

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

February 16, 2011

President Greci called the regular meeting to order at 7:00 p.m. The following were present:

DIRECTORS: SANDS FIGUERS  
JOHN GRECI  
AJ MACHAEVICH  
CHRISTOPHER MOORE  
SARAH PALMER  
RICHARD QUIGLEY  
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER  
REN NOSKY, GENERAL COUNSEL  
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING  
VINCE WONG, ASSISTANT GENERAL MANAGER, OPERATIONS  
JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE  
CHERYL DIZON, ASSISTANT ENGINEER  
JUDY RECTOR, ACTING BOARD SECRETARY

---

**Item 1 – Call Meeting to Order**

**Item 2 – Salute to the Flag**

**Item 3 - Citizens Forum**

Dave Lunn spoke about Shadow Cliffs. East Bay Regional Park District (EBRPD) just completed a draft Land Use Plan Amendment and Mr. Lunn felt that a number of people are discouraged to hear that Zone 7 doesn't seem to value the recharge capacity in Shadow Cliffs because of alleged comments from Zone 7 that they are discontinuing use of Shadow Cliffs for recharge in 2030. Zone 7 is considering charging EBRPD for recreational water for their lake. He also expressed concern about whether the Chain of Lakes Master Plan will include diversions downstream and diversions into Shadow Cliffs and he suggested that it should be put into the Chain of Lakes modeling. He suggested that a board-to-board meeting should occur so policy issues can be discussed.

Sue Plotkin, 2600 Nicrobria Lane, Livermore, also spoke. She wanted to share with the Board comments she heard last week at a meeting in Pleasanton on the Iron Horse Trail. People were concerned about the crossing on Santa Rita at Stoneridge. Santa Rita is very busy right there and she noticed there is a dead part of the median strip where people cut across. Zone 7 has an undercrossing there with a gate. Why can't the gate be opened and people be allowed to go under the crossing? A comment at the Trail's meeting was that Zone 7 was unresponsive and an impediment to solving this problem. She wanted to tell the Board what the perception of Zone 7

was at this large meeting. President Greci responded that we have been proactive working with the trail system throughout the entire valley and he can't perceive that the situation has gotten to where we were non-responsive. He promised her that staff will see what recourse we have in relationship to our liability and that she will get a response from Zone 7.

#### **Item 4 – Minutes of the Regular Meeting of January 19, 2011**

Director Palmer noted corrections in the minutes she had relayed to Acting Board Secretary Judy Rector prior to the Board meeting. These included a change in the way the vote was written twice on Page 2, once on Page 3 and once on Page 5 from a vote of 6-0-1 to 6-0 with President Greci absent. Director Quigley moved and Director Machaevich seconded approval of the corrected minutes of January 19, 2011. The voice vote to approve was 7-0.

#### **Item 5 - Consent Calendar**

Director Machaevich moved for approval and Director Palmer seconded the motion. The resolution was approved by a roll call vote of 7-0.

Resolution No: 11-4067      Authorized the General Manager to negotiate and execute a four-way funding agreement among EBRPD, ACWD, SCVWD, and Zone 7 to fund the Quagga and Zebra Mussel prevention program for Lake Del Valle through 2011, for a not-to-exceed cost to Zone 7 of up to \$79,320. (Item 5a)

#### **Item 6 - Staffing Updates**

##### **Item 6a – Employee of the Month Recognition**

Jeanne France, Account Clerk, is the December 2010 Employee of the Month. Jeanne was present at the meeting and was recognized for her work in the Accounting Section, located at our North Canyons Office. We all love to hear her stories about her involvement with Native American tribes. Last year she participated in a cultural exchange and dance program in New Zealand. Jeanne displays a commendable level of professionalism, initiative, and persistence when working with other employees, contractors, and Alameda County personnel. Jeanne was complimented for her ability to process transactions that affect everyone in the Agency. It is almost certain that all of us at Zone 7 have been the beneficiary of something Jeanne has done on our behalf. Jeanne displays a willingness to help other employees to solve difficult problems that affect the Agency, and to find creative solutions.

President Greci encouraged other employees nominated to be the Employee of the Month to attend Board meetings so Directors have the opportunity to meet the employee and express their appreciation for what they are recognized for at the meeting.

#### **Item 7 – Toxic Sites Surveillance Program Annual Report for 2010 Water Year**

Kurt Arends introduced Cheryl Dizon, Assistant Engineer in the Groundwater Section, who presented a report on the Toxic Sites Surveillance Program including an overview, an explanation of key elements, a quick update on the current status of the program, and highlighting a few priority sites and future actions planned.

Zone 7 documents and tracks toxic sites across the groundwater basin that pose a potential threat to drinking water. These sites can be former dry cleaners that used hazardous solvents such as PCE in their cleaning process which were improperly disposed of, industrial sites such as a microchip factory that used PCE as a metal degreaser, or they could be gas stations with leaking underground fuel tanks. Information is gathered from state, county, and local agencies, as well as from Zone 7's well permitting program.

Zone 7 is not the lead regulatory agency for these cases. The main agencies responsible for overseeing cleanup are the Regional Water Quality Control Board and Alameda County Department of Environmental Health. The Regional Board regulates industrial solvent users such as dry cleaners, and Environmental Health regulates petroleum spills or leaks such as gas station sites. The Fire Department gets involved when there is a tank or pipe removal because they are the permitting agency for fuel tanks. They perform inspections during actual tank removals or remedial excavations. Many times Zone 7 is behind the scenes to help regulators evaluate these cases more effectively. We serve as a local knowledge base for the groundwater basin, we know the location of our municipal wells and supply wells, we know the sensitivities of our basin, and we know when and where water resources will be put to the best beneficial use; all information necessary for effective site management. Zone 7 also serves as an advocate for retailers.

Zone 7's tracking program is designated the "Toxic Sites Surveillance (TSS) Program" and a report is generated annually to update the progress of investigations and clean-ups. The Annual TSS report includes updates for activities that occurred through the end of the 2010 Water Year (September 2010). Key parts of the Annual TSS Report are incorporated in the Annual Groundwater Management Program Report. Subsequent reports are planned for submittal at the end of every water year to coincide with the Annual Report for the Groundwater Management Program.

Currently there are 74 active sites in the TSS Program: 11 high priority (7 fuel sites, 4 solvent) and 36 moderate and 27 low priority use sites. In addition, 233 closed sites are still tracked including Hexcel, a Super Fund site, which was a manufacturing site for metals used in the aerospace industry and recently closed.

Director Moore asked if there is ever a time that we do remediation and then go after the owners if someone is unwilling to participate? Ms. Dizon responded that the lead regulatory agency would pursue and seek additional action through the District Attorney. Director Moore then asked what if it was a threat to groundwater, could some action be taken to remediate regardless of who is paying the bill? General Manager Jill Duerig said that clean up and remediation is slow so you can usually get enforcement in place and people moving more quickly going through the District Attorney's office. If so, there is a good chance Zone 7 would be a participating agency in pursuing that enforcement. There is also a state fuel tank fund and if there is no party that will do the remediation, the lead regulatory agency can use state funds; however, those funds are rarely used for doing the work because usually the responsible parties are pressured into doing it.

President Greci added that in most pump-and-treat processes used to remediate contaminated sites, it is all monitored and controlled by perimeter wells and the further out you get from the plume, the lower the levels. Until you get the contaminants out of the ground, they continue to

travel. It is a long, slow process to remediate contamination. President Greci's biggest fear is of a plume traveling toward a well because if it gets into the wells, we will have to treat or remediate water before we send it offsite to anyone. We will be actively involved, if we need that well, to put in a pump-and-treat system. The disadvantage is they are costly because of the energy cost to pump and it is an added cost to produce water so dilution is not the solution and the Regional Water Quality Control Board will not accept this treatment.

**Item 8 – Committees – None.**

**Item 9 - Items for Future Agendas – Directors**

General Manager Jill Duerig referred to Mr. Lunn's suggestion to continue to pursue setting up a Liaison meeting with East Bay Regional Park District. Last year Director Quigley sent a letter to EBRPD inviting a Liaison Committee meeting to which the Park District never responded. She asked the Board if they want another letter to go to EBRPD. President Greci encouraged having a meeting. Zone 7 has to maintain a good working relationship with EBRPD, especially when it comes to Chain of Lakes. President Greci suggested that with all the confusion and questions, we should pursue a Liaison committee. After further discussion, Ms. Duerig asked if board members preferred a Liaison meeting or talk about it at an Administrative Committee meeting first so that staff could share some extra information. Board members directed staff to discuss first with the Administrative Committee.

Director Quigley encouraged Board members to attend the California Special Districts Association annual dinner meeting March 31 at the Pleasanton Marriott.

Director Figuers referred to an article in the Zone 7 Newz at 7 about steelhead trout being introduced into Alameda Creek and going into Arroyo Mocho and Arroyo del Valle. He suggests a cautious approach based on good science and valley history. President Greci agreed.

Director Quigley noted that there is a new trail bridge across the fish ladders on the Mocho just east of El Charro Road that may be a byproduct of a \$762,000 Proposition 50 grant that came in a few years ago. Those fish ladders have been there many years and cost a lot of money, but he doesn't think a fish has ever been through them. We need water and we import 80 to 90 percent of our water. We pump it into Del Valle and drag it through Shadow Cliffs and we have to remember that our streams have historically gone dry. As we work with the Department of Fish and Game, we need to get together so we get the water we need for our community and that requires a fix to the conveyance through the Delta.

Director Palmer added that biodiversity allows some years where the fish all die and some years where they don't. As long as you don't choose from the same genetic component, they are not all going to be traveling up the stream at the same time; some are going to remain out at sea.

**Item 10 - Reports - Directors**

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

Director Palmer reported on a January 28<sup>th</sup> meeting she and General Manager Jill Duerig had with Supervisor Haggerty to discuss separation. Director Palmer commented that Zone 7 staff

has done an amazing job with preparation and setting forth plans on what needs to be done for separation. Supervisor Haggerty wants to be kept in the loop on the issue of separation.

Director Greci noted that he and General Manager Jill Duerig also had a meeting with the City of Dublin's City Manager, Mayor, and Councilwoman Hildenbrand and it went extremely well.

These meetings with the cities are informational only, have been very positive, and so far the cities seem to be in full agreement with the rationale we are using.

### **Item 11 – Staff Reports**

11. Staff Reports (Information items. No action will be taken.)
  - a. General Manager's Report
  - b. Recent & Upcoming Public Outreach Activities
  - c. Legislative Update
  - d. Status Report on Separation Efforts
  - e. Verbal Reports

The Board went into a second closed session at 7:55 p.m.

### **Item 12 - CLOSED SESSION**

- a) 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
- b) Conference with Legal Counsel--Existing Litigation, Government Code Section 54956.9(a): Margaret Chun v. Alameda County Flood Control and Water Conservation District, Zone 7, et al. (Alameda County Superior Court Case No. HG11559731)
- c) Conference with Legal Counsel--Existing Litigation, Government Code Section 54956.9(a): *Mechanical Analysis and Repair, Inc. v. Alameda County Flood Control and Water Conservation District, Zone 7* (Alameda County Superior Court Case No. VG11556050)

### **Item 13 – OPEN SESSION AND REPORT OUT OF CLOSED SESSION**

At 8:40 p.m., the Board came out of closed session. President Greci reported that the Board unanimously approved a Tentative Agreement with SEIU, Local 1021 extending the terms of the current MOU through June 28, 2011, and that salaries for all SEIU represented classifications shall not be increased for that time period (Resolution No. 11-4068.)

The meeting was adjourned at 8:45 p.m.