



**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*

**REVISED MEETING LOCATION**

**MERCED IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING**

Thursday, November 21, 2013  
10:00 A.M.

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

**MERCED COUNTY ADMINISTRATION BUILDING**  
Board Chambers on Third Floor  
2222 M. 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.

**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
2. Written Disbursement Request

November 5, 2013

No. 61

## **ACTION ITEMS**

1. **RESOLUTION NO. 2013-33**: The Board of Directors will review and consider adoption of Resolution No. 2013-33 allowing California Public Employees' Retirement System ("CalPERS") employee contribution by the District to be considered tax-deferred payroll deductions, as defined by the Internal Revenue Code ("IRC"), Section 414(h)(2). (Carter)
2. **RESOLUTION NO. 2013-34 & 35**: The Board of Directors will review and consider adoption of Resolution No. 2013-34 and 35 allowing the District to pay Employer Paid Member Contributions ("EPMC") for California Public Employees' Retirement System ("CalPERS"), as defined in Government Code Section 20691. (Carter)
3. **CLAIM**: The Board of Directors will review and consider a claim filed by Delmar Nichols for property and tree loss occurring on August 18, 2013. (Carter)
4. **CLAIM**: The Board of Directors will review and consider a claim filed by Daljit Rai of D&S Farms for alleged tree damage. (Carter)
5. **CLAIM**: The Board of Directors will review and consider a claim filed by Tim M. Smith for extra labor required when there was a North Bloom Lateral break near his property. (Carter)
6. **REINSTATEMENT OF WATER SERVICE**: The Board of Directors will review and consider a request for reinstatement of water service to APN's 207-130-014, 207-130-026, 207-130-227, and 207-130-029. (Wiersma)
7. **RESOLUTION NO. 2013-36**: The Board of Directors will review and consider adoption of Resolution No. 2013-36 approving Renewable Portfolio Standard ("RPS") Procurement Plan. (Ouchley)

## **REPORT/DISCUSSION ITEMS**

1. Water Operations Report (Kelly)
2. Water Resources Budgets/Rates/Revenue Presentation

## **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – One (1) case – pursuant to Government Code section 54956.9(b)
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – One (1) case – Federal Energy Regulatory Commission - Relicensing of the Merced River Hydroelectric Project, pursuant to Government Code section 54956.9(b)
3. **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
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Title: General Manager, pursuant to Government Code Section 54957.

## **ACTION ITEMS**

8. **CONTRACT**: The Board of Directors will review and consider renewal/extension of the General Managers contract.

## **ADJOURNMENT**

**Amended Post: Monday, November 18, 2013 at 3:30 P.M.**

**Posted: Friday, November 15, 2013 at 1:00 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.