



BOARD OF DIRECTORS

Jeff Marchini *President - Division 1*

Mario Bandoni *- Division 2*

David Long *- Division 3*

Suzy Hultgren *- Division 4*

Robert Weimer *Vice President/ Secretary - Division 5*

John Sweigard *- General Manager*

Phillip R. McMurray *- General Counsel*

**MERCED IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING**

March 16, 2021

9:00 AM

**** PURSUANT TO EXECUTIVE ORDERS ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM, THE BOARD OF DIRECTORS WILL MEET AT THE TIME AND DATE REFERENCED ABOVE VIA TELEPHONIC CONFERENCE CALL ONLY AND NOT IN PERSON ****

MEMBERS OF THE PUBLIC WHO WISH TO OBSERVE AND PARTICIPATE IN THE BOARD OF DIRECTORS MEETING ARE ENCOURAGED TO REVIEW THE GUIDANCE DOCUMENT ATTACHED TO THIS AGENDA. PLEASE CONTACT MID STAFF WITH ANY QUESTIONS OR IF YOU REQUIRE A REASONABLE ACCOMMODATION TO PARTICIPATE – 209-722-5761.

BOARD OF DIRECTORS WILL BEGIN MEETING WITH CLOSED SESSION AND OPEN SESSION WILL NOT START BEFORE 10:00AM.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS REGARDING PERSONNEL MATTERS

One (1) matter pursuant to Government Code Section 54957.6

District Representatives:

- General Manager
- General Counsel
- Director of Administrative Services

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 in the 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 questions 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. Resolution No. 2021-02

The Board will review and consider declaring property of the District as surplus and authorize staff to dispose of the surplus property.

[Attachment](#)

ACTION/DISCUSSION ITEMS

1. Resolution No. 2021-03

The Board will review and consider adopting the Merced Irrigation District's consolidated Fiscal Year 2022 Operating and Capital Budgets and Fee Schedule; adopting the DRAFT FY 2022 Budget for the Merced Irrigation District Drainage Improvement District #1; Adopting the District's Roster By Classification and approving employer paid member contributions; and, authorizing other actions relating thereto.

<http://mercedid.org/default/assets/File/FY2022%20DRAFT%20Budget%20Book.pdf>

[Attachment](#)

REPORT ITEMS

1. Water Resources Report and Water Supply Implementation Plan

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR - LABOR NEGOTIATIONS

One (1) matter pursuant to Government Code Section 54957.6.
Agency Negotiators:

- John Sweigard, General Manager
- Phillip McMurray, General Counsel
- Victor Moreno, Director of Administrative Services

Employee Organization: International Brotherhood of Electrical Workers, Local 1245

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

One (1) matter - pursuant to Government Code section 54956.8

Property: APN's: 007-010-007;030-150-004;038-150-007;038-170-007;038-170-008;038-180-005;038-180-006;038-180-007;038-180-009;038-180-010;038-180-011;043-010-006;043-010-007;043-120-014;043-120-015;043-150-001;043-150-003;043-150-004;043-160-028

Under Negotiation: Price, Term(s) of agreement(s)

MID Negotiators:

- General Manager
- DGM - Water Rights/Supply
- DGM - Water Resources
- General Counsel

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

One (1) case – pursuant to Government Code section 54956.9(d)(2)&(4)

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One (1) case pursuant to Government Code Section 54956.9(a).

- Kevin Gonzalves v. Merced Irrigation District and Merced Irrigation District Board of Directors; Merced County Superior Court Case No. 17CV-03333.

ADJOURNMENT

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.

TEMPORARY GUIDANCE DOCUMENT FOR PUBLIC PARTICIPATION

MERCED IRRIGATION DISTRICT BOARD OF DIRECTORS

Consistent with recent Executive Orders issued by California Gov. Newsom, and based on guidance from health officials to minimize spread of the COVID-19 virus, members of the public who wish to observe and participate in the meeting of the Board of Directors for the Merced Irrigation District should consider the following:

1. View open session presentations (if any) via WebEx meeting:

You may email a request to view presentations and listen to the Board's meeting via WebEx conference call. Requests received before 3pm the day before the Board's meeting will receive an emailed link to the meeting. Requests may be submitted to dzuniga@mercedid.org or jmcmaster@mercedid.org. Requests to view meetings are for the immediately upcoming meeting, only. If you wish to view presentation(s) for future meetings, you must renew your request.

OR,

2. Dial in and listen using the following:

Toll Free number from the US: 1-855-749-4750

Meeting number (access code): 133 227 5668

3. Public comments:

If you wish to make a comment on a specific agenda item, please submit your comments via email to dzuniga@mercedid.org or jmcmaster@mercedid.org. Your comment will be placed into the record of the Board meeting. Written comments submitted before 4 PM the evening before the Board's meeting will be read to the Board as part of the discussion on the agenda item specified.

If you would like to make a general public comment or comment on a specific agenda item as it is being heard by the Board, please email your comment to dzuniga@mercedid.org or jmcmaster@mercedid.org, and staff will make a reasonable effort to read the comment into the record as part of the discussion. Some comments may not be read due to time limitations or other issues. Written comments should be limited to 250 words or less. If a comment is not read during the Board meeting, it will be made part of the record of the Board meeting so long as it is received prior to the conclusion of the meeting.

4. No publicly accessible location will be made available for the Board's meeting in order to minimize the spread of the COVID-19 virus. Participation in the Board meeting is temporarily limited to the guidance provided in this document, and may be amended or rescinded at any time.



BACKGROUND REPORT

Meeting Date: March 16, 2021

Staff Contact: Victor Moreno, Director of Administrative Services

Department: General Administration

Agenda Item: The Board will review and consider adopting Resolution No. 2021-02, declaring property of the District as surplus and authorize staff to dispose of the surplus property.

Recommendation(s):

Staff recommends the Board declare the District property identified by staff as no longer necessary for District purposes and therefore surplus, and authorize staff to dispose of the property in the best interests of the District, as presented.

Background Information:

Aside from MID's Main Administration Office in downtown Merced, MID's primary facility for operations employees, equipment, etc. is MID's Franklin Yard facility, located on Franklin Road, Merced. Until the recent construction of MID's new Franklin Yard Control Center and new shop/warehouse/storage facilities, MID employees in particular were housed in a variety of permanent and temporary structures on the property.

While essentially all of the antiquated permanent structures were removed and replaced as part of the recent improvements, MID still possesses and maintains what staff commonly refers to as the "DSO trailer." The DSO trailer was the primary location for MID's DSOs and supervisory personnel to meet, store personal and/or work items, store certain administrative documents, etc.

With the completion of MID's new facilities at Franklin Yard, the DSO trailer is no longer used or needed for MID purposes and may be declared surplus property of the District. Related and included as part of the proposed action, is miscellaneous furniture and office equipment from the DSO trailer and other MID locations that is no longer used or needed for MID purposes, and may also be declared surplus.

If approved by the Board, staff will perform an "in-house" property sale to dispose of the property. If the in-house property sale is not successful, staff may dispose of the DSO trailer through some other means, such as sale by auction.

Staff will be available at the Boards meeting to provide additional information, upon request.

Pros/Cons:

PROS:

By disposing of surplus District property, the District obtains valuable consideration for property that is no longer necessary for District purposes. Also, members of the public have a chance to purchase equipment/materials that is no longer useful to the District but could still provide a benefit to their operations. This equipment is no longer used by MID, and the longer the equipment sits idle, the more likely it is to degrade.

CONS:

None

Alternatives:

Rather than hosting an in-house auction first, the District could dispose of surplus items through a commercial auction. The Board could also determine to keep and maintain the property identified, at an undetermined cost.

Financial Impact:

It is hard to estimate the revenue or compensation the surplus property may bring at a sale, staff anticipates providing the Board with a summary of the sales and revenue received after completion of the sales.

Attachments:

[Resolution No. 2021-02 Surplus Property Exhibit A](#)

**MERCED IRRIGATION DISTRICT
RESOLUTION NO. 2021-02**

**RESOLUTION DECLARING PROPERTY OF THE DISTRICT AS NO LONGER NECESSARY FOR
DISTRICT PURPOSES AND THEREFORE SURPLUS, AND FURTHER AUTHORIZING ITS
DISPOSAL**

WHEREAS, when evaluating whether or not to declare District property/equipment surplus, and authorize its sale or lease, the Board of Directors (“Board”) and staff review the Merced Irrigation District’s (“District”) Fleet Asset Management Guidelines, which provides a general guideline for the operation, maintenance, use, lifespan and proper disposal of the District’s tangible personal property when it is no longer necessary for District purposes;

WHEREAS, Water Code Section 22500 requires that a determination that property of the District is no longer necessary for District purposes, together with an authorization to sell or lease of such property for a valuable consideration, shall be made in the best interests of the District pursuant to a Board resolution entered into the minutes of the District;

WHEREAS, the District owns the property listed on the attached materials list (Exhibit ‘A’ hereto), which the Board has reviewed and hereby determines is no longer necessary for District purposes, and further the Board determines that it is in the best interest of the District to authorize proper disposal of the same for a valuable consideration.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The facts contained in the recitals above are true and correct, and the Board so finds and determines.
2. The property of the District set forth and described in Exhibit ‘A’ is no longer necessary for District purposes and is hereby declared surplus to the needs of the District, and may be disposed of for a valuable consideration as established by the reasonable determination of staff.

BE IT FURTHER RESOLVED THAT, the General Manager or his designee is authorized to execute such other documents that may be necessary or appropriate, and is authorized to take such other actions as may be necessary or appropriate to carry out the intent of this Resolution, said execution to provide conclusive evidence of the Board’s approval thereto and the acceptance by the Board of the transactions contained therein.

PASSED AND ADOPTED by the Board of Directors of Merced Irrigation District this 16th day of March, 2021, by the following vote:

Ayes:	Directors:
Noes:	Directors:
Abstain:	Directors:
Absent:	Directors:

Jeff Marchini
President
Merced Irrigation District

Robert Weimer
Vice President/Secretary
Merced Irrigation District

EXHIBIT 'A'

SURPLUS DISTRICT PROPERTY / EQUIPMENT

QTY	ITEM DESCRIPTION
1	"DSO trailer"
Misc.	Office furniture and related equipment (refrigerator, desks, cabinets, chairs, etc.)



BACKGROUND REPORT

Meeting Date: March 16, 2021

Staff Contact: Don Knapp, Chief Financial Officer

Department: General Administration

Agenda Item: Resolution No. 2021-03

Recommendation(s):

The Board will review and consider adopting the Merced Irrigation District's consolidated Fiscal Year 2022 Operating and Capital Budgets and Fee Schedule; adopting the DRAFT FY 2022 Budget for the Merced Irrigation District Drainage Improvement District #1; Adopting the District's Roster By Classification and approving employer paid member contributions; and, authorizing other actions relating thereto.

<http://mercedid.org/default/assets/File/FY2022%20DRAFT%20Budget%20Book.pdf>

Attachments:

[Resolution No. 2021-03 adopting budget MIDDID1 roster only and EPMC FY 2022](#)

**MERCED IRRIGATION DISTRICT
RESOLUTION NO. 2021-03**

RESOLUTION ADOPTING THE MERCED IRRIGATION DISTRICT'S CONSOLIDATED FISCAL YEAR 2022 OPERATING AND CAPITAL BUDGETS AND FEE SCHEDULE; ADOPTING BUDGET FOR THE MERCED IRRIGATION DISTRICT DRAINAGE IMPROVEMENT DISTRICT #1; ADOPTING THE DISTRICT'S ROSTER BY CLASSIFICATION AND APPROVING EMPLOYER PAID MEMBER CONTRIBUTIONS; AND, AUTHORIZING OTHER ACTIONS RELATING THERETO

Consolidated Fiscal Year 2022 Operating and Capital Budgets and Fee Schedule

WHEREAS, the Merced Irrigation District ("District") serves and delivers water and electric power within the County of Merced, and owns and operates a parks and recreation department and hydroelectric facilities in the Counties of Merced and Mariposa; and

WHEREAS, the Board of Directors ("Board") of the District recognizes the importance of delivering the District's water and energy resources to its customers in an efficient, safe and effective manner; and

WHEREAS, the establishment of a budget for approved expenditures is an integral part of a strong financial management and internal control program, and the Board desires to continue to exercise its financial and fiduciary responsibility to its constituents; and

WHEREAS, at its January 7, 2021 meeting, the Board's Finance and Administration Committee ("FAC") received and reviewed the staff prepared, and subsequently revised draft operating and capital budgets necessary to operate, maintain and improve the District's facilities and provide service in each of the District's departments in Fiscal Year 2022 ("FY 2022"); and

WHEREAS, also at its January 7, 2021 meeting, the FAC recommended the that rather than have an additional meeting, staff next present the District's Consolidated FY 2022 Operating and Capital Budgets for consideration and adoption by the full Board, including an updated District Annual Fee Schedule necessary to support said budgets; and

WHEREAS, at its February 16, 2021 meeting, the Board received and reviewed the District's Consolidated FY 2022 Operating and Capital Budgets as updated by staff after the January 7, 2021 meeting of the FAC (a copy of which is attached hereto as Exhibit "A"), including an updated District Annual Fee Schedule necessary to support said budgets (a copy of which is attached hereto as Exhibit "B"); and

WHEREAS, it is appropriate to identify and update from time to time the District's roster of employees needed to perform District functions (attached hereto as Exhibit "C"), and similarly necessary to expend funds to pay wages, purchase materials and supplies, contract for services, repair, replace and construct facilities, acquire equipment and pay for other expenses; and

WHEREAS, the Board has been presented with, reviewed and considered the Consolidated FY 2022 Operating and Capital Budget and District Annual Fee Schedule as recommended by the FAC, and considers the proposed budget level of expenditures necessary and appropriate to operate, maintain and improve the District operations and facilities in FY 2022; and

Merced Irrigation District Drainage Improvement District #1 Budget and Ordinance

WHEREAS, the Board has created the Merced Irrigation District Drainage Improvement District #1, generally for the purpose of assisting other local agencies in the control of storm water, including storm water which may arise in residential areas near District facilities and also to help control storm waters which may arise outside of the District and which flow or drain into or through the District; and

WHEREAS, the Board, as part of its process to review and adopt the District budget each fiscal year, also reviews and adopts a budget for the operation and maintenance of said drainage improvement district, together with an ordinance through which the District fixes and collects charges for the costs of drainage service, and further to have such fees and other charges collected on the tax rolls for the County of Merced pursuant to applicable law; and

WHEREAS, the Board has been presented with, reviewed and considered the FY 2022 Operating and Capital Budget for the Merced Irrigation District Drainage Improvement District #1 as recommended for adoption by the FAC (a copy of which is attached hereto as Exhibit "D"), and considers the proposed budget level of expenditures necessary and appropriate to operate, maintain and improve operations and facilities in FY 2022; and

WHEREAS, the Board intends by adopting this resolution, to also adopt the annual budget for the Merced Irrigation District Drainage Improvement District #1 as presented, as well as adopt an ordinance as generally described hereinabove (the substantial form of which is attached hereto as Exhibit "E"); and

Employer Paid Member Contributions and Adjustment to Non-Bargaining Unit Wage Schedule

WHEREAS, the Board, as the governing body of the Merced Irrigation District, has the authority to implement Government Code Section 20691; and

WHEREAS, the Board has adopted a resolution which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps of the procedures to implement Section 20691 is the adoption by the governing body of the Merced Irrigation District of a Resolution to commence and continue said Employer Paid Member Contributions ("EPMC"); and

WHEREAS, the Board has identified the following conditions for the purpose of election to pay EPMC:

This benefit shall apply to all employees who are not part of the bargaining unit and who are not new members as defined by the Public Employee's Pension Reform Act (PEPRA) of 2013.

- This benefit shall consist of paying 3% of the normal member contributions as EPMC.
- The effective date of the resolution for purpose of this determination shall be January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The facts contained in the recitals above are true and correct, and the Board so finds and determines.
2. The Merced Irrigation District Consolidated FY 2022 Operating and Capital Budgets are hereby adopted as presented, and as attached hereto as Exhibit "A".
3. The Board of Directors is responsible for establishing the District's Annual Fee Schedule, recognizing that it is necessary to periodically review and make modifications to reflect current pricing and costs. The District's Annual Fee Schedule is an integral part of the District's annual budget and is hereby adopted as presented, and as attached hereto in Exhibit "B". Said Fee Schedule is to become effective, retroactive to January 1, 2021.
4. The Board hereby approves of the Roster by Classification as presented in Exhibit "C", and the Board authorizes the General Manager to employ equal to or less than the number of employees approved by the Roster by Classification, while still accomplishing the District's goals and missions.
5. It is recognized that budgets are a guide and estimate for future events and that circumstances change over time. As a result, the General Manager is authorized to transfer funds between expense categories, excepting capital accounts, to meet operating needs while remaining within the authorized levels for total operating expense requirements.
6. Quarterly reports of the actual expenditures compared to budgeted expenditures shall be provided to the Board, including revenue and expense impacts or trends that would cause the approved total expense level to be exceeded. The Board will consider additional funding or budget requests during the year based on requirements.

BE IT FURTHER RESOLVED THAT:

7. The Merced Irrigation District Drainage Improvement District #1 FY 2022 Operating and Capital Budget is hereby adopted as presented, and as attached hereto as Exhibit "D".
8. In furtherance and in support of the budget adopted herein, the Board hereby adopts and authorizes execution of an ordinance of the Board Directors of the Merced Irrigation District Establishing Fees for Storm Drainage/Urban Drainage Service provided by the Merced Irrigation District Drainage Improvement District #1, the substantial form of which is attached hereto as Exhibit "E".

BE IT FURTHER RESOLVED THAT:

9. It is recognized that budgets are a guide and estimate for future events and that circumstances change over time. As a result, the General Manager is authorized to transfer funds between expense categories, excepting capital accounts, to meet operating needs while remaining within the authorized levels for total operating expense requirements.
10. The Board as governing body of the Merced Irrigation District elects to pay EPMC, as set forth herein.

AND BE IT FURTHER RESOLVED THAT the General Manager and the Director of Administrative Services are hereby authorized and directed to implement the District's wage policy, and the President and General Manager, or either of their designees, is authorized to do and perform any and all such acts, including execution, filing and conveyance of any and all documents, certificates or resolutions as such officers shall deem necessary or advisable to carry out and implement the intent of this Resolution or any part hereof, said execution to provide conclusive evidence of the Board's approval.

PASSED AND ADOPTED by the Board of Directors of the Merced Irrigation District this 16th day of March 2021, by the following vote:

Ayes:	Directors:
Noes:	Directors:
Abstain:	Directors:
Absent:	Directors:

Jeff Marchini
President
Merced Irrigation District

Robert Weimer
Vice President/Secretary
Merced Irrigation District

EXHIBIT "A"

Consolidated FY 2022 Operating and Capital Budget

EXHIBIT "B"

Annual Fee Schedule

EXHIBIT "C"

Roster by Classification

EXHIBIT "D"

Merced Irrigation District Drainage Improvement District #1 FY 2022 Operating and Capital Budget

EXHIBIT "E"

Ordinance Adopting Budget for Merced Irrigation District Drainage Improvement District #1, and Establishing Fees Relating Thereto