

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, AUGUST 10, 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, August 10, 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  
Barbara Goodwin, Vice-Chairman  
Jennette Williams  
Roy Spina  
Kendall Groom  
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  
Paul Merrill, Finance Manager  
Daniel Rourke, Environmental Resources Manager  
Karyn Kruser, Senior Human Resources Analyst  
Paul Allen, Facilities Manager  
Esther Schwandt, Clerk to the Board  
  
Ken Price, Assistant General Counsel;  
Baker, Manock & Jensen

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

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

Mr. Hofmann reported on the following: (1) Director Burleson had been re-appointed to the District Board by the County of Fresno; the Clerk to the Board administered Director Burleson's Oath of Office; Mr. Hofmann also noted staff anticipates other re-appointments forthcoming from the City of Fresno; (2) the State of the County Breakfast is scheduled for Wednesday, September 21, 2016; the Clerk to the Board would be contacting the Board Members as to their availability to attend; (3) he distributed a copy of the Fresno Bee Opinion Page, dated Friday, July 29, 2016 entitled, "Why you Shouldn't feed the ducks" which speaks specifically about the District's Oso de Oro Lake Park and the ducks in that basin; (4) with respect to the next Board Meeting scheduled for August 24<sup>th</sup>, he will not be in attendance as he will be at the National Association of Flood and Stormwater Management Association (NAFSMA) Conference so, Mr. Sanchez will conduct the Board Meeting; (5) he was not elected to the California Special District Association (CSDA) Board position; and, (6) the District received notice from the Fansler Foundation that the District unfortunately did not receive funding for a Grant Application submitted for Trolley Creek Park (Basin "Y"); he noted staff would now be working with the Priorities & Programming Committee to determine how to fund the maintenance activities that are necessary at Trolley Creek Park.

**3. APPROVAL OF MINUTES: Meeting of July 13, 2016**

**Approved as Recommended**

**Motion by: Williams      Second by: Goodwin**  
**Ayes:                      Rastegar, Goodwin, Williams, Spina, Groom, 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:**

There were no Additions to the Agenda.

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**6. POTENTIAL CONFLICTS OF INTEREST:**

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **13. 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)**, and stated she would therefore be recusing herself on this item.

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

**8. CONSENT CALENDAR:**

- a. Authorization to Execute Standard Developer Agreement, Tract 6124, Drainage Area “BM”, Centex Homes (Temperance & California)
- b. Report on Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) 2017 Health Insurance Premiums
- d. Report on Award of Uniform Cost Accounting Contract BB-21, Reconstruction of Block Wall Fence, Basin “BB” (Fresno & Shields)
- e. Engineer’s Quarterly Year End Report of Developer Agreements, June 2016
- f. Engineer’s Report of Construction, July 2016
- g. Quarterly Real Estate Report, May – July 2016
- h. Ratification of Expenditures, Report of Fund Balances and Activity, June 2016
- i. Report of Pollutant Discharges Incidents, June 2016
- j. Report of Public Concerns, July 2016

Director Fowler requested Agenda Item 8c be pulled.

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**Approved as Recommended with the Exception of Agenda Item 8c which was pulled**

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

**c. Report on Award of Uniform Cost Accounting Contract, Weed Control Spraying for Portions of Dams and Detention Basins**

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

Director Fowler expressed his concern with respect to the lowest bidder, Eynon Weed Control Inc. being located in San Diego.

Mr. Allen stated Eynon Weed Control Inc. has a substation located in Bakersfield where they keep a lot of their equipment for use when they are working in this area. He stated he shared Director Fowler's concerns initially, however, when they came out they did a much better job than the contractor the District had been using and their equipment is newer and very good quality. He also noted Eynon Weed Control's equipment can spray a considerable distance down the slide slope, which is what is needed at the dams and detention basins.

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

**9. Review of Other Post Employee Benefits (OPEB) Trust Fees**

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

Director Rastegar initiated discussion with respect to PARS fees. In response to Director Rastegar's question, Mr. Merrill stated he would question PARS as to any potential hidden costs. Director Williams requested a copy of a brochure/statement that would show what the costs are per investment, services, etc. so she could look into those fees.

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

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

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

It is recommended Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Board Meeting Held on July 20, 2016.

Director Burleson gave a verbal report, noting the UKBIRWMA had changed its name to a simple shorter title, specifically, it would now be known as the Kings Basin Water Authority (KBWA).

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

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

**REPORT OF GENERAL COUNSEL**

Mr. Price stated he had nothing to report.

**CLOSED SESSION**

The Board then convened in Closed Session at 6:18 pm to consider the following litigation:

- 12. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Pursuant to Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)  
Name of case: *Victoria Montufar et. al. vs. FMFCD et. al.* (Fresno County Superior Court Case No. 16CECG00721)

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The Board then convened in regular session at 6:47 pm. Mr. Price stated no reportable action was taken in Closed Session.

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

**b. Review and Consideration of Modifications to the Process Used to Evaluate the General Manager-Secretary**

It is recommended the Board of Directors review the current General Manager evaluation process and Evaluation Performance form and provide direction to the General Manager-Secretary in preparation for the 2016 annual evaluation.

Discussion was carried among the Board Members and the General Manager as to the Evaluation process for the General Manager and the document to be used.

It was the consensus of the Board that: (1) the Clerk to the Board would contact the Board as to their availability to schedule a Special Board Meeting the week of September 5<sup>th</sup> to begin conducting the Evaluation of the General Manager; (2) the General Manager would prepare an Evaluation packet for distribution to the Board by the next Board Meeting (August 24, 2016), using the Revised Performance Evaluation form as attached to the Board Memorandum as Attachment No. 5; (3) the Clerk to the Board would distribute the Evaluation form electronically to the Board Members; (4) the Board of Directors would meet first with the General Manager for an overview of the past year and to ask questions regarding specific ones of interest to assist in the evaluation and their discussion of the Evaluation document, then the full Board would meet to review and confer about the Evaluation document, the Manager's performance and to establish goals; (5) the Clerk to the Board would assist the Board in compiling the Evaluation forms from each Board Member into one final Evaluation form; and, (6) the Board would then meet to review the final composite Evaluation form, and then meet with the General Manager to review the final composite Evaluation form (possibly at the September 28<sup>th</sup> and/or October 12<sup>th</sup> Board Meeting).

**As the Board of Directors gave the General Manager direction as to the General Manager Evaluation process, no further action was taken.**

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with the next item, and left the Board Meeting at 7:21 pm.

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**CLOSED SESSION (Continued)**

The Board then convened in Closed Session at 7:22 pm to consider the following litigation:

- 13. 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)

The Board then convened in regular session at 7:32 pm. Mr. Price stated no reportable action was taken in Closed Session.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:32 pm**

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

  
ALAN HOFMANN  
GENERAL MANAGER-SECRETARY

8/18/16  
DATE