

MINUTES of the Meeting of the Board of Directors of the Root Creek Water District (RCWD) held at 2:00 p.m., Tuesday, January 23, 2007, at the office of the District located at 39639 Avenue 10, Madera California.

DIRECTORS PRESENT: Philip R. Pierre – President
L. Dave Cobb – via telephone
Jeffrey D. Coulthard
Rodger B. Jensen

OTHERS PRESENT: Christopher L. Campbell - Attorney
Deborah Messer - Secretary
Jim Provost, Manager- Engineer

1. MINUTES

President Pierre asked if there were any corrections to the Minutes of the meeting held on July 12, 2006. Upon motion by Director Jensen, seconded by Director Coulthard, the Minutes were approved as submitted.

2. TREASURER'S REPORT

On behalf of the Treasurer, the Secretary submitted the Treasurer's Report showing the following:

<u>Wells Fargo Bank – Checking Account</u>	
Balance as of July 1, 2004	\$21,004.59
Assessments received	27,651.81
Disbursements (Operating expenses)	(37,082.86)
Balance as of June 30, 2005	\$11,573.54
Accounts Receivable	\$63,473.86
Accounts Payable	\$55,598.76
<u>Wells Fargo Bank – Checking Account</u>	
Balance as of July 1, 2005	\$11,573.54
Assessments received	27,651.81
Other operating income received	125,647.32
Disbursements (Operating expenses)	(126,862.54)
Balance as of June 30, 2006	\$38,010.13
Accounts Receivable	\$107,290.38
Accounts Payable	\$10,368.43
Accrued Expenses	\$100,000.00

The Secretary reported that these were adjusted amounts resulting from the biannual audit which was just completed.

Upon motion by Director Coulthard, seconded by Director Jensen, the Board approved the Treasurer's Report and placed it on file.

3. REGION 6 ACWA BOARD RESOLUTION

Director Pierre expressed a desire to serve as a Board Member representing Region 6 (Fresno, Kings, Madera and Merced Counties) of the Association of California Water Agencies (ACWA). The Root Creek Water District Board encourages and supports the participation of its members in ACWA affairs. Therefore, upon motion by Direction Jensen, seconded by Director Coulthard, the Root Creek Water District Board, by adoption of

Resolution 2007-02 placed its full and unreserved support in the nomination of Philip R. Pierre for the Board of ACWA Region 6 and determined that the expenses attendant with the service of Philip R. Pierre in ACWA Region 6 will be borne by Root Creek Water District.

4. REPORT ON WESTSIDE MUTUAL WATER COMPANY WATER SUPPLY CONTRACT

Counsel gave an overview on the final contract with Westside Mutual Water Company and presented the final executed water supply contract document for ratification. Although the agreement is effective November 1, 2006, the reservation fee begins January 1, 2006 and continues until the Commencement Date. The term of the agreement is for a period of twenty-five (25) years, commencing on January 1, 2008, and renewable on the same terms

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Deleted: easement

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CORRECTED DCM

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for up to one (1) additional twenty-five (25) year term. The price of water delivered is \$600 per acre-foot and will be adjusted annually for inflation using the same rate as the Consumer Price Index (the Index) for All Urban Consumers, West Region, from the value of the Index on January 1, 2006.

5. REPORT ON TATHAM EASEMENT

Counsel gave a status report on negotiations regarding the Tatham easement agreement. Tatham had additional land that could possibly come into the District. These lands do not dilute RCWD but enhance what RCWD is doing. Negotiations continue and we hope to have a final agreement soon.

6. REPORT ON BUREAU APPLICATION FOR 215 CONTRACT AND TURNOUT AT LATERAL 6.2

Counsel reported on the progress for the approval from the Bureau to deliver water into the District. The Bureau is requiring a biological study and cultural planning, which will cost approximately \$18,000, to be completed within the next 60 days. With this study, we could receive Bureau approval within 90 days.

7. SPONSER FARM BUREAU WATER CONFERENCE AT THE \$500 LEVEL

The District ratified sponsorship of the Madera County Farm Bureau Water Conference at the \$500 level.

8. CONSIDER EXPANDING BOARD TO SEVEN MEMBERS

In an effort to further reflect diversity of landowners, the District desires the expansion of the Board from five (5) to seven (7) members. Such expansion would require a quorum change from 3 Board members to 4. Upon motion by Director Jensen, seconded by Director Coulthard, the Board adopted

Resolution 2007-01, stating that 1) the District's Board of Directors shall increase from five to seven; 2) the District's Board of Directors designates Scott Blunk as a new member of the Board, with a term expiring January 1, 2021, and, 3) that the vacancy, whose term shall expire on January 1, 2008, will be filled at a later date.

Discussion was made regarding liability insurance thru ACWA that would cover Board of Directors' actions and any joint powers authority. These two items were referred to Manager Jim Provost for investigation.

9. GATEWAY VILLAGE UPDATE

Counsel reported that the Environmental Impact Report for the Village of Gateway project is expected to be heard by the Madera County Planning Commission early March 2007. If approved, it is expected to go to the Board of Supervisors within thirty (30) days thereafter.

10. ADJOURNMENT

There being no further business to come before the Board, President Pierre adjourned the meeting at 3:40 p.m.

Respectfully submitted,


Deborah C. Messer, Secretary

Approved:


Philip R. Pierre, President

**ROOT CREEK WATER DISTRICT
TREASURER'S REPORT
June 30, 2006**

OPERATING FUNDS:

Beginning Checking Account Balance as of July 1, 2005 \$ 11,573.54

ASSESSMENTS RECEIVED:

Dole Food Company 27,651.81

OTHER OPERATING INCOME:

Castle & Cooke, Inc. 125,647.32

TOTAL FUNDS AVAILABLE \$ 164,872.67

DISBURSEMENTS:

ACWA \$ 1,010.00

Baker Manock & Jensen 105,812.98

Bureau Approval 33,347.42

Water acquisition 63,921.69

General 6,034.46

Late charges 2,509.41

Madera Pumps 1,628.70

Michael B. Cuttone, CPA 130.00

Provost & Pritchard 2,764.50

Madera Irrigation District 14,355.05

S & J Ranch 661.31

Madera County Farm Bureau 500.00

TOTAL DISBURSEMENTS \$ 126,862.54

ENDING CHECKING ACCOUNT BALANCE as of June 30, 2006 \$ 38,010.13

ACCOUNTS RECEIVABLE -

Castle & Cooke - Bureau Approval 478.58

Castle & Cooke - Water Acquisition 6,811.80

Castle & Cooke - Water Supply Agreement with Westside Mutual Water Company LLC 100,000.00

TOTAL ACCOUNTS RECEIVABLE \$ 107,290.38

ACCOUNTS PAYABLE -

Baker Manock & Jensen \$ 7,290.38

S & J Ranch 678.05

San Joaquin River Resource Management Coalition 2,400.00

TOTAL ACCOUNTS PAYABLE \$ 10,368.43

ACCRUED EXPENSES -

Water Supply Agreement with Westside Mutual Water Company LLC \$ 100,000.00

**ROOT CREEK WATER DISTRICT
TREASURER'S REPORT
June 30, 2005**

OPERATING FUNDS:

Beginning Checking Account Balance as of July 1, 2004 \$ 21,004.59

ASSESSMENTS RECEIVED:

Dole Food Company 27,651.81

OTHER OPERATING INCOME:

TOTAL FUNDS AVAILABLE \$ 48,656.40

DISBURSEMENTS:

ACWA \$ 1,670.00

Baker Manock & Jensen 18,709.95

Madera Pumps 1,328.00

Michael B. Cuttone, CPA 1,530.00

Provost & Pritchard 1,364.00

Resource Management Coalition 4,800.00

S & J Ranch 1,661.86

US Bureau of Reclamation 6,019.05

TOTAL DISBURSEMENTS \$ 37,082.86

ENDING CHECKING ACCOUNT BALANCE as of June 30, 2005 \$ 11,573.54

ACCOUNTS RECEIVABLE -

Castle & Cooke 63,473.86

TOTAL ACCOUNTS RECEIVABLE \$ 63,473.86

ACCOUNTS PAYABLE -

Baker Manock & Jensen \$ 53,593.62

Provost & Pritchard 1,423.00

S & J Ranch 582.14

TOTAL ACCOUNTS PAYABLE \$ 55,598.76

ROOT CREEK WATER DISTRICT
RESOLUTION NO. 2007-01

WHEREAS, the Root Creek Water District (the "District") desires to increase the number of members of the District's board of directors from five to seven;

WHEREAS, California Water Code section 34708 permits a water district formed under California Water District Law (Gov. Code §34000 *et seq.*) to increase the number of directors sitting on that district's board at any time after four years from the date of that district's formation, but not less than 120 days before a general district election;

WHEREAS, because the District was formed in 1996 as a California Water District and will not have a general district election within 120 days from the date of this resolution, the District is eligible to increase the number of members sitting on its board under the provisions of Water Code section 34708; and

WHEREAS, the board of directors seeks to designate a representative from Castle & Cooke California, Inc. and a vacancy to be filled at a later date as new members of the District's board of directors.

NOW, THEREFORE, BE IT RESOLVED that:

1. The number of members of the District's board of directors shall increase from five to seven;
2. The District's board of directors designates Scott Blunck and a vacancy to be filled at a later date as new members of the District's board;
3. Scott Blunck's term shall expire on January 1, 2010;
4. a vacancy to be filled at a later date term shall expire on January 1, 2008; and
5. The District's Secretary is directed to notify the Madera County Clerk in writing of the increase in the number of members of the District's board of directors and the appointment of Scott Blunck and a vacancy to be filled at a later date to the board.

ADOPTED this 23rd day of January, 2007.

<u>Vote</u>	<u>Yes</u>	<u>No</u>
Philip R. Pierre, President	<u> X </u>	<u> </u>

Richard L. Bascou

ABSENT

Dave Cobb

ABSENT

Jeffrey D. Coulthard

X _____

Rodger B. Jensen

X _____

Certificate of Secretary

The undersigned hereby certifies that she is the Secretary of the Root Creek Water District and that the foregoing resolution was duly adopted by the Board of Directors at a meeting thereof, duly and regularly held on January 23, 2007.

IN WITNESS WHEREOF, I have set my hand this 23rd day of January 2007.


Deborah Messer, Secretary

RESOLUTION NO. 2007-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ROOT CREEK WATER DISTRICT
PLACING IN NOMINATION PHILIP R. PIERRE
AS A MEMBER OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
REGION 6 BOARD (POSITION)**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ROOT CREEK WATER DISTRICT AS FOLLOWS:

A. Recitals

(i) The Board of Directors (Board) of the Root Creek Water District does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA).

(ii) Philip R. Pierre has indicated a desire to serve as a Board Member of ACWA Region 6.

B. Resolves

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF ROOT CREEK WATER DISTRICT,

(i) Does place its full and unreserved support in the nomination of Philip R. Pierre for the Board of ACWA Region 6.

(ii) Does hereby determine that the expenses attendant with the service of Philip R. Pierre in ACWA Region 6 shall be borne by the Root Creek Water District.

ADOPTED and approved this 23rd day of January 2007.



Philip R. Pierre, President
ROOT CREEK WATER DISTRICT

(SEAL)

Certification of Secretary

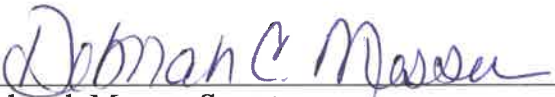
I, Deborah Messer, Secretary to the Board of Directors of Root Creek Water District, hereby certify that the foregoing Resolution was introduced at a special meeting of the Board of Directors of said District, held on the 23rd day of January 2007, and was adopted at that meeting by the following roll call vote:

AYES: 3

NOES: 0

ABSENT: 2

ATTEST:



Deborah Messer, Secretary
ROOT CREEK WATER DISTRICT