

**MINUTES OF THE  
SPECIAL MEETING OF THE BOARD OF DIRECTORS  
OTAY WATER DISTRICT  
August 19, 2003**

1. The meeting was called to order at 4:08 p.m. by President Lopez.

2. **ROLL CALL:**

Directors Present: Bonilla, Breitfelder, Croucher, Lewis and Lopez

Staff Present: General Manager Robert Griego, Asst. GM Finance and Administration German Alvarez, Asst. GM Engineering and Operations Manny Magana, General Counsels Bonifacio Garcia and Yuri Calderon, District Secretary Susan Cruz and others per attached list.

3. **MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE**

The pledge of allegiance was followed by a moment of silence in honor of the victims and families of the 9/11 tragedy.

4. **APPROVAL OF AGENDA**

A motion was made by Director Bonilla, seconded by Director Breitfelder and carried with the following vote:

Ayes:	Bonilla, Breitfelder, Croucher, Lewis and Lopez
Noes:	None
Abstain:	None
Absent:	None

to approve the agenda.

5. **PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA**

No one wished to be heard.

6. **CLOSED SESSION**

The Board recessed into closed session at 4:09 p.m. to discuss the following matter:

a) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
[GOVERNMENT CODE §54956.9(b)(2)]

- i) CALIFORNIA BANK & TRUST v. AULD GOFF COURSE, STRODE, OTAY WATER DISTRICT, RENO CONTRACTING, INC.
- ii) RUBEN RODRIGUEZ v. OTAY WATER DISTRICT

**7. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION**

The Board reconvened at 6:19 p.m. General Counsel Bonifacio Garcia indicated that the Board had met in closed session to discuss the above matters and took no reportable actions.

**8. APPROVE RETAINER AGREEMENT OF CARLTON, DISANTE & FREUDENBERGER TO REPRESENT THE DISTRICT IN THE MATTER OF RUBEN RODRIGUEZ v. OTAY WATER DISTRICT**

A motion was made by Director Breitfelder, seconded by Director Croucher and carried with the following vote:

Ayes:	Bonilla, Breitfelder, Croucher, Lewis and Lopez
Noes:	None
Abstain:	None
Absent:	None

to approve the retainer agreement of Carlton, DiSante & Freudenberger to represent the District in the matter of Ruben Rodriguez v. Otay Water District.

**9. ADJOURNMENT**

With no further business to come before the Board, President Lopez adjourned the meeting at 6:20 p.m.

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President

ATTEST:

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District Secretary