

Minutes of the Regular Meeting of the Board of Directors of the Kings River Conservation District held April 14, 2009.

President McKean called the meeting to order at 1:35 P.M.

DIRECTORS PRESENT

Mark C. McKean, President
Brent L. Graham, Vice President
Ceil Howe Jr.
Gildo Nonini
Norman B. Waldner
Mike Yoshimoto

DIRECTORS ABSENT

David Cehrs, PhD

OTHERS PRESENT

KRCD Staff & Consultants:

Margaret Clayton
David Cone
Steve Haugen, KRWA
Randy McFarland
John Moore
David Orth
Donna Pepper
Randy Shilling
Steve Stadler
Brian Trevarrow
Cristel Tufenkjian
David Yorty, NAWC
Stacy Wright

Others:

Jeff Adolph, Pacific Gas & Electric Co.
Lisa Bischel, Madrid-Salazar Marketing & PR

ADDITIONS TO OR DELETIONS FROM THE AGENDA

There were no additions to or deletions from the Agenda.

PUBLIC PRESENTATIONS

None

APPROVAL OF MINUTES

It was moved by Director Nonini, seconded by Director Yoshimoto and unanimously carried that the Minutes of the March 10, 2009 Regular Board meeting be approved, as presented.

WATER CONDITIONS

Steve Haugen, KRWA, summarized a report on water conditions stating storage in the Pine Flat Reservoir (Reservoir) as of 2400 hours on April 13, 2009 was 435,594 acre-feet with

vacant space of 758,406 acre-feet. On that date, the calculated natural inflow to the Reservoir was 2,116 C.F.S.

Mr. Haugen reported on the eight (8) Kings River snow sensors currently operational, with readings as of April 13, 2009 as follows:

SENSOR	ELEV	WATER CONTENT (INCHES)	APRIL 1 AVERAGE (INCHES)	PERCENT APRIL 1 AVERAGE
Big Meadows	7600	17.4	25.9	67.2%
West Woodchuck	8800	18.9	32.8	57.6%
Upper Burnt	9700	25.7	34.6	74.3%
Mitchell Meadow	9900	30.9	32.9	93.9%
State Lakes	10300	26.9	29.0	92.8%
Black Cap Basin	10300	32.6	34.3	95.0%
Charlotte Lakes	10400	25.8	27.5	93.8%
Bishop Pass	11200	N/R		
Snow Sensor Average		25.5	31.0	82.1%

DIRECTORS' REPORTS

President McKean reported on the four-day "March for Water", April 14-17, from Mendota, California to San Luis Reservoir near Los Banos, California, organized to bring local and national level attention to the Central Valley's desperate drought conditions, zero water supplies in many areas and similar situations across the state. President McKean further reported over five-thousand people which included farm workers, farmers, business people, elected officials and other civic leaders were marching.

GENERAL MANAGER'S REPORT

David Orth directed the Board to the General Manager's monthly status report for the month of March 2009 and highlighted the following:

Community Choice Aggregation (CCA): Mr. Orth reported the San Joaquin Valley Power Authority (Authority) took action in February to authorize Modification No. 3 to the Community Choice Implementation Plan. Mr. Orth stated Modification No. 3 was filed with the California Public Utilities Commission on March 19th and will now enter a period of review.

Mr. Orth reported on the issuance of a term sheet in early April for energy to serve Phase 1 (municipal) accounts only, for a period of at least thirty-six months. Presently KRCD is working with three potential suppliers and expects to present contract terms and conditions to the Authority Board in April for review.

Mr. Orth also reported status reports were given during March and April to California Public Utilities Commission staff, the City/County Coordinating Committee in Hanford and to a joint meeting of the Reedley City Council and Kings Canyon Unified School District Board.

LEGISLATION

Federal Stimulus Funding: Mr. Orth presented a list of Federal Stimulus projects that have been prepared and submitted by KRCD into the San Joaquin Valley Partnership process to develop a plan for utilization of federal stimulus funds. The Partnership and its workgroups

are now preparing a master plan for consideration by the state administration on how to fund the various projects submitted.

Mr. Orth reported Proposition 13 and 50 projects which were affected by the State of California funding freeze in December 2008 are now authorized to restart and funding will be provided consistent with project contracts and grant criteria.

Groundwater Management: Mr. Orth reported attending an Alta Irrigation District Advisory Committee meeting to discuss integrating regional goals and objectives to correspond with SB1938 plans of groundwater monitoring and management activities.

PUBLIC INFORMATION

There was no report.

CORRESPONDENCE, MEETINGS AND CONFERENCES

Mr. Orth advised the Board of the following correspondence, meetings and conferences:

1. Water Education Foundation-Central Valley Water Tour, April 15-17, 2009

STAFF STATUS REPORTS AND PRESENTATIONS

Water/Environmental Resources and Flood Control: David Cone, Deputy General Manager, Water/Environmental Resources and Flood Control introduced David Yorty, North American Weather Consultants who presented a report of the Kings River Weather Modification program for the 2008-09 season. Mr. Yorty reported for the months of November 2008 through April 2009 there were twenty-one cloud seeding aircraft flights conducted totaling 37.15 hours of flight time, and ground based seeding generators were used a total of 1166.5 hours.

Power Resources: Mr. John Moore, Manager of Power Generation, presented an overview of the GKS Hydro Benchmark for Hydro generating power plants. The Benchmark results indicated that the Operations unit of the Jeff L. Taylor Pine Flat Power Plant was a top performer in its class in cost per generator unit, and that for all other categories including maintenance the plant was at least on average or better than average with the benchmarked group. Mr. Moore added that if there had been a normal snowpack for last year our results would have been even better since most categories are based on costs per Megawatt hour of energy produced.

Mr. Moore also presented a status report on the operations at the Jeff L. Taylor Pine Flat Power Plant reporting generation totaled 4,468.8 MWh during the month of March. Mr. Moore reported the Pine Flat Reservoir began the month at an elevation of 790.81 feet (ft.) and storage of 286,995 acre-feet (AF), and turbine discharge was 25,827 AF for the month. Discharge through the turbine bypass system was 4,042 AF, and flow from Mill and Hughes Creeks was 1,085 AF, and no spill from the dam.

Mr. Moore also presented an overview of operations at the Malaga Peaking Plant reporting the plant had fourteen start-ups in March 2009, and the plant generated a total of 4,181 MWh.

RESOLUTION 09-02 AMENDING THE SECTION 125 FLEXIBLE BENEFIT PLAN

It was moved by Director Howe, seconded by Director Nonini and unanimously carried, to approve and adopt Resolution 09-02 amending the Section 125 Flexible Benefit Plan to reflect recent revisions set forth by the Internal Revenue Service.

FINANCE AND ADMINISTRATION

Randy Shilling presented an expenditure to budget comparison report for the period ending March 31, 2009.

It was moved by Director Howe, seconded by Vice President Graham and unanimously carried, bills in the amount of \$1,241,436.07 as presented in the schedule of Disbursements and Current Accounts Payable, were approved and ordered paid.

CLOSED SESSION

The Board adjourned to Closed Session at 2:26 P.M. pursuant to Government Code Section 54957 (b) (1), to receive a report from the General Manager regarding matters pertaining to the resignation of a District employee.

RECONVENE TO OPEN SESSION


President McKean reconvened to Open Session at 2:40 P.M. and reported the Board received a report from the General Manager and no action was taken.

ADJOURNMENT

There being no further business, President McKean adjourned the meeting at 2:41 P.M.

Respectfully submitted,

David Orth
Secretary


Approved

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BEFORE THE BOARD OF DIRECTORS
OF THE KINGS RIVER CONSERVATION DISTRICT
FRESNO, CALIFORNIA

RESOLUTION NO. 09-02
AMENDING THE "SECTION 125" FLEXIBLE BENEFIT PLAN

WHEREAS, the Kings River Conservation District (District) has a Section 125 Flexible Benefit Plan (Plan), and;

WHEREAS, the District has determined the need to amend the Plan in accordance with the expanded Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the regulations issued and effective there under, and;

WHEREAS, the District has added a two and a half (2 ½) month grace period after the close of the Plan Year to incur expenses before the "use it or lose it" rule applies, and;

WHEREAS, the District has amended the Plan to include new COBRA requirements and handling of FSA accounts for terminated employees, and;

WHEREAS, the District has added the information and substantiation requirements for the use of pre-loaded "Benny" credit cards used for the Health FSA portion of the Section 125 Flexible Benefit Plan, and;

NOW THEREFORE BE IT RESOLVED, the District's Plan is hereby amended effective April 14, 2009, as presented and is hereby approved and adopted, and;

BE IT FURTHER RESOLVED, that the Plan Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the adoption of this amendment to the Plan by delivering to each employee a copy of the summary description of the changes to the Plan in the form of the Summary Plan Description-Material Modification as presented and hereby approved, and;

BE IT FURTHER RESOLVED, the undersigned further certifies that the attached hereto, Exhibits A and B respectively, are true copies of the Section 125 Flexible Benefit Plan Restatement and Summary Plan Description approved and adopted in the foregoing Resolution.

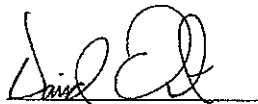
THE FOREGOING RESOLUTION was passed and adopted by the Board of Directors at the Regular Meeting of the Board of Directors of the Kings River Conservation District on this 14th day of April 2009, by the following vote:

AYES: President McKean, Vice President Graham, Directors Howe, Nonini, Waldner, and Yoshimoto

NOES: None

ABSENT: Director Cehrs

ATTEST:

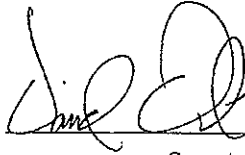

Secretary


President

SECRETARY'S CERTIFICATE

I, David L. Orth, Secretary of Kings River Conservation District, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a Regular Meeting of the Board of Directors of said District duly and regularly held at the regular meeting place thereof on the 14th day of April 2009, of which meeting all of the members of said Board of Directors had due notice and at which a majority thereof were present.

WITNESS my hand and the seal of Kings River Conservation District this 14th day of April 2009.

A handwritten signature in black ink, appearing to read 'David L. Orth', written over a horizontal line.

Secretary

(Seal)

KINGS RIVER CONSERVATION DISTRICT
 Schedule of Disbursements and Current Accounts Payable
 Presented April 14, 2009
 (For Expenditures in the Month Ending March 31, 2009)

Employee Payroll	03/04/09	80,594.66	
Director's Payroll	03/10/09	4,779.69	
Employee Payroll	03/18/09	74,739.57	
Employee Payroll	03/31/09	1,902.78	
			162,016.70
Accounts Payable (KRCD)		1,009,915.39	1,009,915.39
	Sub-Total		1,171,932.09
Ready-Tax Electronic Funds Transfers:			
Employee Tax Deposits	03/11/09		35,803.99
Director's Tax Deposits	03/13/09		2,201.72
Employee Tax Deposits	03/25/09		31,498.27
	TOTAL		<u>1,241,436.07</u>

