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

Turlock, California
2 July 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 2nd day of July 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 Frantz, seconded by Director Macedo, that the consent calendar consisting of the following be approved:

A. Minutes of the regular meeting of June 25, 2019.
B. Demands against the District represented by check numbers 384808 to 384976, inclusive, in the amount of $6,686,842.85.

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

PUBLIC COMMENT PERIOD

There was none.

WEEKLY UPDATE

Utility Analyst-Hydrology Olivia Cramer reported on current water conditions and forecast. Accumulated precipitation measured at the three mountain stations in the Tuolumne River watershed from September 1, 2018 to present total 45.62 inches, or 126.3 percent of normal to date. San Francisco reservoirs contain 643,011 acre-feet, and the Water Bank is at 706,752 acre-feet of credit. The 7-day average for CCSF releases is 3,737 cfs. with diversions averaging 421 cfs. Ms. Cramer noted there was a dramatic reduction in releases the last week of June due to scheduled maintenance. Also, CCSF cut their releases which created a flat elevation for the Districts. Don Pedro contains 1,963,504 acre-feet with average combined releases at 4,445 cfs, with 1,817 cfs to TID canals, 787 cfs to MID canals and 1,841 cfs to the Tuolumne River. Computed natural flow is averaging 12,273 cfs for this period, with computed natural flow to date at 153.8 percent of average. Turlock Lake contains 29,829 acre-feet of water.
Water Distribution Department Manager Mike Kavarian reviewed an irrigation summary for the month of June. Water orders taken in June totaled 9,982, second highest amount of water orders since 1991. Daily releases from Turlock Lake for June averaged at 1,442 cfs, or 182 cfs below projections, with 85,825 actual acre-feet of water released during the month. For the week of June 24-30, water orders received totaled 2,497 with almost 500 orders received the previous day. Flows ranged between 1,750 to 1,305 cfs. Water orders for this period show flood irrigation being utilized 66 percent of the time, micro-drip at 26.5 percent, and Solid Set (rain-bird type) at 7.3 percent. Staff anticipates a drop off in orders towards the end of the week due to the holiday. Mr. Kavarian and board members discussed several irrigation types (flood, micro-drip, etc.), whether micro-drip systems has the capability of performing flood irrigations, and which crops must be irrigated using flood method compared to micro-drip or other methods. He also noted a ten percent increase in use of drainage pumps when compared to last year though rented pumps have gone down dramatically in 2019.

DISCUSSION REGARDING THE PROPOSED RESOLUTION OF INTENT TO LEASE REAL PROPERTY

Survey/Right-of-Way Manager Tristan Higgins reviewed today’s proposed action to potentially lease out a 46.6-acre portion of district-owned farmland adjacent to the District’s Walnut Energy Center (WEC) power plant located at 600 S. Washington Road in Turlock. The parcel is situated within the City of Turlock Westside Industrial Specific Plan area and is served from flood facilities located centrally for irrigation purposes by Improvement District No.757. Recent internal staff discussions for the site did not yield any projected uses in the foreseeable future. Mr. Higgins then reviewed several short and long-term lease options for this parcel as well as a 1.5-acre piece in the southern laydown area of WEC. After a lengthy discussion on long-term vs. short-term, crop types, dust control and exit strategies, the majority of the Board preferred a minimum 10-year or longer lease if there was a crop revenue sharing option so it would be profitable for the District and its ratepayers. They reviewed several perimeters to be included in the Request-for-Proposal (RFP) including the proposed crop to be grown, statement of qualifications and price per acre among others. Mr. Higgins noted the lessee would be responsible for improvements, utility fees, charges, costs and maintenance for the term of the lease. Director Alamo requested the advertising for the RFP also be included in the District’s Grower Newsletter that goes out to all farmers in the District. Once an applicant is chosen through the RFP process and meets all of the qualifications, staff will present the lease agreement for approval at a future board meeting. Hearing no further comments, the Board took the following action:

RESOLUTION NO. 2019 - 35

RESOLUTION OF INTENTION TO LEASE REAL PROPERTY

WHEREAS, the Turlock Irrigation District (“District”) is the owner of that certain 69.3 acre parcel of real property known as Parcel 2, as shown on Parcel Map recorded December 18, 1981, in Volume 32 of Parcels Maps on Page 82, Stanislaus County Records; and

WHEREAS, the Turlock Irrigation District’s Walnut Energy Center Power Plant is located upon an approximate 22.7 acre portion of said property; and

WHEREAS, the Turlock Irrigation District has no immediate District use for the approximate 46.6 acre remainder of said property; and
WHEREAS, pursuant to the authority granted under Section 22506 of the California Water Code, a District may lease property for non-interfering use or purpose on terms that appear to the board to be for the best interests of the District; and

WHEREAS, staff wishes to pursue proposals for a ground lease of said 46.6 acre portion in order to secure the maximum District benefit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Turlock Irrigation District that the Resolution of Intention to Lease Real Property is hereby approved, and the General Manager or his designee is hereby authorized and directed to solicit proposals, and present the preferred proposal to the Board of Directors at a later date for execution of the Ground Lease Agreement.

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.

GENERAL MANAGER’S REPORT

General Manager Casey Hashimoto had no new items to report.

BUSINESS OF THE BOARD

Director Santos reported on a joint dinner he and Director Fernandes attended the previous week with Modesto Irrigation District Board President Paul Campbell and Vice-President John Mensinger. Director Fernandes stated this has been a practice for many years to have the board president and vice-president of both agencies meet quarterly for dinner to keep the line of communication open between the two districts.

DISCUSSION REGARDING THE PRESENCE OF LEGAL COUNSEL AT DISTRICT BOARD MEETINGS

General Manager Casey Hashimoto reviewed steps leading up to today’s discussion of having legal counsel present at all future board meetings. He reviewed whether other like-agencies have legal counsel present for meetings, the costs to have current General Counsel or an outside law firm present each week, and how the District has historically relied on the use of attorneys on an “as-needed” basis such as when they are required to attend specific closed sessions. He also reviewed the role of the President of the Board who is in charge of running the meeting in accordance with its procedures.

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Director Santos stated he was in favor of having General Counsel present each week and asked if they would be available to do so. Mr. Hashimoto stated they were available. Director Santos continued stating the only negative aspect would be the cost to the District but felt it was worth it to alleviate any potential liability for possible Brown Act violations. Director Alamo stated that he and others complete the required Ethics training (must be completed by elected officials per AB 1234) every two-years so he felt very confident that the current board members were well trained in the Brown Act and meeting protocol. He asked Mr. Hashimoto if he is aware of any past litigation against the District for violating the Brown Act and he said there has been none. Director Macedo stated that he feels the board mitigates risks quite well for many years and the presence of legal counsel is not going to change that. Director Fernandes stated that he has been a board member for over 17 years and there has never been an issue of non-compliance though he realized many agencies do have legal counsel present and is not opposed to the idea. Director Frantz stated that board members are trained and there have been no violations so he did not see a reason to change for the sake of change. He and Director Alamo also stated that if there were a topic in which they felt needed general counsel present then the board would direct the general manager to invite them. Director Santos questioned if there were any insurance stipulations that require the presence of general counsel at each meeting. Mr. Hashimoto stated he would look into the insurance matter and get back to them.

DISCUSSION REGARDING PROPOSED AMENDMENT TO THE BOARD GOVERNANCE POLICY TIDBP-4

General Manager Casey Hashimoto reviewed the various options he outlined in his memo to the board for discussion regarding a possible amendment to the Board Governance Policy TIDBP-4, Election of Board President and Vice President. He reminded the board members that today’s discussion is not a vote to amend the policy or elect officers at this time but to receive direction from the board members on if they are in favor of amending it at a future board meeting. Director Frantz stated he was in favor of moving from the current practice of two-year terms to a single year term and noted other agencies also utilize one-year terms for their board officers. He stated that during his board governance training he learned that some people desire to run meetings and are good at public speaking while others prefer not to chair meetings. Director Santos stated he agreed with that but also felt the officer positions should be rotated on an equal basis so each member has the opportunity to chair. Director Macedo stated there have been times in other local agencies where a rogue board member has caused trouble for agency staff so he felt the president and vice-president roles should be governed and not on an automatic rotation. Director Santos stated he felt the no-rotation stipulation would show prejudice against one board member if the others were not in agreement. Director Fernandes stated there would be times that the entire board does not agree on an action but that is how government works. There was further discussion amongst the board with Directors Fernandes, Frantz, Alamo and Macedo favoring the one-year terms for board officers with no automatic rotation and a two-year consecutive term limit, and Director Santos desiring the one-year term for board officers with an automatic rotation. The general manager was given direction to pursue an amendment to the Board Governance policy TIDBP-4 at a future board meeting by changing board officer terms to one-year with a maximum of two consecutive years. Directors Fernandes, Frantz, Alamo and Macedo concurred with Director Santos opposing.
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