

**DUBLIN SAN RAMON SERVICES DISTRICT  
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

**August 19, 2014**

A regular meeting of the Board of Directors was called to order at 6:00 p.m. by President Georgean M. Vonheeder-Leopold. Boardmembers present: President Georgean M. Vonheeder-Leopold, Vice President Edward R. Duarte, Director D.L. (Pat) Howard, Director Richard M. Halket, and Director Dawn L. Benson. District staff present: Bert Michalczyk, General Manager; Rhodora Biagtan, Interim Engineering Services Manager; John Archer, Interim Financial Services Manager/Treasurer; Dan Gallagher, Operations Manager; Michelle Gallardo, Interim Organizational Services Manager; Carl P.A. Nelson, General Counsel; and Nancy Gamble Hatfield, District Secretary.

1. CALL TO ORDER

President Vonheeder-Leopold announced that immediately before this meeting of the Board of Directors of Dublin San Ramon Services District, Directors Benson and V.P. Duarte attended a Personnel Committee meeting, and Director Halket and President Vonheeder-Leopold attended a Finance Committee meeting. Pursuant to Government Code section 54952.3 and as further specified in DSRSD Policy P100-14-2, Day of Service, no Director will receive additional compensation or stipend for participating in more than one meeting on this date.

2. PLEDGE TO THE FLAG

3. ROLL CALL - Members: Benson, Duarte, Halket, Howard, Vonheeder-Leopold

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

Information Services Supervisor Bob Treppa introduced new employee, Aomar Bahloul, Information Technology Analyst II. He previously worked at the California State Bar Association as a Senior Systems and Network Engineer.

Aomar thanked the Board for the opportunity to be at the District.

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:03 p.m.

6. REPORTS

A. Reports by General Manager and Staff

- Event Calendar – General Manager Michalczyk reported on the following:
  - Former District Director Tom McCormick passed away last Friday, August 15, 2014. His memorial service will be held Thursday, August 28, 2014 at 10 a.m. at St. Raymond Catholic Church in Dublin. Tom was the third

longest serving Director after former Directors Jeff Hansen and Richard Fahey.

- Correspondence to and from the Board on an Item not on the Agenda

Date	Format	From	To	Subject
8/14/14	Letter	Andy Katz/ President EBMUD	Honorable Georjean Vonheeder- Leopold – President/DSRSD Board of Directors	Drought & EBMUD declaring drought emergency

B. Agenda Management (consider order of items) – No changes were made

General Manager Michalczyk reported that staff has received requests to postpone Board Business Items 9.B & 9.C and that the Board can consider doing so as each item comes up in turn on the agenda.

C. Committee Reports – None

7. APPROVAL OF MINUTES – Regular Meeting of August 5, 2014

Director Benson MOVED for the approval of the August 5, 2014 minutes. V.P. Duarte SECONDED the MOTION, which CARRIED with FIVE AYES.

8. CONSENT CALENDAR

Director Howard MOVED for approval of the items on the Consent Calendar. V.P. Duarte SECONDED the MOTION.

President Vonheeder-Leopold noted that on page 2 of Agenda Item 8.D – Amendment No. 8 to District General Counsel agreement there were some missing numbers.

General Counsel noted that the version on the internet was correct, but in photocopying a few numbers were omitted. The hourly rate for Robert B. Maddow should be \$250 and the hourly rate for the Paralegal should be \$125.

Director Howard amended his MOTION to accept the two hourly rate corrections noted to the Eighth Amendment to Agreement for General Counsel Services with Bold, Polisner, Maddow, Nelson & Judson. V.P. Duarte SECONDED the amended MOTION, which CARRIED with FIVE AYES.

- A. Approve a Transfer of \$750,000 from the Water Expansion Fund to the Water Rate Stabilization Fund – Approved – Resolution No. 45-14
- B. Adopt Revised Risk Management for District Agreements with Contractors and Consultants Policy and Rescind Resolution No. 16-10 – Approved – Resolution No. 46-14
- C. Adopt Revised Policies to Conform to Recently Adopted "Guidelines for Conducting District Business:" Casting District Ballots; Legislative Advocacy;

Construction Project Acceptance by GM; District Participation in Charitable Events and Community Service Activities; Auditor Selection and Services; Investment; and New-Revised Job Classification and Salary and Rescind Resolution Nos. 19-06, 55-03, 20-10, 39-06, 63-08, 15-12 and 71-11 – Approved – Resolution No. 47-14, Resolution No. 48-14, Resolution No. 49-14, Resolution No. 50-14, Resolution No. 51-14, Resolution No. 52-14, Resolution No. 53-14 and Rescind Resolution No. 19-06, Rescind Resolution No. 55-03, Rescind Resolution No. 20-10, Rescind Resolution No. 39-06, Rescind Resolution No. 63-08, Rescind Resolution No. 15-12, and Rescind Resolution No. 71-11

- D. Approve Amendment No. 8 to Agreement of February 8, 2002 with Bold, Polisner, Maddow, Nelson & Judson – District General Counsel – Approved – Resolution No. 54-14
- E. Approve Master Agreement for Consulting Services for Purchase of Trustworthy Electronic Content Management System (ECMS) OnBase Software and Professional Services from Hyland Software, Inc. (CIP A15-006) – Approved – Resolution No. 55-14
- F. Adopt Pay Schedule in Accordance with California Code of Regulations, Title 2, Section 570.5, Requirement for a Publicly Available Pay Schedule and Rescind Resolution No. 2-14 – Approved – Resolution No. 56-14
- G. Upcoming Board Calendar – Approved

9. BOARD BUSINESS

- A. Discuss Drought Management Program

General Manager Michalczyk reported that the community response to the drought emergency is still very good and customers are continuing to use about 30-35% less water than in 2013. The community effort is creeping up on the Governor's 20% reduction goal and Zone 7's 25% reduction goal. Every week that goes by is one less week of hot weather and potential problems. He remains optimistic. The Board did not direct staff to develop and changes to the program.

- B. Consider Appeal by Benjamin and Peggy Hearne of Staff Denial of an Exemption to Water Use Limitations

President Vonheeder-Leopold announced that Benjamin and Peggy Hearne requested a postponement of this agenda item until September 2, 2014. Hearing no objections from Directors, the item was postponed until the next Board meeting.

- C. Consider Appeal by Gregory Meyer of Staff Denial of an Exemption to Water Use Limitations

President Vonheeder-Leopold announced that Gregory Meyer requested a postponement of this agenda item until September 2, 2014. Hearing no objections from Directors, the item was postponed until the next Board meeting.

D. Consider Appeal by Valley Christian Center of a Staff Denial of an Exemption and a Waiver of Enforcement Action Related to Violation of Water Use Limitations

Operations Manager Gallagher addressed the Board and reported this agenda item is a request for an exemption from Valley Christian Center (VCC). Mr. Gallagher explained that the agenda materials also include an application for a waiver of a violation from VCC. VCC applied for an exemption after they had already received warning letters in June, 2014. At that time warning letters were considered violations. Staff asked VCC to submit a waiver form so the enforcement action could be resolved simultaneously with their exemption request. Since that time, the Board adopted a subsequent ordinance clarifying that warnings are not violations. As a result, VCC no longer needs a waiver for the warning letters they received, but they still have an outstanding request for an exemption to be allowed to water their grounds more than two days per week.

Mr. Gallagher further explained that in June, VCC received a warning for one of their accounts for operating their irrigation system more than two days per week, with some of that watering occurring during the prohibited hours of 9 a.m. to 6 p.m. On the other account, VCC received a warning for watering more than two days per week. VCC has two different meters for irrigation: a 1-inch meter for trees along Inspiration Drive and one athletic field, and a 2-inch meter that irrigates everything else. The 2-inch meter is also used for watering some new landscaping that was planted this summer. All of the new plantings are on drip irrigation, which is not restricted under the District's ordinance. However, VCC continues to use sprinklers to water turf grass around the campus. VCC has told District staff they cannot find a way to irrigate their grass within two days while still staying within the District's restricted hours. VCC has 103 zone valves with four clocks. Mr. Gallagher then invited Mr. Jerry Buffington, Landscape Supervisor, from Valley Christian Center to offer his comments.

Speaker: Mr. Jerry Buffington, VCC Representative – Mr. Buffington addressed the Board and stated they just have a mathematical problem at VCC because they cannot get all of their 100 valves watered in 30 hours per week (two days per week from 6 p.m. to 9 a.m.). They use rotor heads with low water nozzles that have to run approximately 30 minutes each to get the area watered. He explained that there are not enough hours in two days per week to accomplish watering the 50-acre site with two meters and the number of valves that they have. Mr. Buffington stated that VCC respects the District's two day per week irrigation restriction; however, they have this problem. They are hoping to be allowed to water their site four days per week. He noted that their 2-inch meter waters nearly their entire site. Mr. Buffington referred the Board to photos contained in the agenda packet materials. He said that their water use as compared to last year has

decreased, and some of the play areas are just dead. Valley Christian Center conducted a water audit with Zone 7 some time ago, and as a result changed a lot of sprinkler heads to improve water use. They have 10 clocks with 103 valves. He noted how brown the softball field is where the girls play. When a clump of this grass dies on that field, it makes a hole thereby causing a hazard, which is different than a Bermuda lawn.

Director Benson asked Mr. Buffington if they have considered trucking in and using recycled water on their campus. Mr. Buffington responded they have not, and it is not feasible due to fields at different elevations and technical challenges; however, he stated if there was a pipe with recycled water to their location they would use it.

Director Howard commented that VCC is watering their site 44 hours two times per week, or 88 hours total per week. He told Mr. Buffington that using water for that many hours per week amounts to a lot of water. Director Howard suggested VCC look around at the condition of local parks and their lawns, and if need be, shut off the VCC irrigation, especially if their lawns are already dead. He noted that Mr. Buffington said the elementary fields are already dead.

Mr. Buffington told the Board he is already omitting many stations and letting landscape wither. His goal is to keep the lawns green and the fields alive. He invited Directors to visit the site for a tour. He said he would like to water only two days per week, but he cannot accomplish what is needed. In past years, they ran the irrigation seven days per week.

V.P Duarte mentioned that he understood brown playing fields are not ideal. He asked Mr. Buffington if VCC could do even more with their water cutbacks. He urged for even more of a compromise to a barely tolerable level, just like what others are doing with regard to landscape irrigation.

President Vonheeder-Leopold wanted to know if each valve could operate satisfactorily for just 20 minutes and if that would work out mathematically.

Mr. Buffington told President Vonheeder-Leopold that the rotor heads are slow with very fine nozzles that mist the top surface of the grass. In a normal environment they run for 45 minutes to an hour, and now they are at half or less the normal run time.

Director Benson asked if Mr. Buffington had talked to any irrigation specialists about changing their irrigation configuration to modify the system.

Mr. Buffington recounted that as a result of the Zone 7 water audit that was done about two years ago, they implemented all of the recommendations and changed out hundreds of spray heads to the MP rotors to get away from spray heads, and they reconfigured their 20-year old system to the extent they could. He noted

that VCC has plans to build a stadium and change out their grass athletic fields to artificial turf in the next three to five years.

Director Halket asked Mr. Gallagher if VCC would be in compliance with the water use limitations if they watered only two days per week, and if there is any other criterion that restricts VCC's irrigation use.

Mr. Gallagher said that Ordinance No. 333 limits irrigation to two days a week and only between 6 p.m. and 9 a.m. He said that the ordinance also restricts irrigation to an application schedule not greater than approximately 50% of the evapotranspiration rate needed for the customer's landscaping.

Director Benson asked Mr. Buffington if they have any water leaks.

Mr. Buffington assured Director Benson that they do not have any water leaks because these would show up on reports.

President Vonheeder-Leopold asked the Board what they wanted to do.

Director Howard MOVED to deny the request for an exemption for Valley Christian Center. The MOTION DIED for lack of a Second.

President Vonheeder-Leopold reviewed the actions VCC has taken to improve their water situation and the challenges that remain. They had a water audit, they changed their sprinkler heads, they only have two irrigation meters, their water pressure is part of the problem and there are not enough hours in the day to reduce their watering cycle down to two days per week.

Director Halket commented that he is concerned about the situation at VCC. On the 1-inch meter they are down 27% in water use from a year ago. There is also a similar pattern for their 2-inch meter. However, District customers have been asked to reduce outside irrigation by 40% to 50%, and all customers have to sacrifice some.

Mr. Buffington stated that one of their playing fields is almost 100% gone, as well as other areas. He said he is more than willing to go back to VCC and find more ways to modify the system that he has, but the big problem is that he cannot figure out a way to water the site in only two days per week.

Directors discussed with Mr. Buffington other ways to reduce water use and number of days to water their site without being in violation of the ordinance.

President Vonheeder-Leopold asked General Counsel Nelson what would happen if the Board took no action.

Mr. Nelson advised that the appeal would be denied and then the accounts would be subject to enforcement.

President Vonheeder-Leopold MOVED to grant an exemption to Valley Christian Center and allow for four days of watering per week, further stipulating that no area (zone) be watered more than twice per week, and that the watering time for each zone be cut to 20 minutes per zone. V.P. Duarte SECONDED the MOTION. The following discussion ensued.

Director Benson proposed that VCC water for less time than 20 minutes.

Director Halket asked Director Benson if she was making a substitute motion.

Director Benson stated that she was not, and that she was only exploring other possible ideas.

General Manager Michalczyk stated that VCC has two irrigation meters. He asked President Vonheeder-Leopold if her motion for an exemption referred to each meter being operable four days per week.

Mr. Buffington stated he would just like permission to operate their system in a four day window. He would run each zone only two days per week, but he needs four days to do the cycle. He stated that Aquahawk will display when the 1-inch meter is operating, and when the 2-inch meter is operating.

Director Howard asked if the 1-inch and the 2-inch meters are both run four days per week.

Mr. Buffington stated that he only operates the 1-inch meter two days per week now, so he could accept not having an exemption for that meter. However, he said that he needs to run the 2-inch meter more than two days per week.

Director Howard clarified with Mr. Buffington that currently his 1-inch meter is run only two days per week, and he is asking that the 2-inch meter be allowed to run four days per week.

Mr. Buffington acknowledged this as correct.

Mr. Michalczyk advised the Board that it would be best to separate the 1-inch and the 2-inch meters in their actions. The Board should decide whether to grant an exemption for the 1-inch meter, and then the Board should decide whether to grant an exemption for the 2-inch meter.

Director Howard made a SUBSTITUTE MOTION to deny Valley Christian Center's request for an exemption for the 1-inch meter. Director Halket SECONDED the MOTION.

The MOTION CARRIED with FIVE AYES.

President Vonheeder-Leopold MOVED that Valley Christian Center be granted an exemption from water use limitations for the 2-inch meter to irrigate four days per week, on the condition that no zone or valve would water more than two days per week, and that VCC would reduce their run time for each zone station from 30 minutes to 20 minutes, and that they must do all of their watering between 6 p.m. and 9 a.m. V.P. Duarte SECONDED the MOTION.

The MOTION FAILED due to only two Affirmative Votes (Vonheeder-Leopold and Duarte).

Director Benson MOVED that Valley Christian Center (VCC) be granted an exemption from water use limitations for their dedicated irrigation account with the 2-inch meter with the following conditions: irrigation will be allowed up to three days per week as long as no zone or valve is operated more than two days per week, and VCC must reduce their run time for each zone from 30 minutes to 15 minutes or otherwise achieve a reduction of 50% from the original timer settings, and VCC must do all of their watering between 6 p.m. and 9 a.m. Director Howard SECONDED the MOTION.

The MOTION CARRIED with FOUR AYES, ONE NAY (Vonheeder-Leopold).

10. BOARDMEMBER ITEMS

Director Howard commented that his wife recently met with Dublin Vice Mayor Don Biddle who says the city is still very interested in getting grants for recycled water for the west side of Dublin.

V.P. Duarte reported he was absent at the last Board meeting due to a family emergency so he was unable to present his report on the Contra Costa Special District Association meeting that he attended along with President Vonheeder-Leopold on July 21, 2014. He thanked President Vonheeder-Leopold for her consideration in extending the deadline for him to do so given the circumstances and stated that he has now submitted his written report.

Director Benson requested that the Board meeting be adjourned in honor of former Director Tom McCormick. She mentioned how special he was to her and how supportive he and his wife Claudia have been to her. Director Benson also commented that on the same day Director McCormick passed away, she also lost one of her best friends to breast cancer, Candace Rice Durr.

Director Benson noted that EBMUD declared a water shortage on August 12, 2014. She thanked staff for continuing to keep DSRSD so positive in the press. She mentioned how impressed KTVU reporter John Fowler is with the District's Aquahawk portal.

Director Halket commented that he will miss former District Director Tom McCormick very much.

President Vonheeder-Leopold reported that she attended the Tri-Valley Visitors Convention, now known as Visit Tri-Valley. She discussed some of the information she learned. She stated the area is becoming more of a destination. She reported on the August 12, 2014 ACSDA Executive Committee meeting she attended at the Castro Valley Sanitary District. She submitted her report for that meeting.

11. CLOSED SESSION

At 7:02 p.m. the Board went into Closed Session.

A. Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6

Agency Negotiator: Bert Michalczyk, General Manager

Unrepresented Employees: 1. Interim Engineering Services Manager  
2. Operations Manager  
3. Interim Financial Services Manager  
4. Interim Organizational Services Manager

Additional attendees: General Counsel Carl P. A. Nelson  
Michelle Gallardo, Interim Organizational Services Manager  
Bruce Lawson, Fox Lawson & Associates

12. REPORT FROM CLOSED SESSION

At 7:22 p.m. the Board came out of Closed Session. President Vonheeder-Leopold announced that there was no reportable action.

13. ADJOURNMENT

At 7:23 p.m. President Vonheeder-Leopold adjourned the meeting in honor of former District Director G.T. (“Tom”) McCormick who passed away on August 15, 2014. Tom was a 17-year Boardmember of Dublin San Ramon Services District. He was passionate about serving his community and very involved in the history of the area. He served as an administrator for Alameda County and became the Executor and Estate Administrator for Alameda County for several years. President Vonheeder-Leopold wished Tom McCormick Godspeed.

Submitted by,

Nancy Gamble Hatfield  
District Secretary