December 7, 2015

A regular meeting of the Walker River Irrigation District (WRID) Board of Directors was held on December 7, 2015. The meeting was called to order at 10:00 AM at the district board room, 410 N Main St, Yerington, Nevada by President Jim Snyder.

Present were:

Jim SNYDER President

David GIORGI Vice President

Richard NUTI Treasurer

David LITTLE Director (via land line)

Dennis ACCIARI Director

Bridget BANTA Secretary

Robert BRYAN General Manager

Dale FERGUSON Legal Counsel

Ellen WINOGRAD Legal Counsel

Robert MARTINEZ Water Master

Public Present:

Toni Garms Gary Garms Ed Ryan

Steve Tomac Elmer Bull

**Public Comment**

Ed Ryan gave a report regarding the river cleaning project. He advised they have completed clearing the channel from the weir to just above mason bridge with the heavy equipment. They have cleared the islands from the mason bridge to confluence. He advised he is overspent on the project. He has gone to State Department of Emergency Management to obtain additional funding to cover the extra cost.

Director NUTI requested to know how much overspent for the project. Ed Ryan advised he believes over about $20,000. Director NUTI requested to know if that included any of the farmers or ranchers who have submitted bills. Ed Ryan advised no one has submitted any bills as of yet but he has figured in a few of the possible costs. Director LITTLE requested to know if Ed Ryan is looking to WRID for the shortfall. Ed Ryan advised he was not looking to WRID for any of the money as of yet. GM BRYAN advised the guys are working at the weir at the moment with WRID’s equipment to continue cleaning. Lyon County is having a meeting, Thursday, December 17 to report to NDEM regarding the river cleaning project. Jim Chico is unavailable today for a report, but he did say there were about 300,000 yards of material they have pulled out from the weir to Rife’s property.

**Roll Call**

All 5 members present. David LITTLE present via land line.

**Consideration of November 10, 2015 Minutes**

Director NUTI moved to approve the minutes. Director GIORGI seconded the motion. Motion was voted on and passed unanimously

**Water Master Report**

Water Master Rob Martinez reported the storage balances. Topaz is at 5740 acre feet and Bridgeport is at 6350 acre feet. Flows are currently at the mandated minimal out of the East Walker at 20 acre feet and 20 acre feet is currently being let out of Topaz. He advised he was able to award stock water to many users on the east and the west forks. The stock water will end by the end of the week.

Director LITTLE requested to know if the water used for stock is being put back in the river. Water Master Martinez advised it will be put back in the river. The river is currently moving slow at less than a foot per second because of the river cleanup. Director NUTI requested to know how far the river was dry. Water Master advised the river has been dry since November all the way through. There was no return flow.

**Staff Reports**

**Treasurer’s Report**

Director NUTI presented the treasurer’s report as of November 30, 2015.

Cash in Checking $470,188.20

Cash in Money Market $1,314,547.71

Cash in CD’s $1,239,333.42

Total Assets $3,044,351.03

**Consideration of Bills/Payroll**

|  |  |  |  |
| --- | --- | --- | --- |
| Check Number | Effective Date | Vendor Name | Check Amount |
| 118516 | 11/19/2015 | Ameritas Life Insurance Corp | 787.40  |
| 118498 | 11/9/2015 | ARRIGHI, BLAKE & ASSOCIATES | 875.00  |
| 118533 | 11/30/2015 | Associated Concrete Pumping Material Belting | 4,946.81  |
| 118507 | 11/9/2015 | AT&T | 110.45  |
| 118503 | 11/9/2015 | AT&T Mobility | 146.30  |
| 118515 | 11/19/2015 | BERKLEYNET | 878.00  |
| 118491 | 11/9/2015 | California Dept. of Water Resources | 6,589.35  |
| 118528 | 11/30/2015 | Cruz, Maria | 350.00  |
| 118522 | 11/23/2015 | Desert Ready Mix | 25,906.40  |
| 118497 | 11/9/2015 | Desert Research Institute | 1,656.18  |
| 118518 | 11/19/2015 | Desert Research Institute | 3,660.98  |
| 118492 | 11/9/2015 | Ferguson Enterprises, Inc. 1423 | 2,703.70  |
| 118484 | 11/9/2015 | Frontier | 270.10  |
| 118487 | 11/9/2015 | Giomi, Inc. | 93.01  |
| 118511 | 11/19/2015 | Grove Madsen Industries | 5,236.77  |
| 118505 | 11/9/2015 | Hanson Technology | 195.00  |
| 118504 | 11/9/2015 | High Desert Internet | 174.95  |
| 118521 | 11/19/2015 | HomeTown Health | 4,950.39  |
| 118496 | 11/9/2015 | Hunewill Construction Co., Inc. | 5,208.00  |
| 118509 | 11/9/2015 | Les Schwab Tire Center | 1,078.96  |
| 118514 | 11/19/2015 | Lyon County Recorder | 22.30  |
| 118489 | 11/9/2015 | MF Barcellos | 3,577.61  |
| 118495 | 11/9/2015 | NAPA AUTO & TRUCK PARTS | 586.31  |
| 118485 | 11/9/2015 | NV Energy | 174.69  |
| 118493 | 11/9/2015 | NV Energy | 36.69  |
| 118494 | 11/9/2015 | O'Reilly Automotive, Inc. | 47.45  |
| 4202-4398 | 11/1-11/31/2015 | Payroll | 21,758.05  |
| 118500 | 11/9/2015 | PDM Steel Service Centers, Inc. | 271.67  |
| 118531 | 11/30/2015 | PERS Administrative Fund | 4,199.00  |
| 118499 | 11/9/2015 | Pit Stop Pots, LLC | 90.00  |
| 118524 | 11/30/2015 | Pit Stop Pots, LLC | 90.00  |
| 118506 | 11/9/2015 | Public Employees' Benefits Program | 792.65  |
| 118510 | 11/19/2015 | Quill | 149.30  |
| 118532 | 11/30/2015 | Quill | 47.80  |
| 118525 | 11/30/2015 | Schneider Electric USA, Inc. | 6,480.99  |
| 118486 | 11/9/2015 | Southwest Gas Corporation | 42.34  |
| 118529 | 11/30/2015 | State Collections & Disbursement Unit (SCaDU) | 168.00  |
| 118530 | 11/30/2015 | State Collections & Disbursement Unit (SCaDU) | 213.46  |
| 118502 | 11/9/2015 | Sticks and Stones Buildings Material Inc | 1,320.85  |
| 118501 | 11/9/2015 | True Value | 34.57  |
| 118526 | 11/30/2015 | USBWC | 42,131.65  |
| 118513 | 11/19/2015 | Verizon Wireless | 422.17  |
| 118523 | 11/23/2015 | Vision Service Plan - Nevada | 144.28  |
| 118488 | 11/9/2015 | Wedco Inc. | 900.28  |
| 118512 | 11/19/2015 | Wedco Inc. | 54.87  |
| 118520 | 11/19/2015 | Wells Fargo Card Services | 3,438.78  |
| 118519 | 11/19/2015 | White Cap Construction Supply | 1,141.78  |
| 118490 | 11/9/2015 | Xerox Corporation | 345.07  |
| 118508 | 11/9/2015 | Yerington, City of | 97.50  |
| 118517 | 11/19/2015 | Mason Valley Conservation District | 78,534.26  |
| 118527 | 11/30/2015 | Oscar Cortez Reimbursement | 50.00  |
| ***Total*** |  |  | **233,182.12**  |

Director ACCIARI moved to pay the bills presented. Director GIORGI seconded motion. Motion was voted on and passed unanimously.

**Manager’s Report**

GM BRYAN advised the crew are working on Fox/Mickey and pouring the side walls to the flume tomorrow morning. The only left for that canal will be the ramp and then the structures will be complete and will add the electronics when able. He advised he hopes cement will be finished by the end of the week. The G&H will start cement construction after the Fox/Mickey is complete.

GM BRYAN advised WRID’s equipment is now working at the weir. Fund 11 (the reservoir fund) may assist with some of the cost. He is going to work with Ed Ryan to figure the finances. Once the weir is finished, WRID will start removing the rock diversions so the river can settle and find its natural state. GM BRYAN advised WRID has already removed the rock diversion at the Sprague.

He advised he will be working on some of the drains throughout the town to clean up for possible higher flowing water this spring. GM BRYAN advised Lyon County is having a meeting Dec 17 to report on the sediment removal project to get the information to NDEM. The County Manager has requested an update from the district. He plans on attending the meeting and providing the information requested.

GM BRYAN advised he has been working on receiving applications and resumes. He advised he conducted interviews last week and is hoping to choose a candidate by this afternoon. GM BRYAN advised WRID sold the chevy and ford pickups. WRID received $1525 for the chevy and $575 for the ford.

President SNYDER requested to know if a Headwall was installed near the measuring device. GM BRYAN advised they had not. He spoke to Mr. Borsini and explained the construction and decided we did not need it at this time. If it is determined we do need it, we can put it in later. Director NUTI requested to know if the G&H basin poured already. GM BRYAN advised the floor is completed with the rock and base. The only thing left to do is form and pour.

**Legal**

Counsel Dale FERGUSON advised there is nothing new to report.

**NFWF/WBC**

Elmer Bull with the Walker Basin Conservancy advised all active re-vegetation is completed. They are currently planning re-vegetation for the West Walker Ranch, Pitchfork Ranch and Rafter 7 Ranch. They are continuing maintenance of equipment.

Bull advised they are continuing to work with Lyon County on possible transfer of the Sutter Ranch. They intended to be at last meeting to give an update, but the meeting was postponed until the 9th. He is planning on attending with a budget that details the financial and man power support NFWF and the conservancy will provide to the county, and the cost for establishing parking lots and restrooms. In addition, the county is working on draft ordinance to serve as foundation on planning how the property will be operated. Bull advised work is slowing down as we are heading into the winter. Jeff Dengel was not present to report on NFWF.

**Consideration and adoption of personnel policy concerning District obligations, if any, for accrued paid time off when a full-time employee terminates employment.**

Counsel Ellen WINOGRAD reviewed the decision from the policy approval in October, 2015. She advised she received 5 other determinations from 5 different agencies. She instructed the directors to determine how much is going to be accrued. There should be some carry over and there needs to be uniform and transparent application on this policy. WRID needs to consider retention and morale versus the cost in terms of how much sick time and how much vacation time. She advised she will write up the policy after the board makes the decision. Director LITTLE requested to know what WRID was doing now as far as obligations for the board. GM BRYAN went over the current policy. Director LITTLE advised he would like to see the sick leave as use it or lose it. If you don’t use the time accrued, you lose it completely. He believes WRID is generous with the medical insurance which compensates for time accrued. Director LITTLE advised he believes it should be use it or lose it because of the generous medical package. Counsel WINOGRAD advised she recommends the paid time off be separated into vacation and sick leave. Director NUTI confirmed WRID is a political subdivision of the state with Counsel WINOGRAD. The proposal leans toward the State of Nevada’s package. He requested to know if WRID is on better legal ground if they go with something similar to the State of Nevada. Counsel WINOGRAD advised it would be easier to justify from a legal standpoint if it is the same or similar to the State of Nevada. Director LITTLE advised the State of Nevada does not pay 100% of medical for their employees. If WRID adopts the State’s sick and vacation, then WRID will have to adopt the medical benefits as well. Counsel FERGUSON advised the agenda does not cover the employee’s medical at this meeting and can only discuss the paid time off. Director NUTI advised 240 hours is consistent with Lyon County. President SNYDER advised he agreed with that number. GM BRYAN explained the different brackets for accrual determined by the employee’s years of service. The brackets proposed are as follows:

1-5 years of service accrues 10 hours per month; 6-10 years of service accrues 12 hours per month; 11-15 years of service accrues 15 hours per month; and 16 years of service and up accrue 16.7 hours per month. The employee can never accrue more than 240 hours if it is not used prior to the anniversary date. Director NUTI stated the State of Nevada only has 3 different brackets and the proposal today has 4 different brackets for years of service. He requested to know the reason. Counsel WINOGRAD advised she did not think it would be a good personnel decision to treat an employee with 9 year’s longevity the same as you would treat an employee who has been there for 1 year and 10 minutes. She advised she based it on different policies presented to her. GM BRYAN explained an employee can accrue over 240 hours until your annual hire date. If the employee does not use the hours, the employee will lose those hours. Director NUTI made a motion to accept the proposal for vacation accrual and pay as reflected to maxing out at 240 hours with the correction to the proposal changing the wording from “to avoid forfeiture, a request for permission to take annual leave must be submitted to your supervisor by October 15” TO “to avoid forfeiture, a request for permission to take annual leave must be submitted to your supervisor 2 months prior to hire date.” The proposal will also be changed from sick leave to vacation. Director GIORGI seconded the motion. GM BRYAN advised there will be a correction to the proposal to two months prior to hire date and change from sick leave to strictly vacation hours. Motion was voted on and passed unanimously.

President SNYDER confirmed the sick leave proposal was also in line with the State of Nevada. GM BRYAN advised it was with exception to the last phrase on the paper. Director NUTI advised there are several agencies that do not have a cap on the accrual of sick leave. He was unsure about the “no cap” on sick leave. Director NUTI was also questioning the phrase at the end of the proposal, “In the event of sudden and accidental death of an employee, all accumulated sick leave will be paid to the employee’s estate at 100% of the employee’s last base hourly rate.” He advised if an employee had 30 years of service in, the payout would be substantial pertaining to this phrase. He is concerned the district is doubling up with the life insurance policy WRID also provides. Counsel WINOGRAD advised it would not be doubling up, however it would be a substantial pay out and determining the death, if it was on-the-job, workman’s comp would come into play. Director LITTLE requested to know if this was truly sick leave or another way to compensate the employee and he believes it should be use it or lose it each year. Counsel WINOGRAD explained the accrual of sick leave and how it benefits the employee who has a catastrophic illness that keeps the employee out of work for months and the employee is able to come back to work. President SNYDER advised he would like to see the phrase regarding the accidental death come off of the proposal. Director NUTI agreed and advised the employees seem to already have a life insurance policy through WRID. GM BRYAN explained the payoff for sick leave for voluntary termination of employment or retirement. The payoff is as follows: 10 years of service but less than 15, max payout is $2500; 15 years but less than 20, max payout is $4000; 20 years but less than 25, max payout is $6000; and 25 years or more, max pay out $8000.

Director NUTI moved to approve the sick leave accrual at 10 hours per month proposal striking the sudden and accidental death portion. Director GIORGI seconded the motion. Motion was voted on and passed unanimously.

**Consideration and adoption of personnel policy concerning District obligations, if any, to employees who presently have accrued paid time off in excess of 30 days which, under the personnel policy adopted on October 28, 2015, is all that may be carried over from year to year.**

GM BRYAN presented opinions from Joan Blake and Jim Sciarani regarding the excess hours employees have accrued before the current policy was voted on. He explained he is over 200+ hours from the 240 hour benchmark. GM BRYAN advised Jesse is also over the 240 hour benchmark. Director LITTLE requested to know what the numbers looked like regarding the pay off. GM BRYAN advised he and Jesse had the hours over the benchmark prior to this policy being put in place. Director NUTI confirmed the payoff would just be for vacation as the Board just approved no cap on the sick leave. Director LITTLE requested to know if the payoff would be at the current rate of pay or when they first were employed. GM BRYAN advised that is what the Board has to decide today. Director GIORGI requested to know how many hours over GM BRYAN and Jesse were. GM BRYAN advised the benchmark is 240 and he is currently at 439 hours of vacation. Director NUTI advised they need to take care of this now and decide whether they are going to pay the employees or not. GM BRYAN advised he believes Jesse is at 280-300 hour range for vacation. Director LITTLE advised the board should just go by what was just approved with the 240 hour cap. Director NUTI advised to remember the employees were under the impression prior to this new policy that they had the hours of vacation to take. He advised the board needs to take care of the excess hours to get the two employees back to the 240 hour benchmark. GM BRYAN advised Jesse is only about 40 hours over and he is 199 hours over the benchmark. GM GIORGI requested to know why this wasn’t addressed at the dates of hire. GM BRYAN advised this is the first policy to be passed regarding this matter. Secretary BANTA requested to know if there were any legal ramifications if the Board decides not to pay the overage. President SNYDER requested Counsel WINOGRAD to comment on the legal ramifications. Counsel WINOGRAD advised that is a concern because the employees had a reasonable expectation to those overage hours who was hired before this day, December 7, 2015. GM BRYAN advised the payoff would be taxed. Director LITTLE advised he thought the employees over should be paid the overage. The employees are obviously working hard and not taking vacation when they could have. GM BRYAN advised moving forward, this will not be an issue again because of the current policy passed during this meeting. Director NUTI requested to know if the payoff would be the entire hours accrued, or staying capped at 240 hours and the payoff would be any hours over 240. GM BRYAN advised they would all go back to 240 and only paid the overage of 240 hours.

Director NUTI made a motion the District pay the employees the excess vacation hours over 240 they have accrued at this point at their current rate of pay. Director ACCIARI seconded the motion. The motion was voted on and passed unanimously.

**Topaz Outlet Gates Project- approval to perform engineering, obtain materials and conduct work necessary for the project.**

GM BRYAN advised the District needs to replace the bottom stems at the reservoir. Director NUTI requested to know if they are in pieces. GM BRYAN advised they are and the manufacturer can recreate the stems. They will take the bottom stem off and get a measurement to obtain the proper specifications. Counsel FERGUSON advised the Board needs to provide approval to move forward with the Topaz Outlet Gates Project.

GM BRYAN advised the first quote is from Syblon Reid and the second quote is from Municipal Treatment Equipment, Inc. for the project. GM BRYAN advised the square nut on the top and the hex nut on the bottom to make the stem move up and down. There are a couple of them starting to wear and could fail if the gates need to come up in a hurry. The gates need to be attended to sooner rather than later.

Director NUTI made a motion to approve the report concerning necessity to immediately perform engineering, obtain materials and conduct work necessary to repair and maintain the outlet gates and related appurtenances located at Topaz Reservoir (the “Topaz Outlet Gates Project”) and approve the project. Director GIORGI seconded the motion. The motion was voted on and passed unanimously.

**Topaz Gates Project-Authorize District Manager to enter into necessary agreements with Syblon Reid General Engineering Contractors. Municipal Treatment Equipment Inc., and Civil Engineer Stuart Styles/ITRC-Cal Poly San Luis Obispo.**

Counsel FERGUSON advised until they get down in the shaft and see the condition of the gates, we will not know exactly the condition they are in and what the recommendations will be. President SNYDER requested to know if the amount was around $150,000. GM BRYAN advised at least $150,000 and this project ensures the failure at the gates will not happen.

Director NUTI made a motion to authorize the District Manager to enter into the necessary agreements with Syblon Reid General Engineering Contractors, Municipal Treatment Equipment Inc., and Civil Engineer Stuart Styles/ITRC-Cal Poly San Luis Obispo, in order to perform the engineering, obtain the materials, and conduct the work necessary to complete the Topaz Outlet Gates Project. Director ACCIARI seconded the motion. Director NUTI recommended the District proceed with haste as the water is rising in the reservoir. The motion was voted on and passed unanimously.

**Director Comments**

None stated.

**Public Comment**

Water Master Rob Martinez commended the board for the decision at the Topaz gates and advised the replacement of the gates is very important. President SNYDER requested to know if the District participated in the analysis each year. GM BRYAN advised the state does perform checks and the District participates each time they request a check. GM BRYAN advised he purchased underwater paint and the District recently repainted the grates, which was recommended by the state. GM BRYAN advised the Division of Dam safety contact him and check all the sites annually. They Division of Dam Safety does not wait for GM BRYAN to contact them.

**Adjournment**

Director GIORGI moved to adjourn the meeting. Director ACCIARI seconded the motion. Motion was voted on and passed unanimously.

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Jim Snyder, President David Giorgi, Vice President

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Richard Nuti, Treasurer Dennis Acciari, Director

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David Little, Director