MINUTES OF THE BOARD OF DIRECTORS
ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

REGULAR MEETING
April 15, 2009

Vice-President Quigley called the regular meeting to order at 7:00 p.m. The following were present:

DIRECTORS:	SANDY FIGUERS JOHN GRECI STEPHEN KALTHOFF DICK QUIGLEY BILL STEVENS
DIRECTORS ABSENT:	SARAH PALMER
ZONE 7 STAFF:	JILL DUERIG, GENERAL MANAGER AMY NAAMANI, GENERAL COUNSEL KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING VINCE WONG, ASSISTANT GENERAL MANAGER, OPERATIONS JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE TOM HUGHES, HUMAN RESOURCES MANAGER CAROL MAHONEY, ASSOCIATE ENGINEER RHETT ALZONA, ASSOCIATE ENGINEER BARBARA MORSE, BOARD SECRETARY

Item 3—Citizens Forum: There were no comments

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Vice-President Quigley announced that there was one item that does not appear on tonight's agenda but that requires Board action pursuant to Government Code Section 54954-2. Mr. Dale Myers submitted his resignation from the Board dated April 10, 2009 with an effective date of April 13, 2009. The Board needs to take immediate action to fill the vacancy created by this resignation. The Board can by a majority vote determine that it needs to take immediate action to initiate the process of filling that vacancy.

Vice-President Quigley called for a motion to deliberate and take action on the matter of the Board vacancy.

On a motion by Director Stevens with second by Director Figuers, the Board by voice vote approved adding this item to the agenda.

Vice-President Quigley called on Board Members for discussion on this item.

Director Stevens stated that after he heard about Mr. Myers' resignation he had spoken with Mr. Chris Moore about the vacancy. Mr. Moore received the fourth highest number of votes after Messrs. Figuers, Myers and Quigley in the June 3, 2008 Board election. Additionally, Mr. Moore served as a Zone 7 Director from January 2006 through June 2006 when he was selected from a field of candidates to fill out the vacancy created when former Director John Marchand was elected to the Livermore City Council.

Director Stevens continued by saying that when asked, Mr. Moore indicated he was interested in filling the vacancy and that he would be honored if the Board chose to appoint him. Director Stevens emphasized that it was just he and Mr. Moore talking. He had not spoken with anyone else about this.

Director Stevens added that he would be in favor of appointing Mr. Chris Moore to the vacancy at the next board meeting on May 20, 2009.

Director Kalthoff expressed agreement with Director Stevens' proposal.

Director Greci also agreed that Mr. Moore is a prime candidate to fill the vacancy, especially since he has served on the Board in the past. Director Greci added that it was a pleasant experience all around because of Mr. Moore's professionalism. He suggested that an e-mail be sent to Mr. Moore expressing the Board's interest in appointing him to fill the vacancy. If there is consensus, the Board could both vote and make it effective at the next meeting.

Vice-President Quigley requested a motion to give him authorization to formally contact the identified potential candidate, or candidates if there is more than one, and to communicate the Board's interest in their potential appointment to fill the board vacancy and invite them to attend the May board meeting for a formal appointment process.

On a motion by Director Stevens with second by Director Kalthoff, the Board by voice vote approved Vice-President Quigley contacting Mr. Moore in writing regarding a possible appointment to the board vacancy.

Vice-President Quigley asked for public comment.

Audience member Mrs. Margaret Tracy asked if any reason was given for Mr. Myers' resignation.

Vice-President Quigley responded that the reason is what was in the paper; Mr. Myers cited time constraints.

General Counsel Naamani clarified the action which will be for staff to place an item on the May 20, 2009 agenda so that the Board can vote to appoint someone to the vacant position. Once approved by a majority vote, the swearing in of this individual could also take place at that meeting.

Ms. Duerig added that we'll place it early on the agenda so that the seat does not stay vacant very long.

Item 4—Minutes of Regular Meeting of March 18, 2009 and Special Meeting of April 1, 2009

Regarding the minutes of March 18, 2009, Director Greci noted a correction near the bottom of page 12. Under Item 14—Staff Reports, first line of second paragraph, the sentence should read: "Director Greci remarked that approximately 380,000 acres near Fresno will not be planted this year due to lack of irrigation water."

Director Kalthoff moved for approval of the minutes of the Regular Meeting of March 18, 2009 as corrected and the minutes of the Special Meeting of April 1, 2009. The motion was seconded by Director Quigley and passed by a voice vote.

Item 5 —Consent Calendar

On a motion by Director Figuers with second by Director Kalthoff, the Board approved consent items 5a through 5c by a vote of 5-0. The following resolutions were approved:

Resolution No. 09-3293	Approving Amendment No. 1 to the Interagency Grant Memorandum of Understanding to enable issuance of all outstanding and subsequent payments to American Canyon, Calistoga, St. Helena and Yountville. (Item 5a)
Resolution No. 09-3294	Declaring May as Water Awareness Month and declaring support for ACWA's Policy Principles on Water Conservation and Water Use Efficiency. (Item 5b)
Resolution No. 09-3295	Awarding Contract to California Generator Service for Emergency Generator Preventative Maintenance and Repair Services, Project No. 194-09, in the not-to-exceed amount of $59,190 for FY 2009-10. (Item 5c)

Item 6—Staffing Update--None

Item 7—Public Education and Assistance Pilot Program in Conjunction with the Urban Creeks Council's Streamside Management Program for Landowners

The Board heard a presentation by Ms. Carol Mahoney on the Urban Creeks Council's (UCC) proposal to facilitate the Streamside Management Program for Landowners along the lower reach of the Arroyo de la Laguna (ADLL).

- Zone 7 proposes to enter into an agreement with the Urban Creeks Council (UCC) to facilitate the Streamside Management Program for Landowners along the lower reach of the Arroyo de la Laguna as a pilot public education program to promote community involvement in stream stewardship.
- The UCC is a non-profit organization that works to preserve and protect the riparian habitats of local streams through low-cost restoration and bank stabilization techniques such as soil bioengineering and/or plant-based systems.
- Public education about our arroyo system is one of the tenets of the Stream Management Master Plan and provides an opportunity for Zone 7 to assist local streamside landowners in being good stewards of our watershed and to educate landowners about the role of the local flood protection agency and to provide information on what options are available to address landowner concerns.
- For this pilot program, the lower reach of the ADLL has been selected to receive assistance and education from the UCC. Although the majority of this reach is owned privately, it is important to the overall regional health of the Upper Alameda Creek Watershed and significant to flood protection goals of the entire Valley.
- This partnership seeks to be a pilot for an overall public educational model for implementing the SMMP. It demonstrates Zone 7's willingness to work collaboratively on watershed issues and provides an avenue for seeking future joint funding on stream management issues, like slope stabilization and restoration.

- UCC has been awarded a federal grant to provide matching funds of up to 50% for agencies and landowners for the Streamside Management Program for Landowners.

Ms. Mahoney then introduced Mr. Phil Stevens, Executive Director of UCC, to answer questions.

Board questions/comments:

Director Greci stated his belief that this is a good concept. He asked Mr. Stevens about UCC's relationship with the Department of Fish and Game.

Mr. Stevens responded that UCC has been involved with dozens of restoration projects, and has a long and good record of working with DFG. They have been a good and steady partner.

Director Figuers stated that he didn't want to throw cold water on this effort but he recalled that we have been down this road before with the landowners along the ADLL. The ADLL is very different from other areas. He predicted the ultimate fix is still a trapezoidal channel covered with vegetation because concrete is the only way to stabilize for a 100-year event in this area. In the mid-1990's it was estimated that about $800M would be needed to fix the problems along the ADLL. Director Figuers commented that at that time, it was his opinion that the best way to "fix" it was to buy out the property owners and let the stream go. You can talk and explain all you want to but the ADLL will be brutally expensive to fix. He then spoke about the history of that area and what made is so unique.

Director Quigley complemented staff on this pilot project. He really liked the educational component of this project because the public needs to know what we're trying to do for them. The work that has already been done on the lower Laguna as a joint project with Zone 7, RCD and SFPUC is an example of a valid method for restoring in a natural way our arroyos as opposed to trapezoidal channels. He also suggested using the term "period of record" rather than referring to the "past couple of decades" when describing the historical records which will be studied to assess the current condition of the ADLL.

Director Stevens stated he had a lot of questions but this may not be the right forum. In this case, we know what the problem is: too much water. There are a lot of stakeholders in that area and nothing gets done. He wanted to know more about UCC. How does it operate so cheap?

Director Greci agreed. He asked how do we change attitudes when the landowners don't want to pay for anything.

Mr. Stevens responded that UCC experienced a similar situation in Ross Valley in Marin County and encountered the same issues with the homeowners. It was found that the message was easier to hear from an organization like UCC rather than the county. He predicted that after participating in this program, the ADLL landowners may come to the same conclusion. However, he did agree that this problem will not be fixed for $25K.

Ms. Duerig stated that this proposed pilot program is the first baby step in the direction of public education. We'll face bigger issues down the road. We're trying to get a $25K program going right now.

Director Figuers moved for the adoption of Resolution No. 09-3296 approving an agreement with the Urban Creeks Council for the initiation of the Public Education and Assistance Pilot Program for landowners along the lower reach of the Arroyo de la Laguna with Zone 7's share not to exceed $25,000. The motion was seconded by Director Kalthoff and passed by a vote of 5-0.

Item 8—Altamont Pipeline Livermore Reach Project Status Report

The Board heard a status report by Mr. Rhett Alzona on the Altamont Pipeline Livermore Reach Project.

- Construction Contract Awarded to Ranger Pipelines in April 2008 for $22,800,078.
- Construction started in July 2008, and is on track for substantial completion by June 2009.
- Construction highlights to date:
    - All microtunneling, boring and jacking operations, and carrier pipe installation are complete.
    - Pipeline installations on all off-road areas are complete.
    - Pipeline installations on Las Positas Road and Airway Boulevard are complete.
    - Pipeline installations are currently being undertaken on Paseo Laguna Seco and Lassen Road.
    - Asphalt concrete patchwork at air valve and blow-off locations is ongoing.
    - Final street paving of pipe trench areas will take place from late April to June 2009.
    - Vasco and Airport Rate Control Station buildings have been constructed.
- As of the end of December, we are approximately 76% through the contract time and approximately 73% of the contract amount has been paid.

Director Greci thanked Mr. Alzona for the update and for all of the great pictures.

Mr. Alzona commented that we have had a good contractor on this project. Additionally, he thanked the City of Livermore and California Water Service Company for their help with the utilities.

Item 9—Committees

No committee meetings were held.

Item 10—Items for Future Agendas—Directors

None.

Item 11—Reports—Directors

a. Written report by Director Quigley
b. Verbal reports--None

Item 12—Staff Reports (Information items. No action taken.)

a. General Manager's Report
b. Recent & Upcoming Public Outreach Activities
c. 2008 Water Quality Management Program Annual Report
d. Legislative Updates

Item 12e—Verbal Reports

Ms. Duerig reported that the Department of Water Resources has raised allocations to 30% up from the 20% which was reported earlier. The final allocation will be available in May. Any increase will change how much water we will take from Semitropic storage for recharging the groundwater basin. She predicted that most likely the percentage will increase to 35%.

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Referring to Item 12d—Legislative Updates, Director Stevens commented on the high number of water bills. He felt there is a lot of pork in there that the public should be made aware of.

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Vice-President Quigley reminded everyone about the upcoming Spring ACWA Conference in May to be held in Sacramento. The topic is “Water Infrastructure 911.” He stated he has been attending the ACWA conferences for four or five years now, and he highly encouraged his colleagues on the Board to attend. One of the features at this conference will be a rally on the steps of the Capitol to make sure the governor and state legislators know that there is a water crisis and how important it is to find solutions.

The Board then took a short break before reconvening in Closed Session at 8:15 p.m.

Item 13--CLOSED SESSION

a) Conference with Legal Counsel - Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: 1 case

ACFCWCD, Zone 7 vs. Legacy Pleasanton Land, LLC et al.; Alameda County Superior Court Case No: VG07353303

b) Conference with Legal Counsel –Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 4 cases

c) Conference with Labor Negotiators:
Agency Negotiator: G.F Duerig
Employee Organization: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management

Open Session and Report Out of Closed Session

After Closed Session, Vice-President Quigley reconvened the meeting into Open Session and reported that the Board unanimously adopted Resolution No. 09-3297 approving an employee recognition program.

Upcoming Board Schedule

a. Regular Board Meeting: May 20, 2009, 7:00 p.m.

There was no further business, and the meeting was adjourned at approximately 9:15 p.m..