MINUTES OF THE
BOARD OF DIRECTORS MEETING
OF THE TURLOCK IRRIGATION DISTRICT

Turlock, California
7 May 2019

The meeting of the Board of Directors of the Turlock Irrigation District was called to order at 9:00 a.m. in regular session on the 7th day of May 2019. Present were: Directors Charles Fernandes (President), Rob Santos (Vice-President), Michael Frantz (Secretary), Joe Alamo and Ron Macedo, General Manager Casey Hashimoto and Executive Secretary to the Board Tami Wallenburg.

SALUTE TO THE FLAG

MOTION APPROVING CONSENT CALENDAR

Moved by Director Macedo, seconded by Director Frantz, that the consent calendar consisting of the following be approved:

A. Minutes of the regular meeting of April 23, 2019.
B. Demands against the District represented by check numbers 383171 to 383490, inclusive, in the amount of $6,998,273.02.

All voted in favor with none opposed. The President declared the motion carried.

PUBLIC COMMENT PERIOD

Customer David Fransen expressed concerns over the alleged lack of transparency within the district as well as alleged violations of the Brown Act, back room workshops, fake policies and the use of personal email addresses. He repeatedly questioned why legal counsel was not present today and again asked the board why they did not vote to “not do” the original regional water project.

WEEKLY UPDATE

Water Distribution Department Manager Mike Kavarian reviewed irrigation activity for the period of April 29 - May 5. Water orders taken during this period totaled 1,559 with an additional 462 orders received the previous day. Flows ranged between 1,090 to 890 cfs. Daily releases from Turlock Lake averaged 996 cfs, or 59 cfs above projections. He also compared which days of the week seem to be heavier than others for water orders with Monday receiving the highest amount. Water orders in April totaled 5,548. Mr. Kavarian also incorporated several new slides representing average releases per day of the week and daily cubit-foot-per-second (cfs) changes at the Main Canal. Board members asked several questions regarding the online ordering system in comparison to the call center statistics, scheduling issues, and the amount of information the
customer receives to encourage use of the online system. Mr. Kavarian stated staff is conversing with customers on a regular basis but he will encourage them to remind customers of the online system as well as get more information out there to obtain a better idea of customer expectations and what they envision for future irrigations.

RESOLUTION NO. 2019 - 23

RESOLUTION APPROVING ABANDONMENT FROM IMPROVEMENT DISTRICT

WHEREAS, the holders of title to land named in attached Exhibit A desires to abandon their rights in improvement districts within the Turlock Irrigation District and have signed Agreement to Abandon Use of Improvement District Facility, which agreement is incorporated into this resolution by reference.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Turlock Irrigation District, acting as trustees for the improvement districts named in attached Exhibit A do hereby approve the Agreement to Abandon Use of Improvement District Facility signed by the holders of title to land.

BE IT FURTHER RESOLVED that the Executive Secretary or Deputy Secretary of the Board of Directors is authorized and directed to sign the agreement on behalf of the District and to record said agreement with the appropriate County Recorder.

Moved by Director Alamo, seconded by Director Macedo, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes: Directors Santos, Frantz, Alamo, Macedo, Fernandes
Noes: Directors - None
Absent: Directors - None

The President declared the resolution adopted.

DISCUSSION REGARDING THE PROPOSED AGREEMENT CONSENTING TO COMMON USE

Survey/Right-of-Way Manager Tristan Higgins reviewed the proposed agreement consenting to common use with Stanislaus County. He noted that the county will bear the expense of all improvements, upkeep and maintenance of the proposed bridge, the design of which is subject to review by the Civil Engineering Department Manager. No construction or maintenance shall be performed during the irrigation season that could impact District operations. If approved, the target date to begin construction is December 2019 during the irrigation off-season. Director Macedo asked if the county would be doing the work and Mr. Higgins commented that the bid has not been awarded. Hearing no further comments, the Board took the following action:
RESOLUTION NO. 2019 - 24

RESOLUTION APPROVING AGREEMENT CONSENTING TO COMMON USE BETWEEN THE TURLOCK IRRIGATION DISTRICT AND STANISLAUS COUNTY

WHEREAS, the Turlock Irrigation District are the owners of that certain canal right of way known as the Ceres Main Canal, as described in Deed recorded in Book 110 of Stanislaus County Official Records on Page 412; and

WHEREAS, Stanislaus County has requested that the Turlock Irrigation District and Stanislaus County enter into an Agreement Consenting to Common Use for a portion of the Turlock Irrigation District’s Ceres Main Canal, to accommodate proposed intersection widening and improvements by Stanislaus County at Whitmore and Carpenter Road; and

WHEREAS, the proposed intersection widening and improvements shall not interfere with the rights or responsibilities of the District and shall be to the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Turlock Irrigation District that the Agreement Consenting to Common Use between the Turlock Irrigation District and Stanislaus County for a portion of the Turlock Irrigation District’s Ceres Main Canal is hereby approved, and the President and Secretary are hereby authorized and directed to execute the same on behalf of the District, and the Survey/Right of Way Manager is hereby directed to cause the same to be presented to the Stanislaus County Board of Supervisors for the approval of, and execution by, that body.

Moved by Director Frantz, seconded by Director Santos, that the foregoing resolution be approved.

Upon roll call the following vote was had:

Ayes: Directors Santos, Frantz, Alamo, Macedo, Fernandes
Noes: Directors - None
Absent: Directors - None

The President declared the resolution adopted.

DISCUSSION REGARDING THE PROPOSED ACTIONS TO EXTEND THE TERMS OF PRESIDENT, VICE-PRESIDENT AND SECRETARY BY ONE-YEAR

Director Santos stated he requested the General Manager remove this item from the agenda the previous day as he was absent from the board meeting when the item was discussed. Director Alamo noted he had reviewed the board calendar prior to the April 23rd meeting and it stated Director Santos would be present. He then reviewed portions of the resolution and memo from General Counsel from December 2017 when the board approved the requirement from Stanislaus County elections Division to change board member elections from odd to even years to coincide
with the general election. Director Alamo stated that he introduced the topic at the previous board meeting because the District has two-year board officer terms which expire at the end of 2019.

Customer Kurt Spycher appreciated the additional information regarding the need to change from odd to even year elections. He acknowledged challenges the board is facing with a new general manager recruitment and stated his main concern was how the terms were extended one year rather than shortening the term. He suggested shortening the current Board President term by half a year then if Director Santos moved up to the role of President to allow him a 1.5 year term which he felt would be fair as both would have served as president for a year and half.

Customer David Fransen repeatedly asked if legal counsel was present today and also if there was any policy which addresses board officer terms. He stated that as a future leader of the Board, Director Santos will revisit the Regional Water Project with the current mayor of Turlock and as president would be able to place this item on the TID agenda. He again questioned why the Board never voted to “not do” the water project as it was originally planned.

Board President Charles Fernandes commented that the board officer rotation does not guarantee the vice president automatically moves into the president role, this is decided by the board at the time of vote.

Director Frantz stated that the role of president of the board is to lead the board meetings and that each board member has the right to place items on the agenda, not just the board president. Director Santos responded stating he agreed but from his perspective the assumption is the vice-president becomes president at the end of the two year term. He also stated he is eager to be president and serve as the spokesman for the District. When pressed by the other board members on whether or not Director Santos already had an agenda by revisiting the Regional Water Project topic, Director Santos stated that when it was said earlier it was a false statement. Director Macedo commented that the reason today’s proposed actions recommended extending the term by one year was to promote continuity with a new general manager coming aboard and he felt it is perfectly logical to extend the officer terms by one year to bring them into alignment with the general election years. Board members then discussed the possibility of one-year terms for board officers and agreed to revisit the current board governance policy at a public workshop or during open session.

After further discussion, the Board agreed to delay today’s proposed action items extending the officer terms and the following actions were taken:

**MOTION EXTENDING THE TERM OF PRESIDENT OF THE BOARD**

Moved by Director Alamo, seconded by Director Frantz, that the *Motion Extending the Term of President of the Board* be postponed indefinitely to a future board meeting date when all Directors can be present.

All voted in favor with none opposed. The President declared the motion carried.
MOTION EXTENDING THE TERM OF VICE-PRESIDENT OF THE BOARD

Moved by Director Alamo, seconded by Director Santos, that the Motion Extending the Term of Vice-President of the Board be postponed indefinitely to a future board meeting date when all Directors can be present.

All voted in favor with none opposed. The President declared the motion carried.

MOTION EXTENDING THE TERM OF SECRETARY OF THE BOARD

Moved by Director Alamo, seconded by Director Macedo, that the Motion Extending the Term of Secretary of the Board be postponed indefinitely to a future board meeting date when all Directors can be present.

All voted in favor with none opposed. The President declared the motion carried.

GENERAL MANAGER’S REPORT

General Manager Casey Hashimoto had no new items to report. He polled the board members to see if they were available for a board meeting on Tuesday, May 28, after the 3-day holiday weekend. Due to the unavailability of a couple of members it was determined that Wednesday, May 29th would be a better date for a special board meeting.

BUSINESS OF THE BOARD

Director Santos commented that he would like the General Manager to have legal counsel present during open session for all board meetings.

Customer Brad Bates commented that through his many years of public service, including serving as mayor to the City of Turlock, having legal counsel present during open session meetings was essential as there are many situations where public officials can be held liable. He encouraged board members to consider the option of having the District’s General Counsel present at each meeting going forward.

MOTION TO ADJOURN

Moved by Director Frantz, seconded by Director Macedo, that the regular meeting of the Board of Directors be adjourned.

All voted in favor with none opposed. The President declared the motion carried.

Tami Wallenburg
Executive Secretary to the Board of Directors