

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD JUNE 13, 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 June 13, 2007. Meeting was called to order at 5:06 pm by Board President Jeff Boswell.

DIRECTORS PRESENT

President Jeff Boswell
Vice President Jeff Neely
Eddie Niederfrank
Steven Balls

DIRECTORS ABSENT

Tom Steffen

STAFF PRESENT

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

OTHERS PRESENT

Legal Counsel Dan Dooley
Fancher Creek, LLC Representative Scott Anderson
Doug Harrison

REVIEW AGENDA

Staff requested that item 6 c. be moved to the Consent Calendar and become item 4 i. Staff also request that item 6 e. be moved to the beginning of the meeting to accommodate Mr. Anderson and Mr. Harrison's schedules.

CHIEF ENGINEERS REPORT

- e. 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 2007-15

In addition to the Recommendations as presented during the Chief Engineers report at the May 23, 2007, meeting four additional Recommendations were given: agreement language which will include a trigger of the installation of a pipeline if all conditions are not met; developer will be required to furnish the District a Surety Bond for the cost of the pipeline (estimated at \$275,000); tract map will include special language which will prohibit the installation of utilities,

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road widening construction and all other improvements; developer to pay an additional \$3,000 in fees to pay for Staff time to process special request.

It is Staff's recommendation to continue with the negotiations and move forward on the project.

M/S/C/(Niederfrank/Balls) That Board of Directors approve continuing with the project and contract by the following vote. (Ayes 4, Nays 0, Absent Steffen, Abstain 0)

REVIEW OF FUTURE MEETINGS

Mr. Serrato will not be attending the June 27 meeting.

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 – May 23, 2007**
- b. **May 2007 General Check Register**
- c. **May 2007 Special Check Register**
- d. **May 2007 Payroll Register**
- e. **May 2007 Attorney Fees**
- f. **May 2007 Consultant Fees**
- g. **May 2007 Assessments Collections Report**
- h. **May 2007 Investment Account**
- i. **Proposed Developer Pipeline Project – Ginder Development Corp. Action Request 2007-12**

M/S/C/(Balls/Niederfrank) That Board of Directors approve the Consent Calendar including the addition of item 4 i. by the following vote. (Ayes 4, Nays 0, Absent Steffen, Abstain 0)

380: WATER REPORT

- a. **Current water conditions**

Watermaster Jim Irwin reviewed the current and projected water supply. As of June 12, Pine Flat release was 3,433 cfs. The Dry Creek, Houghton, Enterprise, and Fancher system have been treated with a Copper application, with the Gould Canal being scheduled for next week. The second round of Magnacide applications will start within the next week or so. Temperatures are expected to return to normal next week after an increase during the next few days. It was decided to wait until the next Board Meeting before making a final decision on the Hardship

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Run. Staff is pretty confident that there will be enough water for the run in August. Amount of water and a per-acre cost will also be discussed.

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 on-going projects impact the 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 and one has been completed since April 1, 2007.

b. Running Horse Development and Kearney Basin Project Update

Donald Trump has increased his offer to \$25 million; however, it has been reported that there are \$65 million in liens.

d. Proposed Canal Abandonment – the Tailend Portion of the Reyburn Canal #380, located S/W of Barstow and DeWolf Avenues. Action Request 2007-14

FID is considering abandoning the tailend portion of the Reyburn Pipeline located southwest of Barstow and DeWolf Avenues. The McCaffrey Group is developing this area into a residential subdivision. This section of pipeline will no longer be required for irrigation or recharge purposes. Staff is recommending to the Board that the Secretary sign a Notice of Abandonment and Quitclaim of Easements Agreement for the portion of the Reyburn No. 380 Canal. Staff is also recommending to the Board that this project be approved and that the President, Chief Engineer, and Secretary be authorized to sign and accept all agreements, documents, and maps pertaining to this project.

M/S/C/(Neely/Balls) That Board of Directors approve accepting Staff's recommendation to abandonment that portion of the Reyburn No. 380 Canal located at the S/W portion of Barstow and DeWolf Avenues and to approve that the President, Chief Engineer, and Secretary be authorized to sign all documents pertaining to this project by the following vote. (Ayes 4, Nays 0, Absent Steffen, Abstain 0)

ASSISTANT MANAGER'S REPORT

Assistant Manager Laurence Kimura was not present and Mr. Serrato reported on the following:

a. Nielsen Site Rubble Pile Update

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Mr. Erickson is back in operation. There has been some progress made since the last report.

b. Waldron Banking Project Update

The contract with Steve Dovali Construction for the well equipping work has been signed.

c. District Office

A contract has been signed with S.I.M. Architects. The initial layout and surveying has begun.

d. General Maintenance and Equipment Update

Crews continue to be busy with miscellaneous repairs and general maintenance. The new water truck is working very well. The old truck will be sent to auction at the end of the month. An Equipment Committee meeting has been scheduled for June 27 to discuss a recommendation of an off-road equipment grant.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

Upper Kings River Water Forum

The Upper Kings Water Forum continues to push to complete the Integrated Regional Water Management Plan (IRWMP) in time to apply for funding under the second round of Proposition 50. The targeted date for adoption of the IRWMP is the end of July. There is about \$20 million available for Northern California (Kern County north). An emphasis will be for Proposition 84 monies which have \$60 million designated for the Tulare Lake hydrological area.

The Upper Kings River Water Forum had its first run of the ground water model which was developed as required as part of the IRWMP. The participants in developing the model were most of the ground water hydrologist in the area.

FRIANT WATER AUTHORITY / FRIANT WATER USERS AUTHORITY

Will be discussed during Closed Session.

OTHER ISSUES

Herndon Canal Drowning

Staff has met with Supervisor Waterston to discuss this matter; however, the District has not been approached by the City of Fresno. An article in the Fresno Bee will be appearing within the next week or so that covers fencing, drowning, and mapping of the District's canal.

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Fresno County

Staff met with Fresno County Public Works Department to discuss the issues of development on the northeast and east side of the District. Staff stressed to the County the need for a regional plan for water balance. The County's Staff has relayed to the District that they would support a regional approach to ground water management.

Lieutenant Governor

Mr. Serrato met with Lieutenant Governor Garamendi regarding global warming and the effect it has on the snow pack.

LAFCo Report

Mr. Serrato received the preliminary report from the LAFCo survey that was conducted earlier this year. The report stated that the District was doing a fine job and they will not be suggesting any changes at this time.

ADMINISTRATIVE MATTERS

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

Legal counsel recommends repealing Policy 701 as it is covered under the Water Code.

M/S/C/(Niederfrank/Neely) That Board of Directors approve repealing Policy 701 as it is covered by the California Water Code by the following vote. (Ayes 4, Nays 0, Absent Steffen, Abstain 0)

b. Tax Title Reimbursement – Request to Transfer Funds

The District has received the Tax Title Reimbursement settlement in the amount of \$400,000. Staff is requesting to move these funds into the Construction Funds for the new office building and furnishings.

M/S/C/(Balls/Neely) That Board of Directors approve moving the Tax Title Settlement Funds into the Construction Fund to be used towards the new building and furnishings by the following vote. (Ayes 4, Nays 0, Absent Steffen, Abstain 0)

c. Resolution 2007-08 / Approving The Form Of And Authorizing The Execution And Delivery Of A Sixth Amended Joint Powers Agreement

HR Director Regina Davis reviewed Resolution No. 2007-08 which covers Approving The Form Of And Authorizing The Execution And Delivery Of A Sixth Amended Joint Powers Agreement.

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M/S/C/(Balls/Neely) That Board of Directors approve Resolution 2007-08 by the following roll call vote. (Ayes Neely, Balls, Boswell, Niederfrank, Nays 0, Absent Steffen, Abstain 0)

Retirement Plan Trustees Meeting

Ms. Davis reported on the annual contract review of the District's 401 (k) Retirement and the 457 Deferred Compensation Plan that was performed on June 5, 2007.

DIRECTORS' REPORT

Director Neely – is happy with the job performance of the WSOs in his area this year.

CLOSED SESSION

The Board went into Closed Session at 6:32 pm.

Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)). Conference with Legal Council – Anticipated Litigation (G.C. §54956.9. Significant Exposure to Litigation pursuant to subdivision (b)): one potential case.

Natural Resource Defense Council vs. Rodgers (Government Code Section 54956.9).
To confer with council on pending litigation.

Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)). Conference with Legal Council on potential litigation. Significant Exposure to Litigation pursuant to subdivision (b)): VanVolkenburg.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Closed Session adjourned at 6:50 p.m. with President Boswell stating there was nothing to report.

ADJOURNMENT

President Boswell adjourned the meeting at 6:51 p.m.

Respectfully Submitted,

Gary R. Serrato
Board Secretary