



**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, February 4, 2014  
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.

**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.

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|---------------------------------|------------------------------------|
| 1. Board Minutes                | January 7, 2014                    |
| 2. Treasurers Report            | December 2013                      |
| 3. Cash Transactions Report     | December 2013                      |
| 4. Written Disbursement Request | No. 63                             |
| 5. Out of State Travel Requests | 2014-01; 2014-02; 2014-03; 2014-04 |

**ACTION ITEMS**

1. **CLAIM**: The Board of Directors will review and consider a claim filed by California Department of Forestry ("Cal Fire") for a fire that occurred on July 20, 2013 at Barrett Cove Marina. (Carter)

2. **CLAIM:** The Board of Directors will review and consider a claim filed by Joseph Pereira for property damage at 6231 Washington Boulevard, Livingston for an incident occurring on or about August 20, 2013. (Carter)
3. **RESOLUTION NO. 2014-02:** The Board of Directors will review and consider adoption of Resolution No. 2014-02 authorizing United States Bureau of Reclamation (“USBR”) Grant Submittal regarding the Continuation of the McCoy Lateral Rehabilitation Project. (Wiersma)
4. **RESOLUTION NO. 2014-03:** The Board of Directors will review and consider adoption of Resolution No. 2014-03 considering potential sale of real property to HYWAY 59 Properties, LP. (Wiersma)
5. **WATER RESOURCES MANAGEMENT PLAN:** The Board of Directors will review a presentation regarding the upcoming Water Resources Management Plan process. (Kelly and CH2MHill Consultants)
6. **RESOLUTION NO. 2014-04:** The Board of Directors will review and consider adoption of Resolution No. 2014-04 declaring a drought emergency in the Merced Irrigation District. (Kelly)
7. **RESOLUTION NO. 2014-05:** The Board of Directors will review and consider adoption of Resolution No. 2014-05 authorizing a Supplemental Water Supply Program for 2014. (Kelly)
8. **PROPOSITION 218:** The Board of Directors will review a presentation and consider directing staff to prepare a Cost of Service Study and an Engineer’s Report required by Proposition 218 to implement a proposed increase in the Districts agricultural in-season Water Rate and/or Standby Fee. (Sweigard/Stubbert)
9. **RESOLUTION NO. 2014-06:** The Board of Directors will review and consider adoption of Resolution No. 2014-06 authorizing the General Manager to execute and implement an agreement to extend the existing Power Sales Agreement (“PSA”) for necessary capacity and power by and between MID and Turlock Irrigation District. (Ouchley)

#### **REPORT ITEMS**

1. Water Resources Report (Kelly)
2. Energy Resources Report (Ouchley)

#### **DIRECTOR REPORTS**

#### **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Two (2) cases pursuant to Government Code Section 54956.9(a).
  - a. Gallo Cattle Company v. Merced Irrigation District, et al., Merced Superior Court Case CV001051
  - b. 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 011-010-009

  - i. Under negotiation: Price and terms of agreement(s)
  - ii. Negotiating parties: Joseph and Joanna Padilla
  - iii. District negotiators: General Manager, Deputy General Manager-Water Resources and General Counsel

3. **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)
4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Nine (9) cases – pursuant to Government Code Section 54956.9(b)

## **ADJOURNMENT**

**Posted: Thursday, January 30, 2014 at 4:30 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.