



MINUTES OF A REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
LOWER TULE RIVER IRRIGATION DISTRICT

The Board of Directors of the Lower Tule River Irrigation District met in a regular Meeting on the 12th day of January 2004, at 9:00 a.m. at the District office in Tipton, California. The meeting was called to order by President BEN SERAFIN. It was determined the following Directors were in attendance:

Director	Div. 2	2005	BENJAMIN SERAFIN
Director	Div. 3	2007	DONALD MACMILLAN
Director	Div. 4	2007	GARY FERNANDES
Director	Div. 1	2005	TONY SIMONICH
Director	Div. 5	2005	DIANE BOWMAN-FRIEND

District Staff Present: DANIEL G. VINK – General Manager
ERIC LIMAS - Controller

1. BOARD ADMINISTRATION

On motion by Director MACMILLAN, second by Director SIMONICH and unanimously approved, the agenda was approved as presented.

The minutes of the December 9, 2003 regular meeting were distributed for review in advance of the meeting. On motion by Director BOWMAN-FRIEND, second by Director SIMONICH and unanimously approved the minutes of the December 9, 2003 regular meeting were accepted and ordered placed on file.

The financial statements for the month of December 2003 and a year-end budget analysis were reviewed by Controller LIMAS and General Manager VINK. Included in the review was a recap of the assessment income to date. Through December the District has received 88% of the first installment, which was due at the end of December 2003. The Board spent considerable time discussing the Districts reserve accounts and reached consensus to complete the water supply and water rights reserve accounts. After thorough review and discussion, on motion by Director FERNANDES, second by Director SIMONICH and unanimously approved the Board accepted the financial statement as presented and authorized the transfer of funds into the reserve account.

General Manager VINK reviewed with the Board an amended 457 deferred compensation plan. The 457 Plan has been amended to reflect IRS changes, on



motion by Director SIMONICH, second by Director MACMILLAN and unanimously approved the Board accepted the amended Plan and ordered it placed on file.

The District has received loan documents from Kaweah National Bank for the financing of the Districts backhoe purchased through Nortrax Equipment. On motion by Director BOWMAN-FRIEND, second by Director FERNANDES and unanimously approved the Board authorized signature to the loan documents.

Controller LIMAS presented for consideration an engagement letter with Adair, Evans, and White et. al. for the Districts auditing services for 2003. On motion by Director BOWMAN-FRIEND, second by Director MACMILLAN and unanimously approved the Board authorized execution of the letter of engagement. The estimated cost was set at an amount not to exceed \$5,250.

With the first meeting of the year comes the reorganization of the Board. President SERAFIN turned the meeting over to General Manager VINK who reviewed for the Board the Districts current slate of officers and appointments. After thorough review and discussion on motion by Director FERNANDES, second by Director SIMONICH and unanimously approved the current slate of officers and appointments was adopted for 2004. President SERAFIN then resumed control of the meeting.

Director BOWMAN-FRIEND notified the Board of the pending sale of her property in the District including her residence. Accordingly her seat will be vacated once the sale of the property is complete.

2. WATER CONDITIONS

General Manger VINK reviewed a variety of water supply and conditions including a brief update on the precipitation to date. The Board spent time reviewing the Districts Interim Renewal contracts for Cross Valley Canal water supply. On motion by Director FERNANDES, second by Director SIMONICH and unanimously the Board approved Resolution 2004-1-1 approving the form of the Interim Renewal contract and Resolution 2004-1-2 authorizing execution of the Interim Renewal contract. Resolution 2004-1-1 & Resolution 2004-1-2 are attached as **Exhibit "A and B"**.

3. DISTRICT OPERATIONS

General Manager VINK reviewed with the Board a variety of construction and maintenance activities.

General Manager VINK submitted to the Board for consideration the consulting agreement between Maintenance Foreman PAT BURTON and the District. The consulting agreement will go into effect upon BURTON's retirement. The Board had reviewed the consulting agreement on several occasions at prior meetings. After thorough review and discussion, on motion by Director MACMILLAN, second by Director BOWMAN-FRIEND and unanimously approved the Board authorized execution of the consulting agreement between Lower Tule River Irrigation District and PAT BURTON to be effective upon the date of his retirement.

At 10:00 a.m. the Board convened into executive session to confer with counsel on pending or threatened litigation. In accordance with government code section 54956 prior going into closed session General Manager VINK announced that the Board would be reviewing Westlands Water District area of origin application, NRDC v. Patterson and the State Water Resources Control Board fee. District counsel was present via conference call with the Board. Upon coming out of closed session it was reported that the District took action to approve execution of the settlement agreement between the Friant Water Users Authority and the Westlands Water District.

General Manager VINK reviewed a variety of administrative activities with the Board, including:

- The development of a continuing education and training policy
- A review of organizational goals for the District.
- Meetings with Congressman NUNES
- Friant Water Users Authority issues, including a FOIA request by counsel DOOLEY to the Bureau of Reclamation and correspondence from consulting engineer DENNIS KELLER.

General Manager VINK presented for review the 2004 cost of living increase. After thorough review and discussion, on motion by Director BOWMAN-FRIEND, second by Director MACMILLAN and unanimously approved the Board authorized a 2% cost of living increase to be effective at the first full payroll period for 2004.

General Manager VINK reported that the agreement between the Bayou Vista Ditch Company and Lower Tule River Irrigation District for the transfer of the Taylor Ditch facilities to Lower Tule River Irrigation District has been completed and fully executed.

Controller LIMAS and General Manager VINK then presented for the Board a Vision Insurance reserve plan. The plan would call for the District to maintain a \$10,000 reserve account for the District Vision Insurance Policy. The dollar amount threshold

would be reviewed on a quarterly basis with deposits being made on a quarterly basis as necessary.

4. CROSS VALLEY CANAL

The Board reviewed a variety of Cross Valley Canal activities including the capacity increase and ongoing negotiations. No action was taken

5. TULE RIVER ASSOCIATION

The Board reviewed the December 2003 meeting of the Tule River Association Board meeting. The minutes of the TRA Board of Directors have been distributed to the Board and are not repeated here.

General Manager VINK and Controller LIMAS then presented to the Board the 2004 proposed budget for the Success Power Project. On motion by Director BOWMAN-FRIEND, second by Director FERNANDES and unanimously approved the Board recommended approval of the 2004 SPP budget to the Tule River Association Board.

The Board spent considerable time discussing the Success Reservoir Enlargement project and the various SREP meetings that have been ongoing. General Manager VINK and Controller LIMAS presented to the Board a financing package wherein the District could finance approximately \$600,000 of its cost associated with the Enlargement project over a 15-year period. The consensus of the Board was to finance this capital item and after thorough review and discussion, on motion by Director BOWMAN-FRIEND, second by Director FERNANDES and unanimously approved the Board directed staff to begin preparing the documents necessary for execution for financing.

6. FRIANT WATER USERS' AUTHORITY

The Board reviewed the November and December meeting of the FWUA Board of Directors. Considerable time at the Friant meetings has been spent discussing the facilitation process of the modified Joint Powers Agreement. The District has also been working with other districts to form a new Joint Powers Authority.

The new Joint Powers Authority was discussed in some detail. On motion by Director FERNANDES, second by Director MACMILLAN and unanimously approved the Board adopted Resolution 2004-1-3 authorizing participation in the Friant Water Authority approving the form of Joint Powers Agreement and appointing Director MACMILLAN as the Director with first alternate being Director SIMONICH, second alternate being General Manager VINK. Resolution 2004-1-3 is attached as **Exhibit “C”**.

The minutes of the FWUA have been distributed to the Board and are not repeated here.

7. MISCELLANEOUS AUTHORITY/AGENCY

- A. Mid-Valley Water Authority.
- B. Deer Creek & Tule River Authority.

8. U.S DEPARTMENT OF THE INTERIOR

Nothing new to report.

9. MEETINGS, HEARINGS & NOTICES

Nothing new to report.

10. MISCELLANEOUS MATTERS

- A. Association of California Water Agencies. General Manager VINK reported to the Board that he has been appointed to the ACWA Federal Affairs committee.
- B. Central Valley Project Water Association
- C. California Water Resources Association
- D. National Water Resources Association
- E. California Chamber of Commerce.
- F. Ag Water Committee
- G. Water Education Foundation
- H. California Farm Water Coalition.
- I. Family Water Alliance.



There being no further business to be brought to the Boards attention the meeting was adjourned to a later date wherein the Board would reconvene to review options available to the District under the pending State Water Resources Control Board fees.

On February 5th, 2004 at 10:00 a.m. the January regular meeting of the Board of Directors of the Lower Tule River Irrigation District was reconvened at the District office in Tipton, California. The meeting was called to order by President BENJAMIN R. SERAFIN. It was determined the following Directors were in attendance:

Director	Div. 2	2005	BENJAMIN SERAFIN
Director	Div. 3	2007	DONALD MACMILLAN
Director	Div. 4	2007	GARY FERNANDES
Director	Div. 1	2005	TONY SIMONICH
Director	Div. 5	2005	DIANE BOWMAN-FRIEND – Absent

The agenda item for the continued meeting was the review and discussion of the State Water Resources Control Board fees. After thorough review and discussion, hearing input from staff that had reviewed the matter with counsel. On motion Director MACMILLAN, second by Director SIMONICH with Director FERNANDES opposed, the Board authorized payment of the State Water Resources Control Board fees. The payment will be made under protest and the District will be joining in the lawsuit with the Central Valley Project Water Association. A copy of the State Water Resources Control Board fees and ancillary correspondence is attached as **Exhibit “D”**.

There being no further business to brought to the Boards attention the meeting was adjourned.

Respectfully Submitted,

Daniel G. Vink