

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

March 16, 2011

President Greci called the regular meeting to order at 7:05 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  
  
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING  
VINCE WONG, ASSISTANT GENERAL MANAGER, OPERATIONS  
JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE  
MARY LIM, ASSOCIATE WATER RESOURCES PLANNER  
JUDY RECTOR, ACTING BOARD SECRETARY

COUNSEL: REN NOSKY, DOWNEY BRAND

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**Item 3 - Citizens Forum**

None.

**Item 4 – Minutes of the Regular Meeting of February 16, 2011**

On a motion by Director Palmer with a second by Director Quigley, the minutes of the Regular Meeting of February 16, 2011, were approved as presented by a voice vote of 7-0.

**Item 5 - Consent Calendar** – none.

**Item 6 - Staffing Updates**

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

Tamara Baptista, Financial and Systems Services Manager, was chosen as the January 2011 Employee of the Month. Tamara was present at the meeting and recognized for her work in the Finance Section, located in our North Canyons Office. Tamara's efforts each year on the budget and water rates should be recognized and appreciated. Not only does she work to save the Agency money, she also helps us, each and every one of the employees, manage to get through the budget process every year and she does it with a smile. Tamara was complimented for being

helpful to other employees, explaining the budget preparation process, and working to assemble the finished budget from all departments. Only through diligent work can explanation of requested budgets and proposals of necessary water rates then be developed. Tamara's work makes it possible for the board to make reasonable and defensible decisions that determine the financial health of the Agency, with results that affect all of us. She is one of the key movers and shakers in the cultural evolution that we are trying to achieve, moving towards blue.

Several directors complimented Tamara and the overall feeling is that she has done a great job. They always look forward to her presentations because they are so informative.

### **Item 7 – East Alameda County Conservation Strategy**

Mary Lim, Associate Water Resources Planner in Water Engineering, gave a presentation regarding the East Alameda County Conservation Strategy to the Administrative Committee on February 23 and again for the full board at this board meeting. Her presentation included an explanation of the regulatory framework that the conservation strategy is based on, why we are doing the strategy, who was a part of that process, and how we developed the strategy along with key project outcomes from that strategy and how it would be used in the future as the project is implemented. Environmental compliance is a component of implementing projects and environmental laws are enforced by federal and state agencies.

The Conservation Strategy contains standardized avoidance and minimization measures, mitigation ratios, habitat quality scoring sheets, and conservation goals and objectives to measure the effectiveness of the Strategy. These guidelines for mitigation practices in East Alameda County will streamline environmental permitting for future Zone 7 projects. The information contained in the Conservation Strategy can also be incorporated in the biological resources section of a project's environmental document.

The Conservation Strategy provides a regional approach to conservation in East Alameda County in order to best protect endangered or threatened species in this area. The Federal and State wildlife agencies fully support and intend to utilize the document when permitting projects that follow the Conservation Strategy.

The Board of Directors were asked to approve a resolution that would: (1) accept the East Alameda County Conservation Strategy as guidance for Zone 7's future projects, particularly in the CEQA and endangered species permitting stages of project implementation; and (2) support Zone 7's ongoing participation in the EACCS Implementation Committee.

### **Public Comment**

Karen Sweet, a rancher in Eastern Alameda County, spoke before the Board. She was a part of the process in the very beginning, a former member of the Steering Committee, and was concerned that the Conservation Strategy was only posted on the website the week before the Zone 7 board meeting. She felt she could not endorse the strategy because she has tried from the beginning to make the document adequately reflect the goal of the ranching community. She feels the document needs a great deal of work to recognize private land and you can't practice rangeland strategy without rangeland science.

Darrel Sweet also expressed his concerns before the Board. He gave the Zone 7 Board members background information on the California Rangeland Trust founded by the California Rangeland Association. He feels rangeland and species in these habitats largely exist today because of the positive experience of breeding and the ranchers. He feels the Conservation Strategy ignored information brought to them by the Rangeland Coalition, and the Strategy is outdated before it is implemented because it needs work. If grazing and ranching are not important to the plan, then the whole point was missed. Habitats do rely on grazing. If more ranchers were "at the table," he feels it would be easier for mitigation. He invited everyone to go on the Rangeland Coalition website and read about conserving rangelands.

The Directors discussed at length that the 600-page document would make the permitting process faster. General Manager Jill Duerig clarified a few items by explaining that the purpose of this document is to provide a common framework for biological species, the environmental impacts, and the endangered species evaluations that we all have to do to help our projects move forward. It provides a species framework as a means for streamlining those projects. It is a biologically-based document that was not just requested but encouraged by letter by the Fish and Wildlife Service. It is a document that outlines biological and habitat resources in Eastern Alameda County, that Fish and Wildlife can use as a starting point, and then find the specifics related to each project. Co-equal goals are achieved because we could pursue the implementation of our needed projects in a speedier manner, the resource agencies could be more responsive to us, and we could all be playing from the same game book. It is the underlying reason that there was a mixed Steering Committee of project proponents like Zone 7, the Cities, and others on the Steering Committee, and the resource agencies such as Fish and Game and the Regional Board. Fish and Wildlife and Fish and Game are going to endorse this and have been approving it. The Regional Board has provided a set of guidelines that they are allowing to be attached as an appendix. Regional Board will not adopt this though they attended every meeting and provided input. That is how co-equal goals were achieved, by Zone 7 getting involved and staying involved. We anticipate that it will be incredibly valuable going forward, for us to move our needed water reliability projects through the permitting process in a more reasonable manner instead of hit-and-miss where there was no set rule book, the rules were re-written on each project.

President Greci stated that the grazing issues that have been brought up by the Sweets are pertinent issues. Zone 7 is known for promoting agriculture, we supply the water for most agriculture in this valley, and livestock is also an important part of agriculture in this valley. He favored postponing the issue so a section about grazing and the importance of it in relationship to the mitigation that is going to take place could be added.

Directors Figuers and Quigley asked to have time to look at the 600-page document.

Director Stevens said he was trying to figure out where ranchers come in because he doesn't see this as a document that precludes them, he sees it as a document that starts here and then you go to the ranchers.

Ms. Duerig agreed and said that was the concept and that is why Mrs. Sweet was part of the original Steering Committee in her role of the Alameda County Resource Conservation District (RCD) because they had the relationship with the ranchers and the rangelands and they were representing, not just resource conservation, but also the voice and the opinions of many of the ranchers and rangeland people. If we have not had the time to review and confirm what

comments have and have not been incorporated and how they were addressed, a delay may not hurt.

Director Palmer pointed out that it may be a relatively minor adjustment in order to bring in the ranchers' concerns and address them.

Responding to Director Moore's question regarding how long it might take to address those concerns, Ms. Duerig responded that this is not a Zone 7 document; we are part of a consortium of agencies. She emphasized that this is a living document which will be revisited and updated but will never be more than a final draft; it will never be a document that is accepted because the intent is to continually update it.

Director Moore said that he is supportive of deferring the item because of the timing of the document's availability and in fairness to everybody. He also wants time to read the document.

Director Figuers began a motion to table the item so he can cast an informed vote. President Greci asked him to hold that motion until all discussion was heard.

Director Machaevich wants to get a baseline in as soon as we can which can be adjusted and modified. He would also like to have language confirmed that it is a baseline and available to be adjusted and no one is excluded from discussions.

President Greci repeated that it is not Zone 7's document. If we have concerns and move for a delay, it will give the General Manager time to deal with the other agencies involved that took time to put it together because it could be contentious if they are not in favor of it and don't want to deal with the issue, have it ratified now, and go on as a living document to be dealt with later on. Based on what the Board members heard at this meeting, he feels other agencies are going to understand and they will agree to the delay.

Director Figuers asked for a second for his motion to table the motion, but said it needed a second. Director Machaevich seconded the motion. General Counsel Ren Nosky clarified that the motion includes both requested actions by the Board: 1) accepting the Conservation Strategy and, 2) approving Zone 7 participation on the Implementation Committee. Ms. Duerig said that if the Implementation Committee should meet within that window of time, Zone 7 would want to participate even if it hasn't been adopted yet.

Director Figuers restated the motion to table Part 1 of the resolution accepting the East Alameda County Conservation Strategy but still vote on Part 2, participation. General Counsel Ren Nosky again clarified that the motion is to table the requested action of the Board accepting the East Alameda County Conservation Strategy and part 2 is to approve participation in the Implementation Committee. There was a voice vote and all were in favor of tabling the board accepting the EACCS and to support Zone 7's ongoing participation in the EACCS Implementation Committee.

### **Item 8 – Board Reimbursement Policy Update**

General Manager Jill Duerig explained that Director Quigley requested that the Board Reimbursement Policy be modified or formalized. After discussion with Board Administrative Committee members, staff was directed to come up with suggested changes to the existing

compensation and expense reimbursement policy. Included in the Board's packet was a red-lined document with changes.

The Directors commented on the document including President Greci reminding the other Board members that it had been reviewed by the Administrative Committee and he found it quite complete. Director Palmer felt that it was not overly complicated. Director Quigley noted that when he travels for Zone 7, his trip is funded out-of-pocket but it takes a long time to be reimbursed. He wants Zone 7 to get us in tune with other agencies with travel budgets like Contra Costa Sanitation, Alameda County Water District, Dublin San Ramon Services District, and East Bay Municipal Utility District because he thinks it will help with the way reimbursements are handled for Zone 7.

Ms. Duerig reminded the Board that part of the ongoing Management Partners' goal is to develop policies and procedures for the way reimbursements are made such as developing a new credit card policy, and the way we do purchasing. The consultant will have the first set of draft procedures within the next few months. In the meantime, Zone 7 is still under the county umbrella of policies; for instance, all numbers under meal reimbursements are County numbers, and the way we do credit cards and purchasing are under County policies.

President Greci took a moment to commend Director Quigley for taking his personal time to go to meetings saying that he is a good representative for Zone 7.

Director Palmer moved and Director Machaevich seconded a motion to approve Amendment No. 2 to the existing "Zone 7 Board of Director Compensation and Expense Reimbursement Policy." Resolution No. 11-4069 was approved by a roll call vote of 7-0.

### **Item 9 - Committees – Administrative Committee Minutes for February 23, 2011**

### **Item 10 - Items for Future Agendas – Directors**

### **Item 11 - Reports - Directors**

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

Director Quigley referred to his written report and commented that he saw a change in attitude from last year by California delegates at the ACWA Washington DC Annual Conference to work together to help solve California's water problems. A binder from the conference is available for interested staff and Board colleagues (see Board Secretary or Director Quigley).

Not in his written report was a brief report about attending an Energy Committee meeting on Global Warming with Principal Engineer Dennis Gambs. There is currently a bill on small hydro power that is exciting. President Greci said he had received good feedback on Director Quigley's photovoltaic project presentation and how he made other agencies aware of the problems that Zone 7 had.

**Item 12 – 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. Status of Zone 7’s Asset Management Program Update
- f. Verbal Reports

General Manager added a verbal report regarding the Department of Water Resources increasing Zone 7’s water allotment from 60 to 70 percent. We lost carryover but gained in reallocation.

The Board went into closed session at 8:40 p.m.

**Item 13 - Closed Session**

- a) Conference with Legal Counsel--Existing Litigation, Government Code Section 54956.9(a): Petition for Extension of Time, Water Right Permit No. 11319 (Application No. 17002), State Water Resources Control Board.
- 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 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

**Item 14 – Open Session And Report Out of Closed Session**

There was nothing to report out of closed session.

The meeting was adjourned at 10:15 p.m.