

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
September 23, 2010

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on September 23, 2010 at 8:30 a.m. at The Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California.

The following Members of the Board were present:

Mr. Benjamin Carter, President
Ms. Teri Rie, Vice President
Mr. Butch Hodgkins, Secretary
Mr. John Brown
Ms. Emma Suarez

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Dan Fua, Supervising Engineer
Mr. Curt Taras, Supervising Engineer
Mr. Gary Lemon, Staff Engineer
Ms. Nancy Moricz, Staff Engineer
Mr. James Herota, Staff Environmental Scientist
Ms. Amber Woertink, Office Technician
Ms. Jill Phinney, Support Staff
Ms. Deborah Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Jeremy Arrich, Chief, Flood Project Inspection and Integrity Branch
Mr. Gary Bardini, Chief, Division of Flood Management
Mr. Mike Mirmazaheri, Chief, Bay-Delta Levees Branch
Mr. Earl Nelson, Project Manager
Mr. Kasey Schimke, Assistant Director, Legislative Affairs
Ms. Jennifer Stephenson, Project Manager
Mr. Keith Swanson, Chief, Flood Maintenance Office
Mr. Ward Tabor, Assistant Chief Counsel
Mr. Kent Zenobia, Chief, Project Delivery Branch

Also Present:

Mr. Jesse Barton, Levee District 1
Mr. John Bassett, Sacramento Area Flood Control Agency
Mr. Gilbert Cosio, MBK Engineers
Mr. Doug Lashmett, California Emergency Management Agency
Ms. Meegan Nagy, United States Army Corps of Engineers
Mr. Javed Siddiqui, Siddiqui Family Partnership
Mr. Jeff Twitchell, Levee District 1

1. ROLL CALL

President Carter welcomed everyone and requested Executive Officer Punia to call the roll. All Board members were present.

2. APPROVAL OF MINUTES

Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board unanimously approved the Minutes for July 23, 2010.

3. APPROVAL OF AGENDA

Executive Officer Punia gave the staff recommendation that Items 8C, 8D, and 8G be postponed, and that Board-sponsored projects and study agreements Items 12A and 12B also be postponed.

Upon motion by Board Member Brown, seconded by Board Member Teri Rie, the Board unanimously approved the staff recommendation given above.

4. PUBLIC COMMENT – NONE

5. ELECTION OF BOARD OFFICER

President Carter stated that at last month's meeting, Mr. Hodgkins had been elected Board Secretary. The role of Board Vice-President was now open. Board Member Suarez nominated Board Member Rie to serve as Vice President.

Board Member Brown moved to close the nominations and Secretary Hodgkins seconded. The Board voted unanimously for the appointment.

6. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)

Mr. Gary Bardini, DWR Division Chief, gave an update of department activities.

- Emergency Operations: Much preparation has been occurring for flood season. Pre-coordination meetings have been held with agencies throughout the state, particularly the Central Valley. DWR staff is receiving Standard Emergency Management System training updates.
- Water conditions: Storage is about average to date; this really means that when flood season arrives, the incidental flood benefit of having additional storage won't be present.

Also Present:

Mr. Jesse Barton, Levee District 1
Mr. John Bassett, Sacramento Area Flood Control Agency
Mr. Gilbert Cosio, MBK Engineers
Mr. Doug Lashmett, California Emergency Management Agency
Ms. Meegan Nagy, United States Army Corps of Engineers
Mr. Javed Siddiqui, Siddiqui Family Partnership
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- Water conditions: Storage is about average to date; this really means that when flood season arrives, the incidental flood benefit of having additional storage won't be present.

- Operation and Maintenance: DWR is proceeding on the Sutter Bypass East Borrow Channel water control structures and construction.
- Projects:
 - The Marysville Ring Levee project achieved a significant milestone in that credits and funding enabled Phase 1 to begin; a groundbreaking ceremony was held.
 - DWR staff will travel to Washington D.C. to help promote the American River Common Features GRR to the Civil Works Review Board. This will provide an opportunity to bring final closure to the project.
- Engineering and evaluations: The Flood System Status Report is progressing with much geotech and engineering information. DWR is moving into the more definitive level of analysis for the planning effort.
- Legislation: DWR will be going to Washington D.C. to promote funding needs with the Office of Management and Budget.
- Alignment with the Corps: DWR is developing a Letter of Agreement that would provide additional funding to help with broader coordinations at different program levels.

Mr. Kasey Schimke, DWR Assistant Director, went over the current year legislation.

- There are some technical clean-up bills relating to the 2009 water package legislation that passed.
- AB 1788 by Assembly Member Yamada redefines how disadvantaged communities are determined – income versus poverty level.
- SB 808 by Senator Wolk has become law. It extends the DWR's Delta Levee Subventions Program cost share.
- SB 991 by Senator Wolk is an appropriation of additional Proposition 1E funding for some specific work on the Sacramento River levees evaluation.
- SB 1070 by Senator Cogdill makes a technical change as to how the Tulare Lake Basin is defined.

As these bills are acted upon by the Governor, DWR will do a final end-of-year update that will be posted on the website.

Mr. Ricardo Pineda, DWR Floodplain Management Branch Chief, gave an update on the DWR Flood Risk Notification Program. The goal for getting the flood risk notice out to property owners protected by facilities of the State Plan of Flood Control was September 2010.

Mr. Pineda noted that a website has been developed, and levee flood protection zone maps produced, as legally required. A total of about 290,000 notices have been mailed out, also legally required. A letter will be mailed out to the remaining 20,000 people who own multiple properties. The notice focuses on knowing about your flood risk and being

prepared, and considering to buy flood insurance, prevent problems, and protect your property.

Mr. Pineda read from the various types of comments that DWR is getting in response to the notices. A large number were requesting more information about their flood risk.

It is the first program of this nature in the U.S. It meshes with FEMA's risk map program. FEMA wants communities to use their flood maps for communicating the risk, planning for the risk, and mitigating the risk – not just for insurance and zoning.

Mr. Jeremy Arrich, DWR Flood Project Inspection and Integrity Branch Chief, updated the Board on Phase 2 of the four-phase planning process for completing the 2012 Central Valley Flood Protection Plan. The purpose of Phase 2 is to identify and develop management actions, which can be both structural and non-structural measures that will serve as tools for resolving some of the problems and opportunities identified during the Phase 1 process.

- Public workshops and regional workgroup meetings were recently held.
- Mr. Arrich gave an illustration of how the group developed the management actions and how they are using them in the overall process.
- They will continue revising the management action evaluation forms, according to the feedback received from those attending the workshops. They are currently drafting the management actions report.
- Several important documents serve to progress the development of the plan:
 - The State Plan of Flood Control descriptive document
 - The State Plan of Flood Control history document
 - The Flood Control System Status Report
 - The progress report
- The agreement for the federal companion study – the Central Valley Integrated Flood Management Study – has been signed by the Board and DWR.
- DWR will target developing a companion document to the 2012 plan with the federal government.

Mr. Arrich answered questions from the Board about the various reports.

7. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items.

- Mr. Eric Butler, Senior Engineer, suffered the tragic loss of his 16-year-old son in an accident.
- The Corps issued ten levee system ratings this month. Five systems were rated unacceptable and deemed inactive in PL 84-99 rehabilitation program. The remaining five systems were deemed minimally acceptable.

- The Corps also held a conference call with the media announcing the results of their periodic inspections. Staff will be providing further details to the Board regarding these results and the plans of action that follow.
- Family Water Alliance has begun installing three fish screens on water intakes along the Sacramento River.
- RD 17 was issued a permit and has begun levee construction. CVFCB inspection staff realized that they were not complying with the Board permit conditions. After numerous discussions and meetings, RD 17 assured staff that they will be fully complying with the conditions. Mr. Len Marino, Chief Engineer, supplied details to the Board.
- Placer County Department of Public Works planned to update several of their bridges, but was not aware that it was supposed to get the Board permit before working on its bridge permit application. Staff is educating and coordinating with them.
- Staff attended the Sacramento County Board of Supervisors hearing in support of open pit mine enforcement on Cosumnes River. Mr. Curt Taras, Supervising Engineer, represented the Board; the mine was in its jurisdiction and an enforcement action was pending.
- Staff is enforcing the Board's regulation regarding State Railroad Museum trains parked on the Sacramento River levee, by putting the City on notice.
- State and federal water contractors are proposing a salmon habitat restoration project in the Yolo Bypass. Spoil from the project would be reused to construct a waterside berm in the Reclamation District 2068 levee, and conceptual plans are in the initial stages.
- Staff issued a permit for the West Sacramento Bridge District Project. They participated in a groundbreaking ceremony.
- Board staff received a fully executed cost share agreement from the U.S. Fish and Wildlife Service that they will provide \$75,000 toward the development of the Sutter Bypass 2D model. Executive Officer Punia commended David Williams for his persistent efforts.
- FloodSAFE Yolo is planning a "meet and greet" with Colonel William Leady on October 26, and has invited one Board member and staff to participate.
- The Delta Stewardship Council has sent a letter seeking Board input for the Delta plan – priorities for the State's investment in the Delta.

Secretary Hodgkins noted that at the multi-agency task force meeting, the Corps' inspection of the levees and their release of information was described. Many people have been put on notice that they could lose eligibility for PL 84-99. The connected Resource Agencies asked that the Board reach out to those people, to ensure that they understand the notifications. Secretary Hodgkins felt that working now with the Corps to meet and communicate with the agencies would be appropriate.

9. CONSENT CALENDAR

A. Permit No. 18585, City of Fairfield

Consider approval of Permit No. 18585 to install a 36-inch diameter water transmission line under the Laurel Creek Bypass in the City of Fairfield. (Solano County)

B. Permit No. 18606, California Department of Water Resources

Consider approval of Permit No. 18606 to raise the elevation of an existing fish release pipe, construct a reinforced concrete pad, and regrade the gravel area around the pad on the right (north) bank levee of the San Joaquin River south of Rio Vista near the intersection of Sherman Island East Levee and Sherman Island Cross Roads. (Sacramento County)

E. Permit No. 18611, Marshall Pylman

Consider approval of Permit No. 18611 to remove an existing irrigation pipe and replace it with a new steel pipe up and over the right (west) bank levee of the Sacramento River at River Mile 35.12 in Clarksburg. (Yolo County)

F. Permit No. 18613, Reclamation District 3

Consider approval of Permit No. 18613 to construct a 900-foot-long, 250-foot-wide seepage berm along the landside toe of the left (east) bank levee of Steamboat Slough west of Ryde at River Mile 19.8. (Sacramento County)

H. California Department of Fish and Game, Merced River Ranch Rehabilitation Project – Application No. 18622, Fresno County

Consider the approval of Permit No. 18622 to excavate, fill, regrade and process approximately 56,000 cubic yards of material within the Merced River Designated Floodway east of Snelling.

I. White River/Deer Creek Feasibility Study Letter of Intent

Consider approval of Resolution No. 10-40 to:

1. Approve a Letter of Intent to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and County of Tulare in the White River/Deer Creek Feasibility Study in substantially the form presented to the Board.
2. Delegate to the Executive Officer the authority to sign the Letter of Intent in substantially the form presented to the Board.

J. Frazier Creek Feasibility Study Letter of Intent

Consider approval of Resolution No. 10-41 to:

1. Approve a Letter of Intent to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and County of Tulare in the Frazier Creek Feasibility Study in substantially the form presented to the Board.
2. Delegate to the Executive Officer the authority to sign the Letter of Intent in substantially the form presented to the Board.

K. Rock Creek/Keefer Slough F.S. Letter of Intent

Consider approval of Resolution No. 10-42 to:

1. **Approve a Letter of Intent to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and County of Butte in the Rock Creek/Keefer Slough Feasibility Studies in substantially the form presented to the Board.**
2. **Delegate to the Executive Officer the authority to sign the Letter of Intent in substantially the form presented to the Board.**

Executive Officer Punia noted that there were minor corrections to Items 8I, 8J, and 8K, but they were not of substance.

Vice President Rie asked about the schedule for construction of the seepage berm of Item 8F. Mr. Gilbert Cosio, Vice President of MBK Engineers, provided background information and responded that the berm would be constructed soon after the flood season.

Upon motion by Board Member Brown, seconded by Vice President Rie, the Board voted unanimously to approve the items on the Consent Calendar.

10. HEARINGS AND DECISIONS

A. Sacramento Area Flood Control Agency Natomas Levee Improvement Program – Application No. 18159-7, Sacramento County

Consider the approval of Permit No. 18159-7 to construct approximately 3.8 miles of raised and strengthened levee adjacent to the landside of the existing levee, and install a cutoff wall and seepage berm where required on the left (east) bank levee of the Sacramento River approximately five miles downstream from the Natomas Cross Canal along the Garden Highway.

Ms. Nancy Moricz, Staff Engineer, gave an overview of the project location and a project analysis. Mr. James Herota, Staff Environmental Scientist, answered Board questions regarding the California Environmental Quality Act (CEQA) factors.

The applicant, Mr. John Bassett, Director of Engineering for Sacramento Regional Flood Control Agency (SAFCA), addressed the Board on the task of constructing and raising the levee. He also mentioned changes to Permit Conditions 20, 21, 49, and 76; Ms. Moricz noted that staff was in agreement with them.

Mr. Javed Siddiqui spoke on behalf of the Siddiqui Family Partnership, wishing to be on record that the family supports SAFCA's efforts to provide 100-year and 200-year flood protection for the Natomas Basin. He stated that the family has previously requested SAFCA's help in making emergency bank protection repairs to structures at 5191 Garden Highway.

Mr. Kent Zenobia, DWR Project Delivery Branch Chief, stated that this is an Environmental Integrity Project (EIP) and his office is in support of it, and is working closely with SAFCA.

Ms. Meegan Nagy, Chief of the Corps Flood Protection and Navigation Section, said that while they don't have Headquarters approval yet for the 408 action, they don't anticipate any problems.

Upon motion by Vice President Rie, seconded by Board Member Suarez, the Board voted unanimously to adopt Resolution 10-44, with a change to page 2 to acknowledge its version 4 of the draft interim levee design criteria, and the changes to Conditions 20, 21, 49, and 76 of Permit Number 18159-7.

11. POLICY DISCUSSION

A. Review of Process Upgrades Proposed for Improving the Response Time and Reducing the Backlog of Encroachment Permit Applications Under Joint Review by the Central Valley Flood Protection Board and the U.S. Army Corps of Engineers.

Mr. Marino began the presentation by reading the introduction into the record: "We're here to review the process and proposed upgrades for improving the response time and reducing the backlog of encroachment permit applications under joint review by the Central Valley Flood Protection Board and the U.S. Army Corps of Engineers."

The purpose of the policy discussion was two-fold:

1. Review the encroachment permit process and the improvements that staff is proposing.
2. Review the need for Corps review of permit applications for projects that are outside of the federal project jurisdiction.

Mr. Marino described types of documents, timeframes, procedures of the approval process and obstacles for meeting deadlines. He noted that the key to the issue is to get a meeting of the minds between his technical staff and the applicant's technical staff. When that working relationship is established the process runs smoothly.

The Board agreed to make a request to the State either to authorize overtime or to make an exemption from State agency furloughs when staff is processing permits.

Mr. Marino pointed out that staff needs to allow adequate time for a meaningful legal review. A continuing source of frustration is that they need an in-house attorney, working in the same facility, current on the status of permits from day to day.

He went over some improvements the staff is working on.

- Improving communications and coordinating with the Corps to minimize disagreements over the backlog.
- A tracker was instituted about a year ago for making reports to the Board on the status of the various permits.
- Recording the number of permits submitted for review, the number of Corps letters received, and the number of Corps requests for additional information.
- Coordinating twice a month, at a minimum, with Corps staff on strictly permit matters.

- Seeking to get technical assistance through contracts; they have drafted a task order that is waiting in the contracts office.
- State funding was sought for additional Corps staff, but the action wasn't successful.
- Seeking to allocate staff or funding for big projects, such as high-speed rail and CalTrans with 30 or 40 different bridge projects.

The Board discussed the idea of having applicants pay consultants to expedite their permits through the process.

Mr. Marino addressed the need for a Corps letter on projects that do not affect the federal system. He remarked that staff has the ability to use their own judgment in deciding whether or not to send a non-federal permit to the Corps for review.

Ms. Meegan Nagy, Corps Chief of the Flood Protection and Navigation Section, presented the Corps side of the process of producing a letter. While the Board staff is looking at Title 23, the Corps is looking at whether it adversely affects the functioning of the project. The biggest focus is on geotechnical standards, hydraulic standards, operations and maintenance, and occasionally structural.

Ms. Nagy explained that Corps staff has been working internally to write a Standard Operating Procedure, with the intent of giving it to Board staff so they can see what the Corps is looking for – sometimes that is what causes confusion.

She also suggested that for the average homeowner who can't afford hiring a consultant to help with the permit, information on the CVFPB website of how to set up a permit application – showing all the necessary elements, as well as examples of what a cross-section or plan view should look like -- would help everyone: the homeowner, CVFPB, and the Corps.

Secretary Hodgkins said that he and Mr. Marino would work together to write a summary of the discussion and the directions that the group is pursuing, and distribute that to the Board for review. It would provide a record of the suggestions agreed upon during the discussion.

B. Review of the Board's Encroachment Enforcement Hearing Processes.

Ms. Deborah Smith, Staff Legal Counsel, stated that she and Mr. Dan Fua, Staff Supervising Engineer, had incorporated the Board's concerns and comments from the previous meeting into the existing document. President Carter reminded the group that the document was intended to clarify the hearing process – hopefully to eliminate any confusion on the part of Board staff, respondents, and their representatives.

All Board members stated that they were comfortable with the revised document.

The Board then reviewed a draft process flow. It had originated from a request from the Roundtable to Colonel Leady last August 24, to continue PL 84-99 eligibility based on progress that the State was making with respect to addressing encroachments and vegetation.

There had been a flowchart of the CVFPB enforcement process in that document. President Carter had asked Mr. Fua and Ms. Smith to review it to ensure consistency with

regulations and the process the Board was considering. The flowchart was meant to complement the written document.

*Upon **motion** by Board Member Suarez, seconded by Secretary Hodgkins, the Board voted unanimously to adopt the Central Valley Flood Protection Board enforcement proceedings pursuant to Title 23, the written document and the flowchart.*

12. REQUESTED ACTIONS

A. Tier 1B Revisions to Title 23 of the California Code of Regulations Implementing Recent AB 1165 Legislation Including Delegated Authority to the Executive Officer, Enforcement Actions, Ex-Parte Communications, and General Policy Changes

Mr. Taras presented the Committee report for the Tier 1B regulation revision. Tier 1B revisions address four major areas:

- Delegated authority to the Executive Officer for permitting.
- Ex parte communications.
- Enforcement actions.
- General cleanup language not addressed in Tier 1A.

The regulation revisions fulfill the requirements of AB 1165, which has been amended in the California Water Code.

Mr. Taras and Ms. Smith went over the revisions with the Board. Secretary Hodgkins suggested adding the stipulation that if there is an ex parte communication, the Executive Officer must be notified, who then notifies the Board before they take action on the item.

*Upon **motion** by Secretary Hodgkins, seconded by Board Member Suarez, the Board voted unanimously to direct staff to continue and finalize the draft regulations – with language for the regulations regarding ex parte communication containing the proposed changes by Secretary Hodgkins with respect to timing and full disclosure; and also with the draft regulations regarding general cleanup language.*

B. Consider Approval of Staff Recommended Budget and Funding Allocation Plan under the Delta Levees Maintenance Subventions Program for FY 2010-11

Mr. Mike Mirmazaheri, DWR Bay-Delta Levees Branch Chief, gave a presentation on the funding plan that staff had prepared for the Delta Levees Maintenance Subventions Program. In a general overview he noted that the program is under the California Water Code Sections 12980-12995. The Water Code recognizes the beneficiaries and risks in the Delta. The intent of the legislature is to preserve the Delta levees for the benefit of habitat and agriculture as they exist now; and it establishes State cost share criteria.

The goal of the program is to reduce the risk to land use and associated economic activities. The bottom line is to protect the water supply, infrastructure and ecosystem in the Delta.

Mr. Mirmazaheri explained the related legislation. Mr. Doug Lashmett, California Emergency Management Agency (CalEMA), described the Memorandum of Understanding (MOU) which concerned levee elevations. Mr. Mirmazaheri closed by explaining the funding.

Upon motion by Vice President Rie, seconded by Secretary Hodgkins, the Board voted unanimously to approve Table 2 and authorize DWR staff to proceed with appropriation and circulation of the work agreements for signature by the Board's Executive Officer.

C. Levee District 1 (LD-1), Star Bend, EIP Project – Operations, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) Agreement Execution Between the Central Valley Flood Protection Board and LD-1

Ms. Jennifer Stephenson, DWR Project Manager, began the presentation. She stated that the construction of LD-1, completed in November 2009, consisted of a 3,400 foot setback levee relocation of irrigation facilities and environmental mitigation enhancements.

Project objectives were to provide a setback levee reducing the water surface elevation at the Star Bend location, and to meet the State's 200-year flood risk protection plan by 2025. The project provides floodway and habitat enhancement opportunities.

Mr. Jeffrey Twitchell, Levee District 1, distributed the permit from last year. He gave some background on the project, as well as contents and intent of the OMRR&R. Helping to answer Board questions were Mr. Keith Swanson, DWR Flood Maintenance Office Chief, and Mr. Earl Nelson, Lower Feather River Corridor Management Project Manager.

Issues arose regarding incidental take coverage and the lack of progress since June on the project. Mr. Jesse Barton, Special Counsel for LD-1, and Mr. Ward Tabor, DWR Assistant Chief Counsel, responded to Board concerns.

Upon motion by Vice President Rie, seconded by Board Member Brown, the Board voted to approve the agreement and delegate the authority to execute the agreement to President Carter, with an advisory note to DWR that the Board would like to have this long-term management plan in place, and it is just advisory; and with a paragraph to be added to the agreement by Mr. Tabor regarding the 60-day time period for the long-term management plan. The motion carried with Board Member Suarez abstaining.

13. BOARD COMMENTS AND TASK LEADER REPORTS

Board Member Brown reported that along with Secretary Hodgkins, he had a partners meeting with Mr. Jeremy Arrich and his staff. Board Member Brown also had a meeting with Mr. Neil Schild of Montgomery Engineers, who is interested in how to run pipelines through and over the levees.

In addition, Board Member Brown attended a groundbreaking ceremony of the Marysville Ring with Secretary Hodgkins. He also helped to draft a letter to Mr. Tom Howard of the State Water Resources Control Board.

Secretary Hodgkins reported that he attended the interagency task force meeting, where they talked with the LMAs about the vegetation issue to ensure that they understand the

nature of the framework agreement. Also at that meeting, regarding version 4 of the interim levee construction criteria, there was a proposed provision dealing with a long-term approach to vegetation: to follow the lifecycle approach whereby if vegetation is a threat to public safety it will be removed; otherwise, it will remain and be removed when it ends its natural life.

Vice President Rie reported that the Bay Area Flood Control Associations were going to have a press conference on October 11, to discuss the levee vegetation policy.

14. FUTURE AGENDA

Vice President Rie stated that scheduled for the next meeting were several consent items, some Board-sponsored projects and study agreements, the Sacramento River Evaluation Study, the Yuba River Basin California project, the Lower Cache Creek Feasibility Study, and the Cache Creek Critical Erosion Repair Project (items that were removed from the current meeting).

Board Member Brown requested a progress report on the Fresno River water rights issues from Executive Officer Punia.

15. CLOSED SESSION

Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board met in Closed Session to consider potential litigation involving the Board.

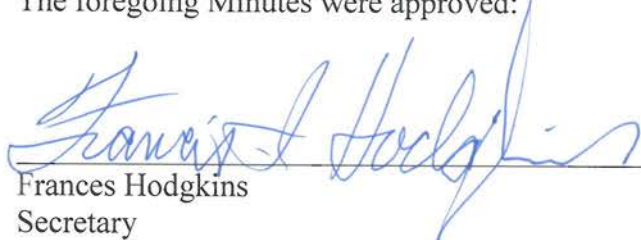
Vice President Rie stated that as they did not have a quorum, they took no action.

16. ADJOURN

Vice President Rie adjourned the meeting at 5:27 p.m.

Dated: July 22, 2011

The foregoing Minutes were approved:



Frances Hodgkins
Secretary



Benjamin F. Carter
President