

May 5, 2009  
Fremont, California

A special meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was reconvened on May 5, 2009 at the hour of 6:20 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Koller, Huang, Weed and Gunther

Staff members present: General Manager Paul Piraino and District Secretary Gina Markou.

President James Gunther presided.

Director Huang led in the Salute to the Flag.

3 - PUBLIC COMMENTS - None

4 – ACTION CALENDAR

4.1 DELIBERATION ON CANDIDATES AND ADOPTION OF RESOLUTION  
APPOINTING NEW BOARD MEMBER

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Mr. Piraino advised the Board that if a candidate does receive three votes from the Board a Resolution will be adopted appointing that candidate to the vacant position. If no candidate receives at least three votes from the Board, at this meeting a special meeting will be held Wednesday, May 6 at 3:00 P.M. May 6<sup>th</sup> is the 60<sup>th</sup> day after the date that the Board member position became vacant and that represents the last day on which the Board can either make an appointment or call an election.

The agenda for the special meeting on May 6, 2009, includes both alternatives for the Board to consider. If an election is called it would be the next date established by the Election Code which would be November 3, 2009. The District would be responsible for bearing the cost of this election and according to the Registrar of Voters that could amount to as much as \$5.00 per voter. The candidate elected to office at that time would then have to stand for election at the November 2010 statewide general election. If the Board makes no appointment by May 6, 2009, and does not call for an election on May 6, the Board of Supervisors then becomes the decision making body for this appointment. The Board of Supervisors has 30 days to either appoint an individual to the position or can direct that the District call for an election. If the Board of Supervisors fails to do anything within 30 days or 90 days from the date the vacancy became effective the default is that the ACWD Board must call for an election which again would be held on November 3, 2009.

Mr. Piraino informed the Board that deliberations could include additional rounds of voting as well as further discussing the candidates. Additional questions may be asked of the candidates and the three candidates have been advised that the Board has the prerogative of asking them additional questions.

Mr. Piraino briefly reviewed the status of voting at the time the Board met on April 30, 2009. After five rounds of voting were conducted, the last round indicated a three-way tie between Steve Cho, Glenn Reynolds and Paul Sethy, with each Board Member allocated two votes apiece.

Each Board member reaffirmed that all three candidates are highly qualified for the vacant position.

A motion was made by Director Weed, seconded by Director Huang, to nominate Glenn Reynolds to be the successful candidate. Discussion ensued.

The motion was passed by the following vote:

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

A motion was made by Director Huang, seconded by Director Koller to adopt the resolution appointing Glenn Reynolds as a member of the Board.

The motion was passed by the following vote:

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

Mr. Cho and Mr. Sethy congratulated Mr. Reynolds and thanked the Board for the opportunity.

Mr. Reynolds thanked the Board and the other candidates and encouraged the candidates to work as friends of the Board.

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There being no further business to come before the Board, President Gunther adjourned the meeting at 6:40 P.M.

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Gina Markou, District Secretary

Attest:

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James G. Gunther, President