

Minutes of the Regular Meeting of the Board of Directors of the Kings River Conservation District held December 13, 2011.

President Graham called the meeting to order at 1:30 P.M.

**DIRECTORS PRESENT**

Brent L. Graham, President  
David Cehrs, Vice President  
Ceil W. Howe Jr.  
Mark C. McKean  
Gildo Nonini  
Norman B. Waldner  
Mike Yoshimoto

**DIRECTORS ABSENT**

None

**OTHERS PRESENT**

KRCD Staff & Consultants:

Jack Gualco  
Randy McFarland  
David Merritt  
David Orth  
Donna Pepper  
Gary Sawyers  
Steve Stadler  
Randy Shilling  
Brian Trevarrow  
Cristel Tufenkjian

Others:

Todd Flanagan, North American Weather Consultants

**ADDITIONS TO OR DELETIONS FROM THE AGENDA**

There were no additions to or deletions from the Agenda.

**PUBLIC PRESENTATIONS**

None

**APPROVAL OF MINUTES**

It was moved by Director McKean, and seconded by Director Waldner and unanimously carried that the Minutes of the November 8, 2011 Regular Board meeting be approved, as presented.

**WATER CONDITIONS**

Clifton Lollar, Kings River Water Association, summarized a report on water conditions stating storage in the Pine Flat Reservoir (Reservoir) as of 2400 hours on December 11, 2011 was 632,638 acre-feet of storage with vacant space of 561,362 acre-feet. On that date, the calculated natural inflow to the Reservoir was 346 cfs.

## **DIRECTORS' REPORTS**

President Graham, Vice President Cehrs, Directors McKean, Waldner and Yoshimoto reported on their attendance at the Association of California Water Agencies (ACWA) Fall Conference held November 29<sup>th</sup> through December 2<sup>nd</sup>, 2011 in Anaheim California.

## **GENERAL MANAGER'S REPORT**

David Orth, General Manager, directed the Board to the General Manager's written monthly status report and highlighted the following:

Mr. Orth reported on the meetings he attended at the ACWA Conference and also the Water Education Foundation Board of Directors meeting where the 2011 Water Leaders Class presented their report: The Delta Plan and Regional Water Self-Reliance.

Mr. Orth reported the Center for Irrigation Technology at Fresno State University released a report on November 16<sup>th</sup> titled "Agricultural Water Use in California: a 2011 Update", updating the 1982 Hagen - Davenport report on agricultural water-use efficiency. Mr. Orth further reported the District and Kings River Water Association issued a joint press release supporting the findings of the report and are working with others to expand media coverage.

Malaga Power Purchase Agreement (PPA): Mr. Orth reported District management continues to review forms of agreements. The District has retained Richard G. Ferreira, P.E. to assist with development of strategic alternatives related to the expiration of the current PPA.

Southern San Joaquin Valley Water Quality Coalition (Coalition): Mr. Orth reported the Coalition Steering Committee met on November 2<sup>nd</sup>. The Committee approved a budget for 2011-12, resulting in no changes to budget amounts or member dues.

Mr. Orth also report participating in conference calls held on November 11<sup>th</sup> and November 16<sup>th</sup> with legal counsel representing Coalition members to discuss Proposition 218 and Proposition 26 issues related to increased State fees and sub-watershed costs.

## **LEGISLATION**

Mr. Orth reported on the following legislative issues discussed by the Kings River Legislative Committee:

SB263 (Pavley) - Wells: reports: public availability: Mr. Orth reported SB263 was vetoed by the Governor on October 9, 2011. The Valley Ag Water Coalition has scheduled discussions to determine strategies regarding the bill going into the next legislative session.

## **PUBLIC INFORMATION**

Cristel Tufenkjian, Manager of Community and Public Relations, distributed an article from the Hanford Sentinel newspaper in which David Orth was interviewed regarding the Kings Basin Water Authority and the cooperation between water agencies.

## CORRESPONDENCE, MEETINGS AND CONFERENCE

Mr. Orth reported on the letter received from District Board President Brent L. Graham announcing his resignation as of December 31, 2011.

Mr. Orth also distributed information regarding several events being sponsored by the Water Education Foundation.

## STATUS REPORTS AND PRESENTATIONS

Power Resources: David Merritt, Deputy General Manager (DGM) of Power Resources, presented a status report on the operations at the Jeff L. Taylor Pine Flat Power Plant (Plant) reporting the Plant was offline the month of November for annual maintenance. Spill from the dam was 49,081 acre-feet (AF) and flow from Mill and Hughes Creeks was 486 acre-feet.

Mr. Merritt reported the Malaga Peaking Plant (Peaking Plant) total generation for the month of November was 5,243.8 MWh. Unit No. 1 had 15 fired starts and Unit No. 2 had 20 fired starts for the month. Mr. Merritt further reported Peaking Plant availability for the month of November was 100%. The Power Purchase Agreement target availability is 92%.

Mr. Merritt also presented an overview of preventative maintenance performed at both plants throughout the month.

Flood Operations and Maintenance: Steve Stadler, DGM of Flood and Environmental Operations/Chief Engineer, introduced Todd Flanagan of North American Weather Consultants. Mr. Flanagan reported no activity for the month of November in the Kings River Precipitation Augmentation Program for the 2011/2012 season.

## MODIFICATION OF THE KINGS RIVER CONSERVATION DISTRICT ACT (ACT)

Legal Counsel, Gary Sawyers, and Jack Gualco of the Gualco Group, provided a report regarding a possible amendment to the KRCD Act to conform to other provisions of the law.

After some discussion, it was moved by Director Waldner, and seconded by Director McKean, and unanimously carried to begin the process of amending the Act to conform to other provisions of the law.

## BOARD VACANCY

Mr. Orth reported the resignation of President Graham is effective December 31, 2011 and will create a vacancy in Division 5. Mr. Orth then provided an overview of the process pursuant to Government Code Section 1780 to fill vacancies on Board of Special District's. Sections 1780(c) and (d) permit the remaining members of the Board to fill the vacancy by appointment within 60 days of when the vacancy occurs, or to call a special election, which in this case would be conducted by the county election offices. Mr. Orth further reported the Board must fill the vacancy by appointment by February 29, 2012, or the Fresno County Board of Supervisors may appointment. The person appointed to fill the vacancy shall hold office until the next general District election.

After some discussion it, was moved by Director Nonini, and seconded by Director Yoshimoto, and unanimously carried, to fill the vacancy by appointment through a Nominating Committee consisting of Directors Cehrs, McKean and Howe.

**APPOINTMENT OF OFFICERS**

Mr. Orth reported pursuant to Section 59-9 and 59-10 of the KRCD Act, the Board of Directors will appoint a President and Vice President to address the vacancy created by the resignation of Director/President Brent L. Graham effective December 31, 2011.

It was moved by Director Waldner, and seconded by Director Howe, and unanimously carried to appoint Mark C. McKean as President and David Cehrs as Vice President.

**APPOINTMENT OF BOARD COMMITTEES/REPRESENTATIVES****Committees**

Budget and Audit:	David Cehrs Mark McKean Gildo Nonini
Labor and Personnel:	Ceil W. Howe, Jr. Mike Yoshimoto Norman Waldner
Power Resources:	Ceil W. Howe, Jr. Mark McKean David Cehrs
Flood Maintenance	David Cehrs Mark McKean Ceil W. Howe, Jr.
Accounts Payable/ Review Team	Mark McKean Gildo Nonini David Cehrs

**Agency Representation**

Mid Valley Water Authority-Mark C. McKean, David Orth/Alternate  
Kings River Watershed Authority-Mark C. McKean, David Orth/Alternate  
Upper Kings Basin IRWM Authority-Mark C. McKean, David Orth/Alternate  
Association of Metropolitan Water Agencies- David Orth, Alternate

**RESOLUTION NO. 11-11**

President Graham reported with the appointment of officers, the Board will be authorizing certain Directors as signatures for the District Bank Accounts.

It was moved by Director Howe, and seconded by Director McKean, and unanimously carried, to adopt Resolution No. 11-11, authorizing certain Directors as signatures for the District Bank Accounts.

**FINANCE AND ADMINISTRATION**

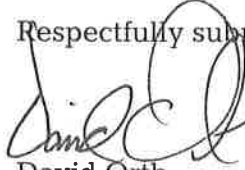
Mr. Randy Shilling, DGM of Business Operations, presented an overview of the Budget Comparison report for the month of November. Mr. Shilling also presented an expenditure-to-budget comparison report for the period ending November 30, 2011.

It was moved by Vice President Cehrs and seconded by Director McKean and unanimously carried, bills in the amount of \$2,582,886.511 as presented in the schedule of Disbursements and Current Accounts Payable, were approved and ordered paid.

**ADJOURNMENT**

There being no further business, President Graham adjourned the meeting at 3:27 P.M.

Respectfully submitted,



David Orth  
Board Secretary

  
Approved

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FORE THE BOARD OF DIRECTORS  
OF THE KINGS RIVER CONSERVATION DISTRICT  
FRESNO, CALIFORNIA

**RESOLUTION NO. 11-11**

**AUTHORIZATION OF BANK SIGNATORIES and  
AUTHORIZATION FOR TRANSFER OF FUNDS**

**BE IT RESOLVED**, that this District maintains an account or accounts with COMERICA BANK ("BANK") and Investment Accounts with COMERICA SECURITIES and the LOCAL AGENCY INVESTMENT FUND ("LAIF") and the FRESNO COUNTY INVESTMENT POOL ("POOL") and the Investment Trust of California ("CALTRUST"), that the President or Vice President and Secretary of this District are hereby authorized to establish such accounts upon such terms as may be agreed upon with the BANK, LAIF, POOL and the CALTRUST and that effective January 1, 2012, the following persons, Mark McKean, President; David Cehrs, Vice President; David L. Orth, General Manager/Secretary and, Randy Shilling, Auditor be and they are authorized as President or Vice President, and General Manager/Secretary or Auditor, to withdraw funds from said accounts by checks, drafts or other items, for and on behalf of this District.

**BE IT FURTHER RESOLVED**, that said persons are also authorized to request transfers of funds from or to those accounts held in the BANK, COMERICA SECURITIES, LAIF, POOL or the CALTRUST, from time to time for and on behalf of the District.

**BE IT FURTHER RESOLVED**, that the authority hereby conferred shall be effective January 1, 2012, and shall remain in force until revocation thereof by sealed notification to said BANK, COMERICA SECURITIES, LAIF, POOL and CALTRUST, of such action by the Board of Directors of this District is received by said BANK, COMERICA SECURITIES, LAIF, POOL and CALTRUST at the office where such accounts are maintained.

**BE IT FURTHER RESOLVED**, that Resolution 10-10, of the Board of Directors of the Kings River Conservation District, dated December 14, 2010, is revoked effective January 1, 2012.

**THE FOREGOING RESOLUTION** was passed and adopted by the Board of Directors of the Kings River Conservation District this 13th day of December 2011, by the following vote:

AYES: President Graham, Vice President Cehrs, Directors McKean, Howe, Nonini, Waldner, and Yoshimoto

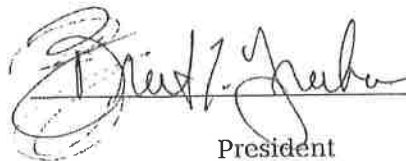
NOES: None

ABSENT: None

ATTEST:



Secretary



President

KINGS RIVER CONSERVATION DISTRICT  
 Schedule of Disbursements and Current Accounts Payable  
 Presented December 13, 2011  
 (For Expenditures in the Month Ending November 30, 2011)

Director's Payroll	11/08/11	5,000.84	
Employee Payroll	11/09/11	100,768.27	
Employee Payroll	11/23/11	104,293.92	
Employee Payroll	11/28/11	62.15	
			210,125.18
Accounts Payable (KRCD)		2,241,612.88	2,241,612.88
	Sub-Total		2,451,738.06
Ready-Tax Electronic Funds Transfers:			
Employee Tax Deposits	11/02/11		40,628.12
Director's Tax Deposits	11/10/11		2,119.83
Employee Tax Deposits	11/16/11		43,586.64
Employee Tax Deposits	11/30/11		44,813.48
	TOTAL		<u>2,582,886.11</u>