



**WATER AND POWER**

744 W. 20th Street (95340)  
P.O. Box 2288 - Merced, CA 95344-0288  
(209) 722-5761

**BOARD OF DIRECTORS**

Tim Pellissier, *President - Division 1*  
Scott Koehn - *Division 2*  
David Long, *Vice President/Secretary - Division 3*  
Kevin Gonzalves - *Division 4*  
Billy Pimentel - *Division 5*

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John Sweigard - *General Manager*  
Phillip McMurray - *General Counsel*

**MERCED IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING**

Tuesday, July 2, 2013  
10:00 A.M.

MERCED CIVIC CENTER  
678 W. 18th Street  
Merced, CA 95340

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSIDER CORRECTIONS OR ADDITIONS TO THE AGENDA**

The Board will consider corrections or additions to the agenda of items requiring immediate action that have come to the attention of the Board after posting of the agenda.

**RESOLUTION NO. 2013-19 HONORING FORMER DIRECTOR JACK F. HOOPER**

The Board will consider adoption of Resolution No. 2013-19 honoring former Director Jack. F Hooper for his years of dedication and service to Merced Irrigation District, and dedicating the Board's July 2, 2013 meeting to the memory of Mr. Hooper.

**OPPORTUNITY FOR PUBLIC COMMENT (5 minutes per speaker)**

Interested persons in the audience are welcome to introduce any topic within the District's jurisdiction. Matters presented under this heading may be discussed but no action will be taken by the Board at this meeting.

**CONSENT CALENDAR**

All matters listed under Consent Calendar are considered routine by the Board of Directors and will be adopted by one action of the Board unless any Board Member has any question or wishes to make a statement or discuss an item. In that event, the President of the Board will remove that item from the Consent Calendar and place it for separate consideration.

1. Board Meeting Minutes June 4, 2013
2. Written Disbursement Request No. 56

- |                                |                        |
|--------------------------------|------------------------|
| 3. Withdrawal Request          | No. 819 and 820        |
| 4. Out of State Travel Request | No. 2013-04, 05 and 06 |

#### **ACTION/DISCUSSION ITEMS**

1. **SETTLEMENT:** The Board of Directors will review and consider participating in proposed settlement of litigation between two (2) District customers: Kevin and David Gonzalves, and Gary and Ken Nunes. (McMurray)
2. **2012 AUDIT:** The Board of Directors will review and consider approval of the 2012 Audit. (Stubbert).
3. **RESOLUTION NO. 2013-20:** The Board of Directors will review and consider adoption of Resolution No. 2013-20 for proposed easement quitclaim deed to the City of Atwater for Assessor's Parcel Number 004-010-028. (Wiersma)
4. **PROPOSED SALE:** The Board of Directors will review and consider authorizing the sale of Assessor's Parcel Number 075-040-008 located in El Nido. (Wiersma)

#### **REPORT ITEMS**

1. Water Operations Report (Wiersma)
2. Energy Resources Report (Ouchley)

#### **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Two (2) cases pursuant to Government Code Section 54956.9(a).
  - Gallo Cattle Company v. Merced Irrigation District, et al., Merced Superior Court Case CV001051
  - Gallo Cattle Company v. Merced Irrigation District, Merced Superior Court Case CV003031
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS – One (1) matter pursuant to Government Code Section 54956.8**
  - Property: APNs 052-040-028, 052-040-098 and 052-040-031, all located south of Fisher Road between Oakdale Road and Buhach Road near the town of Cressey
    - i. Under negotiation: Price and terms of agreement(s)
    - ii. Negotiating parties: Kevin and David Gonzalves, and Gary and Ken Nunes
    - iii. District negotiators: General Manager, Deputy General Manager-Water Resources, Deputy General Manager Water Rights/Supply and General Counsel

#### **ADJOURNMENT**

**Posted: Wednesday, June 26, 2013 at 4:00 P.M.**

**NOTE:** No action may be taken on any items not appearing on this agenda unless:

- : There is a finding of an emergency situation by majority.
- : A two-thirds vote of the legislative body or a unanimous vote if less than two-thirds of the members are present.
- : An item was properly posted, but carried over for five days.

Any materials that are public records that relate to an agenda item, and are distributed to the board of directors less than 72 hours prior to the meeting shall be available for public inspection at the offices of the Merced Irrigation District, 744 W. 20th Street, Merced, CA during normal business hours. Additionally, any materials presented during open session are available for public inspection at the same address.