

**Minutes**

KINGS RIVER CONSERVATION DISTRICT  
Board of Directors Meeting

**Date:** August 10, 2021 – Tuesday  
**Time:** 1:30 p.m.  
**Location:** 4886 E. Jensen Avenue, Fresno

President Stanfield called the meeting to order at 1:33 p.m.

**DIRECTORS PRESENT**

Paul Stanfield, President  
Gregory Beberian, Vice President (via Zoom)  
David Cehrs, Ph.D. (via Zoom)  
Ceil W. Howe, Jr. (via Zoom; 1:34 p.m.)  
Chris Kapheim  
Mark C. McKean (1:34 p.m.)  
Mike Yoshimoto

**DIRECTORS ABSENT**

**OTHERS PRESENT**

KRCD Staff

David Merritt  
Brian Trevarrow  
Binu Brar (via Zoom)  
Debra Dunn (via Zoom)  
Cristel Tufenkjian  
Pawan Niroula  
Stacy Wright (via Zoom)  
Corey McLaughlin

Consultants & Others

Steve Haugen (KRWA, via Zoom)  
Matthew Meadows (KRWA, via Zoom)  
Ruth McColly (Flo Analytics, Demographers  
via Zoom)  
Chris Skinnell (Nielsen Merksamer,  
Redistricting Attorney, via Zoom)  
Tyler Vick (Flo Analytics, Demographers via  
Zoom)  
B. Herreman (via Zoom)

**OPENING BUSINESS**

1. Additions to or Deletions from the Agenda  
None.
2. Public Presentations or Comments  
None.
3. Approval of Minutes

It was moved by Director Kapheim, seconded by Director Yoshimoto, and unanimously carried by roll call vote, that the Minutes of the July 13, 2021 Regular Board Meeting be approved as presented by staff during the meeting.

Roll Call Vote:

Director Stanfield: Aye  
Director Beberian: Aye  
Director Howe: Aye  
Director Cehrs: Aye  
Director Kapheim: Aye  
Director McKean: Aye  
Director Yoshimoto: Aye

4. Presentation Regarding Redistricting Criteria, Adoption of Criteria, Instruction for Redistricting Plan

The Board received a presentation on the legal and policy criteria governing redistricting and the demographics of the existing Board Divisions based on available estimates. Directors' questions were addressed by the demographic consultant and redistricting legal counsel.

5. Adoption of Resolution 21-02

It was moved by Director Beberian, seconded by Director Kapheim, and unanimously carried by roll call vote, to adopt Resolution 21-02, specifying the criteria to guide the realignment of Director Divisions; giving direction to the District's retained counsel and the selected demographer for redistricting.

Roll Call Vote:

Director Stanfield: Aye  
 Director Beberian: Aye  
 Director Howe: Aye  
 Director Cehrs: Aye  
 Director Kapheim: Aye  
 Director McKean: Aye  
 Director Yoshimoto: Aye

## REPORTS

6. Water Conditions

The Kings River Water Association Water Master, Steve Haugen, reported on water storage on the Kings River System, inflow and outflow at Pine Flat Reservoir, and the available flood control space on the system. Directors' questions were addressed.

7. Directors' Reports

There were no reports from the Directors.

8. Staff Reports

The Board received reports on the prior month's activities from members of the District management staff:

- a. David Merritt, General Manager, reported the following:
  - i. Administrative and Organizational matters affecting the District, including the naming of Charlotte Gallock as Chief Engineer for the District and description of some items she will begin to be involved with/oversee.
  - ii. Summary of performance and maintenance activities at Pine Flat power plant; the FERC License Amendment progress; plans for development of Unit 4 at Pine Flat; FERC License renewal process; and potential additional renewable energy and storage options being explored.
  - iii. Upcoming events and meetings of note, especially with local entities and interested parties.
  - iv. Regulatory matters of import to the District, especially around water fees and water rights.
  - v. Flood Project activities, and a surface water profile that will be useful in planning channel improvements/river performance.
  - vi. Board member questions and comments were addressed.

- b. Cristel Tufenkjian, Director of External Affairs, reported the following:
  - i. Progress on strategic objectives, including a new social media campaign.
  - ii. Legislative matters of import to the District.
  - iii. Funding opportunities KRCDC is exploring, specifically Airborne Snow Observatory funding and Fisheries Habitat improvements.
  - iv. Outreach, including webinars and tours, for supported entities.
  - v. Addressed questions from Board Members on several items.
- c. Debra Dunn, Manager of Water Resources, reported the following:
  - i. Kings Water Alliance activities related to sampling and providing drinking water.
  - ii. Kings River Water Quality Coalition activities, including members dropped or active acreage reduced.
  - iii. Kings River Clean-up volunteer efforts.
  - iv. Addressed questions from the Board Members on several items.
- d. Brian Trevarrow, CFO/Auditor, presented expenditure to budget comparison reports for the period ending July 31, 2021. In addition, the monthly investment report for July 2021 was presented.

## **ACTION ITEMS**

### 9. Review of Monthly Disbursements (Paul Stanfield)

It was moved by Director Stanfield, seconded by Director McKean, and unanimously carried by roll call vote, that bills in the amount of \$752,215.14, as presented in the schedule of Disbursements and Current Accounts Payable, be approved and ordered paid.

#### Roll Call Vote:

Director Stanfield: Aye  
 Director Beberian: Aye  
 Director Howe: Aye  
 Director Cehrs: Aye  
 Director Kapheim: Aye  
 Director McKean: Aye  
 Director Yoshimoto: Aye

### 10. Adoption of Resolution 21-03

It was moved by Director McKean, seconded by Director Kapheim, and unanimously carried by roll call vote to adopt Resolution 21-03: Authorization of Bank Signatories and Authorization for Transfer of Funds, establishing the officers and individuals who may establish accounts and/or transfer among or withdraw funds from those accounts.

#### Roll Call Vote:

Director Stanfield: Aye  
 Director Beberian: Aye  
 Director Howe: Aye  
 Director Cehrs: Aye  
 Director Kapheim: Aye  
 Director McKean: Aye  
 Director Yoshimoto: Aye

### 11. Approval of Proposed Weather Modification Program Consultant/Provider

David Merritt reported that responses to the RFP are being reviewed and that the staff recommendation will be presented at the next Board meeting.

12. Approval of Proposed Contract for Pine Flat Road Repairs

Pawan Niroula, Hydroelectric Power Plant Manager, presented on the project for Pine Flat Road repairs, the process for bid that was followed, and the recommended bid for award of the project. It was noted that suggestions from the contractor should be obtained for the recommended ongoing maintenance after the repairs are completed.

It was moved by Director Yoshimoto, seconded by Director Kapheim, and unanimously carried by roll call vote to approve the proposed contract for repairs to Pine Flat Road.

Roll Call Vote:

- Director Stanfield: Aye
- Director Beberian: Aye
- Director Howe: Aye
- Director Cehrs: Aye
- Director Kapheim: Aye
- Director McKean: Aye
- Director Yoshimoto: Aye

13. CLOSED SESSION

The Board adjourned to Closed Session at 2:30 p.m. pursuant to Government Code Section 54956.9(d)(2) To confer with its Legal Counsel regarding exposure to one matter of potential litigation.

14. RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 3:00 p.m. No action was taken.

15. Next Meeting Date and Agenda Items (David Merritt)

Next regular meeting is 1:30 p.m. on September 14, 2021 and will include the first Public Hearing regarding the District's draft redistricting plan.

ADJOURNMENT

There being no further business, President Stanfield adjourned the meeting at 3:40 p.m.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Board President

Approved on \_\_\_\_\_, 2021

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

RESOLUTION NO. 21-02

**SPECIFY CRITERIA TO GUIDE THE  
REALIGNMENT OF DIRECTOR DIVISIONS**

**WHEREAS**, in 2013, pursuant to Senate Bill No. 1090 (Stats. 2012, ch. 330, §§ 25-35), the Kings River Conservation District (“District” or “KRCD”) adopted a “by-division” method of election for members of the District’s governing board (the “Board”), in which candidates for the Board for the must reside within a specific geographic subarea of the District called a “director division” and are elected only by the voters of that division, and

**WHEREAS**, Section 28 of Senate Bill No. 1090 provides, “The board shall review the boundaries of the seven electoral divisions established pursuant to [this bill] before November 1 of the year following the year in which each decennial census is taken. If necessary, the board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code, except as otherwise provided in this act,” and

**WHEREAS**, California Elections Code § 22000 provides:

“(a) Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 1973 of Title 42 of the United States Code, as amended, to the extent those provisions are applicable. In adjusting the boundaries of the district, the board may give consideration to the following factors (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the district,” and

**WHEREAS**, Though the COVID-19 pandemic delayed the Census Bureau’s release of its official redistricting data from March 2021 to August 16, 2021, preliminary population estimates indicate that some adjustments will be necessary to bring the director divisions into compliance with the equal population requirements of federal and state law, and

**WHEREAS**, To comply with S.B. 1090 by the November 1, 2021 deadline, the District has retained experienced legal counsel to advise it on the process of re-aligning the existing director divisions and has retained an experienced redistricting/demographic consultant to prepare draft director division maps, and

**WHEREAS**, On August 10, 2021, the Board and the public received presentations from its consultants regarding the procedures and legal and policy criteria governing redistricting and the estimated demographics of the District’s current director divisions, and

**WHEREAS**, On August 10, 2021, following the presentations, the Board opened the floor to comment from the public regarding appropriate criteria to guide the realignment of the existing director divisions, and

**WHEREAS**, The Board has fully considered the presentations of its consultants and all of the public comments received, and

**WHEREAS**, The Board now wishes to adopt criteria to guide the realignment of director divisions consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the District.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- A. The above recitals are true and correct.
- B. The Board of Directors hereby adopts the criteria identified in Exhibit A to this Resolution as criteria to guide the realignment of director divisions for governing board elections in the District in 2022 and thereafter.
- C. The District’s redistricting demographic consultant is instructed to formulate one or more director division plan scenarios based upon the criteria specified in Exhibit A (attached) for review by the public at a public hearing and for consideration by the Board of Directors at a future meeting.
- D. The General Manager shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

**THE FOREGOING RESOLUTION** was passed and adopted by the Board of Directors of the Kings River Conservation District this 10th day of August 2021, by the following vote:

AYES: President Stanfield, Vice-President Beberian, Directors Howe, McKean, Cehrs, Yoshimoto and Kapheim

NOES: None

ABSENT: None

\_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Secretary

**EXHIBIT A****Specification of Criteria to Guide the Realignment of Director Divisions**

1. The boundaries of the director divisions shall be realigned so that the divisions are substantially equal in population as defined by law.
2. The boundaries of the director divisions shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
3. The boundaries of the director divisions shall be realigned so that the director divisions do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
4. The boundaries of the director divisions shall observe communities of interest, including the current director divisions, rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
5. The boundaries of the director divisions shall be compact, insofar as practicable.
6. The boundaries of the director divisions shall be created to contain cohesive, contiguous territory, insofar as practicable. In determining whether a division is contiguous, the Board may take into account the existence of numerous incorporated islands within the boundaries of KRCD that are not part of the District.
7. The boundaries of the director divisions may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., as natural boundaries between director divisions, insofar as practicable.
8. Unless otherwise required by law, the director divisions shall be created using whole census blocks.
9. The boundaries of the director divisions may avoid the “pairing” of incumbents in the same director division, insofar as this does not conflict with the constitutions and laws of the State of California and the United States.
10. The boundaries of the director divisions shall comply with such other factors which become known during the redistricting process and are formally adopted by the Board of Directors.

SECRETARY'S CERTIFICATE

I, David M. Merritt, 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 10th day of August 2021, 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 10th day of August 2021.

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Secretary to the Board

(Seal)



KINGS RIVER CONSERVATION  
DISTRICT  
Schedule of Disbursements and Current  
Accounts Payable Presented August 10,  
2021  
(For Expenditures in the Month Ending  
July 31, 2021)

Employee Payroll	07/07/21	104,815.81	
Director's Payroll	07/13/21	2,922.26	
Employee Payroll	07/21/21	104,775.06	
Employee Payroll	07/28/21	8,987.61	
			221,500.74
Accounts Payable (KRCD)		431,841.46	431,841.46
	Sub-Total		653,342.20
Ready-Tax Electronic Funds Transfers:	07/14/21		49,066.70
Employee Tax Deposits			
Director's Tax Deposits	07/16/21		1,137.25
Employee Tax Deposits	07/28/21		48,668.99
	TOTAL		752,215.14

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

**RESOLUTION NO. 21-03**

**AUTHORIZATION OF BANK SIGNATORIES and  
AUTHORIZATION FOR TRANSFER OF FUNDS**

**BE IT RESOLVED**, that this District maintains an account or accounts with JP MORGAN CHASE BANK ("BANK") and Investment Accounts with JP MORGAN SECURITIES (See Exhibit A) and the LOCAL AGENCY INVESTMENT FUND ("LAIF") and the FRESNO COUNTY INVESTMENT POOL ("POOL") and the Investment Trust of California ("CALTRUST"), that the President or Vice President or General Manager/Secretary or Auditor, or their successors in office, are hereby authorized to establish such accounts upon such terms as may be agreed upon with the BANK, LAIF, POOL and the CALTRUST; and that effective August 10, 2021, the following persons: D. Paul Stanfield, President; Gregory H. Beberian, Vice President; David M. Merritt, General Manager/Secretary; and Brian Trevarrow, Auditor be – and that they are – authorized as President or Vice President or General Manager/Secretary or Auditor, or their successors in office, to withdraw funds from said accounts by checks, drafts, or other items, for and on behalf of this District.

**AUTHORIZED PERSONS**

<b><u>Name of Director, Officer or Employee of Corporation or Agent</u></b>	<b><u>Title / Position</u></b>	<b><u>Specimen Signature</u></b>
D. Paul Stanfield	President	
Gregory H. Beberian	Vice President	
David M. Merritt	General Manager	
Brian Trevarrow	Auditor	

**BE IT FURTHER RESOLVED**, that said persons are also authorized to request transfers (including wire transfers) of funds from or to those accounts held in the BANK, JP MORGAN SECURITIES, LAIF, POOL or the CALTRUST, from time to time for and on behalf of the District; and

**BE IT FURTHER RESOLVED**, that the authority hereby conferred shall be effective August 10, 2021, and shall remain in force until revocation thereof by sealed notification of such action by the Board of Directors of this District is received by said BANK, JP MORGAN SECURITIES, LAIF, POOL and CALTRUST at the office where such accounts are maintained; and

**BE IT FURTHER RESOLVED**, that Resolution 19-01, of the Board of Directors of the Kings River Conservation District, dated March 12, 2019, is revoked effective August 10, 2021.

**THE FOREGOING RESOLUTION** was passed and adopted by the Board of Directors of the Kings River Conservation District this 10th day of August 2021, by the following vote:

AYES: President Stanfield, Vice-President Beberian, Directors Howe, McKean, Cehrs, Yoshimoto and Kapheim

NOES: None

ABSENT: None

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President

ATTEST: \_\_\_\_\_  
Secretary

SECRETARY'S CERTIFICATE

I, David M. Merritt, 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 10th day of August 2021, 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 10th day of August 2021.

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Secretary

(Seal)