

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD TUESDAY, SEPTEMBER 18, 2018**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California, on Tuesday, September 18, 2018. Board President Ryan Jacobsen called the meeting to order at 4:00 p.m.

DIRECTORS PRESENT

President Ryan Jacobsen – Division 3
Vice President Jerry Prieto, Jr. – Division 1
Director Chris Woolf – Division 2
Director George Porter – Division 4
Director Gregory Beberian – Division 5

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager Gary R. Serrato
Assistant General Manager Bill Stretch
Chief Engineer Laurence Kimura
Operations Manager Adam Claes
Watermaster Jim Irwin
Construction/Maintenance Superintendent Mike Prestridge
Controller DeAnn Hailey
Human Resource Director September Singh
Legal Counsel Jeff Boswell
Staff Engineer Sen Saetern
Staff Engineer Nick Zaninovich
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

Asian Business Institute & Resource Center Representative
Maricopa Orchards Representative

PLEDGE OF ALLEGIANCE

President Jacobsen opened the meeting at 4:00 p.m. with the Pledge of Allegiance.

REVIEW AGENDA

President Jacobsen stated Closed Session will begin at approximately 6:00 p.m. Mr. Serrato announced an additional item pertaining to the Kings River will be covered during Closed Session. District's In-House Legal Counsel has reviewed the matter and confirmed the item is covered under the agenda.

REVIEW OF FUTURE MEETINGS

President Jacobsen stated there were no changes to the future meetings calendar.

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PUBLIC PRESENTATIONS

There were no public comments or presentations.

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 Regular Board Meeting Minutes – August 21, 2018**
- b. **Approval of Special Board Meeting Minutes – September 11, 2018**
- c. **Approval of Personnel Committee Meeting Minutes – September 13, 2018**
- d. **Approval of Finance Committee Meeting Minutes – September 13, 2018**
- e. **August 2018 Check Reports**
- f. **August 2018 Payroll Registers**
- g. **August 2018 Unpaid Assessment Report**
- h. **August 2018 Investment Account**
- i. **Developer Pipeline Project – Triple 7 Hospitality will Replace the Existing Dawson No. 114, Located Southeast of Shaw and Sunnyside Avenues, with Approximately 400 Feet of 21-Inch Diameter ASTM C-361 RGRCP in Accordance with Board Policy. Engineering Action Request 2018-14**

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

CONTROLLER'S REPORT

- a. **Discussion / Possible Action on August 2018 Fund Statements and Supporting Documents**

Ms. Hailey presented the August 2018 Fund Statements and supporting documents. Ms. Hailey reported that the General Fund Revenues are at 98% and the General Fund Expenses are at 66% (target is 67%). Fresno County paid the District for penalties and interest that were not in the budget; Temporary Agencies amount is higher than budgeted due to a temporary receptionist hired through a personnel agency; and KRWA-Assessments are high due to a call for funds for unanticipated repairs to the dam.

M/S/C (Prieto/Porter) That the Board of Directors approved the August 2018 Fund Statements and Supporting Documents as presented by Staff by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

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b. Discussion / Possible Action on 2018 Revised Budget

Ms. Hailey reviewed the changes to the 2018 Budget of \$10,000 and over.

c. Discussion / Possible Action on 2018 Water Sales Allocation

Ms. Hailey summarized the Water revenues and related expenses for 2018 and provided options on the use of the net funds. Included in the options were funding the Wagner Recharge Basin and the Central Canal Banking Facility. Funds to cover the 2019 budget deficit were also designated. The Finance Committee (Directors Jacobsen and Beberian) reviewed revisions to the budget and the possible water sales allocation during a Finance Committee meeting on September 13. In response to Director Porter's question regarding the annual payments for the Boswell Banking Facility from the City of Clovis, Ms. Hailey stated this is the last year the District will receive payments.

Items 7. b. and c. will be handled as one action item.

M/S/C (Prieto/Woolf) That the Board of Directors approved the 2018 Revised Budget and 2018 Water Sales Allocation as presented by Staff by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

d. Discussion / Possible Action on Section 125 Plan Amendment

Ms. Hailey stated the Section 125 Plan was revised in 2007 to comply with the IRS requirements on the employee contribution limits. Two amendments were added to adjust the maximum medical expense contribution to the maximum IRS amount and to rollover \$500 to the following plan year if the employee did not fully expend their contributions. It is Staff's recommendation to revise the plan document to include these amendments.

e. Discussion / Possible Action on Resolution 2018-13 / Section 125 Plan Amendment

Staff's recommendation is to approve Resolution 2018-13 to be amended and restated as of September 1, 2018.

M/S/C (Porter/Prieto) That the Board of Directors approved Resolution 2018-13 by the following roll call vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

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- f. Discussion / Possible Action on Request for Correction of Charges 2018-01**
- g. Discussion / Possible Action on Request for Correction of Charges 2018-02**

Item 7. f. and g. will be discussed / voted on as one issue:

These properties were purchased by Fresno Metropolitan Flood Control District; however, it took the County three years to record the changes in ownership. FID continued to assess the property not knowing it had been purchased by FMFCD from private owners. Typically, FID does not charge FMFCD assessments. Staff requests the Board approve removing charges 2018-01 and 2018-02 from FID's roll for 2016 and 2017.

M/S/C (Prieto/Porter) That the Board of Directors approved items 7 f. and g. (Request for Correction of Charges 2018-01 and 2018-02) by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

- h. Discussion / Possible Action on Request for Overnight Stay for the Controller and Payroll Administrator to Attend the 2018 Government Tax Seminar in December 2018 in Lakewood, CA**

Ms. Hailey requested authorization for the Controller and Payroll Clerk for an overnight stay in Lakewood, CA to attend the 2018 Government Tax and Employee Benefits Seminar in December 2018.

M/S/C (Porter/Beberian) That the Board of Directors approved the multi-overnight stays for the Controller and Payroll Clerk to attend the 2018 Government Tax Seminar by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

- i. Discussion / Possible Action on Request for Multi-Overnight Stay for the Controller to Attend the CSMFO Conference in January 2019 in Palm Springs, CA**

Ms. Hailey requested authorization for multi-overnight stay for the Controller to attend the CSMFO Conference in January 2019 in Palm Springs. This conference is structured for California financial officers.

M/S/C (Porter/Woolf) That the Board of Directors approved the multi-overnight stay for the Controller to attend the 2019 CSMFO Annual Conference in Palm Springs by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

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WATERMASTER'S REPORT

a. Current Water Conditions Report

Mr. Irwin reported on the current water supply and routing information. As of September 17, Pine Flat release was 1,489 cfs with storage at 240,704 acre-feet. FID storage was 41,211 acre-feet. Pre-Project for the Kings River was 222 cfs – FID entitlement was 185 cfs. Demands have dropped throughout the District.

Mr. Serrato reminded the Board that water season concludes at the end of September as directed by the Board during a Special Board meeting held on September 11.

KRWA predicted low point for Pine Flat to be 220,000 acre-feet. Mr. Stretch notified KRWA by letter the possibility of FID utilizing its TCP allocation; however, it will be lower than originally estimated.

b. Discussion / Possible Action on Sale / Transfer / Exchange of Water

There was no discussion / nothing to present.

CHIEF ENGINEER'S REPORT

a. Developer Projects Update 2018-19

- Staff reviewed projects for the 2018-19 Maintenance Season
- Three projects in progress
- Ten projects under review
- Commented on 27 developer review notices and three utility search requests

b. Agency Projects Update 2018-19

- Staff worked on projects under construction and reviewed projects for the 2018-19 Maintenance Season
- Three projects in progress
- Four projects under review

i. High Speed Rail (HSR)

Mr. Kimura stated a meeting between CHSR and FID took place last week where each FID crossing was discussed. Another meeting is scheduled for the week of September 24. Engineer Felix Vaquilar resigned to take a position with another state agency and Engineer Nick Zaninovich will now be FID's point person with the CHSR. Director Porter inquired if CHSR has kept up with reimbursement of costs to FID. Mr. Serrato stated he believes they have. Director Porter also inquired about conflict of interest when a FID employee leaves for another company/agency. Staff will discuss this with legal counsel. Mr. Vaquilar has agreed, on a consultant basis, to assist as needed.

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c. Landowner Initiated Projects Update for 2018-19

- No projects in progress
- No projects under review for 2018-19 Maintenance Season

d. Other Activities

- Groundwater levels were measured as part of the banking facility monitoring plan
- Plans are being made for future maintenance projects
- Staff is assisting or working on 14 FID maintenance / construction projects (none currently in progress)
- Several surveys were performed for project design and construction
- Staff has been busy locating pipelines and rights-of-way for crop conversions
- Four construction, structure, or water permits were issued and monitored over the last month
- The Engineering Department is down an engineer until one can be hired
- Crews staked out a property which has been farmed over the last 100 years and has pipelines running throughout the property

Mr. Stretch addressed the County of Fresno's Board of Supervisors at its regular meeting of September 11 regarding a proposed new animal shelter. FID has a pipeline (Epstein) on the planned project site and stated at the meeting the pipe needs upgrading if the shelter is built. The landowner is not interested in upgrading the pipe. The Engineering Department will send out a letter outlining FID's requirements (specifications have already been provided). Another Board of Supervisors' meeting is scheduled for late October. FID will attend the meeting to ensure FID's requirements are followed.

ASSISTANT GENERAL MANAGER'S REPORT

Operations Manager Adam Claes reported on items a., b. and c. for the Board:

a. Maintenance and Construction Update

- Fresno Canal (Trimmer Springs) – crews used the flail mower along the banks. The City of Fresno worked with FID to construct fencing along this reach of canal to keep cattle out of the canal
- Fancher Creek Canal (S/E Belmont and Fowler) – crews took care of brushing along the area
- Herndon Canal (Ashlan and Herndon) – FID crews cleaned up between the canal and private fences in order to reduce hiding areas for the homeless
- Big Dry Creek (Shepherd and Sunnyside) – an approximately 100-foot cotton tree fell into the creek. Crews brought in a crane to remove the tree
- FID Grounds (Shop) – employees repair of flatbed trailer and use of press to fabricate metal enclosures

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- Silvia Head (Shaw and Hayes) – crews constructed a metal box to secure measurement equipment
- West Perrin Canal (Sumner and Cornelia) – temporary repair of pipeline leak
- Waldron Banking Facility – Cell 6 (Nielsen and Bishop) – crews dumping / placing rip-rap material along sides of basin for erosion control
- FID Property (North and Maple) – spray crews along canal banks
- Herndon Canal (Chateau Fresno and Barstow) – spray crews along canal banks

b. Discussion / Possible Action on Equipment Committee Recommendations for 2018 Equipment/Vehicle Purchases (walk in)

Mr. Claes reported the Equipment Committee (comprising of Directors Porter and Woolf) met immediately prior to the September regular Board of Directors meeting. Staff reviewed the submitted bids on the three items directed by the Equipment Committee during the July 17 meeting and the entire Board immediately following. Bids were for 1) replacement half-ton crew-cab pickup; 2) utility truck; and 3) two replacement flatbed trailers. Winning bids were from H&J Chevrolet, Swanson Fahrney Ford, and Quinn respectively. Total bid amount for the recommended equipment is \$168,226 which is \$11,700 lower than Staff's estimate. The Committee's recommendation is to proceed with the winning bids.

M/S/C (Porter/Woolf) That the Board of Directors approved purchases of crew-cab pickup, utility truck, and two flatbed trailers as recommended by the Equipment Committee by the following vote. (Ayes – Beberian, Woolf, Jacobsen, Porter, Prieto, Jr.; Nays – 0; Absent – 0; Abstain – 0)

c. Sustainable Groundwater Management Act (SGMA) Update

i. North Kings GSA Update

Mr. Claes stated the next Board meeting will be September 27 at 6:00 p.m. The Board has not met since June 2018 due to lack of action items. The three NKGSA's subcommittees are active, with the most active being the Technical Subcommittee which meets once a month. Discussion includes Sustainability Management Criteria and how quickly the NKGSA/Kings Subbasin wants to correct groundwater conditions. The Groundwater Sustainability Plan is due January 2020 with sustainability required by 2040. The subcommittee also discussed breaking the area into sub-areas in order to monitor performance and achieve sustainability over time. Subareas could include City of Fresno, City of Clovis, City of Kerman, Biola, Malaga County Water District, Pinedale County Water District, County service areas, and small rural subdivisions. FID is proposing dividing the NKGSA area into three subareas; Southwestern area, Northwestern Area, and Eastern (which is consistent with the way FID has monitored groundwater levels the last 100 years). Mr. Stretch stated the NKGSA will monitor two wells per township, which will serve as "indicator" wells, and the requirements will be different for each well.

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Mr. Serrato has been busy with outreach appearances and presentations as required by SGMA. He has visited cities, water districts, disadvantaged communities, and community organizations.

ii. Kings Subbasin GSA Update

The seven GSAs continue to meet every two weeks. Provost & Pritchard continues to be the facilitator. The group has yet come to an agreement on what methodology to use for the overdraft responsibility among the seven GSAs. The groundwater storage change calculations for the subbasin are being recalculated due to the selected range of years not showing an accurate Kings River surface water supply average. The group anticipates sharing the numbers soon with each of the GSAs. The group met with a representative from the State Water Resources Control Board during their August meeting.

Mr. Serrato stated he discussed SGMA progress and issues with State Water Resources Control Board member Joaquin Esquivel. Mr. Esquivel was receptive to attending a future meeting.

iii. Miscellaneous – County/DWR/SWB

There was nothing new to report.

d. SBx7-7 Update and CSUF Work Plan

Mr. Claes provided a summary of SBx7-7 (the Water Conservation Act of 2009), what FID has committed to in its latest agricultural water management plan regarding compliance with SBx7-7, and what FID has done and is planning on doing moving forward regarding SBx7-7 efforts. In 2015, FID submitted an agricultural water management plan to the USBR. The USBR completed its review of the plan in February 2016. In 2015, the FID Board approved a \$120,000 pilot program to test the recommendations in the District's 2013 measurement study (propeller meters). Significant challenges and hurdles were identified after engaging with landowners, contractors, and meter manufactures – no meters were installed. However, Staff prepared a valuable 70-page "lessons learned" report documenting the challenges and a description of what an "ideal" flow measurement program would be for FID.

During the 2018-19 maintenance season, FID will be constructing six replacement turnout structures on the Enterprise Canal that will include a metergate concept device developed by FID Staff. The device is a 12-inch long steel spool bolted to the face of the turnout wall at the pipe opening with the canal turnout gate bolted to the canal-side opening of the spool. The advantage of this spool setup is that nothing behind the turnout wall face will be disturbed which is beneficial when dealing with older, poor-condition turnout infrastructure.

Mr. Tommy Esqueda from California State University, Fresno (CSUF) provided a proposal on a partnership/plan between FID and CSUF to develop and implement a SBx7-7 measurement program. Mr. Esqueda will pull experts from throughout CSUF to further evaluate measurement options and concepts, work with FID to conduct pilot test

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of measurement methods and ultimately develop measurement details, costs, and implementation schedule. The un-used money previously allocated for FID's 2015 pilot test would be utilized for this effort with CSUF. The Board was in favor of FID working with CSUF on this program.

Assistant General Manager Bill Stretch reported on the following:

e. Friant Water Authority Update

Mr. Stretch stated that he and Director Porter attended the last FWA Board meeting where they were updated on COA. State and federal agencies are focused on this but no specifics have been reported. Proposition 3, which would assist with repairs/upgrades to the Friant-Kern Canal and Madera Canal, among other projects, is viewed favorably in this area but is under opposition from the Bay Area and Southern California. Mr. Stretch stated that advertising in favor of this proposition will begin within the next month or so.

Mr. Serrato stated that the Bureau of Reclamation continues its work on the Upper San Joaquin Storage Investigation "Temperance Flat". The initial draft has been provided to the Contractors and Reclamation is gathering comments. FID Staff has been engaged and will provide comments.

Mr. Stretch stated cloud seeding and monitoring were performed on both the San Joaquin River and Kings River watersheds in 2017. Additional seeding and modeling are planned for this year with grant funds to come from DWR.

f. FID Water Resource Strategic Plan Element Update

An Ad Hoc Committee met in August consisting of Directors Jacobsen and Beberian. Tentatively the Plan will be brought before the Board in October.

g. Trails Along FID Canals – Master Trails Agreement with the City of Fresno Update

FID and City of Fresno staff have made good progress during the last few meetings. Edits are being finalized with the possibility of bringing the agreement before the Board at the next meeting.

MANAGER'S REPORT

KINGS RIVER WATER ASSOCIATION

a. Kings River Water Association Update

No further update.

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b. Friant Operations Update

No further update.

c. Miscellaneous Updates

No further update.

ADMINISTRATIVE MATTERS

a. Discussion / Possible Action on Obtaining New Email Addresses for Board Members

During previous Board meetings, Staff has brought forward information regarding Board Members having email accounts and devices for strictly District business. The bases for suggesting each Director having their own account is for public records act requests. Should a public record request be made, having a District only account would limit public request access to District email accounts only; Directors personal email accounts would have less cause to be impacted. Staff recommends setting up an email account (gmail) using their own personal devices for each Director who is interested. The District's IT consultant would assist in setting up these accounts. It is highly recommended to have a separate/dedicated account for governmental work. Directors Jacobsen and Beberian already have such accounts. Staff spoke with its IT consultant on Directors having a FID email account. It was recommended not to set up an FID account for the Directors as it could leave the District's server venerable. Ms. Singh will reach out to the remaining Directors about setting up a District account.

b. Discussion / Possible Action on Damage Claim – Olvera

Ms. Singh stated Mr. Olvera did not submit his claim form; therefore, this item will be placed on the October agenda.

President Jacobsen suspended Open Session at 5:55 p.m. with the Directors and some management Staff going into Closed Session at 6:05 p.m.

CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9(d)(2). Meet in closed session to confer with counsel on potential litigation arising out of claims by third parties to water rights on the Kings River. On advice of counsel, the staff has concluded that, based on existing facts and circumstances, there is significant exposure to litigation by or against the KRWA.

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9(d)(2). Meet in closed session to confer with counsel on potential litigation arising out of claim against third party: Hardeep Kalket and Amandeep Kalket - Engineering Action Request 2018-03 (CS-1)

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Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9. Meet in Closed session to confer with counsel on potential litigation arising out of claims by third parties for benefits claims. On advice of counsel, the staff has concluded that, based on existing facts and circumstances, there is significant exposure to litigation by or against Fresno Irrigation District. (walk in)

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9. Meet in Closed session to confer with counsel on potential litigation arising out of claims by third parties regarding the Nielsen Property. On advice of counsel, the staff has concluded that, based on existing facts and circumstances, there is significant exposure to litigation by or against Fresno Irrigation District.

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9(d)(2). Meet in closed session to confer with counsel on existing litigation arising out of claims by third parties – McKenzie.

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9(d)(2). Meet in closed session to confer with counsel on existing litigation arising out of claims by third parties – Zarcone.

Government Code Section 54956.8 Real Property Transactions.

Negotiators: Laurence Kimura – FID; and Dirk Poelschel and Steve Sanders for Sanders Properties LLC

Properties: APN 430-020-73 and Portion of 430-020-68

Terms and Conditions: Negotiations of Sale/Exchange of Real Property

Engineering Action Request 2018-09 (originally presented to the Board on June 19, 2018)

Government Code Section 54957.6 - Personnel Matters.

Supervisors Negotiations. (walk in)

Government Code Section 54957.6 - Personnel Matters.

OE3 Negotiations.

The District May Discuss in Closed Session Pursuant to Government Code Sections 11126(a)(1),(c)(3) and € (1) to discuss:

Review of Former General Manager Contract. (walk in)

CLOSED SESSION ADJOURNMENT

President Jacobsen adjourned Closed Session at 7:55 p.m.

REPORT IN OPEN SESSION OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated there was no reportable action from Closed Session.

Open Session resumed at 7:56 p.m.

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ADMINISTRATIVE MATTERS continued

**c. Discussion / Possible Action of Former General Manager Contract
(action from Closed Session) (walk in)**

After adjourning from Closed Session, Ms. Singh was directed by the Board to bring the formal acceptance of the contract to the October meeting.

d. Discussion / Possible Action on Retirement Event

The Board directed Staff to organize a business-formal luncheon in January for Mr. Serrato's retirement. The event will be held at a venue such as TorNino's. The Board authorized up to \$7,500 for the luncheon. The Board agreed there was enough public purpose to authorize the event. The Board also approved inviting all FID employees to the November Agriculturalist of the Year Award Luncheon where Mr. Serrato will receive the 2018 honor.

DIRECTORS' REPORT

Director Beberian – none.

Director Woolf – none.

Director Jacobsen – stated that this season premiere of Valley Gold will air tomorrow night. The format has changed and President Jacobsen is quite excited and proud of this season's shows.

Director Porter – none.

Director Prieto – none.

ADJOURNMENT

With no further business, President Jacobsen adjourned the meeting at 8:30 p.m.

Submitted By,



Gary R. Serrato
Secretary of the Board