

**MINUTES OF THE  
SPECIAL MEETING OF THE BOARD OF DIRECTORS  
OTAY WATER DISTRICT  
August 23, 2005**

1. The meeting was called to order by Vice President Robak at 4:09 p.m.

2. ROLL CALL

Directors Present: Bonilla (arrived at 4:21 p.m.), Breitfelder, Croucher and Robak

Directors Absent: Lopez (due to a work related commitment)

Staff Present: General Manager Mark Watton, Asst. GM of Administration and Finance German Alvarez, General Counsel Yuri Calderon, District Secretary Susan Cruz and others per attached list.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

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

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

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.

**RECESS TO CLOSED SESSION**

6. The board recessed to closed session at 4:10 p.m. to discuss the following matter:

a) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
[GOVERNMENT CODE §54956.9(a)]

i. OTAY WATER DISTRICT v. MITCHEL STANTON, ZIMMERMAN & KAHANOWITCH et. al.

RETURN TO OPEN SESSION

6. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION. THE BOARD MAY ALSO TAKE ACTION ON ANY ITEMS POSTED IN CLOSED SESSION.

The board reconvened from closed session at 4:50 p.m. and General Counsel Calderon indicated that the board took action in closed session to approve the terms of settlement in the matter of Otay Water District v. Mitchel Stanton, Zimmerman & Kahanowitch et. al. as outlined by General Counsel and has authorized the General Manager to execute the agreement and bring it back for ratification. The motion was made by Director Croucher, seconded by Director Bonilla, and passed with the following vote:

Ayes:	Directors Bonilla, Breitfelder, Croucher and Robak
Noes:	None
Abstain:	None
Absent:	Director Lopez

General Counsel Calderon indicated that no other reportable actions were taken in closed session.

7. ADJOURNMENT

With no further business to come before the Board, Vice President Robak adjourned the meeting in at 4:51 p.m.

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President

ATTEST:

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District Secretary