

MINUTES of the Regular Meeting of the Board of Directors of the Root Creek Water District held at 4:00 pm, Monday, November 11, 1996 at the office of the District, located at 39639 Avenue 10, Madera, California.

DIRECTORS PRESENT: Rodger B. Jensen, President  
Benton H. Coulthard, Vice President  
Philip R. Pierre

DIRECTORS ABSENT: Dave Cobb

OTHERS PRESENT: Al Bates, Secretary  
Jim Provost, Consulting Engineer  
Chris Campbell, Attorney  
Steve Krueger, Consultant

### MINUTES

President Jensen noted corrections to the October 14, 1996 minutes. Director Pierre moved that the Minutes of October 14, 1996 be approved as corrected. Director Coulthard seconded the motion which was unanimously passed.

### APPOINTMENT OF DIRECTOR

President Jensen asked if interest has been indicated by anyone to be on the Board of Directors. Mr. Provost stated that Mr. Al Bates was the only candidate. Upon motion by Director Pierre, seconded by Director Coulthard and unanimously passed that Mr. Al Bates is appointed a Director of this District.

President Jensen then asked about the terms of office. A short discussion followed wherein it was decided to draw straws for terms of office. Three Directors will have four year terms and two Directors will have two year terms which after expiration became four year terms. Mr. Krueger assisted and with each Director drawing a straw and the undrawn straw going to Director Cobb. President Jensen announced the results as:

Terms expiring in November 1998:  
Directors Cobb and Pierre  
Terms expiring in November 2000:  
Directors Jensen, Coulthard and Bates

### BY-LAWS

President Jensen asked Mr. Campbell to review the By-Laws. It was noted that it is easy to approve the By-Laws but more difficult to change them later. After a brief discussion, it was concluded that the Board should be allowed to review the By-Laws and Mr. Provost was instructed to place this item on next months agenda.

### ADOPTION OF CONFLICT OF INTEREST CODE

Mr. Campbell reported that the only change in the proposed Conflict of Interest Code the Board could make was who must make filings. He stated that he recommended the Board go ahead and approve the Code. Mr. Provost agreed and recommended that the Board approve Resolution 96-1 which had been prepared by Mr. Campbell.

Upon motion of Director Bates, seconded by Director Pierre and unanimously passed Resolution No. 96-1 "Approving Conflict of Interest Code" which is attached to and made apart of these minutes.

## FISCAL AFFAIRS

Mr. Provost presented a nine month budget in the recommended amount of \$64,635. The Board discussed this and noted that the S & J Ranch had agreed with the other landowners to pay the entire cost. Director Bates indicated he needed to obtain direction from Dole before voting. It was noted that it was desirable for the District to join ACWA before December so that ACWA could support the Districts proposed legislation. President Jensen stated that the S & J Ranch could loan a small amount of funds to the District so a checking account can be opened and a check to ACWA could be drawn. After a short discussion, Director Coulthard moved, Director Bates seconded that a small loan be accepted from the S & J Ranch and that a checking account with Sanwa Bank of California be opened requiring two signatures of any two directors or the treasurer. The motion was unanimously passed.

Mr. Campbell reported that in last weeks election, Proposition 218 passed which limits the ability to collect charges and assessments without a District election. He stated that he and the manager had visited about this and felt that a Standby Charge could be levied and a voluntary payment could be made. A short discussion followed with Mr. Campbell being asked to prepare a letter report with recommendations of how to proceed.

## DISTRICT LEGISLATION

Mr. Campbell reported that he and Mr. Krueger would be going to Sacramento on November 26 to meet with Senator Costa's staff on the procedures needed to secure passage of the District's legislation to obtain the authority to deliver electricity. President Jensen stated that he might be able to attend the meeting. Mr. Campbell reported that the letter to Madera Irrigation District and the Madera County Farm Bureau directors had not been mailed yet, but would be going out later this week.

## ACWA MEMBERSHIP

Mr. Krueger reported that he believed that the District should join the Association of California Water Agencies so that they could support the Districts Legislation. Mr. Campbell reported that Doug Jensen and Jim Ganulin of his law firm are on the ACWA Legislative Committee and felt very confident that ACWA would support the Legislation.

Upon motion of Director Pierre, seconded by Director Coulthard and unanimously passed that this District become a member of ACWA.

## ADJOURNMENT

There being no further business to come before the Board, President Jensen adjourned the meeting at 5:55 p.m.

Respectfully Submitted

  
Al Bates, Secretary

Approved:

  
Rodger B. Jensen, President

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF ROOT CREEK WATER DISTRICT  
APPROVING CONFLICT OF INTEREST CODE**

Resolution No. 96- 1

WHEREAS, as a public agency, the Root Creek Water District (the "District") is required to adopt a Conflict of Interest Code (the "Code"); and

WHEREAS, regulations promulgated under the Political Reform Act of 1974, as amended, requires that any individual with responsibility for the investment of public monies, as provided in Government Code Section 87200, is required to file a Statement of Economic Interest Form 721; and

WHEREAS, it has been determined that adopting of a Conflict of Interest Code is necessary.

RESOLVED, that the Board of Directors hereby adopts and approves the Code as the District's Conflict of Interest Code, conditioned only upon the approval of the Code by the Madera County Board of Supervisors;

RESOLVED, that the Board of Directors hereby authorizes and directs the District's staff to submit the Code, together with a copy of this Resolution, to the Madera County Board of Supervisors for approval;

RESOLVED, that, upon the approval of the Code by the Madera County Board of Supervisors, the District's Manager, James Provost, is appointed as the designated filing officer for the District's conflict of interest code;

RESOLVED, that the Board of Directors hereby authorizes each of the officers of the District to execute all documents and take any other action necessary or advisable to carry out the purposes of this Resolution.

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that he is the Secretary of Root Creek Water District and that the foregoing Resolution was adopted by the Board of Directors in the District at a meeting thereof, duly and regularly held on November 11, 1996, at which meeting a quorum of the Board of Directors was at all times present and acting.

IN WITNESS WHEREOF, I have set my hand this 11<sup>th</sup> day of November, 1996.



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Al Bates, Secretary  
Root Creek Water District