

**MADERA IRRIGATION DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
February 7, 2012**

Directors Present: Gary Bursey, President
Carl Janzen, Vice President
Jim Cavallero
Rick Cosyns
Tom Petrucci

Directors Absent: None

Staff Present: J.N. Low, Acting General Manager/Chief, Finance
D. Cadenazzi-Nolan, Chief Engineer/Madera Ranch Project
Mgr./Acting Asst. General Manager
J. Bese, Chief of Maintenance & Operations
D. Garcia, Engineering Tech. 3
J. Yturalde, Administration/Human Resources
A. Kwock Sandoval, Secretary to the Board

Others Present: John Coleman
Tom Coleman

11:00 a.m.

CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE- 11:15 a.m.

Director Cavallero arrived at 11:25 a.m.

ADDITIONS TO THE AGENDA

INTRODUCTION: President Bursey

MOTION: Director Petrucci / Director Janzen to add additional item to the agenda.

DISCUSSION: Approval of minutes from Special Board Meeting on January 23, 2012 added as Item 2b.

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously approved

NOES:

ABSTAIN:

ABSENT:

1. **PUBLIC COMMENT -** Tom Coleman

Tom Coleman was acknowledged by the Board. Mr. Coleman commented to the Board on his recent conversation with Senator Feinstein regarding the San Joaquin River restoration. Senator Feinstein put Mr. Coleman in touch with James Peterson from her office that was unreceptive to having conversations regarding the Bureau funding the water bank. In the near future Senator Feinstein will be chairwoman of the Water and Power Subcommittee, which would be an opportune time to discuss the restoration issues.

In addition, Mr. Coleman commented on the Growers Luncheon being the same day as the Pistachio Annual Conference and whether the date could be changed in the future to a Tuesday.

Mr. Coleman commented on the 2012 Water Update and pleaded his case to the Board regarding having a subordinate water meeting. He questioned when the water bank would be in use and his need to purchase water this year. Mr. Coleman stated the water bank will be the solution to his water problems long-term, but questions what could be done this year. He proposed two ideas: 1) Buy surface water from somewhere and pay MID to transport; 2) Buy surface water from other growers in the District. Mr. Coleman inquired whether either of these scenarios would be possible for this summer as an emergency instance, not as a change of policy. Mr. Coleman stated his greatest need for water would be in the months of July and August. The Board discussed possible options for providing water to Mr. Coleman.

Mr. Coleman inquired when water bank activities would begin. CE/MRPM/AGM Nolan answered the water bank would be fully permitted within the next month and banking activities could begin. However, there is no water to be banked at this time and there are no extraction facilities at this time.

Tom Coleman and John Coleman exited the meeting at 12:10 p.m.

2. **CONSENT AGENDA**

2a. Approval of Minutes Regular Meeting January 17, 2012

INTRODUCTION: President Burse

MOTION: Director Petrucci / Director Cosyns to approve the Regular Board Meeting Minutes of January 17, 2012 with corrections.

DISCUSSION: Director Janzen pointed out the following corrections: on page 1 Director Janzen was present, not absent for meeting and on page 3 Director Janzen voted one time on Item 2c.

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously Approved

NOES:

ABSTAIN:

ABSENT:

2b. Approval of Minutes Special Board Meeting January 23, 2012

INTRODUCTION: President Bursey

MOTION: Director Petrucci / Director Janzen to approve the Special Board Meeting Minutes of January 23, 2012.

DISCUSSION: None

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously Approved

NOES:

ABSTAIN:

ABSENT:

3. **RECURRING BUSINESS**

3a. Discussion / Possible Action on Approval of Warrant List Payment through February 7, 2012.

INTRODUCTION: President Bursey

MOTION: Director Cavallero / Director Janzen to Approve the Payment of Warrants through February 7, 2012 as presented.

DISCUSSION: Board members and staff reviewed the list of warrants.

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously Approved

NOES:

ABSTAIN:

ABSENT:

4. INFORMATION ITEMS

4a. Engineering / Planning Report

The question was presented from President Bursey regarding the project at 32.2. ET3 Garcia stated that this project is started and will be an easy project to complete. CE/MRPM/AGM Nolan inquired whether the Board wanted to send Caltrans an agreement and the consensus was yes with a number of \$25,000 to be requested.

In addition, CE/MRPM/AGM Nolan questioned whether or not the recorder at Avenue 17 and Road 15 should be moved upstream to be near a weir. An extra .25 mile of channel is being maintained outside of the District's boundary because of where the recorder is now located. The road may need to be sanded if the recorder is moved, but the District does have sand to do so.

CE/MRPM/AGM Nolan discussed having a new policy regarding payment schedule for new turnouts. New policy would be 50% of estimate after initial visit by MID staff. The remaining balance would be due once the turnout is completed. The current policy is payment due at the end of the project completion. Policy will be brought to next board meeting for vote.

The Board discussed the Rubicon gates and where project stands. ET3 Garcia is in discussion with the Bureau to modify the grant to include multiple locations instead of one. The 24.2 and Abby's Hole are two locations being considered.

4b. Madera Ranch Project Manager Report

The Board reviewed the written report from CE/MRPM/AGM Nolan. CE/MRPM/AGM Nolan commented on the RFP for the MOCP being put on hold because no banking activities have commenced. CE/MRPM/AGM Nolan received a phone call from BSK, the company that usually does the water quality testing and asked the Board whether this testing should continue. Testing usually begins in March and has been conducted annually since 2009. The wells tested are not a part of MCOP, but CE/MRPM/AGM

Nolan suggested that testing continue. CE/MRPM/AGM Nolan will bring estimate from BSK before Board at next meeting.

CE/MRPM/AGM Nolan discussed the MOCP wells and the correspondence that was sent to landowners. A total of 39 water level letters were mailed out with a response of 7 yeses and 2 nos. A total of 18 water quality letter were mailed with a response of 4 yeses. If MID receives no response from landowners access is not legally permitted. The Board directed that MID staff telephone landowners personally regarding the missing documentation. Although, the wells in question have been measured for years, there has never been any written documentation on file.

12:17 – 12:50 p.m. Board adjourned for lunch break.

4c. Operations / Maintenance Report

COM Bese dispersed an additional handout/map regarding the progression of the maintenance season activities, such as the mowing and grading. COM Bese stated that mowing was 15% of completion. Employees are now working 7:00 a.m.-3:30 p.m. workdays. The Board reviewed the photos and reports from Operations and Maintenance. An O&M Committee Meeting was discussed being scheduled in the near future to discuss work hours and days. COM Bese stated that 6 employees would be attending a dig safety meeting in Visalia on March 21, 2012.

COM Bese stated the ditches were 35-40% done and sloper work would run through the summer. The Board discussed possibly changing to a staggered schedule or 4 work days of 10 hours each. These items will be further discussed at an O&M Committee meeting.

COM Bese stated that the signed landscape contract was returned. In addition, COM Bese questioned whether the Board would like to send the surplus equipment (2 dump trucks and 1 Isuzu truck) to the auction that is scheduled for March 10, 2012. COM Bese stated that the two dump trucks could bring in \$6,000 in scrap metal, but if sold at the auction could sell at a higher price. The Board advised to place surplus equipment on www.craigslist.org this week. COM Bese will investigate whether or not there is fee at the auction if the equipment is bought back if the minimum asking prices are not met.

COM Bese sent out a letter to Talley selling 6,000 yards of sand with payments beginning March 10, 2012 of \$3,000 per month until balance paid in full. ET3 Garcia will go out and mark the 6,000 yards of sand.

4d. Human Resources / Safety Committee Report

HR Yturalde discussed the visit from Keith Forbes of JPIA and his comments regarding missing voltage signs that will be placed as needed. HR Yturalde commented on the District's first fire drill that occurred on February 3, 2012 and was a success. Several additional fire drills are scheduled throughout the year. Discussion amongst the Board included the designated meeting place for the fire drill and the possibility of moving to a different location.

4e. Finance / Administration Report

No report at the time due to CAC Fairburn being in a webinar at this time. AGM Low stated the Finance Department is getting ready for the Auditors scheduled for next Tuesday.

5. ASSISTANT GENERAL MANAGER'S REPORT

5a. Update on Various Activities

Reports were included with the Madera Ranch Project Manager's Report.

6. GENERAL MANAGER'S REPORT

6a. Water Users Conference Update

AGM Low detailed her recent 3 day attendance at the Conference. AGM Low stated there was no declaration of water from the Bureau as there has been in years past. According to AGM Low much of the discussions centered on Klamath Falls.

6b. Growers Luncheon Agenda Items

AGM Low asked for topics from the Board for the Luncheon. Director Cavallero suggested riparian water rights and the cost per acre foot. CE/MRPM/AGM Nolan stated that riparian issues would be discussed at the Special Board Meeting scheduled for February 29, 2012.

6c. 2012 Water Update

Board reviewed the CVP Water Declarations spreadsheet and discussed. Director Cosyns questioned whether or not AGM Low is actively trying to get water, from what sources, how much, and at what rate. The Board directed AGM Low to begin making phone calls to various resources regarding the purchase of water.

6d. Setting Budget Workshop Dates

The Board set Tuesday, March 13, 2012 at 3:00 p.m. for the Budget Workshop.

6e. JPIA Insurance Claim Update

AGM Low updated the Board on the insurance claim stating the claimant has yet to file paperwork in response to the rejection of the claim by the District, but has 6 months to do so.

7. OLD BUSINESS

7a. Discussion / Possible Action on Work and Scheduling for IRWMP Grant

The Board discussed IRWMP Grant and decision to proceed with work or delay project for one year. The IRWMP Grant is dependent upon the completion of the update of the Regional Plan. CE/MRPM/AGM Nolan stated that once the process was started, MID could not decide to skip a year. The IRWMP Grant runs for 4 years. The Board agreed to delay project start until 2013.

7b. Discussion /Possible Action Regarding Memorandum of Understanding – California Rangeland Trust

The Board reviewed the Memorandum of Understanding and pointed out several points of contention. The Board disagreed with the restrictions placed on who can hold title of the land. Director Janzen questioned the wording on terms of termination. Director Janzen questioned on page 4, whether our Accounting Department could provide the accounting services or whether the District could limit that spending. The Board questioned whether The Board directed CE/MRPM/AGM Nolan to go back to Legal Counsel Brenner, Esq. and edit the M.O.U. to reflect those changes discussed. The Board discussed the fees and the high cost of said fees.

CE/MRPM/AGM Nolan discussed the issues of no approved endowment holder after she met with Department of Fish & Game. The District will either need to put the funds in an

escrow account or a letter of credit. CE/MRPM/AGM Nolan stated a letter of credit would be the best scenario after meeting with the bank on February 6, 2012.

7c. Discussion / Possible Action regarding Fresno River Riparian Policies and Procedures

Discussion regarding Fresno River Riparian Policies and Procedures with CE/MRPM/AGM Nolan summarized the discussion from the Special Board Meeting on January 31, 2012 with discussion regarding which item would become policies in the future. CE/MRPM/AGM Nolan questioned how much policing MID wants to do and what policies should be in place. The Board discussed the lack of recourse the District has during the off-season to charge a riparian who takes too much water. The District would have to read the meters on a monthly basis in order to police how much water each riparian is taking, which would cost MID additional funds for time and staffing. The State Water Board only reports on a yearly basis. The Board discussed whether it would be cheaper to read riparian meters verses the cost if legal matters arise. The Board directed CE/MRPM/AGM Nolan to work with Dick Schafer for half a day to have an educational day, in order for the Board to have a better understanding of the process of measuring verses not measuring. CE/MRPM/AGM Nolan discussed having a riparian form letter that states releases started on x date with this x amount of water released. Director Cavallero stated that the State Water Board should be contacted as to whether temporary structures are legal or not.

CE/MRPM/AGM Nolan stated that voluntary fees would be discussed at the Riparian Workshop scheduled for February 29, 2012.

7d. Discussion / Possible Action on the Staffing for the Engineering Department

Item was moved to closed session.

7e. Discussion / Possible Action on Yearly Review of Crane Group Contract

The Board discussed the yearly review of the Crane Group Contract, which goes on a month-to-month basis of \$8,000 per month. The Board agreed to continue with this contract for the time being.

7f. Discussion / Possible Action Regarding Replacement of Carpeting

INTRODUCTION: President Bursey

MOTION: Director Cavallero / Director Janzen to accept the estimate from 47th Place Carpet One Floor & Home for \$4,993.00 to replace carpet in Administration Department and Conference Room.

DISCUSSION: The replacement of the carpet was discussed and the current carpeting posing a hazard to staff due to tearing and lifting.

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously Approved

NOES:

ABSTAIN:

ABSENT:

8. NEW BUSINESS

8a. Discussion / Possible Action on Position for Ditchtender 4/Maintenance

This item was tabled until the Budget Workshop on March 13, 2012 after discussion regarding how much was paid out to employees for comp time that could not be taken last year.

8b. Discussion / Possible Action on Personnel Policies

- Policy 202 - Job Posting Procedure
- Policy 211 - Separation From District
- Policy 301 - Salary Code
- Policy 305 - Paydays
- Policy 422 - Pregnancy Disability Leave
- Policy 425 - Organ and Bone Marrow Donor Leave
- Policy 601 - Disciplinary Procedures
- Policy 708 - Employee Recognition Program
- Injury Illness Prevention Program

INTRODUCTION: HR Yturralde

MOTION: Director Petrucci / Director Cavallero to accept the changes in Personal Policy No. 202, 211, 301, 305, 422, 425, 601, 708, and Injury Illness Prevention Program.

DISCUSSION: HR Yturralde stated that the MID Employee's Association and the Personnel Committee have accepted the changes.

PUBLIC COMMENT: None

VOTE:

AYES: Unanimously Approved
NOES:
ABSTAIN:
ABSENT:

8c. Discussion / Possible Action Regarding Land Purchase for Basin Sites.

ET3 Garcia discussed the need for dirt by contractors for the Avenue 12 Overpass Reconstruction and Hwy. 99 Realignment. ET3 Garcia handed additional maps to the Board regarding three possible sites the District could purchase to fulfill these needs and after the dirt is removed to use the property as a reservoir. These sites included the Curran property, a property owned by the hospital, and the Brockman property. The Board directed ET3 Garcia to approach the owners' of the properties to inquire whether to properties are for sell and report back to Board.

Possible Projects Requiring Fill Material.

- Ave. 12 Overpass Reconstruction—350,000 cubic yards
- Hwy 99 Realignment S. Merced to N. Madera- million cubic yards

9. BOARD COMMENTS, COMMITTEE REPORTS, FUTURE AGENDA ITEMS

There were no reports or comments at this time.

10. PUBLIC COMMENT ON CLOSED SESSION ITEMS/CLOSED SESSION- 3:33 p.m.

10a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9; NRDC v. Rodgers

10b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Mike Campos, Esq.) – Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(A) (Four potential cases)

10c. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS – Pursuant to Government Code Section 54956.8

- Property: Madera Ranch
Agency Negotiator: Barbara Brenner, Esq.
Negotiating Parties: Potential Project Participants

Under Negotiations: Price, Terms and Conditions

- 10d. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6
Agency Negotiators: Tom Petrucci / Jim Cavallero
Negotiating Parties: MID Employees Association
Under Negotiations: Memorandum of Understanding

RECONVENE TO OPEN SESSION- 5:55 p.m.

- 10e. Report on Closed Session

One action from closed session:

MOTION: Director Cavallero / Director Janzen to increase the salary of Chief, Operations and Maintenance by 3% beginning February 13, 2012 with a re-evaluation of performance after a three month period from date of increase.

VOTE:

AYES: 4
NOES: 1
ABSTAIN:
ABSENT:

11. NEXT REGULARLY SCHEDULED BOARD MEETING

Tuesday, February 21, 2012 Regular Meeting 11:00 a.m.

- 12. ADJOURNMENT-** President Bursej adjourned the meeting at 6:00 p.m.

APPROVED FOR THE BOARD:

Gary Bursey
President

Andrea Kwock Sandoval
Secretary to the Board

Date: _____