

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 8, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 8, 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:** Alan Hofmann, General Manager-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Brent Sunamoto, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Brandy Swisher, Staff Analyst
Karyn Kruser, Staff Analyst
Andrew Remus, Staff analyst
Esther Schwandt, Clerk to the Board

Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

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. Hofmann reported on the following: (1) his attendance at the California Special District Association Conference last week; (2) he distributed copies of The Fresno Bee article dated Sunday, September 28, 2014 entitled, "Fresno City Hall Sees Recharge Basins as Part of the Water Solution"; Mr. Hofmann noted he was interviewed by Mr. George Hostetter, the newspaper reporter who had written the article; also, Mr. Hofmann stated he was asked to be a panelist at the first City of Fresno water forum, unfortunately he was out of town; however, he has been asked to participate at a subsequent one, and he will be able to participate in that one; (3) he reported staff has as of this date collected \$6000.00 in revenue from the newly adopted Development Review Fees; he noted this is extra funding that was not included in the current District Budget; also, he stated he will have staff prepare on a regular basis, a Report to the Board on this item to keep the Board fully informed; (4) with respect to the Economic Development Administration (EDA) Grant he stated staff has begun the process of this Grant; however, he noted staff has been informed that EDA will not begin reimbursements until 100% of all the projects are awarded; Mr. Hofmann stated he will be working with the District's Finance Manager as to how that will affect cash flow for the District, and what mitigation can be taken to limit the District's exposure; and, (5) he reported the Clerk to the Board is in the process of scheduling a Priorities & Programming Committee for Monday, October 27th and an Administrative Committee Meeting for early November.

Director Spina expressed his concern with respect to The Fresno Bee article mentioned earlier by Mr. Hofmann under item no. 2. Specifically, the comments made in the newspaper article by the City of Fresno appear to indicate they will have their own flood control basins, noting they state in the article "that means recharge basins controlled by the city". Director Spina noted the advantages of the City partnering with the District for recharge basins as is currently done. Mr. Hofmann stated it is his intent to become more involved in these discussions, noting the District has a long standing program with the City of Fresno in providing recharge, taking their water, and helping the City of Fresno with their water balance; however, they have not been at the table with the District in these discussions. Specifically, he stated there are several more District basins the City of Fresno could be utilizing in their recharge program. Director Fowler noted it would be very expensive for the City to attempt to develop basins in the urban area.

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3. APPROVAL OF MINUTES: Meeting of September 24, 2014

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Director Burleson stated he would like to make a report on the AMWA Meeting held on September 25, 2014. Ms. Layne noted Director Burleson could make that report under Agenda Item No. 12. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items.

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to sub-division (b) of Gov. Code Section 54956.9: (Number of Potential Cases: 2), and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Authorization to Execute Standard Developer Agreement, Tract 6052, Drainage Area "EG", The McCaffrey Group (Herndon & Hayes)
- b. Authorization to Renew Grazing Lease Agreement, John and Donna McConnell, Big Dry Creek Reservoir
- c. Authorization to Submit Comments to Environmental Protection Agency (EPA) and United States Army Corps of Engineers (USACE) on Proposed Rule Defining Waters of the United States
- d. Cancellation of Regular Board Meetings Scheduled for November and December 2014, and Scheduling of a Special Board Meeting on November 19, 2014
- e. Report of Public Concerns, September 2014
- g. Report on Drainage Fee Time Payment Agreements (July-September 2014)
- h. Authorization to Execute License Agreement for Temporary Water Main, Basin "EH" Tutor, Perini, Zachary, Parsons (Herndon & Golden State)

Director Groom requested Agenda Item 8f be pulled.

Approved as Recommended, with the exception of Agenda Item 8f as it was pulled.

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

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f. Report on 2015 Association of California Water Agencies/Joint Power Insurance Authority (ACWA/JPIA) Health Insurance Premiums

This is a report to the Board. No action is necessary unless specific direction is given to staff.

Responding to Director Groom's question as to whether a Health Savings Account for District employees had been created, Ms. Kruser stated it had, and the District began the Open Enrollment process last Monday for employees regarding Health Insurance and, as part of that, the Fresno County Federal Credit Union came out and explained to employees how the Health Savings Account works.

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

9. Adoption of Resolution Declaring Support of Proposition 1, Water Quality, Supply and Infrastructure Act of 2014, Assembly Bill 1471

Recommend the Board of Directors adopt the resolution as attached to the Board Memorandum declaring support of proposition 1.

Approved as Recommended, Adopting Resolution No. 2014-803

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

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10. Authorization of Direct Connection to FMFCD System, SPR 2014-010, North Pointe, Parnagian, Drainage Area "AX" (Orange & North Avenues)

Recommend the Board of Directors approve the direct connection with the requisite conditions: (1) installation of a positive shutoff valve; (2) installation of an approved back flow prevention device; and (3) dedication of a flood easement and release in favor of the District.

Responding to Director Spina's comment, Ms. Campbell stated staff would look into an alarm that would indicate hydrocarbons with respect to costs and reliability. Responding to Director Spina's question as to whether the District has experienced any problems with these types of direct connections, Ms. Campbell stated she would have to check with the Environmental Resources Manager as to whether or not there had been any issues; however, she stated that she is not aware of any. Mr. Hofmann stated he was also not aware of any significant issues.

Approved as Recommended

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

11. Report on Current Status of 2014 State Legislative Activity

This is a report to the Board of Directors. No action is necessary unless specific direction is given staff

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

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

a. Recommendations from the Policy Committee:

(1) Adoption of Amendments to Execution of Documents Policy

It is the recommendation of the Policy Committee that the Board of Directors adopt the proposed amendments to the Execution of Documents Policy as attached to the Board Memorandum.

Approved as Recommended

Motion by: Burleson 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, Association of Metropolitan Water Agencies (AMWA), Director Burleson

This is a report to the Board of Directors. No action is necessary unless specific direction is given staff.

Director Burleson mentioned on Saturday, October 18th there would be a Water Wise Presentation at the Clovis Botanical Gardens, and noted the District has participated in the past, and he would hope the District would be participating again. Director Burleson reviewed the seriousness of the overdraft of groundwater as was reported at the AMWA meeting by Crystal Tufenkjian of the Kings River Conservation District.

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

REPORT OF GENERAL COUNSEL

Ms. Layne reported on Legislative items of interest to the District. Ms. Layne reported at the request of Chairwoman Williams, Agenda Items No. 15 and 14 would not be taken in order. This would allow for the participation of Director Goodwin in Agenda Item No. 15, but not Agenda Item 14, as Director Goodwin has indicated she has a conflict with Agenda Item No. 14.

CLOSED SESSION

The Board convened in Closed Session at 6:47 pm to consider the following:

**15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: General Manager-Secretary**

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with the next Item No. 14 and left the Board Meeting at 6:51 pm during the Closed Session.

14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to sub-division (b) of Gov. Code Section 54956.9:

(Number of Potential Cases: 2)

The Board then convened in regular session at 6:58 pm Ms. Layne reported motion was duly made and unanimously taken in Closed Session under Item No. 15 to approve the General Manager-Secretary Objectives with the following vote to wit:

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

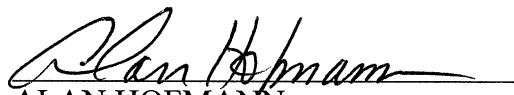
Ms. Layne continued reporting that Director Goodwin subsequently left the Board Meeting, and there was no action taken on Agenda Item No. 14.

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ADJOURNMENT

Adjourned Board Meeting at 6:59 pm.

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

10/16/14
DATE