

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

REGULAR MEETING
June 16, 2010

President Quigley called the regular meeting to order at 7:10 p.m., with a salute to the flag. The following were present:

DIRECTORS: SANDS FIGUERS
JOHN GRECI
STEVE KALTHOFF
CHRISTOPHER MOORE
SARAH PALMER
DICK QUIGLEY
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
ROGER PETERS, BEST BEST & KRIEGER, SPECIAL COUNSEL
VINCE WONG, ASSISTANT GENERAL MANAGER, OPERATIONS
JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
JUDY RECTOR, ACTING BOARD SECRETARY

Item 3 - Citizens Forum

City of Livermore Council Member and former Zone 7 Board Member John Marchand requested that his comments be put into public record in recognition of Steve Kalthoff's 16 years on the Zone 7 Board. Mr. Marchand was only on the Board for 15 years so they served 11 years together. Mr. Marchand said that he may have been the water quality guy but Steve was the business/financial guy. Mr. Marchand sought Mr. Kalthoff's counsel because of his keen business acumen and because he took fiduciary responsibilities very seriously. During the reception prior to this Board meeting, the City of Livermore presented a resolution recognizing and thanking Director Kalthoff for his service to not only the City of Livermore and the community, but to the entire Tri-Valley region, and that Mr. Kalthoff really looked out for the region as a whole and not just Livermore. Again Mr. Marchand thanked Mr. Kalthoff for his 16 years of service and wished him all the best as he retires from the Board.

President Quigley then welcomed and congratulated new Board member-elect Director A. J. Machaevich.

Item 4 - Minutes of the Regular Meeting of May 19, 2010

Director Palmer moved and Director Moore seconded approval of the minutes of the Regular Meeting of May 19, 2010. No corrections were noted and the vote was 7-0.

Item 5 - Consent Calendar

Director Figuers talked about an article he brought and distributed copies regarding Engineers and Enteric Fever: Designing Against Disease by Trude El Bell from the Winter 2010 edition of The Bent of Tau Beta Pi. The article deals with the history of water treatment to control infectious waterborne diseases (cholera, dysentery, typhoid and diarrhea) and how the promotion of public health was pioneered through sanitary science and technology.

In reviewing the items on the consent calendar for contracts with Carl Morrison and Ken Henneman, Director Stevens applauded both because they approach their jobs with Zone 7's interests in mind.

On a motion by Director Stevens and seconded by Director Figuers, Consent Items 5a, 5b, 5c and 5d were approved and the following resolutions were adopted by a roll call vote of 7-0.

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| Resolution No: 10-4007 | Authorizing the General Manager to negotiate and execute an as-needed professional services contract for an additional 12 months (FY 2010-11) with Morrison & Associates in an amount not to exceed \$179,000. (Item 5a) |
| Resolution No: 10-4008 | Authorizing the General Manager to negotiate and execute an as-needed professional services contract for an additional 12 months (FY 2010-11) with Davis & Associates in an amount not to exceed \$80,000. (Item 5b) |
| Resolution No: 10-4009 | Authorizing the Board to approve Zone 7's Integrated Pest Management Policy in order to comply with Provision C.9 of the Municipal Regional Permit. (Item 5c) |
| Resolution No: 10-4010 | Authorizing the General Manager to negotiate and execute an consulting services contract with Mr. Kenneth R. Henneman for FY 2010/11 for a not to exceed amount of \$115,000. (Item 5d) |

Item 6 - Staffing Updates

Item 6a - New Employee Introduction

Jesus Bautista, Construction Maintenance Laborer

Jesus was present for his introduction. Jesus joined Zone 7 on June 1st as a Construction Maintenance Laborer in the Maintenance Section at Del Valle Water Treatment Plant, reporting to Barry Ivy and Gerald DeWitt. He brings to Zone 7 over ten years of labor experience, including two years as a Lead Laborer with GSE Construction performing contract work at Zone 7 facilities so he is already familiar with our facilities and our needs. Jesus holds current certificates in HAZWOPER, CPR, and 10-hour OSHA safety trainings and is fluent in Spanish.

Item 6b - Employee of the Month Recognition

Rhett Alzona was also present and was re-introduced to the Board. Rhett, an Associate Civil Engineer, was chosen from among those nominated as the April 2010 Employee of the Month. Rhett joined Zone 7 in 1994 and currently works in the Water Supply Engineering Section at Zone 7's North Canyons Office. Rhett is recognized as a hard worker who puts a lot of effort into understanding the equipment and controls we have installed on various projects. Rhett played a lead role during the construction of the UF plant and the Altamont pipeline construction project. The individual who nominated Rhett stated that he explains technology to other folks at Zone 7 in a clear and understandable way, which is both beneficial and appreciated. We, as Managers and the Board, really appreciate the fact that he tends to bring his projects in with very low percentage change orders. Even when the Board authorized 10 percent for the pipeline project, it was, for instance, under 5 percent. He has been doing a fantastic job protecting the finances.

Item 7 - Committees

None.

Item 8 Items for Future Agendas - Directors

Ms. Duerig confirmed with Director Moore that he would like to keep the broad band presentation on the July agenda and, in fact, he wants to expand it. Bill McCammon, the Executive Director of the East Bay Regional Communication System, has promised that for the July meeting he will do a presentation on not only the 700 Broadband for public safety but also on the East Bay regional communication system. It is a presentation he did before the Special District Association of Alameda County and he was asked if he would do it for the July meeting.

Item 9 - Reports - Directors

- a. Written report by Director Quigley
- b. Verbal reports

Director Palmer discussed the conference she is attending entitled "Toward Sustainable Groundwater in Agriculture" and said it is an excellent meeting. Discussions involved global groundwater and agriculture in rural regions, the whole concept of groundwater being global. People from all over the world are attending this meeting. Managing groundwater use and groundwater quality and nitrates in the Central Valley and also as a world-wide problem were topics as well as looking at legal issues on groundwater. Director Palmer will make available a

copy of the abstracts for the Board members and recommended reading a short section on the legal issues of groundwater.

Director Palmer also commented on how education of the public is crucially important. This Board is informed and the compliments made by the public reflect that the Board members know what they are talking about. She encouraged spreading the word about the nexus of groundwater and surface water and how it needs to be modeled together.

President Quigley referenced his written report regarding the item on saving the date of June 23, CarrAmerica Conference Center in Pleasanton for the Water Package Information Forum that the State of California, Association of California Water Agencies and the California Latino Water Coalition. It will discuss the comprehensive water package which was passed by the legislature and signed by the Governor last year. This historic package contains four policy bills along with an \$11.14 billion general obligation bond proposal that voters will consider on the November 2010 ballot. There is a panel of leaders and it will be a learning forum. President Quigley encouraged all to attend. Director Palmer noted that the time is from 1 p.m. to 3:30 p.m. and may be difficult for some because it is in the middle of the day. President Quigley said that the forum may also be live on television.

On Monday, May 24, President Quigley attended the Dublin elected officials gathering at the Alameda County Sheriff Emergency Operations Center on Disaster Preparedness and Urban Shield. The next Urban Shield event is tentatively planned for Fall 2010 and will look at infrastructure.

Item 10 – Staff Reports (Information items. No action taken.)

a. General Manager's Report

Director Palmer commented on a section of the General Manager's report where Dr. Patricia Gilbert published a paper stating that the major problems with the Delta appeared not to be so much pumping as the wastewater pollution.

Environmental & External Affairs:

- A scientific study was released by Dr. Patricia Glibert, a professor of ecology and oceanography at the University of Maryland, which said that the Delta's environmental problems are more likely tied to wastewater pollution than to water diversions. Glibert's study will be published in the peer-reviewed science journal "Reviews in Fisheries Science." It is a statistical analysis that compares changes in environmental factors over three decades.

Director Palmer reported that as an addendum, the National Science Foundation sought to ask Dr. Glibert to leave the committee on which she was a member for studying the Delta and then another scientific expert member from Southern California also quit in protest. Their reason for wanting her to leave was because she had published a peer-reviewed article on a topic that maybe they would be addressing in their study. So she was being dinged for having done a study

on something they were going to study. Director Palmer wanted to go on record saying that the National Science Foundation's logic in making this decision is questionable.

- b. Recent & Upcoming Public Outreach Activities
- c. Legislative Update
- d. Verbal Reports

There was no further discussion on staff reports.

The Board went into closed session at 7:30 p.m.

Item 18 - CLOSED SESSION

- a) Conference with Legal Counsel – Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 2 cases
- b) ACFCWCD Zone 7, et.al., v. State of California Department of Water Resources, et.al.; Sacramento County Superior Court Consolidated Case No. 07AS04901
- c) Conference with Labor Negotiators:
Agency Negotiator: G.F Duerig
Employee Organizations: 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
- d) Government Code Section 549547: Public Employee Performance Evaluation
Title: General Manager

Item 19 - OPEN SESSION AND REPORT OUT OF CLOSED SESSION

The Board came out of closed session at 8:35 p.m. President Quigley reported out of closed session that all three resolutions had passed unanimously:

Resolution No: 10-4012	ACMEA
Resolution No: 10-4013	Building Trades
Resolution No: 10-4014	Safety Technician

President Quigley also reported that the Board considered the GM's performance to be satisfactory, although, for consistency with other employees, they are giving neither a salary increase nor a bonus. Director Stevens added that the Board is 100% behind the GM.

The meeting was adjourned at 8:40 p.m.