

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, JUNE 11, 2014**

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Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, June 11, 2014 at 6:00 p.m. in the Board Chambers of the Fresno Metropolitan Flood Control District at 5469 East Olive Avenue; Fresno, California.

**DIRECTORS PRESENT:** Jennette Williams, Chairman  
Mike Rastegar, Vice-Chairman  
Roy Spina  
Kendall Groom  
Barbara Goodwin  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** None

**STAFF, CONSULTANTS,**

**OTHERS PRESENT:** Bob Van Wyk, General Manager  
Alan Hofmann, Interim District Engineer  
Peter Sanchez, Interim Assistant District Engineer  
Frances Lopez, Office Manager  
Daniel Rourke, Environmental Resources Manager  
Paul Merrill, Finance Manager  
Benita Walker, Accounting Technician  
Kristine Johnson, Staff Analyst  
Andrew Remus, Staff Analyst  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

Ken Price, Assistant General Counsel;

Baker, Manock & Jensen

Cynthia Fidel, Client Services, Jeffrey Scott Agency

**PRESIDING:** Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Rastegar led the Pledge of Allegiance.

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**2. REPORT OF THE GENERAL MANAGER:**

Mr. Van Wyk reported on the following: (1) he distributed a copy of an obituary that appeared in the Fresno Bee on Sunday, June 8, 2014, regarding the passing of former Board Member, Judy Estill, who served on the District Board as a County representative from September 1986 until August of 1990; he stated Ms. Estill was a wonderful person and a strong supporter of the District's programs; (2) he distributed the proposed Agenda for the Board Ad Hoc Committee Meeting with the Clovis Unified School District Ad Hoc Committee that will be held on Wednesday, June 18, 2014 at the District office; (3) he distributed letters from students expressing their gratitude for having benefitted from the District's Stormwater Grant, and their appreciation for District employee Patrick Bryan; and (4) he reminded the Board of the Retirement Dinner scheduled for Thursday, June 19, 2014 to honor former District Employee Jerry Lakeman.

**3. APPROVAL OF MINUTES: None Submitted**

**4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:**

There was no Business or Presentations from the Floor

**5. ADDITIONS TO THE AGENDA:**

There were no Additions to the Agenda.

**6. POTENTIAL CONFLICTS OF INTEREST:**

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **11. Authorization to Amend 1999 Maintenance and Operations Agreement with Sanger Unified School District to Permit Parking in Basin "AM" (Ashlan & Dockery)**; and with Agenda Item No. **17. Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (Number of Potential Cases: 1)**; and stated she would therefore be abstaining/recusing herself on those items.

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

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**8. CONSENT CALENDAR:**

- c. Authorization to Establish the Drainage Fee Rate and Date of Acceptance for Agreement No. 1697(D)-DP-5/DO, Drainage Area "DO" (Ashlan & Leonard), Steve Froberg, Ashwood Construction
- e. Ratification of Expenditures, Report of Fund Balances and Activity, May 2014
- f. Report of Public Concerns, May 2014
- g. Report of Pollutant Discharge Incidents, May 2014

**Approved as Recommended, pulling Agenda Items 8a, 8b and 8d**

**Motion by: Groom      Second by: Rastegar**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

**a. Acceptance of Quarterly Investment Report, Ending March 31, 2014**

**This report is information only, and requires no action from the Board of Directors.**

Responding to Director Goodwin's question, as to why there is not a management discussion portion of the District's audit, Mr. Merrill stated management has elected not to include a discussion portion, as it is a Money Purchase Pension Plan (MPPP), not a defined benefit program. He stated it is optional for a MPPP, but if you include it, then you would have to include items such as what are your unfunded liabilities, etc. which they do not apply. However, he stated it is included on the regular financial statements.

**As the report was submitted for informational purposes only, no further action was taken.**

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**b. Acceptance of Reports of External Auditor, Brown Armstrong Accountancy Corporation, Calendar Year 2013, Financial Statements:**

**(1) Audit Report of External Auditor, Calendar Year 2013, Money Purchase Pension Plan and Trust**

Recommend the Board of Directors accept the Annual Audited Financial Statement, Independent Auditor's Report and the Significant Audit Findings Report for the Calendar year ending December 31, 2013.

**Approved as Recommended**

**Motion by: Burleson      Second by: Fowler**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

**(2) Report of District External Audit Engagement, Money Purchase Pension Plan**

This report is informational only. No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Burleson's question, which was the same question as Director Goodwin had as reported above, Mr. Merrill stated with pension plans the required management discussion has to go into your funding sources, noting they are written for governmental defined benefit programs, which does not make sense with a MPPP. Director Williams concurred noting the language in the document is "boiler point", and it is not required. She also stated that a Manager's statement is included in our Audited Financials at the end of the year.

**As the report was submitted for informational purposes only, no further action was taken.**

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**d. Authorization to Amend Janitorial Contract with Commercial Cleaning Services**

Recommend the Board of Directors authorize amending the current contract to include the proposed rate increase to be effective July 1, 2014.

Responding to Director Goodwin's question as to whether the District would be going out to bid in 2015, Mrs. Lopez stated she does plan on bringing the options of either renewing the contract, doing an analysis, or going out to bid in 2015.

**Motion by: Burleson      Second by: Fowler**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

**9. Authorize the General Manager to Execute a Joint Powers Authority Agreement for Stormwater Management with the State Water Resources Control Board (SWRCB) and Other Public Agencies.**

Recommend the Board of Directors authorize the General Manager-Secretary to execute a Joint Power Authority Agreement with the State Water Board and other interested statewide municipalities for Stormwater Management coordination.

**Approved as Recommended**

**Motion by: Goodwin      Second by: Spina**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

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**10. Authorize General Manager to Submit Position Letters on Proposed Legislation and Report on California Special Districts Association Legislative Days**

Recommend the Board of Directors oppose AB 1897 (Labor contracting; client liability) and authorize staff to send letter to CSDA, Assembly Members Patterson and Perea, and Senator Berryhill expressing opposition to this legislation

**Approved as Recommended**

**Motion by: Goodwin      Second by: Spina**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the dais at 6:21 pm.

**11. Authorization to Amend 1999 Maintenance and Operations Agreement with Sanger Unified School District to Permit Parking in Basin "AM" (Ashlan & Dockery)**

Recommend the Board of Directors authorize staff to amend the agreement with Sanger Unified School District as outlined in the Board Memorandum.

Director Fowler requested staff check whether Sanger Unified School District has obtained a County permit, as they will be encroaching into a County road right of way.

**Approved as Recommended**

**Motion by: Fowler      Second by: Rastegar**  
**Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson**  
**Noes: None**  
**Abstentions: Goodwin**  
**Absentees: None**

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Director Goodwin returned to the dais at 6:25 pm.

**12. Consideration of Change in Hourly Rate for Professional Services, Baker, Manock & Jensen**

Recommend the Board of Directors discuss the fee increase and determine if a fee increase is appropriate, then authorize staff to modify the fee schedule to be effective July 1 2014 if the fee increase is approved.

**Approved as Recommended**

**Motion by: Spina                      Second by: Burleson**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

**13. This Item was Pulled**

As this item was pulled, no further action was taken.

**14. Review and Approve the Social Media Application of Facebook and YouTube as a Component of the District's Public Outreach and Education Program**

Recommend the Board of Directors review and approve the launch of a Facebook page and YouTube channel as social media components of the District's Public Education and Outreach Program.

Ms. Swisher introduced Ms. Cynthia Fidel from Jeffrey Scott Agency, the District's public outreach consultant. Ms. Fidel reviewed the progress to date on the District's Social Media program.

**Approved as Recommended**

**Motion by: Spina                      Second by: Burleson**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

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**15. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items:**

- a. Recommendation from the Policy Committee, Approve Revising District Ordinance Section 5.1020(c) per Legal Counsel's Opinion to Modify the "Unauthorized Activities" Language in Parks Ordinance**

The Policy Committee recommends the Board of Directors revise the District Ordinance Section 5.1020(c) to modify the "Unauthorized Activities" language in the Parks Ordinance per Legal Counsel's recommendations, as shown in Attachment A as attached to the Board Memorandum.

**Approved as Recommended**

**Motion by: Spina                      Second by: Rastegar**  
**Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: None**

- b. Report on Board of Directors Attendance at Various Meetings, Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Fowler**

Recommend Director Fowler give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Advisory Committee Special Meeting held on May 30, 2014.

Director Fowler gave a verbal report.

**As the report was submitted for informational purposes only, no further action was taken.**



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**REPORT OF GENERAL COUNSEL**

Mr. Jensen reported on Legislative items of interest to the District.

**CLOSED SESSION**

The Board then convened in Closed Session at 6:57 pm to consider the following:

**18. PUBLIC EMPLOYMENT  
Title: General Manager-Secretary  
Pursuant to Government Code §54954.5**

The Board then convened in regular session at 7:12 pm. Chairman Williams stated no reportable action was taken in Closed Session.

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the Board Meeting at 7:13 pm. The Board then convened in Closed Session at 7:14 pm to consider the following litigation:

**17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section  
54956.9(d)(2):**

(Number of Potential Cases: 1)

The Board then convened in regular session at 7:54 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

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**ADJOURNMENT**

**Adjourned Board Meeting at 7:54 pm**

**Motion by: Rastegar      Second by: Spina**  
**Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson**  
**Noes: None**  
**Abstentions: None**  
**Absentees: Goodwin**

  
ALAN HOFMANN  
GENERAL MANAGER-SECRETARY

7/24/14  
DATE