

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California on May 23, 2007. Meeting was called to order at 5:00 pm by Board President Jeff Boswell.

DIRECTORS PRESENT

President Jeff Boswell
Vice President Jeff Neely
Eddie Niederfrank
Steven Balls
Tom Steffen

DIRECTORS ABSENT

None

STAFF PRESENT

General Manager/Secretary of the Board Gary R. Serrato
Assistant General Manager Laurence Kimura
Watermaster Jim Irwin
Chief Engineer Bill Stretch
HR Director Regina Davis
Controller DeAnn Hailey
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

Legal Counsel Alex Peltzer
Reporter Don Wright
Felix Garcia

PUBLIC HEARING

Staff made the recommendation to increase the Directors' compensation to \$150.00 per meeting with a maximum of ten meetings per month.

With no attendance or comments from the public, President Boswell closed the public comments portion of the meeting at 5:15 pm.

Director Niederfrank made the suggestion that this issue be brought before the Board at a regular interval, such as every two years. Director Balls then suggested increasing the compensation to \$150 and then in \$25 increments when the 5% increase was reached.

M/S/C/(Balls/Niederfrank) That Board of Directors approve Ordinance 2007-01 increasing the compensation to \$150 with a re-visit every time that the computation factor reaches \$25 by roll call vote. (Ayes: Neely, Balls, Boswell, Steffen, Niederfrank, Nays 0, Absent 0, Abstain 0)

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

The public hearing was closed at 5:20 pm with the regular meeting commencing thereafter.

REVIEW AGENDA

Staff requests that Closed Session be moved to the beginning of the meeting to accommodate legal counsel's schedule.

Also, Staff requested that 9 b. be removed from the agenda. Item 6 b. will be moved to Closed Session due to potential litigation and item 6 c. will be moved ahead to accommodate landowner Felix Garcia who is present at the meeting.

CHIEF ENGINEER'S REPORT

- a. **Proposed Fence Encroachment by Felix Garcia on the Viau Canal No. 25 located S/W Malaga and Maple Avenues. Action Request 2007-10. (Possible Public Presentation)**

Mr. Garcia owns a one acre parcel located southwest of Malaga and Maple Avenues with the Viau Ditch running along the east side of his property line. Mr. Garcia is planning to build a second residence on the parcel and has requested to encroach within the District's prescriptive easement with a permanent wrought iron fence. Mr. Garcia is insisting on placing the fence along the inside top of bank thus eliminating the drive bank or maintenance road. No fences or encroachments currently exist and the District's maintenance crews utilize both drive banks to maintain the canal. Engineering staff met with Mr. Garcia to discuss two options.

Staff's recommendation is that the Board reject Mr. Garcia's encroachment request and that all future improvements be in accordance with Board Policies including No. 155.

Mr. Garcia came in to discuss their fencing request. Mr. Garcia said that he would be willing to participate 50% to pipe the canal. The estimated cost to cover the pipe is \$24,000.

The Directors recommended piping the canal; however, there is an issue with a future road project on Maple Avenue. The Board requested that Staff meet with Mr. Garcia and come back with costs estimates, financing options, and plans at the next Board Meeting.

CLOSED SESSION

The Board went into Closed Session at 5:28 pm.

Conference with Legal Counsel—Anticipated Litigation (Government Code Section 54956.9(b)). The Board may meet in Closed Session to confer with counsel on potential litigation arising out of the levee failure at Waldron Banking Facilities. Significant Exposure to Litigation pursuant to subdivision (b): one potential case.

Natural Resource Defense Council vs. Rodgers (Government Code Section 54956.9). The Board conferred with counsel on pending litigation.

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)). The Board will meet in Closed Session to confer with counsel on potential litigation. Significant Exposure to Litigation pursuant to subdivision (b): VanVolkenburg.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Closed Session adjourned at 6:45 p.m. with President Boswell stating there was nothing to report.

After a brief recess, open session resumed at 7:08 pm.

REVIEW OF FUTURE MEETINGS

June 4, 11, and 13 are scheduled for the Board of Equalization.

PUBLIC PRESENTATION

None

POTENTIAL CONFLICTS OF INTEREST

(Any Board Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.) [FPPC §87105]

None stated

CONSENT CALENDAR

- a. Approval of Regular Meeting Minutes – April 25, 2007
- b. April 2007 General Check Register
- c. January, February, March, and April 2007 Special Check Registers
- d. April 2007 Payroll Register
- e. April 2007 Attorney Fees
- f. April 2007 Consultant Fees
- g. April 2007 Assessments Collections Report
- h. January, February, March, and April 2007 Fund Activity
- i. January, February, March, and April 2007 Treasurer’s Report
- j. January, February, March, and April 2007 Deposits and Investments Reports
- k. April 2007 Investment Account
- l. Standard Developer Project – Montage Attached Homes, LP will pipeline the Clovis Canal #115 located S/W Herndon and Armstrong Avenues in accordance with Board Policy. Action Request 2007-09

M/S/C/(Niederfrank/Balls) That Board of Directors approve the Consent Calendar by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

380: WATER REPORT

- a. Current water conditions

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

Watermaster Jim Irwin reviewed the current and projected water supply. As of May 22, Pine Flat release was 2,160 cfs. Pine Flat Precipitation is 10.57 for the season with average is 18.95 (55.8% of normal). The District has been informed that it will receive an additional 10% of Class I water. A Magnacide application took place on the Houghton last week.

The District has been receiving telephone calls from the eastside water users inquiring if the District was anticipating a hardship run. Staff feels that with current projections there would be enough water to do a 30 hardship run. Consolidated Irrigation District has not yet determined whether they will make a run.

Mr. Serrato informed the Board that Mr. Irwin and his crew did an excellent job participating in the rescue/recovery of the drowning victim last week. The District has been fielding numerous calls from the public and media about fencing the canals.

CHIEF ENGINEER'S REPORT

Chief Engineer Bill Stretch reported on the following items:

a. Developer and Agency Project Schedule for 2006/07 – Brief update of on-going projects

Developer Projects – FID is currently processing approximately 15 Developer pipeline projects for the 2007-08 Maintenance Season. Currently there are two projects in progress and two have been completed since April 1, 2007. The two on-going projects impact the following canals: Dawson Canal located southwest of Shaw and Fowler Avenues.

Agency Projects – FID is currently processing approximately ten Agency projects for the 2007-08 Maintenance Season. Currently, there are no projects in progress with one being completed since April 1, 2007.

b. Running Horse Development and Kearney Basin Project Update

Running Horse LLC, the company that Tom O'Meara founded to build the country club, filed for Chapter 11 bankruptcy protection in late April and the Manteca based Elon Golf Construction, Inc. took control of the development. Staff has yet to meet with Elon but has spoken with them on the telephone.

d. Authorization to Enter into Agreement with FMFCD and Fancher Creek Properties, LLC for a Canal Abandonment – the Tailend Portion of the Eisen Canal #11: Pipeline, located S/W of Belmont and Armstrong Avenues. Action Request 2007-11

Staff is requesting that 4,900 feet of the tailend portion of the Eisen Canal (located SW/Belmont and Fowler Avenues) be abandoned. Fancher Creek Properties LLC is developing this area into a large industrial business park. Staff's recommendation is that the Board authorizes Staff to enter into an agreement with the Developer and FMFCD and approve the abandonment of the

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

tailend portion of the Eisen Canal between Armstrong and Fowler Avenues. Staff's full recommendation is given in Action Request 2007-11 dated May 23, 2007.

This item has been tabled for another Board Meeting.

ASSISTANT MANAGER'S REPORT

Assistant Manager Laurence Kimura reported on the following:

a. Nielsen Site Rubble Pile Update

There has been no significant change in Mr. Erickson's operation. A significant amount of sorted materials still remains on site. Rubble containing aggregate continues to be brought onto the site. The crusher that Mr. Erickson purchased has taken longer to rehabilitate than previously indicated, so no materials have been processed since the last report. Mr. Erickson hopes to have the crusher operational by the end of the week.

b. Waldron Banking Project Update

The contract with Steve Dovali Construction for the well equipping work is underway and power poles were previously installed at the Lambrecht and Empire sites. The pump installation is to be completed by May 30 with installation of the electrical equipment and controls to be completed by the end of June.

Two major levee failures occurred at the Waldron project sites. One failure occurred at the Lambrecht site while the other failure occurred at the Waldron site. Both levee failures occurred where structures were constructed through the levees. This item was discussed during Closed Session.

There has been no significant change in the financial status of the project since the last report.

c. District Office

Staff has received a contract from S.I.M. Architects for the permitting and design of a new office building. An electronic copy of the contract was requested from S.I.M. Architects and forwarded to legal counsel for review. S.I.M. Architects is progressing with initial layouts and coordinating the site survey.

d. General Maintenance and Equipment Update

The Maintenance Crew is back down to the core maintenance personnel during the water operations season. Heavy equipment operators are building up a canal bank on the East Branch near Belmont and Bethel Avenues. Weed spraying continues as weather permits. Magnacide applications have begun. Trash is being picked up throughout the District. Maintenance personnel are repairing gates and pipelines at various locations as problems arise. The District Staff applied for several grants to purchase vehicles and/or emission reduction devices. An

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

Equipment Committee meeting will be scheduled soon to discuss the grant funding. The District received notification that approximately \$411,000 has been awarded to the District. The Maintenance Report for April 16 through May 15 was handed out.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

KRWA Legislative Committee Meeting

KRWA Executive Committee voted to continue cloud seeding into the summer months. Discussions continue on how this will be paid for. Mr. Serrato reviewed the accounting of Exhibit "D" flows.

Fish and Game Meeting

Mr. Serrato reported that 100 truck loads of boulders were purchased and will be placed during low flow. Wooded debris will also be placed above the Fresno Weir and used for small fish shelters.

South San Joaquin Water Quality Coalition

There are discussions within the South San Joaquin Water Quality Coalition to begin a new joint powers association that would allow Mutual Water Companies to join the Coalition. Cost allocation would be handled by the JPA with the Kings River Conservation District continuing to administer the water quality monitoring.

FRIANT WATER AUTHORITY / FRIANT WATER USERS AUTHORITY

Region 6 is now accepting applications for the Board. Mr. Serrato has been placed on the nominating committee. Applications must be received by July 2.

OTHER ISSUES

Staff is continuing to work with the City of Clovis representatives on the agreement for the next water banking facility.

ADMINISTRATIVE MATTERS

a. 2007 ISIP Recap (motion to remove from assessment roll)

Controller Hailey briefed the Board on the ISIP projects that are ready to come off. Ms. Hailey requests that these properties be removed from the roll.

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD MAY 23, 2007**

M/S/C/(Neely/Balls) That Board of Directors approve removing the listed properties as outlined by the Controller for projects paid off in 2007 by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

b. Policy 701 – Rules for Fixing & Collecting Charges For Services Furnished

This item was removed from the agenda.

c. Update to Recording Fees for Releasing Liens Charged by the Fresno County Recorder

The Controller updated the Board on the reasoning behind Fresno County charging the District \$13 to release a lien.

DIRECTORS' REPORT

Director Boswell – receive updated information at the ACWA Spring Conference on the eminent domain process. The process has been tightened and now much more time consuming. Mr. Boswell also complimented Staff on the excellent job they did in the recovery of the drowning victim.

Director Niederfrank – has some happy water users in his area. Director Niederfrank has received some positive feedback on the new WSO schedules. Southern California Edison will not be participating in the cloud seeding program.

Watermaster Jim Irwin wanted to thank the following people who assisted in the rescue/recovery situation:

Clifton Lollar with KRWA; Peter Sanchez with FMFCD; and the following FID personnel, Phil Stanley, Murray Krum, Darrin Valentine, Carlos Cardoso, John Tinoco, Doug Griffin, Jeremy Landrith, Joe Jimenez, Rob Metzler, Mike Prestridge, Dave Hammond, and Tom Carter.

ADJOURNMENT

President Boswell adjourned the meeting at 8:55 p.m.

Respectfully Submitted,

Gary R. Serrato
Board Secretary