



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

REGULAR MEETING

August 15, 2018

The following were present:

DIRECTORS: SANDS FIGUERS
DENNIS GAMBS
SARAH PALMER
RICHARD QUIGLEY
ANGELA RAMIREZ HOLMES
OLIVIA SANWONG
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: VALERIE PRYOR, GENERAL MANAGER
OSBORN SOLITEI, ASSISTANT GENERAL MANAGER,
FINANCE/TREASURER
COLTER ANDERSEN, PRODUCTION MANAGER
JARNAIL CHAHAL, ENGINEERING MANAGER
CAROL MAHONEY, INTEGRATED WATER RESOURCES MANAGER
AMPARO FLORES, INTEGRATED PLANNING MANAGER
JEFF TANG, ASSOCIATE CIVIL ENGINEER
BRANDON WOODS, ASSISTANT ENGINEER
ATHENA WATSON, ASSOCIATE CIVIL ENGINEER
NZINGA ARRINGTON, ACTING EXECUTIVE ASSISTANT

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

Item 1 - Call Meeting to Order

Director Figuers called the meeting to order at 6:00 p.m.

Item 2 – Closed Session

- (a) Conference with Labor Negotiators pursuant to Government Code section 54954.5:
Agency Negotiator: Valerie Pryor
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; Unrepresented Management

- (b) Conference with Legal Counsel - Existing litigation pursuant to Government Code §54956.9(d)(1): 2 cases
 - (1) Zone 7 v. Bhupinder Singh, et al., Alameda County case no. RG17862001 and related cross action
 - (2) Edwin Belshe and Ginger Belshe v. Alameda County Flood Control and Water Conservation District, Zone 7, et al., Alameda County Superior Court Case No. RG17868354
- (c) Conference with Legal Counsel - Significant exposure to litigation pursuant to Gov't Code section 54956.9(d) (2): 3 cases
- (d) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (4): 2 cases
- (e) Public Employee Performance Evaluation – Title: General Manager
- (f) Public Employment. Title: Special Counsel for California WaterFix

Item 3 – Open Session and Pledge of Allegiance

President Pro-Tem Figuers led the Salute to the Flag.

Item 4 - Report Out of Closed Session

Director Figuers reported that the Board met in Closed Session on the items on the agenda and no reportable actions were taken.

Item 5 – Reorganization of the Board

President Pro-Tem Figuers opened nominations for President of the Board and nominated Director Ramirez Holmes for FY 2018-19. There were no other nominations and the Board elected Director Ramirez Holmes by a voice vote of 7-0. President Ramirez Holmes then opened nominations for Vice-President of the Board. She then nominated Director Figuers. There were no other nominations and the Board elected Director Figuers by a voice vote of 7-0.

Item 6 – Citizens Forum

Bert Michalczyk congratulated Directors Gambs and Sanwong on their election to the Board. He also congratulated Director Ramirez Holmes as new President of the Board.

A citizen of Pleasanton recommended that the Board look into seeing if there was a conflict of interest with the prior General Manager strongly urging the Board to pass a resolution agreeing to support the California WaterFix financially and her now current significant position with the design and construction commission with the WaterFix. She recommends that the Board investigate that whether during the time the recommendation was made was there was a conflict of interest. If so, she suggested that the Board should reconsider the financial support and make a substantial effort to educate the rate payers, public, and voters and get their input before making another decision.

Another concern this citizen has, is the employment issue for the California WaterFix on the agenda for Closed Session. To her understanding, under the Brown Act, descriptions in agenda should be at least twenty words to let the public know what the topic is and comment on it if they would like to. Mr. Aladjem stated that the Attorney General's guidance on the Brown Act says that an agenda item should not be more than twenty words. The agenda item in question, moreover, falls within the "safe harbor" agenda language that the Legislature deemed to be compliant with the Brown Act. Personnel

matters are always discussed in Closed Session and the agenda description was in compliance with the requirements of the Brown Act.

Linda Kelly, citizen of Pleasanton, stated that on September 20, 2017 the Board voted to fund the California WaterFix in resolution 17-75 and Fund 310 was allocated but listed in the budget as unfunded. Ms. Kelly stated that it was unclear how \$250,000 could come out of an empty fund and it is unclear if that is a total sum capped at that amount or an annual amount. Due to ongoing litigation she requests that the Board place this item back on the Agenda for a future meeting.

Item 7 – Minutes of the Regular Board Meeting of July 18, 2018 and Minutes of the Special Board Meetings of July 12, 2018 and May 2, 2018

Director Ramirez Holmes stated that a correction needed to be made to the spelling of Supervisor Haggerty's name in the May 2, 2018 Minutes. Director Quigley moved to approve the minutes of May 2, 2018 and Director Palmer seconded the motion. The minutes were approved by a voice vote of 7-0.

Director Quigley moved to approve the Minutes of July 12, 2018 and Director Stevens seconded the motion. The minutes were approved by a voice vote of 7-0.

Director Quigley moved to approve the Minutes of July 18, 2018 and Director Figuers seconded the motion. The minutes were approved by a voice vote of 6-0-1 with an abstention by Director Palmer.

Item 8- Consent Calendar

Director Quigley moved to approve Items 8a, c, d, and e. Director Figuers seconded the motion. The items passed with a voice vote of 7-0.

Director Gambs stated that Item 8b was a cost savings as the position it is replacing was a higher cost item and it's worth noting that the Agency is saving money. Director Gambs moved to approve Item 8b and Director Quigley seconded the motion. The item passed with a voice vote of 7-0.

Item 9a Employee of the Month

Ms. Pryor introduced Ms. Athena Watson, Associate Civil Engineer in the Facilities Engineering Section, as employee of the month. Ms. Watson has provided engineering support to Zone 7 Safety staff, worked with Operations and Flood Control staff to ensure Agency compliance with many regulations and she has successfully completed project deadlines under tight timelines. President Ramirez Holmes thanked Ms. Watson for attending the meeting.

Item 10 2018 Water Supply Evaluation Update

Ms. Pryor stated that Dr. Flores would present an informational update on the process that the Department will be going through over the next several months. There is a process from 2016 and it is now time to update before we buy some water supply options such as the Sites Reservoir and Los Vaqueros Reservoir Expansion. There are some decisions that will need to be made before the end of the calendar year. There are no speculations or results at this time, this is all about process.

Dr. Flores gave an overview of the water supply efforts over the last twenty years, presented the reliability policy adopted in 2012 and reviewed the portfolios that were developed as part of the 2016

evaluation update. Dr. Flores discussed the key issues to the long-term water conservation framework, reviewed process of the 2018 water supply evaluation and described water supply alternatives the Agency is considering. A regional demand study will be held with the retailers, with a kick-off meeting to be held on Monday, August 20, 2018.

Dr. Flores reported that there has been 800 acre feet of water transferred from River Garden Farms that has been used directly at the treatment plants.

Item 11 Shared Services Agreement with Alameda County Public Works Agency for Hydrologic Assistance

Jeff Tang explained that the Agency has an opportunity to share a contract for streamflow and rainfall gauging through Balance Hydrologics, Inc. with Alameda County Public Works Agency. This would provide an opportunity for expanding the data collection and to share data as Public Works does not have gauging sites in Eastern Alameda County. Zone 7 would benefit by not having to go through the procurement process as it was completed by Public Works. Zone 7 will reimburse Public Works for the cost incurred. All of the data will be sent directly to Zone 7. Director Figueroa stated that he had a great deal of respect and confidence from twenty years of knowledge about Balance Hydrologics, Inc.

Director Stevens moved to approve the item and Director Quigley seconded the motion. The item passed with a vote of 7-0.

Resolution No. 18-60 Shared Services Agreement with Alameda County Public Works Agency for Hydrologic Assistance

Item 12 Award of Contract for Weed Control Spraying Services

Weed abatement is necessary for fire suppression and general accessibility. Areas needing spraying are maintenance roads, channel banks, slopes, and bottoms, and fence lines. An outside contractor is utilized to perform this work as there is not in-house staff or equipment to perform this task. The contract was open for RFQ's from the end of June to the end of July. Recon Environmental, Inc. was the lowest responsible bidder.

Director Palmer moved to approve and Director Quigley seconded the motion. The item passed with a vote of 7-0.

Resolution No. 18-61 Award of Contract for Weed Control Spraying Services

Item 13 Proposition 3, Water Supply and Water Quality Act of 2018

President Ramirez Holmes described the State Proposition that was presented to the Board by Dr. Gerald Meral at the July Board Meeting. She asked for public comment and Dan McIntyre of Dublin San Ramon Services District (DSRSD) stated that the Association of California Water Agencies support this measure and DSRSD voted unanimously to support the measure and encourage Zone 7 to support it also.

Directors Gambas, Palmer, and Quigley felt that the proposition would be beneficial to Zone 7. Director Stevens and President Ramirez Holmes stated that the Department has never taken a **political** position on a ballot initiative. As there was not a resolution submitted, President Ramirez Holmes

asked for clarification on whether the Board was being asked to take a vote to take a position or to consider taking a position. Mr. Aladjem explained that the Board could decide to adopt a motion to consider to take a position at the next meeting or move to take a position at this meeting. President Ramirez Holmes stated that she did not want to set precedence for taking a position on political matters and further stated that she did not want the Board meetings to become filled with things for the Board to take a position on.

Director Sanwong suggested that the Board take a vote. Director Figurers stated not taking a position does not mean that the Agency cannot educate the public about the measure.

Director Ramirez asked for a voice vote on taking a position. The Board voted 4 – 3 not to take a position on Proposition 3, with Directors Figurers, Ramirez Holmes, Sanwong, and Stevens voting not to take a position and Directors Gambs, Palmer, and Quigley voting to take a position on Proposition 3.

Item 14 Quarterly Update on Del Valle Water Treatment Plant Ozonation Project

Ms. Pryor stated that this will be a new quarterly update since we have this major capital project going on. Brandon Woods, Project Manager provided a presentation with the current status of the project. He listed the benefits of the project: disinfection, significant reduction in Trihalomethanes, clarification enhancement, removing endocrine disrupters and pharmaceuticals,

Mr. Woods stated that everything was on schedule except for the switch from PG&E to PWRPA. Getting PG&E to commit to a certain time frame has been challenging as it much happen concurrently with PURPA. The project should still be completed by May 2020. There are also potential change orders due to electrical modifications and small items that come up during construction or are directed as a field order.

Director Ramirez Holmes thanked staff for providing the update.

Item 15 Reports – Directors

President Ramirez Holmes requested for each Director to email her with up to three committees in order of preference they would be interested in serving on, or if they are only able to serve on one or none at all, to let her know as well. Deadline for submittal to President Ramirez Holmes is Saturday, August 18, 2018.

Director Palmer shared about some of the **water and energy related** sites she saw during her trip to Iceland. She also described some of the items discussed at the ACWA Water Management Committee Meeting this morning in Sacramento such as the Fertilizer Dairy Bill and Safe Drinking Water Bill. Microplastic testing is a concern and Director Palmer proposed a presentation to be given at an ACWA Water Management Committee Meeting. Director Palmer mentioned the ACWA Region 5 tour that Zone 7 will be hosting will be on Sunday, September 16 and Monday, September 17, 2018. The tour will include visits to dams, wineries, the Southbay Aqueduct and the Del Valle Water Treatment Plant. President Ramirez Holmes stated that Directors should register through the Acting Board Secretary if they are interested in attending. She also stated the meeting that Zone 7 would be hosting the ACSDA meeting on Wednesday, September 12, 2018 and Directors are encouraged to attend, she will be out of town.

Director Quigley stated that he attended a Tri-Valley Conservancy Networking event and also an Energy Water Committee meeting for ACWA via phone to look at renewable energy sources a carbon footprint for water agencies. A follow-up meeting will be held on August 28, 2018 in Folsom, California.

President Ramirez Holmes thanked Director Gambs for the report he submitted.

Item 16 Items for Future Agenda- Directors

No items for future agendas were mentioned.

Item 17 – Staff Reports

Ms. Pryor stated that the November Board Meeting falls on the Wednesday before Thanksgiving and a Board report would be submitted in September to hold the meeting on an alternative Wednesday in November.

Ms. Pryor announced that the Water Liaison Committee Meeting previously scheduled for September 6, 2018 has been cancelled. She also provided an update on the storm repairs, eight repairs have been completed, four are in progress, and twenty-four are due to be done by October.

There **have** only been two customer complaints received this year regarding water taste and odor. This is a huge reduction from the eighty complaints received in 2017. The in-house monitoring program provides very fast turnaround for results and water quality and operations staff stockpiled chemicals this year to have a plan in place, also working closely with the Department of Water Resources to obtain data.

Mr. Solitei announced that there would be a public workshop on water rates on Wednesday, August 29, 2018 at 5pm. The main topics are: Where our Water Comes From, The Value of Water, Water Rating, Rate Setting Process, Challenges Facing the Tri-Valley Water Supply, and Resources. This is a joint effort between the Agency's retailers. Members of those agencies will be in attendance. The Board's attendance is not mandatory.

President Ramirez Holmes stated that everyone should have received a postcard regarding the Public Meetings on Water Rates, and is also noted on the website. The meeting will be televised and the public may email comments.

President Ramirez Holmes adjourned the meeting at 9:10p.m.