

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 12, 2008**

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 12, 2008. Meeting was called to order at 5:05 pm by Board President Jeff Boswell.

DIRECTORS PRESENT

President Jeff Boswell
Vice President Jeff Neely
Steven Balls
Tom Steffen
Ryan Jacobsen

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager Gary R. Serrato
Assistant General Manager Laurence Kimura
Chief Engineer Bill Stretch
Human Resources Director Regina Davis
Controller DeAnn Hailey
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

City of Clovis-Public Utilities Representative Mr. Mike Leonardo
City of Clovis-Public Utilities Representative Ms. Lisa Koehn

REVIEW AGENDA

Staff requests to move item 9 d. to the beginning of the meeting to accommodate the representatives from the City of Clovis.

REVIEW OF FUTURE MEETINGS

The rescheduled meeting for Tuesday, November 25 maybe cancelled if Staff does not have any pressing matters or a quorum of the Board cannot be met.

PUBLIC PRESENTATION

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 – October 22, 2008**
- b. **Attendance for Fall ACWA Conference – Long Beach, CA on December 2-5, 2008 for General Manager, Assistant General Manager, and two Directors**
- c. **Attendance for 61st Annual Conference / California Weed Science Society – Sacramento, CA on January 12-14, 2009, for Assistant General Manager**
- d. **October 2008 Check Register**
- e. **October 2008 Payroll Registers**
- f. **October 2008 Unpaid Assessment Report**
- g. **October 2008 Unpaid ISIP Assessment Report**
- h. **October 2008 Investment Account**
- i. **October 2008 COP Investment Account**

M/S/C/(Balls/Jacobsen) That Board of Directors approve the Consent Calendar with the following corrections: 1) Correction on the spelling of Assembly Member Mike Villines on page 139 in the October 22 minutes, and 2) revise the two Directors and two Staff members to read authorization of four Directors/Staff to attend the Fall 2008 ACWA Conference by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

ADMINISTRATIVE MATTERS

9 d. Consideration of Discharge Agreement / City of Clovis – Tertiary Treated Effluent

A discharge agreement effective January 1, 2009, is proposed between the Fresno Irrigation District and the City of Clovis for the discharge of tertiary treated effluent to FID's Fancher Creek Canal. The City of Clovis is currently constructing a new sewage treatment and water reuse facility. The wastewater will be tertiary treated and be in compliance with Title 22 drinking water levels.

Staff recommends the Board of Directors approve the execution of the agreement for the discharges to the Fancher Creek Canal system as proposed and authorizes the Board President and General Manager to execute the agreement.

M/S/C/(Neely/Balls) That Board of Directors approve entertaining into the agreement with the City of Clovis and work on issues such as setting lower rates for the farmers and authorizes the Board President and General Manager to sign any relevant documents by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

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380: WATER REPORT

a. Current Water Conditions

Assistant General Manager, Laurence Kimura, reviewed the current and projected water supply. As of November 11, Pine Flat release was 100 cfs and storage was 137,270 acre-feet. Warmer temperatures are expected for the weekend.

CHIEF ENGINEER'S REPORT

Chief Engineer Bill Stretch reported on the following items:

a. Developer and Agency Project Schedule for 2008/09 Update

Developer Projects – Staff is processing approximately 15 Developer Pipeline projects for the 2008/09 season. No projects are currently in progress and one project has been completed since April 1, 2008. Several projects are expected to start within the next few weeks.

Agency Projects – Staff is processing approximately ten Agency projects for the 2008/09 season. Four projects are in progress that affects the following: 1) Grantland Avenue Bridge replacement on the Herndon Canal located south of Barstow Avenue (has been completed with the contractor finishing up on the outside of the canal); 2) Temperance Avenue Bridge replacement on the Gould Canal located south of Ashlan Avenue; 3) Helm Colonial W. Br. Pipeline replacement located southeast of the Herndon and Willow Avenues; and 4) Gunn Pipeline replacement located northeast of Ashlan and Temperance Avenues.

Running Horse – the District's contractor completed installation of a fence around Kearney Basin located southeast of Kearney and Marks Avenue.

b. Three-Year Maintenance Facility Upgrade Project for 2008/09

Mr. Stretch proceeds with an update on the Maintenance and Facility Upgrade Plan (MFUP) – a detailed list of current projects are attached. A photo presentation outlines the construction of the district's long-crested weirs.

Deleted: proceeded
Deleted: Staff demonstrated

c. Developer Project – Orange Avenue Disposal Service, Inc. (Caglia) will Pipeline the North Central Canal #26 located S/E North and Orange Avenues in Accordance with Board Policy. Action Request 2008-54

Orange Avenue Disposal Service, Inc. (OAD) is required by the California Integrated Waste Management Board to close their landfill. A final closure plan was prepared in 2005 but was later revised in February 2007. There were many changes including the transition from a monolithic soil cover to a geosynthetic capping system. OAD was planning to start their closure construction in 2008, but they had several problems including their closure plan not being accepted by several regulatory agencies including CIWMB, Regional Water Quality Control Board (RWQCB) and County Department of Public Health (CDPH). During this time, OAD staff noticed the flooding of a landfill gas extraction well which was in the vicinity of FID's

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North Central Pipeline. The pipeline was installed in 1994 and is Cast-in-Place Monolithic Concrete Pipe (CIPCP). Knowing that CIPCP is prone to leak, FID required OAD to be responsible for all future repairs and maintenance. Soon after OAD noticed the pipeline leak, Staff was contacted by OAD to discuss their issues with the leaking pipeline and how it impacted their closure plan. Another issue was that the landfill had encroached into FID's easement. If a geosystemic capping system was installed over the pipeline easement, FID or OAD would no longer be able to access or excavate our pipeline for future repairs and/or replacement. Staff first met with OAD about this issue in May 2008.

Staff continued to meet with OAD to discuss options and both parties agreed there were basically two that would satisfy all parties which included: 1) realign the pipeline along the north side of the landfill and north of the existing easement or 2) realign the pipeline along the south side of the landfill. Both options would require the majority of the new easement to be moved off the landfill and onto the neighboring parcels.

OAD decided to realign the pipeline to the south instead of the northerly, mainly due to conflicts obtaining the additional easements. The southerly route did add approximately 350 feet to the length, but it was still cheaper than the additional easement costs. Once both parties agreed to the new alignment, CIWMB pushed the final closure deadline back to October 2009. The new pipeline must be installed 2 weeks prior to the start of the 2009 Water Season which is tentatively scheduled for March 1.

The proposed project will replace and realign the existing (approximately 14 years old) 54-inch Ø CIPCP with 2,685 feet of 48-inch Ø ASTM C-361 A-25 Rubber Gasket Reinforced Concrete Pipe (RGRCP). FID recently completed masterplanning the North Central No. 26 system and it was determined that the pipe diameter can be downsized from 54-inch to 48-inch in this reach. Also, a portion of the existing 54-inch diameter pipeline will remain and be utilized by FMFCD as a relief line from Basin AW1 and will discharge into the North Central Canal located on the east side of Orange Avenue. See enclosed exhibit map for reference.

This portion of the project is a Standard Developer Pipeline Project is in accordance with Board Policy.

Staff recommends that the Board approves the 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/Steffen) That Board of Directors approve the project as presented by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

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ASSISTANT MANAGER'S REPORT

Assistant General Manager Laurence Kimura reported on the following:

a. Nielsen Site Rubble Pile Update

The size of the rubble pile continues to shrink but there is still a good deal of work that is left to be done. There is a considerable amount of processed materials at the site. Staff is still trying to set up a meeting with the County.

b. Waldron Banking Project Update

Provost & Pritchard (P&P) is working with PG&E on getting electrical power to the new pumps at the Waldron and Lambrecht sites.

c. District Office Plan

BMV Construction is getting ready to start work on the two metal buildings. The permits were finally able to be pulled earlier this week and some equipment is already on site. SIM Architects will be addressing the site plan review issues as part of the construction of the new office. Staff continues to work with SIM on finalizing the design for the new administrative office. District staff has met with SIM Architects to discuss comments on the 95 percent plans for the new building. Staff presented a color board developed by SIM to show paint, carpet, and tile selections.

d. General Maintenance and Equipment Update

Winter maintenance and construction activities continue to take place. Heavy equipment operators continue to perform dredging work on the Gould Canal. The crew is currently near DeWolf Avenue. Heavy equipment operators continue to also prepare sites in advance of the construction crews. The motor graders are almost done with the work on the Big Sandridge and will be moving to the Central Waste on the south side of the District. Miscellaneous structure and pipeline repairs are being made on the Fresno Colony, Viau, and Kennedy-Owens systems. Gate repairs are being performed on the Helm system. The brush removal crew continues to work on the major brush removal project along the Francher Creek Canal near DeWolf Avenue and will remain in that area for quite a while.

Staff presented a PowerPoint report on the projects being carried out and a recently purchased chipper.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

Releases from Pine Flat Dam are down to Exhibit "C" flows, which is 100 cfs. Arrangements have been made with Kings County Water District to divert the Upper Kings River Flow which

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is being banked in the existing groundwater bank. The water is returned to the District at a one for two acre foot rate.

Proposition 50 Grant

The Kings River Conservation District now has the Contract with the State Water Resources Control Board as administer of the Proposition 50 Grant. KRCD has begun the development of two sub-contracts; one with Fresno Irrigation District, the other with Alta Irrigation District to administer the grant funds.

Proposition 84

The Upper Kings River Water Forum is exploring the benefits of entering into a much broader Tulare Lake Hydrological Region Integrated Regional Water Management Plan. The Tulare Lake Hydrological Region includes the area south of the San Joaquin River down to the Tehachapi Mountain Range. Staff needs to decide whether it would be more beneficial for the District to compete as a group or as an individual district.

FRIANT WATER AUTHORITY / FRIANT WATER USERS AUTHORITY

Settlement issues concerning the San Joaquin river restoration will be discussed during Closed Session. Laurence Kimura and Gary Serrato attended a Water Advisory Committee meeting last week. Staff believes a good deal of progress has been made. The main topics of conversation covered water management goals and the details that surround them. A facilitator will be brought in to assist in ironing out the details.

OTHER ISSUES

Kings County Groundwater Banking Facility

Mr. Scalemini continues to work on the report which should be completed by the middle of November. Mr. Scalemini has become secretive about the report. A good deal of the information used to research this project was provided by public agencies and therefore open to review. Once the report has been completed and made public, Mr. Serrato will participate in a meeting that includes all respective area landowners.

Lion's Club Ag Fest - Kerman

Mr. Serrato spoke at the Ag Expo in Kerman. His presentation was well received with many attendees asking questions. Staff has plans to participate in future Ag Fest Workshop.

AB 2175

On November 21 staff members of Assembly Member Jared Huffman will be touring the Kings River Service Area and will be briefed by members of the KRWA legislative committee members. Assembly Member Huffman will be introducing the new AB 2175 which will require water measurement, reporting and ground water management.

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ADMINISTRATIVE MATTERS

a. Special Maintenance Request (Dredging, etc. Job 1589 Transfer of Funds)

With the inspection of the delivery system, Staff has recognized that there is an enormous amount of sand and sediment that has accumulated throughout the District. The majority of District's Staff is committed to the yearly maintenance and the Three-Year Plan. Staff is recommending hiring an outside contractor to perform dredging on different canals throughout the District. The sand/sediment will be removed to an off-site location. Staff requests transferring monies from the Water Purchase Fund to the General Account

M/S/C/(Balls/Steffen) That Board of Directors approve up to \$200,000 from the Water Purchase Fund to the General Account for sediment and sand removal by a contractor by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

b. 2009 Budget – Request for Adoption

DeAnn Hailey reviewed the 2009 budget for the Directors and explained changes over \$10,000. Requested list giving outside organizations and amounts was provided to the Board. The Fresno County Chamber of Commerce and Fresno County Farm Bureau will be added to the 2009 *Contributions to other Agencies* list. Director Neely suggested putting these agencies under the Consent Calendar for payment when they are received.

At the next scheduled board meeting, the Board requested that the resolution to create the Capital Improvements Fund be placed on the agenda.

M/S/C/(Balls/Steffen) That Board of Directors approve to accept the 2009 Budget with the additions to the 2009 *Contributions List*, removal of Capital Improvements Fund, and remove \$500,000 transfer to proposed Capital Improvements Fund by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

c. Consideration of Lease Extension – Avocado Lake

An agreement with Fresno County dated March 28, 2000, was executed so the County could lease the District's property along the Kings River for Avocado Lake. The County has requested an extension to the lease so they can apply for grant funding. In order to obtain grants, the applicant typically needs to show that they have the property available for at least 25 years. The current lease expires in 2025.

Staff recommends that the Board of Directors approve the extension to the existing lease for the Avocado Lake property as proposed and authorizes the General Manager to execute the amendment. Staff will review liability issues with legal counsel.

M/S/C/(Neely/Balls) That Board of Directors approve to accept the lease extension on Avocado Lake with the County of Fresno on the contingency of reviewing with legal counsel the District's liability by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

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e. Damage Claim (Canal Breach) – County of Fresno

Staff suggests denying this claim and referring it to JPIA.

M/S/C/(Balls/Neely) That Board of Directors deny the County of Fresno claim and refer it to JPIA by unanimous vote. (Ayes 5; Nays 0; Absent 0; Abstain 0)

f. Resolution 2008-12 – Adoption of Interim 2007 Amendment (401 k Plan)

Recent items contained in Internal Revenue Code Procedures 2005-66 and 2007-44 address a number of Plan provisions that have affected our 401(k) Plan and the Plan documentation. Adoption of the 2007 Interim Amendment is required and must be completed prior to December 31, 2008.

M/S/C/(Balls/Neely) That Board of Directors approve Resolution 2008-12 by roll call vote. (Ayes Neely, Balls, Boswell, Steffen, and Jacobsen; Nays 0; Absent 0; Abstain 0)

DIRECTORS' REPORT

Director Jacobsen – reported on the Fresno Fair educational project meeting held last week. This will be an interactive display directed at school age children.

Director Steffen – Stated that he appreciated working with the Board and Staff during his term.

CLOSED SESSION

Staff went into Closed Session at 8:50 p.m.

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

Government Code Section 54957. Personnel Matters.

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)): one potential case.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Boswell states the negotiated contracts with the Assistant General Manager and Chief Engineer were adopted. The General Manager was directed to enter into the contracts.

Closed Session concluded at 9:10 p.m.

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ADJOURNMENT

President Boswell adjourned the meeting at 9:11 p.m.

Submitted By,

Gary R. Serrato
Board Secretary