

December 10, 2009
Fremont, California

The regular monthly meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on December 10, 2009 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 Koller, Huang, Weed, and Gunther
Absent: Director Reynolds

Staff members present: General Manager Walt Wadlow, Engineering Manager Bob Shaver, Finance and Administration Manager Will Ligh, Operations Manager Steve Peterson, Water Resources Manager Eric Cartwright, Attorney Patrick Miyaki, and Assistant District Secretary Andrew Warren.

President James Gunther presided.

Ray McDevitt led in the Salute to the Flag.

- President Gunther announced the passing of longtime Fremont resident Dorothy Lee Bunting, wife of B. J. Bunting. The Board expressed their sincere condolences to Mr. Bunting and his family. President Gunther informed Mr. Bunting of the intention to adjourn the Board meeting in Mrs. Bunting's honor.

3 – PUBLIC COMMENTS

- Mr. B.J. Bunting of Fremont thanked the Board for the expression of sympathy for his wife's passing.
- Ms. Wynn Grcich, of 30166 Industrial Parkway SW, #296, Hayward, addressed the Board and reiterated her concerns regarding the potential effects of fluoride on human health. During her comment time, Ms. Grcich played an excerpt that aired on NPR Radio 88.5 on October 19, 2009 regarding water pollution. Ms. Grcich requested a report on the number of cavities reduced since fluoridating water in our service area.
- Mr. Wadlow informed the Board of an e-mail received from a customer in the service area. Copies of the e-mail were distributed to the Board per the request of the author.

4 – CONSENT CALENDAR

A motion was made by Director Koller to add items 5.3 through 5.5 to the Consent Calendar, seconded by Director Weed.

The motion was passed by the following vote:

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

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

- 4.1 Approval of Minutes – Regular Meeting of November 12, 2009
- 4.2 Ratification of Payment of Audited Demands dated November 13, November 20, and December 4, 2009
- 5.3 Authorization of Purchase Order for District Vehicles
- 5.4 Authorization of Purchase Order Amendment for Meter Test Bench Electrical Work
- 5.5 Authorization of Purchase Orders for Negotiated and Bid Water Treatment Chemicals

The motion was passed by the following vote:

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

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

5.1 REORGANIZATION OF BOARD OF DIRECTORS

Mr. Wadlow informed the Board that Section 30520 of the California Water Code provides that the Directors shall elect one of their number President and may elect one of their number Vice President.

Pursuant to Resolution 1871, adopted December 10, 1970, this election is held at the first regular Board meeting in December each year. The Directors who are elected President and Vice President assume office at the close of the meeting at which they are elected.

A motion was made by Director Gunther to adopt a resolution electing Director Koller as President of the Board.

RESOLUTION NO. 09-065

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
ELECTING DIRECTOR MARTIN L. KOLLER PRESIDENT OF THE BOARD
OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT

The motion was passed by the following vote:

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

A motion was made by Director Weed to adopt a resolution electing Director Huang as Vice President of the Board.

RESOLUTION NO. 09-066

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
ELECTING DIRECTOR JUDY C. HUANG VICE PRESIDENT OF THE
BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT

The motion was passed by the following vote:

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

5.2 RESOLUTION HONORING RAY MCDEVITT UPON HIS RETIREMENT AS
DISTRICT COUNSEL

Mr. Wadlow reported that Ray McDevitt of Hanson Bridgett will be retiring as District Counsel for Alameda County Water District on December 31, 2009.

Ray McDevitt has been serving the Bay Area water community through his legal expertise for three decades. Ray served as Legal Counsel to the Bay Area Water Users Association (BAWUA) for many years, beginning in the early 1980's. During his tenure with BAWUA, Ray was instrumental in creating the 1984 Settlement Agreement with San Francisco.

As BAWUA matured and evolved, Ray was key in establishing its successor organization, the Bay Area Water Supply and Conservation Agency (BAWSCA), drafting, negotiating, and advocating the special legislation, which brought BAWSCA into existence. As a member of both BAWUA and BAWSCA, ACWD has benefited from Ray's steady legal guidance of those organizations and his tireless advocacy of member agency interests with San Francisco.

Ray began working for ACWD on a Special Counsel basis in 1992 and in 1995 became the District's General Counsel. In this role, Ray has served ACWD's customers through his invaluable advice and guidance to the District's Board and staff on a wide range of issues. Ray has provided the District with his and Hanson Bridgett's expertise in public agency, contract, construction, environmental, and water law, as well as litigation services. ACWD staff has relied, and continues to rely on Ray for strategic advice in approaching the District's most sensitive negotiations.

The District recognizes and thanks Ray for his many years of service to the District and Bay Area water agencies.

A motion was made by Director Huang, seconded by Director Koller to adopt a resolution honoring Ray McDevitt and expressing appreciation for his 17 years of service to the District.

RESOLUTION NO. 09-067

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
OFFICIALLY EXPRESSING APPRECIATION TO RAY MCDEVITT FOR
HIS SERVICE AND CONTRIBUTIONS AS GENERAL COUNSEL OF THE
ALAMEDA COUNTY WATER DISTRICT

The motion was passed by the following vote:

AYES: Directors Koller, Huang, Weed, and Gunther

NOES: None

ABSENT: Director Reynolds

5.3* AUTHORIZATION OF PURCHASE ORDER FOR DISTRICT VEHICLES

The Board of Directors approved funding in the current budget for the purchase of various District vehicles. On November 12, 2009, the Board authorized the purchase of eight replacement utility trucks (three Ford F-550 and five F-650 model trucks). This staff report is for the purchase of six medium and light duty trucks, one van and one sedan manufactured by Ford Motor Company.

Request for quotations for the eight vehicles were sent to twelve Ford dealers. Six responsive bids were received. The low bidder for the six trucks and one van was Serramonte Ford of Colma in an amount of \$138,508.69. The six trucks and one van are replacing existing vehicles that meet established District criteria for vehicle replacement (e.g., vehicle age over 10 years, mileage over 100,000 miles or high maintenance costs). The low bidder for the sedan (Escape Hybrid) was San Francisco Ford Lincoln Mercury in an amount of \$29,997.94. The Escape Hybrid will replace the van assigned to the Office of the General Manager and is primarily used for the school education program. There is sufficient funding in the budget for these items.

A motion was made by Director Huang, seconded by Director Koller to 1) authorize a purchase order to Serramonte Ford in an amount of \$138,508.69 for the purchase of six trucks and one van; and 2) authorize a purchase order to San Francisco Ford Lincoln Mercury in an amount of \$29,997.94 for the purchase of one Escape Hybrid.

The motion was passed by the following vote:

AYES: Directors Koller, Huang, Weed, and Gunther

NOES: None

ABSENT: Director Reynolds

5.4* AUTHORIZATION OF PURCHASE ORDER AMENDMENT FOR METER TEST
BENCH ELECTRICAL WORK

On September 10, 2009 the Board authorized a change order to Valentine Corporation to perform the structural modification and civil work necessary to accommodate the installation of new water meter testing equipment manufactured by MARS Company of Ocala, Florida. Additionally, the Board was informed that a purchase order would be issued for the associated

electrical work that would be performed on a time and material basis for an amount not to exceed \$25,000.

A purchase order was subsequently issued to Smith and Sons Electric of Fremont, California, to perform the required electrical installation work on a time and expense basis as directed by District staff. The installation of the MARS meter testing equipment was completed the week of November 16. Equipment testing and training of District staff on use of the new meter testing equipment is currently in progress. The final cost to complete the electrical work was \$34,500. The additional cost was primarily associated with the additional effort required to install and reroute the necessary electrical conduits from the power distribution panels in the headquarters shop area to the new MARS equipment. Therefore, staff recommends approval of a purchase order amendment in the amount of \$9,500. There is adequate funding in the budget for this expenditure.

A motion was made by Director Huang, seconded by Director Koller to authorize a purchase order amendment to Smith and Sons Electric in the amount of \$9,500.

The motion was passed by the following vote:

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

5.5* AUTHORIZATION OF PURCHASE ORDERS FOR NEGOTIATED AND BID WATER TREATMENT CHEMICALS

Funds are authorized each year for the purchase of chemicals used for water treatment. Operations staff evaluated ten water treatment chemical agreements (i.e. contracts) for renewal or rebidding taking into account proposed and negotiated price decreases, level of service provided (supply reliability and dependable delivery), and compliance with contract documents (product meets chemical specifications). Of the ten chemical supply contracts that were evaluated, seven contracts were determined to be appropriate for consideration for renewal, and three contracts were advertised for bids.

Ten chemical suppliers were requested to submit pricing for the upcoming year for both six-month and twelve-month periods. District staff negotiated lower or equal unit prices on seven chemicals with twelve-month contracts and one (aqua ammonia) with a six-month contract. Because of the unit prices negotiated, staff recommends renewing the contracts (issuing new purchase orders) with the following chemical suppliers.

Item No.	Supplier	Chemical	Estimated Quantity	Unit Price	Previous Unit Price	% Change
1.	Brenntag Pacific	Liquid Caustic Soda (25% NaOH)	24 dry tons	\$700.00 per dry ton	\$845.00 per dry ton	17%
2.	Brenntag Pacific	Citric Acid (7-350 gal totes)	2,450 gallons	\$6.15 per gallon	\$6.15 per gallon	0
3.	Hill Brothers Chemicals+	Aqua Ammonia (19 % NH ₃)	24 dry tons	\$1,007.93 per dry ton	\$1,257.93 per dry ton	20%

4.	Kemira Water Solutions	Ferric Chloride	626 dry tons	\$600.00 per dry ton	\$705.00 per dry ton	15%
5.	Olin Corp	Liquid Caustic Soda (50% NaOH)	1,011 dry tons	\$505.00 per dry ton	\$589.00 per dry ton	14 %
6.	Olin Corp	Sodium Hypochlorite (12.5 % Cl ₂)	1,933 wet tons	\$149.88 per wet ton	\$155.88 per wet ton	4 %
7.	Ashland	Nonionic Polymer (4-55 gal drums)	4 drums	\$382.50 per drum	\$382.50 per drum	0

+Six-month contract (Jan-Jun'10)

For the three contracts that are not being extended, the District received and opened eight bids on November 5, 2009 for hydrofluorosilicic acid, calcium hypochlorite (tablets), and carbon dioxide. All bids were checked arithmetically and for compliance with the bidding requirements. There were multiple irregularities in several of the proposals, but all of these irregularities were subsequently corrected following the bid opening. These irregularities are described below and are considered minor and may be waived.

Praxair failed to submit proof of NSF-60 compliance with the bid proposal. In addition, two bidders, Praxair and Linde, included exceptions to the terms and conditions in its proposal for carbon dioxide. The exceptions were specifically associated with indemnification and liability terms. Staff is working with legal counsel and Praxair, the lowest bidder, to reach a tentative agreement on all of the areas of concern. The agreement with Praxair will be finalized prior to the issuance of a purchase order.

Bidders for the three chemical contracts were requested to submit prices for a twelve-month period. The lowest bids for each chemical are shown in the table below.

Item No.	Supplier	Chemical	Estimated Quantity	Unit Price	Previous Unit Price
1.	Univar USA, Inc	Calcium Hypochlorite (tablets)	2,000 lbs	\$ 2.24 per pound	\$2.89 per pound
2.	Solvay Fluorides	Hydrofluorosilicic Acid (23% H ₂ SiF ₆)	56 dry tons	\$2,930.43 per dry ton	\$2,800.00 per dry ton
3.	Praxair	Carbon Dioxide	462 tons	\$165.00 per ton	\$198.00 per ton

The total composite cost of the ten chemicals listed in the two tables above for the six-month period between January 1 and June 30, 2010, is \$750,972 based on estimated annual average usage rates. There is adequate funding in the budget to cover the costs of water treatment chemicals for the balance of the current fiscal year.

A motion was made by Director Huang, seconded by Director Koller to authorize the purchase orders to furnish and deliver the ten treatment chemicals as described above, subject to approval of the agreement with Praxair by the General Manager.

The motion was passed by the following vote:

AYES: Directors Koller, Huang, Weed, and Gunther

NOES: None

ABSENT: Director Reynolds

5.6 AUTHORIZATION FOR PARTICIPATION IN THE 2010 HIGH EFFICIENCY CLOTHES WASHER REBATE INITIATIVE AND OF A PURCHASE ORDER TO PACIFIC GAS AND ELECTRIC COMPANY FOR ADMINISTRATION OF THE PROGRAM

Mr. Cartwright reported that during 2008 and 2009, ACWD participated in the Bay Area Water Agency and Pacific Gas and Electric Company (PG&E) Cooperative Clothes Washer Rebate Initiative Program (“Program”). PG&E acted as the Program administrator. The intent of the Program was to encourage customers to purchase high efficiency clothes washers, as well as encourage manufacturers to develop and market these washers, by providing rebates for the most water-efficient clothes washers available. The Program has been very successful, resulting in over 5,000 high efficiency washers installed within ACWD’s service area during the last two years.

Staff proposes to continue the existing Program for another year, through December 31, 2010. During the 2010 Program, rebates will be provided for Consortium for Energy Efficiency Tier 3 Clothes Washers only, the most water-efficient washers on the market today. Tier 2 washers will no longer be supported. Tier 3 washers will be eligible for a \$100 rebate (\$50 from PG&E and \$50 from ACWD). Based on an estimated 2,800 rebates for ACWD’s service area for 2010, the total estimated cost of rebates for ACWD is \$140,000. ACWD will also be responsible for PG&E program administration fees. These administration fees are estimated at \$30,000 for a total annual ACWD program cost of \$170,000. There may be an opportunity to reduce ACWD’s net cost for the Program through a cost-sharing arrangement with Union Sanitary District, as was done during the 2009 program.

An agreement between ACWD and PG&E for program administration has been drafted to continue the Program through the end of 2010, with an option to amend the contract to continue the Program for another year through December 31, 2011. Sufficient funds are contained in the FY 2010 budget to cover the cost of this program.

Director Koller stated that he would like the Board to go before the Union Sanitary District’s Board and seek support to form a financial partnership for this program as they have done in the past.

Mr. Cartwright informed the Board that he contacted the General Manager of the Union Sanitary District to inquire about the cost-sharing arrangement. Union Sanitary expressed interest in the program but must look into budgeting. Mr. Cartwright expects a positive outcome regarding financial support from Union Sanitary District for the program.

Discussion ensued and staff answered questions from the Board. The Board expressed their support for again sponsoring a rebate program in 2010.

A motion was made by Director Koller, seconded by Director Huang to defer Item 5.6 until the January 2010 Board Meeting at which time a decision from Union Sanitary District is expected to be made regarding a cost-sharing arrangement with ACWD for the program.

The motion was passed by the following vote:

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

5.7 AUTHORIZATION OF PURCHASE ORDER FOR INFORMATION TECHNOLOGY MASTER PLAN CONSULTING SERVICES

Mr. Ligh reported that Information Technology (IT) has changed significantly in recent years with improvements in IT infrastructure as well as software applications. The last IT Master Plan was completed in 1999 that identified a number of key projects that have since been implemented including a new Maintenance/Asset Management System, Upgrade of the JD Edwards Financial Management System, Email/Calendaring System, and various Network Upgrades and GIS Projects. In order to provide the District with the best possible integrated suite of applications and a sound IT infrastructure, the District will need a new master plan that assesses the strengths and weaknesses of the current IT environment, identifies existing technology gaps, assesses the needs of different departments, allows us to improve overall productivity and gain efficiencies through judicious investments in IT, and aligns IT with our core business needs. As part of the Fiscal Year 2009-10 budget, the District had appropriated funds to hire a consulting firm to develop an IT master plan for a six-year planning horizon.

The District issued a Request for Proposal (RFP) for the development of an IT Master Plan. The RFP was sent to eleven firms that have experience in providing IT master planning services to local agencies and public utilities. The District received eight written proposals.

Members of the District's existing Information Systems Technical Advisory Committee, which consists of representatives from different departments, independently reviewed the proposals based on criteria that included each firm's experience in IT master planning with public utilities, assigned staff qualifications, understanding of the project and needs of the District, the proposed scope of work and cost. The selection team invited four firms for on-site interviews.

During the interviews, each firm reviewed their experience and qualifications, qualifications of staff proposed for the project and described their approach to the IT master plan. Based on a consensus of the selection committee, EMA, Inc. was found to be the best qualified firm overall to conduct the work. Their services will be billed on a time and materials basis. Total cost, including travel and expenses, will not exceed \$142,300. There are sufficient funds in the budget for these services.

This item was reviewed with the Administrative and Finance Committee on November 24, 2009.

A motion was made by Director Koller, seconded by Director Weed to 1) authorize a purchase order to EMA, Inc. in the amount not to exceed \$142,300 for the development of an Information

Technology Master Plan; and 2) authorize the General Manager to enter into a services agreement with EMA, Inc. for an Information Technology Master Plan.

The motion was passed by the following vote:

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

5.8 AUTHORIZATION OF PURCHASE ORDER FOR CUSTOMER INFORMATION SYSTEM CONSULTING SERVICES

Mr. Ligh reported that the District's existing legacy Utility Billing system was designed approximately 20 years ago and while it has served our needs very well, it is in need of replacement with a more modern, commercial Customer Information System (CIS) that can handle increasingly complex billing, reporting and inquiring needs of a Utility and its Customers. To help the District identify and select the right CIS software, we need the services of a consulting firm that is familiar with the utility industry and the various commercial CIS systems available.

The replacement of District's legacy Utility Billing system was one of the recommendations of the Information Systems Master Plan of 1999. The project was deferred because at that time the legacy system met the needs of the District and its customers.

The benefits of a new CIS will include:

- A customer interfacing module - most commercial CIS software provides the ability to view current and historical information via the web. To accomplish this in our current system a significant programming project would be required.
- Integration with other systems - most commercially available CIS software are designed with integration to other systems (such as GIS, CMMS, General Ledger etc.) in mind. These integrations would be difficult, if not impossible, to do with our current system.
- Configuration capabilities - most commercial CIS software are configurable and can handle modifications such as potential future rate structures without programming or customization efforts. The same changes would require significant programming work in our current system.
- Business process improvement – review of business needs may result in re-engineering or optimization of paper-based or other outdated customer service processes.

The District has divided the CIS project into the following three phases:

Phase I: Business analysis and needs assessment, development of functional and technical requirements, product/vendor selection criteria, and RFP development.

Phase II: Vendor selection and contract development

Phase III: Implementation and Post Implementation Project Management and Oversight

This staff report is for authorization to select a consultant to provide Phase I services of the CIS project. As the project progresses the District is likely to require services related to Phase II and Phase III of the project.

The District issued a Request for Proposal (RFP) to provide consulting services related to all phases of the project. The proposal was sent to six firms that have experience in providing CIS selection and implementation services for public utilities. The District received six written proposals which were individually reviewed by a selection committee comprised of Customer Service, Finance, Water Conservation and Information Systems staff. The proposals were ranked based on criteria that included experience in providing CIS selection and implementation services in the public utility industry, assigned staff qualifications, understanding of the project, and needs of the District, the proposed scope of work and cost. The selection committee unanimously decided to invite two firms, EMA, Inc. and Westin, for on-site interviews.

Based on a consensus of the selection committee, EMA, Inc. was found to be the best qualified firm overall to provide consulting services for the CIS project. Their services will be billed on a time and materials basis. Total cost, including travel and expenses, will not exceed \$102,800. There are sufficient funds in the budget for these services. This item was reviewed with the Administrative and Finance Committee on November 24, 2009.

A motion was made by Director Huang, seconded by Director Koller to 1) authorize a purchase order to EMA, Inc. in the amount not to exceed \$102,800 to provide consulting services for Phase I of the Customer Information System; and 2) authorize the General Manager to enter into a services agreement with EMA, Inc. for the development of a Request for Proposal for a Customer Information System.

The motion was passed by the following vote:

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

6 – REPORTS

6.1 BOARD COMMITTEE REPORTS

- Operations & Water Quality Meeting of November 4, 2009: (1) Quagga Mussel Update and Participation in the Bay Area Regional Consortium for Coordinated Mussel Prevention
- Engineering & Capital Projects Meeting of November 19, 2009: (1) Aquifer Reclamation Program Wells to Newark Desalination Facility Pipelines Project; (2) San Francisco Public Utilities Commission's Bay Division Pipeline No. 5 Project; (3) Bunting Fish Screen and Rubber Dam No. 2 Removal Projects
- Legal & Legislative Meeting of November 20, 2009: (1) Update on the State Water Bills Package

- Administrative & Finance Meeting of November 24, 2009: (1) Information Systems Master Plan; (2) Customer Information System; (3) Quarterly Review of Claims; (4) Quarterly Review of Investment Portfolio
- Water Resources Planning Meeting of November 25, 2009: (1) Calaveras Dam Replacement Project Draft EIR; (2) Masonic Homes Flatlands Development Project; (3) 2010 Dry Year Planning

6.2 OPERATIONAL REPORTS

- Rainfall Report
- Water Production Report
- Investment Report
- Quarterly Budget & Expense Report

6.3 STAFF REPORTS – None

6.4 GENERAL MANAGER’S REPORTS

- 2010 Water Bond - Mr. Wadlow reported to the Board that the 2010 Water Bond Initiative will be on the November 2010 ballot in California. The Water Bond was the only part of the 2009 Comprehensive Water Package approved by the California Legislature and signed into law by Governor Schwarzenegger that will be up for vote by Californian voters.

Mr. Wadlow gave a brief overview of each section of the Comprehensive Water Package to the Board to provide context for the 2010 Water Bond Initiative.

Mr. Miyaki distributed and summarized for the Board guidelines which the Board and District staff must follow with regard to the 2010 Water Bond from now until the November election. The summary is as follows:

- Alameda County Water District’s Board of Directors or employees may not use the public’s time, money or resources to promote or oppose the Water Bond (i.e., engage in campaigning or advocacy activities)
- Examples of prohibited activities include posting of campaign materials on District property, campaigning wearing the District’s logo or insignia, using any District supplies (telephones, fax machines, copy machines, paper, etc.), soliciting funds from District personnel, using an official position or authority as an attempt to influence other to support or oppose the Water Bond.
- Permitted activities with District resources include taking a position on the bond measure and providing objective, factual, and impartial information about the bond measure. The information or materials provided by the District should be focused toward assisting voters to be able to reach an informed judgment about the bond. The Board may adopt a resolution supporting or opposing the Water Bond. District resources may be used to analyze the bond measure and the impacts it may have on the District and its customers. The District may

participate in discussions, interviews, forums, etc. so long as they are to state the District's impartial analysis of the impacts to the District and its customers by the bond measure.

Mr. Wadlow reiterated that the guidelines discussed by counsel should be followed immediately since the legislation placed the Water Bond Initiative on the ballot for November 2010.

Discussion ensued in which the Board requested answers to a number of questions regarding the 2010 Water Bond. Mr. Wadlow responded that staff would provide answers and additional discussion at subsequent Board meetings.

7 – DIRECTOR'S COMMENTS AND/OR AGENDA ITEM REQUEST

- Directors Weed, Huang and Gunther reported on their attendance at the Association of California Water Agencies Fall Conference held December 1 through December 4 in San Diego.
- Director Koller requested the addition of attendance at AWWA Conferences to the Director's Authorized Activities list as an agenda item for discussion at the January 2010 Board meeting.

8 – CLOSED SESSION

President Gunther adjourned the meeting to a closed session at 8:05 P.M. to discuss the following item.

4.1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a)

- Alameda County Flood Control & Water Conservation District Zone 7, et al. v. State of California Department of Water Resources, et al. (Sacramento County Superior Court Case No. 05AS01775)

President Gunther reconvened the meeting at 8:32 P.M.

Mr. Wadlow reported that the Board authorized continued participation regarding the litigation, including any appeals by a 4-0 vote with Director Reynolds being absent.

A motion was made by Director Koller, seconded by Director Huang to adjourn the Board meeting in honor of Dorothy Lee Bunting.

The motion was passed by the following vote:

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

Minutes – December 10, 2009

There being no further business to come before the Board, President Gunther adjourned the meeting at 8:33 P.M.

Andrew Warren, Assistant District Secretary

Attest:

James G. Gunther, President