent – 0; Abstain – 0)

CONTROLLER'S REPORT

Controller DeAnn Hailey reported on the following:

- a. **October 2014 Fund Statements**
- b. **October 2014 Notes to the Fund Statements**
- c. **October 2014 Treasurer's Reports**
- d. **October 2014 Deposits and Investments**

Ms. Hailey presented the financial reports for October 2014 and reported that the District is within budget. The reports include the revised budget approved by the Board during the October 21, 2014 Board meeting. It was reported the budget should be at approximately 83% in October for expenditures and revenues. Delivery System

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Operations & Maintenance expenditures are at 59%; Other Maintenance expenditures are at 69%; KRWA expenses are at 61%; and Wages and Salaries are at 77%; Professional Services expenditures are at 48%; and Utilities expenses are at 71%. Overall expenses for the District are at 71%. The District received a Power Generation check in the amount of \$28,000.

President Jacobsen asked about performing an actuarial report related to the Other Post-Employment Benefits; Ms. Hailey stated she will be gathering the information after January 1, 2015, in preparation for the auditors to develop the report.

M/S/C/(Ball/Porter) That the Board of Directors approved the financial reports as presented by Staff by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

e. 2015 Budget

Ms. Hailey reviewed the proposed Budget for 2015 and noted the items that were \$10,000 and above would be reviewed in greater detail. Costs of chemicals and utilities were increased due to the anticipation of 2015 being a somewhat longer water season than was experienced in 2014. Costs to KRWA will increase due to repairs to Pine Flat Dam; salaries will remain the same; health care costs have increased; Professional Service category has increased due to hiring of outside consultants to perform plan checks in the Engineering Department; legal services increased due to Proposition 218 research that will be performed; and the cost of purchasing new monitors.

Director Beberian asked about increasing the line item for removing trash from the canals – Ms. Hailey explained that different line items make up the costs of removing trash. Mr. Serrato also explained that the trash crews begin removing trash from the canals each year by starting on the east side of the District and work their way down stream cleaning the canals towards the west side. Mr. Serrato stated that it is estimated at least \$100,000 is spent each year on trash removal from the canals.

Plan check fees were also discussed and the cost to farmers and developers. A possible scholarship for a Fresno State student was discussed. Staff will discuss the topic with legal counsel. Staff reported that the District does periodically hire Fresno State students as interns.

President Jacobsen asked that “Contributions to other Agencies” be discussed separately due to the conflict of interest he has with the Fresno County Farm Bureau section of contributions.

Controller Hailey pointed out that the Power Generation Revenue was less than the amount for a normal water year in anticipation of a shorter than normal water season in 2015. The Budget will be revisited in October 2015 for adjustments that may be required due to the length of the 2015 Water Season.

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M/S/C/(Porter/Balls) That the Board of Directors approved the 2015 Budget as presented by Staff except for Contribution to other Agencies by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

At the direction of President Jacobsen, who excused himself due to the Farm Bureau contribution, Vice-President Balls asked if there was any discussion on the matter of Contributions to other Agencies. Director Beberian suggested the receiving agency visit a Board meeting and give a short presentation on their organization. Ms. Hailey stated that she would send an invitation to the appropriate agencies.

M/S/C/(Porter/Prieto) That the Board of Directors approved the Contributions to other Agencies portion of the 2015 Budget as presented by Staff by the following vote. (Ayes – Beberian, Balls, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – Jacobsen)

Director Jacobsen returned to the meeting and resumed his duties as president.

WATER REPORT

a. Current Water Conditions Report

Mr. Irwin reported on the current and projected water supply and the routing information. As of November 17, Pine Flat release was 106 cfs with storage at 118,049 acre-feet (FID's portion is 6,983 acre-feet). The Kings River Pre-Project is 6,736 acre-feet. Kings River Water Association is performing their annual fish count in three locations along the Kings River. Three storms are expected within the next few days; although, not much precipitation is expected from any of the storms. The cloud seeding program that KRWA, KRCD, and PG&E sponsors will take place while the storms in the higher elevations are present.

Reclaim water deliveries are scheduled to end on November 24 so maintenance crews can work on the Houghton / Dry Creek systems. Director Porter asked if there is a better way to communicate between the landowners and water system operators regarding reclaim deliveries. Staff stated they will look into ways to improve communications including posting delivery dates on the website and Facebook. Director Beberian asked if the City of Fresno was planning on adding new reclaim wells. Mr. Irwin stated the City is not planning on any new wells.

CHIEF ENGINEERS – SPECIAL PROJECTS REPORTS

Chief Engineer – Special Projects report given by Laurence Kimura:

a. Developer Projects 2014-15

The Engineering Department continues to review plans of several projects that will be constructed during the 2014-15 Maintenance Season. There are three projects in progress at this time. Staff has responded during the last month to 27 Developer

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Review Notices and one Utility Search Requests. Additional projects are expected to start by the end of the year.

b. Agency Projects 2014-15

The Engineering Department continues to review plans of several projects that will be constructed during the 2014-15 Maintenance Season. There is one project in progress at this time.

Agency / Utility Crossings

There are numerous utility (cable, fiber optics, storm drains, sewer, etc.) crossings being reviewed for boring or construction under various FID facilities.

i. California High Speed Rail Update (CHSR)

There is not much activity occurring with the High Speed Rail at this time, other than FID is working on a reimbursement agreement with Caltrans. It appears that Dry Creek Canal will be the first canal to be impacted from the project.

c. Landowner Initiated Projects Update for 2014-15

There are two landowner projects in progress. One of the projects is the Goodrich pipeline cost share project. Staff does not anticipate any other projects to begin until December 2014. Staff is currently processing three other projects.

d. Other Activities

USBR Ag Water Management Plan/SBx7-7

Staff is finalizing the draft United States Bureau of Reclamation (USBR) Ag Water Management Plan and the accompanying SBx7-7 Supplement Report required by the State of California (the Plan). Staff's goal is to have the draft version ready by the end of this week or first part of the following week for mailing to the Directors for review. The Plan is due by the end of the year, so Staff thought it may be prudent to hold a special meeting on December 9 to review the Plan before having the Board approve it at the December 16 regular meeting. President Jacobsen stated that the special meeting can be decided after the Directors have had a chance to review the Plan. Director Prieto stated that he would not be available for a December 9 meeting.

Additional Activities

- Groundwater levels were measured as part of the banking facility monitoring plan;
- Cost estimates are being made for winter maintenance projects;
- Engineering Staff is currently assisting or working on seven maintenance projects; and
- Several surveys were performed for project designs.

Mr. Kimura showed slides on the following projects:

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- City of Clovis Dry Creek Trailhead (Sunnyside & Shepherd) where the City held the dedication ceremony on November 15;
- Clovis Community Medical Center (new turnout structure – Clovis Canal Headgate at Enterprise Canal);
- Enterprise Canal Pipeline substitution (980 feet of open canal with 66-inch RGRCP at N/E Nees and Millbrook);
- Enterprise Canal culvert inlet box extension (N/E Nees and Millbrook);
- Reyburn Canal Pipeline replacement and realignment (S/E Bullard and Locan);
- Thompson Canal landowner's bridge (N/W Shields and Jameson);
- Little Sandridge Canal Pipeline substitution project (N/E Dakota and Siskiyou); and
- Big Dry Creek culvert extension (Shepherd and Fowler).

Mr. Kimura mentioned to the Board that the most recent groundwater report was handed out. The report will be placed on FID's website.

- e. **California High Speed Rail/Caltrans – Relocation of District Facilities (Victoria No. 42, Victoria Colony No. 43, and Tracy No. 44) Located West of Brawley Avenue at California High Speed Rail Project. Action Request 2014-12**

Caltrans is working with the California High Speed Rail to realign a section of State Route 99 from Ashlan to Clinton avenues. The route needs to be shifted approximately 100 feet and will impact the Victoria No. 42, Victoria Colony No. 43, and the Tracy No. 44 canals.

This is a non-standard Caltrans project and Staff requested that the Board approve the project and authorize the President, General Manager, Assistant General Manager, Secretary, and Chief Engineer to sign and accept all plans, documents, easements, and agreements pertaining to the project.

M/S/C/(Porter/Balls) That the Board of Directors approved Engineering Action Request 2014-14 as presented by Staff by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

- f. **Developer Pipeline Project: Denken Farms – Relocation and Replacement of Existing Pipeline on North Central No. 26 Located Southwest of North and Orange Avenues (Change in Pipe Size). Action Request 2014-14**

On May 5, 2006, the Board approved Engineering Action Request 2006-18 for the deferral of a pipeline replacement by form of covenant recorded with Parcel Map 96-22 recorded on September 6, 2006. The developer, Denken Farms, now wishes to proceed with the replacement of the pipeline. In 2006, FID conditioned the developer to replace the existing 42-inch cast-in-place concrete pipe with 48-inch American Society of Testing and Materials (ASTM) C-361 Reinforced Rubber Gasket Concrete Pipe

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(RGRCP), but later master planning of the North Central Canal in 2010 revealed that this section of pipeline is master planned for 42-inch RGRCP. The developer is requesting approval to install a 42-inch pipeline per the master plan. This project is included under the Economic Development Administration (EDA) grant approved in August 2014 to the Fresno Metropolitan Flood Control District (FMFCD).

Staff recommends that the Board approve this project and the reduction in pipeline diameter, and that the President, General Manager, Assistant General Manager, Secretary, and Chief Engineer be authorized to sign and accept all agreements, documents, and maps pertaining to this project.

M/S/C/(Porter/Prieto) That the Board of Directors approved Engineering Action Request 2014-14 as presented by Staff by the following vote. (Ayes – Beberian, Balls, Jacobsen, Prieto, Jr.; Nays – 0; Absent – Porter; Abstain – 0)

Staff took a break from 6:43 – 7:02 p.m.; at which time no District business was discussed. A groundwater video from ABC's news program 20/20 was shown during the break.

ASSISTANT GENERAL MANAGER'S REPORT

Assistant General Manager Bill Stretch reported on the following:

a. Maintenance and Construction Update

- Crews are working at the Herndon West Basin (assisting with the building of the Basin);
- Emmett's Excavation reconstructed the cutoff wall on the Fresno Canal at the East Branch Weir near Belmont and Riverbend;
- Crews performed brushing and dredging along the Enterprise Canal at Nees and Temperance;
- Crews have been performing sloping work along the canal banks including the Riverside-Powell Canal;
- Several homeless camps have been cleaned up along the banks and in the culverts;
- Repairs have been made on pipelines, structures, gates, and weirs. Work order items have been addressed throughout the District; and
- Heavy equipment operators have assisted with Capital Improvements projects.

b. Southwest Groundwater Banking Project Update

Staff believes FID and one of the area landowners will be going into escrow by the end of November. There has not been any progress in obtaining other property in the area.

c. Sunnyside/Shepherd Terminus Park Update

Mr. Stretch stated the City of Clovis did an excellent job on the Dry Creek Trailhead facility and estimated that there were approximately 200 people at the dedication ceremony.

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The exchange property (for the Sunnyside/Shepherd property) has been identified and will be in escrow until the property's entitlement, zoning change, and annexation process has been completed; which is expected to be March 2015.

d. Equipment Committee Recommendations – Purchase Loader and Discuss San Joaquin Valley Air Pollution Control District Grant

Staff went out to bid on one of the four items discussed during the October 2 Equipment Committee meeting. The Committee met again on November 6 to discuss the two bids that Staff received on a new loader. The Caterpillar 930K came in as low bid in the amount of \$193,481.03. The Committee made the recommendation to the Board to purchase the Caterpillar 930K loader. Director Prieto suggested that Staff look into negotiating an agreement with the dealership where they provide a loaner piece of equipment in case the need ever arose.

M/S/C/(Porter/Balls) That the Board of Directors approved the purchase of a Caterpillar 930K Loader as presented by Staff by the following vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

Mr. Stretch discussed Staff's research on a grant to purchase a hybrid vehicle to replace the current sedan (Impala). The Impala is used as a pooled vehicle among the different departments, averaging only 4,000 miles per year. It was decided that it would not be practical or cost effective at this time to purchase a new hybrid "pool vehicle". Staff will continue to track the progress of hybrid vehicles to use as WSO pick-ups. The other three pieces of equipment will go out to bid within the next couple of weeks and another equipment committee meeting will be held to review those bids when they come in.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

Mr. Serrato reported that the rockslide that occurred in April on the north side bank at the base of the dam is being inspected by the Army Corp of Engineers. Once the survey and report have been completed, the Corp will let KRWA know the results and the cost of repairs.

APEX Groundwater Project

Attorney Gary Sawyers reported during the last KRWA meeting that the negotiations between the area landowners (near Peoples Ditch off Highway 99) and Kings County Water District have ceased. It is not clear whether they will resume.

Lower River Negotiation with James / Tranquility Irrigation Districts

Negotiations between James and Tranquility irrigation districts and the Lower River members continue. Discussions center on storage and water entitlements. The deadline for an agreement is December 2015.

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Water Rights Fees

Mr. Serrato reminded the Board that the Water Rights Fees for the Kings River will be increasing by nine percent. This increase has been reflected in the District's 2015 Budget.

FRIANT WATER AUTHORITY

Bureau of Reclamation

Mr. Serrato has reviewed the Bureau's "Groundwater Banking Guidelines for the Central Valley Project Water" and provided comments to the Bureau of Reclamation on FID's concerns.

Strategic Planning

Friant has hired the firm of Rauch Communication Consultants to assist in the development of a strategic plan. Mr. Serrato will participate in a general managers' only meeting on November 20 and Director Porter will participate in a directors' only meeting on November 24. In December there will a combined meeting with directors, general manager, and staff where the consultant will furnish its recommendations.

Legislation

Friant is preparing to submit legislation regarding unused restoration flows in the San Joaquin River. The legislation has yet to be given a number and a congressional sponsor still needs to be identified. This was provisionally part of the drought bill (Valadao bill) but has since been edited. There are five major provisions to this bill: 1) develop and implement a multi-year program to implement section 13(i) of the Settlement; 2) restoration flows shall be transferred or exchanged on a right-of first-refusal basis; 3) prices will be negotiated and acceptable to Friant Contractors; 4) funds to be used for river restoration; and 5) that all proceeds from agreements to transfer water to Friant Division long-term contractors or others be used for reclaim/recirculate water. Staff believes this is a good start to the bill and is looking to support it.

OTHER

City of Fresno Water Rate Public Meetings

Mr. Serrato participated in all four of the City's outreach meetings. The final meeting included a presentation on the final analysis for increasing the water rates. The new rate / Proposition 218 proposals are scheduled to be taken before the City Council later this week but the actual increased rate will not be determined until February or March of 2015.

Groundwater Sustainability Meeting

Mr. Serrato noted that FID hosted a well-attended Sustainable Groundwater Management meeting last month. In attendance were landowners, various city/county agency officials, and county supervisor elect Buddy Mendes. Mr. Serrato provided a copy to the Board of the letter that was sent to the Fresno County Board of Supervisors co-authored by the general managers of KRCD, Alta, Consolidated, and Fresno irrigation districts. The letter stated that KRCD and the irrigation districts have already

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been working on groundwater sustainability over the past two decades by collectively developing and implementing groundwater management plans for the Kings Basin. The letter suggested that the County works with the irrigation districts to maximize the area's efforts. The "rule making process" of this project is still in the planning stages.

Mid-Pacific Water Users Conference

Mr. Serrato mentioned that the January Conference information for Mid-Pacific was available for the Directors. The attendance to the conference will be placed on the agenda for the December meeting.

ADMINISTRATIVE MATTERS

a. Consolidated Irrigation District / Fresno Irrigation District Briggs Canal Agreement

Mr. Serrato presented a PowerPoint presentation on the Briggs No. 7 Pipeline. In 1993 the Briggs Canal was piped due to the extreme sandiness of the soil in parts of the canal and the high channel losses. An agreement between FID and CID was developed for both the construction cost and the operations and maintenance of the pipeline. In 2012 the Briggs Canal experienced a major failure upstream and within Cornell Pond. It was necessary that the pipeline be replaced and realigned so water deliveries would not be interrupted for the 2013 water season.

The original agreement called for CID's future O&M cost to be 45% and FID's share to be 55%. FID and CID Board members and Staff met to discuss the cost of the replacement of the damaged pipeline and to negotiate the replacement cost. CID requested of the FID Board to reevaluate the future cost share of repairs of the pipeline to a new percentage reflective of the volume of water that was transported through the pipeline. The new percentages being requested by CID is 35% CID / 65% FID. It is Staff's recommendation that we proceed with the new agreement providing that CID pay the entire amount of the invoice of \$100,000 for the last repair. Staff requested direction from the Board that FID proceed with implementing a renegotiated agreement with CID with the newly proposed cost share. The Board concurred with Staff's recommendation of pursuing a revised agreement with CID.

b. Resolution 2014-10 (Safe Harbor Renewal)

The Safe Harbor provision is brought to the Board each year. This provision allows for immediate investing by employees into their 457 and 401(k) Plans.

M/S/C/(Prieto/Balls) That the Board of Directors approved Resolution 2014-10 (Safe Harbor Renewal) as presented by Staff by the following roll call vote. (Ayes – Beberian, Balls, Jacobsen, Prieto, Jr.; Nays – 0; Absent – Porter; Abstain – 0)

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DIRECTORS' REPORT

Director Beberian – will be out of the area until December 1.

Director Balls – stated that he attended Clovis' Park dedication and thought it was a great park which will be utilized by many area residents.

Director Jacobsen – none.

Director Porter – none.

Director Prieto – none.

The Directors went into Closed Session at 8:13 p.m.

CLOSED SESSION

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

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 and 557-031-05, 39

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

Government Code Section 54956.8 Real Property Transactions.

Negotiators: Gary R. Serrato-FID, Bill Stretch-FID, and GF Land Company L.P.
Properties

Property: APN 035-060-14S

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

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

Conference with Legal Counsel – Pending Litigation (G.C. §54956.9(a)); Jeremy Hobensack vs. Fresno Irrigation District.

Conference with Legal Counsel-Potential Litigation (Government Code Section 54956.9(b)). Conference with Legal Counsel – Potential Litigation (G.C. §54956.9(a)):

Environmental Legal Foundation vs. Fresno Irrigation District.

Conference with Legal Counsel – Anticipated Litigation (Government Code Sections 54956.9(a), 54956.9(b) and 54956.9(d)(2)).

The Board will meet in Closed Session to confer with counsel on potential litigation to condemn certain real property owned by Denver Church for a proposed recharge basin project. The Board has previously authorized Staff to explore eminent domain proceedings for that property so that the project is not delayed. Prior to adjourning to Closed Session, the facts and circumstances that may create a significant exposure to litigation by or against the District will be described in more detail, and the Board will determine whether, based on existing facts and circumstances, that exposure exists.

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Government Code Section 54956.7. Conference with Labor Negotiators Regarding Terms and Conditions of Employment with Represented Bargaining Groups.

CLOSED SESSION ADJOURNMENT

President Jacobsen adjourned Closed Session at 8:40 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated that JPIA has finalized the Hobensack dispute and a settlement was reached.

ADJOURNMENT

President Jacobsen adjourned Closed Session at 8:40 p.m.

Submitted By,

Gary R. Serrato
Secretary of the Board