June 5, 2008
Fremont, California

The regular monthly meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on June 5, 2008 at the hour of 5:00 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Gunther (arrived at 6:05 P.M.), Huang, Koller (arrived at 5:02 P.M.), Lampert, and Weed.

Staff members present: General Manager Paul Piraino, Engineering Manager Bob Shaver, Finance and Administration Manager Will Ligh, Operations Manager Walt Wadlow, Water Resources Planning Manager Eric Cartwright, Sr. Public Information Representative Frank Jahn, Attorney Ray McDevitt, and District Secretary Gina Markou.

President John Weed presided.

Director Huang led in the Salute to the Flag.

3 – PUBLIC COMMENTS – None

5 – CONSENT CALENDAR

A motion was made by Director Lampert to add items 6.3 through 6.8 to the Consent Calendar, seconded by Director Huang.

The motion was passed by the following vote:

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

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

5.1 Approval of Minutes – Regular Meeting of May 15, 2008

5.2 Ratification of Payment of Audited Demands dated May 9, May 16, May 23, and May 30, 2008

6.3 Authorization of Funding for the 2008 Regional Water Conservation Outreach Campaign

6.4 Resolution Awarding Construction Contract for Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project

6.5 Authorization of Purchase Order Amendment for Design Services During Construction of the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project

6.6 Resolution Approving and Authorizing Execution of Agreement for Relocation of 16-Inch Water Main to Accommodate I-680 Widening

6.7 Resolution Approving the Vacating of an Easement and Authorizing the Execution of a Quitclaim Deed for Robson Homes, LLC

6.8 Resolution Establishing Fiscal Year 08/09 Appropriations Limit

The motion was passed by the following vote:

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

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6 – ACTION CALENDAR *(Consent Calendar Items are indicated with an asterisk)*

6.1 CONDUCT PUBLIC HEARING RELATING TO PROPOSED ORDINANCE PROHIBITING THE WASTEFUL USE OF WATER

Mr. Cartwright reported that at the meeting of May 15, 2008, the Board called for a public hearing on June 5, 2008, to receive and consider comments on a proposed ordinance prohibiting the wasteful use of water. A legal notice was published in The Argus on May 22, 2008 and May 29, 2008, and notice of the public hearing was also posted at the District headquarters.

As a signatory to the Memorandum of Understanding (MOU) on Urban Water Conservation, the District is committed to implementing cost effective Best Management Practices (BMPs). Enacting and enforcing measures prohibiting the wasteful use of water is a BMP (BMP 13) that the District has implemented during drought and/or emergency conditions (Ordinance 30). However, BMP 13 now requires that a District adopt an ordinance that is in effect during non-drought and/or non-emergency conditions.

To both meet BMP requirements and to discourage wasteful use during non-drought and/or non-emergency conditions, staff drafted an ordinance that prohibits the wasteful use of water by District customers at all times. Wasteful use includes, for example, using water in a manner that results in excessive flooding and/or excessive runoff, using certain non-recirculating and non-recycling equipment, and not repairing leaks as soon as practicable. Under the proposed Ordinance exceptions can be granted for undue hardship and/or health concerns. The enforcement process includes two written warnings and, similar to existing policies for non-payment, can result in termination of service if the customer does not cease the wasteful use of water.

President Weed opened the public hearing at 5:03 P.M. and called for comments on the proposed ordinance prohibiting the wasteful use of water. No comments were received and President Weed closed the public hearing at 5:04 P.M.

6.2 ADOPTION OF ORDINANCE PROHIBITING THE WASTEFUL USE OF WATER

A motion was made by Director Lampert, seconded by Director Huang, to 1) adopt Ordinance Prohibiting the Wasteful Use of Water, effective June 6, 2008; 2) direct staff to publish the adopted Ordinance in a newspaper of general circulation within the District service area within ten days.

The motion was passed by the following vote:

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

6.3* AUTHORIZATION OF FUNDING FOR THE 2008 REGIONAL WATER CONSERVATION OUTREACH CAMPAIGN

In 2007, Bay Area water agencies developed a regional public outreach campaign in response to the dry conditions and Delta pumping restrictions. The campaign outlined simple and effective steps Bay Area residents could take to conserve water now and for the future. A web site and materials developed for the campaign helped water users learn more about water conservation programs and incentives provided by their local utilities. Total cost for the 2007 campaign was approximately $900,000. Although ACWD did not directly contribute to the 2007 outreach campaign, the District contributed indirectly as a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA) and as a San Francisco wholesale customer, both of which provided direct contributions.

Those agencies participating in last year's campaign, along with additional agencies, desire to continue the regional campaign due to the continued water supply challenges in 2008. The estimated budget for the 2008 campaign is $1.1 million. The campaign will include radio ads, transit corridor advertisements, and a website. Funding for the 2008 regional campaign will be through grant funds from the California Department of Water Resources (DWR) to the San Francisco Bay Area Integrated Water Management Implementation Grant (Proposition 50). However, receipt of the grant funds are delayed due to the reimbursement nature of the grant and the timing of the execution of the grant agreement. As a result, the regional campaign group has requested that participating agencies provide advance funding to initiate the 2008 outreach program this summer. The objective is to collectively secure approximately $1 million in funds for the 2008 campaign. Receipt of the grant funds from DWR is expected before the end of Calendar Year 2008, at which time the monies provided by the participating agencies shall be fully reimbursed. The proposed District advance funding contribution toward 2008 campaign expenditures is $60,000. Sufficient funds are contained in the FY 07/08 budget to cover the cost of this program.

A motion was made by Director Lampert, seconded by Director Huang, to 1) authorize $60,000 in funding toward the Regional Water Conservation Outreach Campaign which will be fully reimbursed through the Bay Area Proposition 50 grant funds; 2) authorize a Memorandum of Understanding and Purchase Order between ACWD and Bay Area Clean Water Agencies (BACWA), the fiscal agent for the DWR grant, for the Regional Water Conservation Outreach Campaign.

The motion was passed by the following vote:

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

6.4* RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR MISSION SAN JOSE WATER TREATMENT PLANT ACCESS ROAD EROSION MITIGATION PROJECT

Rains from the past few seasons have undermined approximately 50 feet of the embankment along the MSJWTP access road. Although embankment fill has been placed as a temporary slope stabilization measure, permanent repairs to stabilize the eroded embankment and to prevent future erosion are required. This project involves the construction of a soil nail retaining wall and rip rap to stabilize the eroded embankment and roadway modifications to route surface run-off into existing drainage facilities.

On May 7, 2008, one bid was submitted in the amount of $369,900 by Bugler Construction, Inc. of Fremont, California. The bid was checked arithmetically and for compliance with the bidding requirements. The engineer's estimate was $386,400. The bid was checked for accuracy and compliance with the bidding requirements.

Bugler Construction, Inc. has been in the construction business under its present name for 9 years. References were checked and it was confirmed that the contractor has the necessary experience and prior satisfactory work performance. There is adequate funding in the budget for this project.

A motion was made by Director Lampert, seconded by Director Huang, to adopt a resolution to award the contract for the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project to Bugler Construction, Inc., in the amount of $369,900, which is the total of the unit price and lump sum payment items, Job 6344.

RESOLUTION NO. 08-028

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT ACCEPTING PROPOSAL OF, AND AWARDING CONTRACT TO BUGLER CONSTRUCTION, INC, FOR JOB 6344

The motion was passed by the following vote:

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

6.5* AUTHORIZATION OF PURCHASE ORDER AMENDMENT FOR DESIGN SERVICES DURING CONSTRUCTION OF THE MISSION SAN JOSE WATER TREATMENT PLANT ACCESS ROAD EROSION MITIGATION PROJECT

The Board previously authorized Wilsey-Ham to perform design services for the MSJWTP Access Road Erosion Mitigation Project in the amount of $104,000. Wilsey-Ham's scope of work included an evaluation of alternatives to stabilize the embankment below the access road and preparation of construction documents.

At the District's request, Wilsey-Ham submitted a proposal to provide design services during construction including: 1) review shop drawings and submittals; 2) perform construction inspection and site visits; 3) respond to contractor's request for information; and 4) prepare contract change orders as required. Wilsey-Ham's estimated cost on a time and expense basis is $72,000. Staff has evaluated the proposal and determined that the estimated level of effort and cost are appropriate. There is sufficient funding in the budget for this expenditure.

A motion was made by Director Lampert, seconded by Director Huang to 1) authorize a purchase order amendment for design services during construction of the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project to Wilsey-Ham in the amount of $72,000, Job 6344.

The motion was passed by the following vote:

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

6.6* RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT FOR RELOCATION OF 16-INCH WATER MAIN TO ACCOMMODATE I-680 WIDENING

The State of California Department of Transportation (Caltrans) is planning to widen the southbound portion of I-680 between Pleasanton and Milpitas. Construction is scheduled to begin in November 2008. The project includes widening the associated bridges along that corridor.
In order to accommodate Caltrans' project, the District needs to relocate 50 linear feet of 16-inch water main north of Scott Creek Road. Because the water main is within an easement, Caltrans will pay for all costs associated with its relocation. Staff's estimate of the design and construction-related costs is $136,250. To ensure the District is appropriately compensated, Caltrans has prepared a utility agreement, which has been reviewed by staff and District counsel.

A motion was made by Director Lampert, seconded by Director Huang, to authorize the General Manager to execute Utility Agreement 1582.19 between the State of California Department of Transportation and the District for the relocation of pipeline facilities, Job 6356.

RESOLUTION NO. 08-029

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO EXECUTE UTILITY AGREEMENT 1582.19 WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

The motion was passed by the following vote:

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

6.7* RESOLUTION APPROVING THE VACATING OF AN EASEMENT AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR ROBSON HOMES, LLC

Robson Homes is the developer of Tract 7757 which is located on a former industrial site on Kato Road in Fremont. Prior to the original development of the land, a previous owner granted an easement to the District (District Easement No. 191) to accommodate a public water main into the site. To serve the current development, the relocation of a portion of the previously installed water main was required.

Robson Homes has completed the water system modifications and has granted the District a new easement for the newly relocated water main. Robson Homes is requesting that the District quitclaim the portion of District Easement No. 191 that is no longer needed. Staff has reviewed the developer's request and concurs that this portion of District Easement No. 191 is no longer required.

A motion was made by Director Lampert, seconded by Director Huang, to adopt a resolution vacating a portion of District easement No. 191 and authorizing the execution of a quitclaim deed for a portion of District Easement No. 191 to Robson Homes, LLC, Tract 7757.

RESOLUTION NO. 08-030

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT VACATING EASEMENT FOR WATER PIPELINE

The motion was passed by the following vote:

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

6.8* RESOLUTION ESTABLISHING FISCAL YEAR 08/09 APPROPRIATIONS LIMIT

In 1979 Article XIII B was added to the State Constitution. The article requires the District to adopt an annual appropriations limit for determining the maximum amount of appropriations less allowable exclusions that can be made from tax proceeds each year. The article also provides for an annual adjustment of the Appropriations Limit.

Each year the Board must decide, by recorded vote, to choose the greater of growth in California per capita income or the increase in nonresidential assessed valuation from new construction within the District for the inflation factor, and the greater of growth in population within the County or the District for the population factor.

For FY 08/09 the greater inflation factor is the increase in California per capita personal income (4.29%). The greater factor for population is the growth within the County (1.32%).

After applying these factors and allowing for adjustments, the District's Appropriations Limit for FY 08/09 is computed at $54,528,593 which is a 5.7% increase from the previous year. The balance of the District's tax proceeds which are subject to the appropriations limit are estimated at $19,522,627. The appropriations limit will thus as usual have no effect on the District's revenues.

A motion was made by Director Lampert, seconded by Director Huang, to 1) adopt the use of growth in California per capita personal income as the inflation factor, and the year-to-year population growth of the County of Alameda as population factor in determining the FY 08/09 Appropriations Limit and 2) adopt a resolution establishing the Appropriations Limit for FY 08/09 at $54,528,593.

RESOLUTION NO. 08-031

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
ESTABLISHING APPROPRIATIONS LIMIT FOR FY 08/09

The motion was passed by the following vote:

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

President Weed adjourned the meeting to a Closed Session at 5:05 P.M. for a conference on the following items:

4.1 Conference with Legal Counsel – Anticipated Litigation

- Initiation of Litigation Pursuant to Government Code Section 54956.9(c): Two Cases

President Weed reconvened the meeting at 7:00 P.M. Mr. Piraino advised that with respect to Item 4.1 the Board provided direction to staff and counsel.

SPECIAL PRESENTATION

- 2008 Water Conservation Poster and Slogan Contest Awards Ceremony - Sr. Public Information Representative Frank Jahn gave a brief demonstration to the audience after which awards were presented to the winners, whose posters or slogans were judged from over 1,500 entries. The entries were submitted by students attending both public and private schools in the Fremont, Newark, and Union City area. The contest was open to 1st through 6th grade students. Mr. Jahn announced that the winning posters and slogans are featured in the 2008-2009 ACWD Water Conservation Calendar.

  Mr. Jahn announced the names of the winners and the Directors, in the order below, handed out the awards:

  Grand Prize and First Place Winners – Director Weed

  Poster Winners – Director Gunther

  Slogan Winners – Director Huang

  Honorable Mentions – Director Koller

  Teachers – Director Lampert

  President Weed also presented each teacher of the Grand Prize and First Place winners a check donated by ACWD in the sum of $100 for use towards classroom activities.

  The following is a complete list of all the winners of the contest:

  Grand Prize Winner
  Emily Lin: Grade 6 – Alvarado Middle School
  Teacher: Mrs. DeSa

  First Place Grades 1-3
  Lily Bhattacharjee: Grade 3 – Forest Park Elementary School
  Teacher: Mrs. Kotcherlakota

  First Place Grades 4-6
  Anna Tang: Grade 5 – Gomes Elementary School
  Teacher: Mrs. Imhof

  Poster Winners

Ken Williams	Grade 2	Patterson Elementary School
Christie Chong	Grade 6	Gomes Elementary School

Joanna Chen	Grade 5	Pioneer Elementary School
Jason Tsay	Grade 6	Weibel Elementary School
Lily Bhattacharjee	Grade 3	Forest Park Elementary School
Anna Tang	Grade 5	Gomes Elementary School
Haarika Kathi	Grade 4	Warm Springs Elementary School
Caroline Chou	Grade 2	Ardenwood Elementary School
Shubham Gupta	Grade 4	Weibel Elementary School
Diana Fan	Grade 3	Gomes Elementary School
Cristal Banh	Grade 5	Pioneer Elementary School
Lesley Lu	Grade 5	Gomes Elementary School

Honorable Mention

Yixuan Lu	Grade 5	Oliveira Elementary School
Tanya Malik	Grade 3	Forest Park Elementary School
Xia Wei	Grade 5	Alvarado Elementary School
Natalie Murai	Grade 1	Chadbourne Elementary School
Meghna Srivastava	Grade 4	Parkmont Elementary School
Anjali Iyangar	Grade 1	Oliveira Elementary School
Karen Ko	Grade 6	Gomes Elementary School
Angela Liu	Grade 6	Chadbourne Elementary School
David Lee	Grade 4	Parkmont Elementary School
Anna Wadhwa	Grade 2	Mission Valley Elementary School
Betty Tang	Grade 6	Gomes Elementary School
Alankrita Dayal	Grade 6	Mission Valley Elementary School

Slogan Winners

Zachary Fullenwider Grade 4 Oliveria Elementary School
- Saving Water Rocks!

Lucas De La Vega Grade 5 Searles Elementary School
- I don’t know what you’ve been told, water is worth way more than gold!

Ayush Gaggar Grade 2 Durham Elementary School
- Water for you, water for me, save it as wisely as can be.

Ruchika Agrawal Grade 5 Gomes Elementary School
- When the sky starts pouring, let your sprinklers start snoring!

Jessica Cheung Grade 5 Lincoln Elementary School
- As you all know, we should all save H_2O.

Pragathi Shankar Grade 5 Warwick Elementary School
- Whoa! Whoa! Whoa! Don’t waste H_2O!

Choki Valle Grade 5 Pioneer Elementary School
- When you turn it to the right, that’s tight!

Lisa Chen Grade 6 Vallejo Mill Elementary School
- Pay heed to use no more than you need!

Rhea Nayak Grade 6 Weibel Elementary School
- Wasting water is insane. Don't let it all go down the drain!!

Josh Bains Grade 6 Christian Community School
- Make sure there's no leak in the sink, or else there won't be any water to drink!

Connor McGarry Grade 5 Warm Springs Elementary School
- Fix a faucet with a leak or our future could be bleak!

Jessica Zhang Grade 6 Gomes Elementary School
- With just a tweak, you'll fix the leak!

Teachers

Mrs. Allred	Gomes Elementary School
Mr. Ashraf	Gomes Elementary School
Mrs. Baeza	Ardenwood Elementary School
Mr. Benevides	Parkmont Elementary School
Ms. Brandon	Forest Park Elementary School
Mrs. Bridges	Warm Springs Elementary School
Mr. Colglazier	Weibel Elementary School
Miss Del Pino	Gomes Elementary School
Mrs. DeSa	Alvarado Middle School
Mrs. Ferreira	Gomes Elementary School
Mr. Furia	Searles Elementary School
Ms. Greenzweig	Patterson Elementary School
Mr. Guernsey	Alvarado Elementary School
Mr. Haggans	Oliveira Elementary School
Ms. Hansen	Parkmont Elementary School
Mrs. Hansen	Christian Community School
Mr. Herbert	Pioneer Elementary School
Mrs. Imhof	Gomes Elementary School
Ms. Kaufman	Oliveira Elementary School
Mrs. Kotcherlakota	Forest Park Elementary School
Mrs. Larsen	Chadbourne Elementary School
Mr. Lee	Mission Valley Elementary School
Mrs. Long	Warwick Elementary School
Ms. Louie	Warm Springs Elementary School
Mrs. Markiel	Pioneer Elementary School
Mrs. Perry	Chadbourne Elementary School
Ms. Pimentel	Gomes Elementary School
Mrs. Ramanathan	Oliveira Elementary School
Ms.Rose	Lincoln Elementary School
Mrs. Shanteau	Mission Valley Elementary School

Mrs. Silvera	Vallejo Mill Elementary School
Mr. Whiting	Gomes Elementary School
Ms. Wilson	Oliveira Elementary School
Ms. Yee	Durham Elementary School

Mr. Jahn thanked the students, parents, and teachers for their participation and support of the District's water education program.

7 – REPORTS

7.1 BOARD COMMITTEE REPORTS

- Engineering & Capital Projects Meeting of May 13, 2008: (1) Capital Improvement Program Update
- Legal & Legislative Meeting of May 14, 2008: (1) Update on American Waterworks Association 2008 Federal Legislator Visits
- Operations & Water Quality Meeting of May 20, 2008: (1) Approach to Purchasing Water Treatment Chemicals for FY 08/09
- Water Resources Planning Meeting of May 21, 2008: (1) Water Conservation Program Update; (2) Regional Conservation Outreach Program; (3) Alameda Creek Fisheries Update

7.2 OPERATIONAL REPORTS

- Investment Report
- Quarterly Personnel Report
- Quarterly Budget & Expense Report

7.3 STAFF REPORTS

7.3.1 Update on Proposed East Bay Regional Park District Action – Inspection of Watercraft at Del Valle Reservoir and Quarry Lakes Regional Recreation Area for Zebra/Quagga Mussels.

Mr. Wadlow gave a brief presentation to the Board on a proposed pilot water craft program to prevent infestation of Lake Del Valle by Quagga or Zebra Mussels. The program would include a boat inspection at Lake Del Valle administered by East Bay Regional Parks District. Discussion ensued and staff responded to questions from the Board.

7.4 GENERAL MANAGER'S REPORTS

- Mr. Piraino advised the Board that the next board meeting is scheduled for June 12, 2008 at 6:00 P.M.

8 – DIRECTOR'S COMMENTS AND/OR AGENDA ITEM REQUESTS - None

9 – CLOSED SESSION

- Conference with Labor Negotiator Pursuant to Section 54957.6(a) of the Government Code
  - Agency Negotiators: Paul Piraino and Altarine Vernon
  - Employee Organization: Operating Engineers Local 3

  Mr. Piraino recommended that the closed session be postponed until the following week.

There being no further business to come before the Board, the meeting closed at 9:10 P.M.

Gina Markou, District Secretary

Attest:

John H. Weed, President