

May 3, 2007  
Fremont, California

The regular monthly meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on May 3, 2007 at the hour of 6:00 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Weed, Gunther (arrived at 6:09 P.M.), Koller, and Lampert

Absent: Director Huang

Staff members present: General Manager Paul Piraino, Engineering Manager Bob Shaver, Finance and Administration Manager Will Ligh, Acting Operations Manager Doug Chun, Water Resources Planning Manager Eric Cartwright, Attorney Ray McDevitt and Assistant District Secretary Andrew Joseph.

President Arthur Lampert presided.

Traci Fung led in the Salute to the Flag.

3 - PUBLIC COMMENTS - None

4 - CONSENT CALENDAR

A motion was made by Director Lampert to add Items 5.1 through 5.8 and 5.10 to the Consent Calendar, seconded by Director Koller.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert

NOES: None

ABSENT: Directors Gunther and Huang

A motion was made by Director Lampert, seconded by Director Koller, to approve the following items on the Consent Calendar as amended.

- 4.1 Approval of Minutes – Regular Meeting of March 8, 2007
- 4.2 Ratification of Payment of Audited Demands dated April 13, April 20 and April 27, 2007
- 5.1 Authorization of Purchase Order to Furnish and Deliver Water Meters
- 5.2 Authorization of Purchase Orders for Backfill Materials
- 5.3 Authorization of Purchase Order for Replacement Filter Press Feed Pumps at Water Treatment Plant 2

- 5.4 Authorization of Purchase Order for Contract Laboratory Services (Chemical and Bacteriological Analyses)
- 5.5 Resolution Authorizing and Agreement with the State of California for the “Development of a Watershed Management Program for the South Bay Aqueduct System” Project
- 5.6 Declaration of May as Water Awareness Month
- 5.7 Resolutions Establishing Replenishment Assessment for FY 07/08
- 5.8 Authorization of Change Order No. 2 and Resolution Accepting Completion of Irvington 48-Inch Pipeline Relocation
- 5.10 Determination of the Ohlone Storage Connection Charge for 571 Monticello Terrace (Parcel Map 7043, Parcel 1), Fremont

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

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5 - ACTION CALENDAR (*Consent Calendar Items are indicated with an asterisk*)

5.1\* AUTHORIZATION OF PURCHASE ORDER TO FURNISH AND DELIVER WATER METERS

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The District requests bids annually for water meters. These bids are based on the anticipated meter needs for the upcoming year and are used for cost comparison.

Requests for bid were sent out and six responses were received. Three of the bids were non-responsive. This year the bid requirements were changed to include all meters from ¾” to 2” as a single bid item and to allow for yearly extensions up to a total of three extensions providing that pricing and servicing are satisfactory to both parties. The three responsive bidders were: Elster AMCO Water, Inc. (formerly AMCO Water Metering Systems, Inc.); Badger Meter, Inc.; and Hersey Meters Company. The responsive bids are summarized below:

<u>¾” – 2” Water Meters</u>	<u>Total Amount</u>
<u>3 Responsive Bidders</u>	
Elster AMCO Water, Inc.	\$198,034.31
Badger Meter, Inc.	\$208,582.50
Hersey Meters	\$286,284.38

A motion was made by Director Lampert, seconded by Director Koller to authorize a purchase order to Elster AMCO Water, Inc. for the purchase and delivery of ¾", 1", 1 ½", and 2" water meters at the prices quoted for FY 07/08.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

#### 5.2\* AUTHORIZATION OF PURCHASE ORDERS FOR BACKFILL MATERIALS

ACWD crews perform a variety of construction and maintenance work throughout the District's service area. Repairs and installations can occur during normal working hours, off-hours weekdays, weekends, and holidays. Excavations for leaks, replacements, and new installations are required for the majority of this work. Subsequently, a variety of materials is needed to backfill these excavations. Commonly used materials include sand, coarse aggregate, base rock, concrete, and control density fill.

There are a number of vendors spread throughout the general area who provide some or all of the required backfill material. Due to the geographical dispersion of the work performed it is more advantageous to purchase backfill materials on the open market at the nearest supply point. Typically, ACWD has purchased materials from a dozen or so local vendors. The amounts purchased from each vendor is dependent upon the location of work performed, the availability of the particular material needed, suppliers operating hours, and the required pickup or delivery schedule. The two main vendors used and the estimated FY07/08 purchases from each are: Hanson Aggregates Mid-Pacific, Inc. (formerly Mission Valley Rock), \$150,000 and Milpitas Materials Co., \$60,000. Maintaining the ability to select suppliers who can fill the immediate needs allows for more efficient crew utilization by minimizing delays due to the unavailability of backfill material. Sufficient funds have been budgeted for these expenditures.

A motion was made by Director Lampert, seconded by Director Koller to authorize annual purchase orders to Hanson Aggregates Mid-Pacific, Inc. and Milpitas Materials Co. for a variety of backfill materials at prices quoted for FY07/08.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

#### 5.3\* AUTHORIZATION OF PURCHASE ORDER FOR REPLACEMENT FILTER PRESS FEED PUMPS AT WATER TREATMENT PLANT 2

The Board of Directors approved funds in the current budget for the purchase of new equipment for sludge processing improvements.

Improvements in processing methods, sludge conditioning, high energy polymer mixing, sludge flow

metering, and optical sensing in the Netzsch filter press area are nearing completion. In addition to implemented improvements and those yet to be completed, the Solids Handling Improvement Group, consisting of Operations and Engineering staff, recommends replacement of the original piston type filter press feed pumps with Netzsch NEMO progressive cavity type pumps. This will complete the filter press system upgrades as outlined by the group.

From an operational standpoint, the projected benefits of using progressive cavity pumps compared to the piston type pumps include: increased sludge processing capabilities through stabilized sludge flow control to the filter press by use of variable speed control; improved polymerization control throughout the feed cycle; and prolonged filter cloth life. From a mechanical standpoint, the recommended equipment will eliminate pressure “spikes” that cause strains on filter press components and reduce the complexity and cost of maintenance.

Netzsch FilterPress Division, Netzsch NEMO pumps, and the vendor, Flo-Line Technology, ensure that the pumps are sized and designed to match the operating ranges and conditions of the filter press system. The manufacturer and vendor also agree to fully support installation planning, operation programming, set-up/start-up, and operation optimization. The cost of the pumps, including tax and freight, is \$56,456. There are sufficient funds in the budget for this expenditure.

A motion was made by Director Lampert, seconded by Director Koller to authorize a purchase order to Flo-Line Technology in the amount of \$56,456.00 for the purchase of 2 Netzsch NEMO progressive cavity filter press feed pump packages.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

**5.4\* AUTHORIZATION OF PURCHASE ORDER FOR CONTRACT LABORATORY SERVICES (CHEMICAL AND BACTERIOLOGICAL ANALYSES)**

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The District employs commercial laboratories for chemical and bacteriological analyses for which either the District Water Quality Laboratory (WQL) is not certified or it is not cost-effective for the District to perform in-house.

The WQL initiated a contract with TestAmerica Analytical Testing Corporation (formerly Sequoia Analytical Laboratories) in FY 06/07 to supply analytical testing support. The contract allows for two annual extensions if conditions and service are satisfactory to both parties. The WQL is requesting the first annual extension since conditions and services have been satisfactory to both parties.

Of the forty-five unit prices quoted, five unit prices were revised such that the FY 07/08 contract is less than the FY 06/07 contract by \$5,700.

There are sufficient funds in the proposed FY 07/08 budget for this expenditure. A motion was made by Director Lampert, seconded by Director Koller to authorize a purchase order

for analytical laboratory services to TestAmerica Analytical Testing Corporation for an amount not to exceed \$259,400 for FY 07/08 at the unit prices quoted.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

5.5\* RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE “DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM FOR THE SOUTH BAY AQUEDUCT SYSTEM” PROJECT

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In cooperation with the two other South Bay Aqueduct (SBA) contracting agencies, the District has been working the last two years under a Proposition 13 grant to develop a watershed management program for the South Bay Aqueduct system. The grant funds are being administered through the State Water Resources Control Board (SWRCB), and a one year extension of the project has been applied for and approved.

This grant-funded project has included establishment of a Watershed Workgroup, stormwater monitoring to determine the relative inputs of the Delta and local watersheds, development of a baseline water quality profile from which to compare future water quality, development of a long-term strategy for watershed management in the form of a final draft Watershed Protection Program Plan, and development and implementation of a watershed education program that will include workshops for local landowners and development of educational signage and brochures for Lake Del Valle and Bethany Reservoir. These activities have been carried out with grant funds using a subcontractor, while each of the SBA contracting agencies has been participating in the project and providing in-kind project support through staff involvement. The District has been the lead agency for the joint project, including management of the subcontractor and the grant.

At this time, the project team has applied for and received approval for a one year project extension. This extension was needed to allow more time for workshop outreach, development and production of educational materials, and finalization of the Watershed Protection Program Plan, which has undergone more reviews than were originally expected. An amended grant agreement has been prepared that includes the extended due dates for the remaining items.

Execution of the original grant agreement was approved by the Board on March 24, 2005, but the original resolution did not include approval of project extensions. At this time, a new resolution is needed to approve and authorize the General Manager to enter into the amended agreement with the State of California.

A motion was made by Director Lampert, seconded by Director Koller to adopt a resolution authorizing entrance into an amended agreement with the State of California and designating the General Manager to sign the Proposition 13 Agreement for the “Development of a Watershed Management Program for the South Bay Aqueduct” project.

RESOLUTION NO. 07-016

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE OF  
CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN  
PROPOSITION 13 AMENDED AGREEMENT FOR THE “DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM FOR THE SOUTH BAY  
AQUEDUCT SYSTEM” PROJECT

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

5.6\* DECLARATION OF MAY AS WATER AWARENESS MONTH

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The Governor of California has proclaimed the month of May as Water Awareness Month. For the past 17 years, the District has been a campaign sponsor of Water Awareness Month, which focuses on educating Californians about the importance of water in all facets of their lives by encouraging involvement in water awareness activities on both a local and regional level.

The campaign headquarters sponsors statewide activities, such as distributing public service announcements to radio and television stations, providing water awareness materials to public libraries and providing water information to legislators. The theme of the campaign continues to emphasize conservation and water quality, as well as other aspects about water in the environment, agriculture, and industry. Local service area activities related to Water Awareness Month will include: presentation of the school Water Conservation Poster and Slogan Contest awards; newspaper display ads stressing the Water Awareness Month campaign theme that will run through the month; and distribution of Water Conservation Calendars and Water Awareness Campaign School Education Kits to teachers in the ACWD service area.

RESOLUTION NO. 07-017

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
DECLARING MONTH OF MAY AS WATER AWARENESS MONTH

A motion was made by Director Lampert, seconded by Director Koller to adopt a resolution proclaiming the month of May as Water Awareness Month.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

5.7\* RESOLUTIONS ESTABLISHING REPLENISHMENT ASSESSMENT FOR FY 07/08

On April 10, 2007, the Board of Directors held a public hearing on the Groundwater Survey Report, dated February 2007, and the Board directed staff to draft the resolutions required to establish the Replenishment Assessment rates for Fiscal Year 07/08.

The resolutions: 1) state the findings and determine the need for the Replenishment Assessment; 2) establish the rates; and 3) provide procedures and statement forms. The Replenishment Assessment rates will remain at \$8.00 per acre-foot for agricultural and municipal recreation uses, and \$197 per acre-foot for all other uses.

A motion was made by Director Lampert, seconded by Director Koller to adopt the three resolutions required to establish the Replenishment Assessment for Fiscal Year 07/08.

RESOLUTION NO. 07-018

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
STATING FINDINGS AND DETERMINING NEED FOR REPLENISHMENT  
ASSESSMENT FOR FISCAL YEAR 07/08

RESOLUTION NO. 07-019

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
LEVYING A REPLENISHMENT ASSESSMENT FOR FISCAL YEAR 07/08

RESOLUTION NO. 07-020

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
PROVIDING PROCEDURES FOR PAYMENT OF ASSESSMENTS AND  
PROVIDING FORM OF QUARTERLY STATEMENTS FOR OPERATORS OF  
WATER PRODUCING FACILITIES

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

5.8\* AUTHORIZATION OF CHANGE ORDER NO. 2 AND RESOLUTION ACCEPTING  
COMPLETION OF IRVINGTON 48-INCH PIPELINE RELOCATION

On July 13, 2006, the construction contract for the Irvington 48-inch Bypass Pipeline and Outlets project was awarded to McGuire & Hester for \$1,778,440. Change Order No. 1 in the amount of a decrease of \$63,726 was previously authorized by the Board. The project was substantially completed on March 16, 2007.

Change Order No. 2 has been prepared to address the additional costs associated with unforeseen subsurface conditions (\$15,228.49) and work requested by the District (\$11,335.51) for a total cost of \$26,564.00. The total project cost, including all change orders and adjustment for final quantities is \$1,757,501.74. This project is included in the Settlement and Utility Cost Sharing Agreement between the District, the City of Fremont and BART. The District's share of the construction cost is \$621,511.28. There is adequate funding in the budget for this expenditure.

A motion was made by Director Lampert, seconded by Director Koller to 1) approve Change Order No. 2 in the amount of \$26,564.00; and 2) adopt a resolution accepting completion of the Irvington 48-inch Bypass Pipeline and Outlets, Job 6221.

RESOLUTION NO. 07-021

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
ACCEPTING COMPLETION OF CONTRACT NO. 3482, MCGUIRE AND  
HESTER, JOB 6221

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

5.9 BOARD DIRECTION REGARDING ALAMEDA COUNTY WATER DISTRICT'S  
POSITION ON REVISIONS TO THE CALIFORNIA URBAN WATER CONSERVATION  
COUNCIL'S BEST MANAGEMENT PRACTICE 11 – CONSERVATION PRICING

Mr. Cartwright reported that as a signatory to the California Urban Water Conservation Council's (CUWCC) Memorandum of Understanding regarding Urban Water Conservation in California (MOU), ACWD has agreed to implement the 14 conservation program Best Management Practices (BMPs). These BMPs are reviewed and revised as needed by CUWCC committee, and are then presented to the members for a vote after Steering Committee approval. Currently, BMP 11 states that agencies shall adopt conservation pricing, which is defined broadly as inclining block rates, seasonal rates, rates based on long-run marginal cost, and uniform rates.

In 2005, the AB 2717 Landscape Task Force issued a report with recommendations to improve landscape water efficiency statewide. One recommendation defined conservation rates for water agencies beyond the language in the existing BMP 11 and requested that CUWCC convene a committee to revise BMP 11 based on the Task Force's recommendation. It further recommended that if the CUWCC could not adopt a revised BMP 11, the Legislature should revise the Urban Water Management Planning Act to use the Task Force-developed definitions as the definition for Conservation Pricing in the Act's Demand Management Measures section.

Specifically, the Task Force recommended that a benchmark be set for the minimum amount of rate revenue that should be collected from volumetric charges. Subsequently, a CUWCC committee recommended revisions to BMP 11 to state that 70% (averaged from the three (3) most recent years) of a water supplier's rate revenue must be from the volumetric charges. Connection fees,

grants/contributions, property taxes and other special charges would not be included in the calculation. Alternatively, agencies can run their system and cost information through a long-run marginal cost rate design model to determine the model's suggested volumetric percentage. If the suggested percentage is lower than the threshold percentage and the agency meets this suggested percentage, they are in compliance. Currently, ACWD complies with the 70% threshold requirement.

If this proposal reaches full CUWCC approval, it will be the first time the CUWCC, through the BMPs, has established requirements for rate setting. The CUWCC Steering Committee has approved this revision and it is now ready to go to the member agencies for a vote. ACWD staff is looking for guidance from the Board for the vote on this revision at the CUWCC Plenary meeting on June 13<sup>th</sup>.

The Board expressed concerns regarding the negative impact such a proposed revision to BMP 11 would have on the ability of local water boards to develop rate structures that were responsive to local needs. Concern was also expressed that there does not appear to be any proven nexus between the 70% threshold requirement and actual water savings. Discussion ensued.

A motion was made by Director Koller, seconded by Director Weed opposing revisions to the California Urban Water Conservation Council's proposed revisions to BMP 11 at the CUWCC Plenary on June 13, 2007.

The motion was passed by the following vote:

AYES: Directors Weed, Gunther, Koller and Lampert  
NOES: None  
ABSENT: Director Huang

5.10\* DETERMINATION OF THE OHLONE STORAGE CONNECTION CHARGE FOR 571 MONTICELLO TERRACE (PARCEL MAP 7043, PARCEL 1), FREMONT

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On October 25, 2001, the Board authorized execution of Agreement 3184, a Water Main Extension Contract with Developer John Xu for the water system serving Parcel Map 7043 (ref. ACWD T-1423). In addition to the Facilities Connection Charge (FCC), the contract included provisions for an Ohlone Storage Connection Charge (OSCC) for specific parcels in the development. The purpose of the Ohlone Storage Connection Charge is to reimburse the District for a portion of the costs associated with the purchase and rehabilitation of the Ohlone water storage tank and the Ohlone/Zone 4 Interconnection Pipeline. These facilities are required to serve Parcels 1 and 3 developed under Parcel Map 7043 and the OSCC is applicable to those two parcels. Developer John Xu paid the FCC and OSCC for Parcel 3 when requesting the installation of a water meter. The amount of the OSCC for Agreement 3184 was \$53,107 per unit. Consistent with District policy, a water meter was not requested for Parcel 1 so neither the FCC nor the OSCC were previously required to be paid for Parcel 1.

Parcel 1 has since been purchased by Eric Chuang who has requested water service to the parcel. Because more than one year has elapsed since the time the original OSCC amount was applied, it is appropriate to adjust the OSCC amount. An adjusted OSCC of \$65,338 was calculated based upon the increase in region-wide construction costs since October 2001 as reported in the Engineering News Record Construction Cost Index. In accordance with District practice, the adjusted OSCC will

remain in effect for one year.

A motion was made by Director Lampert, seconded by Director Koller to establish a parcel-specific Ohlone Storage Connection Charge of \$65,338 per single family residential dwelling unit for Eric Chuang, 571 Monticello Terrace, Fremont, ACWD No. 2007-0032.

The motion was passed by the following vote:

AYES: Directors Weed, Koller and Lampert  
NOES: None  
ABSENT: Directors Gunther and Huang

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## 6 - REPORTS

### 6.1 BOARD COMMITTEE REPORTS

- Operations & Water Quality Meeting of April 4, 2007: (1) Unregulated Contaminant Monitoring Rule Update
- Engineering & Capital Projects Meeting of April 12, 2007: (1) Planned Seismic Improvements: Hidden Valley and Vineyard Heights Tanks; (2) Update on the Potential Mixed Use Development Near the Pacific Commons Shopping Area
- Water Resources Planning Meeting of April 18, 2007: (1) Quarry Lakes Update; (2) East Bay Municipal Utility District Bayside Project Update; (3) State Water Project Update
- Administrative & Finance Meeting of April 24, 2007: (1) GASB 45 Actuarial Report; (2) Quarterly Review of Claims; (3) Quarterly Review of Investment Portfolio
- Legal & Legislative Meeting of April 25, 2007: (1) Review of State and Federal Legislation

### 6.2 OPERATIONAL REPORTS

- Quarterly Well Level Report
- Quarterly Projects Review – Staff responded to questions from Director Lampert regarding Manganese treatment at the Newark Desal Facility and the status of the preliminary design for the Newark Desal Facility Phase II project. Director Lampert requested a brief presentation of the preliminary design before comments are sent back to the design engineering firm.

Staff also responded to questions regarding the Asbestos Cement Pipe Condition Assessment Study to be completed in December 2007 and Water Main Replacement Study which should be completed within three years.

- Investment Report
- Quarterly Personnel Report

### 6.3 STAFF REPORTS

- Proposed Dumbarton Quarry Park – Mr. Shaver informed the Board that East Bay Regional Parks District (EBRPD) is currently developing plans to convert the Dumbarton Quarry, located on the east side of Highway 84 and Paseo Padre Parkway, Fremont, into a park. An agreement between EBRPD and the quarry’s current operator provides that the current owner will convert the quarry into a park at their expense. EBRPD’s current plan is to fill the main quarry excavation, which is approximately 350 feet deep, with fresh water. The fresh water will be pumped from an existing flood control maintained by the Alameda County Flood Control District and conveyed by a pipeline. ACWD staff reviewed the conceptual plans for the proposed park and determined that potable water service could be provided by running a pipeline from Patterson Reservoir inlet/outlet pipeline into the park. Staff requested that an area be set aside for a temporary water treatment facility to potentially use the fresh water in the lake to supplement overall water supply during a critical drought or other prolonged emergency situation. An agreement with EBRPD would be drafted sometime in the future to set up framework for utilizing the fresh water in the lake for emergency use by ACWD. The temporary water treatment facility would be obtained by ACWD in the future. Director Lampert requested that staff ask about the financial agreement between the quarry operator and EBRPD regarding the proposed park development. Discussion ensued and staff responded to questions from the Board.

### 6.4 GENERAL MANAGER'S REPORTS

- Proposal for Bay Area Regional Conservation Message – Mr. Piraino reviewed with the Board a set of talking points the District will use to answer questions from the public or press and potentially post on the web site regarding current water supply conditions and general water conservation tips. Mr. Piraino also advised that the District has reserved 5,000 acre feet to be returned from the Semi Tropic Groundwater Banking Program, which will be used for groundwater replenishment. Discussion ensued and staff responded to questions from the Board.

### 7 - DIRECTORS' COMMENTS AND/OR AGENDA ITEM REQUESTS

- Report from Director Koller on ACWA Legislative Symposium – Director Koller asked to defer the report until the next Board meeting.
- Director Weed called the Board’s attention to the Legal & Legislative Committee Minutes regarding AB 1435 that would require water service providers to institute a conservation rate structure based on the amount of water used for other than agricultural purposes.
- Director Weed informed the Board of an incident regarding discolored water on April

23, 2007 in the Mission San Jose area. He thanked District staff for their expeditious handling of the situation.

- Director Lampert reported on an email he received regarding the TESA Emergency Preparedness Fair held on April 14, 2007. He stated that he was quite impressed at the quality of work by District staff and specifically thanked Environmental Specialist Marian Gonzalez for her efforts coordinating the event. Director Lampert requested that staff research regional models of plans regarding disaster preparedness. Mr. Piraino advised that cities in the Pacific Northwest have such plans and will look into it further.

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President Lampert adjourned the meeting to a Closed Session at 7:18 P.M. for a conference on the following items:

- 8.1 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to Government Code Section 54956.9(c): Two Cases
- 8.2 Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a))
  - Watershed Enforcers v. California Department of Water Resources (Alameda County Superior Court Case No. RG06292124)

President Lampert reconvened the meeting at 8:12 P.M. With respect to Item 8.1 the Board provided direction to staff and District Counsel regarding anticipated litigation of two cases. With respect to Item 8.2 the Board received an update on the current status of the case.

There being no further business to come before the Board, President Lampert adjourned the meeting at 8:13 P.M.

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Andrew Joseph, Assistant District Secretary

Attest:

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Arthur Lampert, President