

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, MARCH 23, 2016**

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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, March 23, 2016 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:** Mike Rastegar, Chairman  
Kendall Groom  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Barbara Goodwin, Vice-Chairman  
Jennette Williams  
Roy Spina

**STAFF, CONSULTANTS,  
OTHERS PRESENT:** Alan Hofmann, General Manager-Secretary  
Peter Sanchez, District Engineer  
Debbie Campbell, Design Engineer  
Brent Sunamoto, Operations Engineer  
Frances Lopez, Office Manager  
Daniel Rourke, Environmental Resources Manager  
Karyn Kruser, Staff Analyst  
Andrew Remus, Staff Analyst  
Brandy Swisher, Staff Analyst  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

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

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

Mr. Hofmann reported on the following: (1) he distributed pictures of the Fresno Economic Opportunities Commission (EOC)'s Easter event at Trolley Creek Park last weekend; EOC indicated they were so pleased with the park, the event and the attendance, that they are planning next year's event to be held at the park again; (2) he reminded the Board that staff is in the process of scheduling the District's Budget session, noting staff is proposing to add one additional Board Meeting, Wednesday, June 15, 2016; (3) the Clerk to the Board is contacting the Board as to their availability to attend the Clovis Mayor's Breakfast on Thursday, May 19<sup>th</sup> at 7:00 am; and (4) the District's Ethics class for the Board and staff, has been scheduled with Legal Counsel for Wednesday, April 6, 2016, at 11:30 am in the Board Room.

**3. APPROVAL OF MINUTES: Meeting of March 9, 2016**

**Approved as Recommended**

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

**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:**

There were no Conflicts of Interest.

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

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**8. CONSENT CALENDAR:**

- a. Authorization to Execute Standard Developer Agreements:
  - (1) Tract 6112, Drainage Area "1G" (Temperance & Gould Canal), Wathen Castanos Homes, Inc.
  - (2) Tract 6087, Drainage Area "DN" (Chestnut & Copper), Copper River Development Company, Inc. (Granville Homes/Gary McDonald Homes)
- b. Authorization to Schedule Public Hearing to Adopt Resolution Amending District Ordinances:
  - (1) Chapter 5 – Use of District Facilities for Parks and Recreation Purposes
  - (2) Chapter 2 – Master Schedule of Services Charges
- c. Ratification of Expenditures, Report of Fund Balances and Activity, February 2016
- d. Report of Pollutant Discharge Incidents, February 2016

**Approved as Recommended**

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

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**9. Review of Spring 2016 State Legislative Activity and Authorization to Submit Position Letter on SB 885 (Construction Contracts: Indemnity – Wolk)**

Authorize staff to submit a letter of opposition to SB 885 (Construction contracts: indemnity-Wolk) and direct staff to take action on other bills as directed by the Board.

Mr. Remus noted one typographical error, on page 6 of the Board Memorandum, SB 1589, was listed as a Senate Bill, when it should have been shown as AB 1589 an Assembly Bill. Also, on page 7, AB 1694 has been completely changed and will be pulled from the District's review, as it is no longer of interest to the District.

**Approved as Recommended**

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

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

- a. Authorization to Compensate Directors Rastegar, Goodwin, Williams, Groom, Fowler and Burleson for Attendance at the Central Valley Local Chapter of the California Special District Association (CSDA) Workshop, Harassment Prevention AB 1825 and Understanding Board Member & District Liability Issues**

It is recommended the Board of Directors retroactively approve Directors Rastegar, Goodwin, Williams, Groom, Fowler & Burleson's Attendance at the Central Valley Local Chapter of the California Special District Association (CSDA) Workshop regarding Harassment Prevention AB 1825 and Understanding Board Member & District Liability Issues held on March 2, 2016 qualifies as a "Day of Service Rendered Under Order of the Board" in compliance with Section 1.203(c) of District Ordinance Code 2007-01.

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**Approved as Recommended**

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

**b. Report on Board of Directors Attendance at Various Meetings:**

- (1) Central Valley Local Chapter of the California Special District Association (CSDA) Workshop, Harassment Prevention AB 1825 and Understanding Board Member & District Liability Issues; Directors Rastegar, Goodwin, Williams, Groom, Fowler and Burleson

It is recommended (1) Directors Rastegar, Goodwin, Williams, Groom, Fowler and/or Burleson give a verbal report of the Workshop held on March 2, 2016.

Directors Burleson and Fowler gave a verbal report.

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

- (2) San Joaquin River Conservancy (SJRC), Director Goodwin

It is recommended (2) Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on March 23, 2016.

As Director Goodwin was not in attendance, no verbal report was given.

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

**REPORT OF GENERAL COUNSEL**

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

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**CLOSED SESSION**

Mr. Hofmann stated while the following Closed Session item was scheduled, at this time, staff and Legal Counsel do not believe there is a need for a Closed Session this evening:

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

(Number of Potential Cases: 1)

A Closed Session was not convened.

**ADJOURNMENT**

**Adjourned Board Meeting at 6:23 pm**

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

  
ALAN HOFMANN  
GENERAL MANAGER-SECRETARY

4/7/16  
DATE