



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, November 26, 2013**

**REGULAR CLOSED SESSION
11:00 a.m., Board Room**

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *United States of America, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. CV 09-0186 RS
2. Significant exposure to litigation pursuant to Government Code section 54596.9(b):
 - a. Gabriel and Catherine Orozco, et al.
Claim Number: 2012-L-214-1
3. Initiation of litigation pursuant to Government Code section 54956.9(c): one matter.
4. Conference with Labor Negotiators Bruce Heid and Glenn Berkheimer from the Industrial Employers Distributors Association (I.E.D.A.), Alexander R. Coate, Carol Nishita, Eric Sandler, Delores Turner, Michael Rich and Lisa Sorani pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39 and American Federation of State, County and Municipal Employees, Locals 444 and 2019.

(The Board will hold Closed Session in Conference Room 8A/B)

REGULAR BUSINESS MEETING
1:15 p.m., Board Room

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PRESENTATION:

- Presentation of the 2013 Government Award of Sustainable Contra Costa

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

CONSENT CALENDAR: (Single motion and vote approving 6 recommendations.)

1. Approve the Regular Meeting Minutes of November 12, 2013.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, JMB Construction, Inc. in the amount of \$10,768,100 for construction of El Portal Reservoir Rehabilitation and Almond Pumping Plant Replacement under Specification 2047.
4. Authorize an agreement with Four Season's Landscape in an amount not to exceed \$44,000 annually for landscaping services at Pardee Center during the period December 1, 2013 to November 30, 2015, with three options to renew for additional one-year periods for a total expenditure of \$220,000.
5. Authorize an agreement with Solar Turbines, Incorporated, Division of Caterpillar Company in an amount not to exceed \$682,000 annually plus a \$700,000 initial fee, for turbine service and repairs at the Main Wastewater Treatment Plant during the period December 1, 2013 to November 30, 2018, with a total amount not to exceed \$3,980,000.
6. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP for special counsel services related to environmental regulatory and environmental litigation matters.

DETERMINATION AND DISCUSSION:

7. Legislative Update:
 - Update on Legislative Issues of Interest to EBMUD
8. Approve an increase in the maximum dollar amount for the Contract Equity Program 5% Small Business Enterprise discount from \$50,000 to \$100,000 effective January 1, 2014.
9. General Manager's Report:
 - Customer Opinion Research 2014

REPORTS AND DIRECTOR COMMENTS:

10. Committee Reports:
 - Finance/Administration
 - Legislative/Human Resources
 - Planning
11. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, December 10, 2013 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, November 26	Planning Committee Foulkes (Chair), Linney, McIntosh	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> Estates Reservoir Replacement Project – Supplement EIR Chabot Dam Seismic Upgrade Project – Draft EIR Fluoridation History & Issues Power & Water Resources Pooling Authority Wastewater Turbine Status & Extended Service Agreement Update
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Thursday, November 28 & Friday, November 29	Thanksgiving Holiday		<i>District Offices Closed</i>
Tuesday, December 10	Planning Committee Foulkes (Chair), Linney, McIntosh	TBD Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources McIntosh (Chair), Coleman, Mellon	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, December 24	Finance/Administration Committee Coleman (Chair), Linney, Patterson	TBD Training Resource Center	<ul style="list-style-type: none"> Meeting Typically Cancelled
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Meeting Typically Cancelled
Wednesday, December 25	Christmas Holiday		<i>District Offices Closed</i>
Wednesday, January 1	New Years Holiday		<i>District Offices Closed</i>
Tuesday, January 14	Planning Committee Foulkes (Chair), Linney, McIntosh	TBD Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources McIntosh (Chair), Coleman, Mellon	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	

MINUTES

Tuesday, November 12, 2013

**East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:04 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Andy Katz were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Attorney Xanthe M. Berry (Item 1a), Engineering Manager William R. Kirkpatrick (Item 1a), Director of Finance Eric L. Sandler (Item 2), Director of Administration Carol Y. Nishita (Item 2), Manager of Human Resources Delores A. Turner (Item 2), Attorney Lourdes Matthew (Item 2), Manager of Employee Relations Michael K. Rich (Item 2), and I.E.D.A. representatives Bruce Heid and Glenn Berkheimer (Item 2).

PUBLIC COMMENT

The following persons addressed the Board: 1) Mark Foley, President, AFSCME Local 2019, commented that the Board could settle the three remaining contracts by giving the negotiating team authority to approve the suggested four-year deal that includes retirement contribution increases to 8.75%, health care plan design changes, and a raise above CPI of 1.38% which is 21% lower than the deal negotiated in 2007; and 2) John M. Briceno, President, AFSCME Local 444, said that the unions rolled over their contracts in 2011 which provided the District considerable savings, and since that time employees have had to pick up extra work as a result of unfilled positions. He urged the Board to accept their proposal and end the protracted negotiations.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Katz announced the Closed Session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:23 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Andy Katz were present at roll call.

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Item 13 was removed from the Consent Calendar for discussion.
 - Motion by Director Foulkes, seconded by Director Coleman, to approve Items 1-12 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 154-13** -- Approved the Regular Meeting Minutes of October 22, 2013.
 2. The following correspondence was filed with the Board: 1) Presentation entitled "Washington Update" dated November 12, 2013; and 2) Presentation entitled "Long-Term Financial Stability Update and Cost of Service Study" dated November 12, 2013.
 3. **Motion No. 155-13** -- Awarded a contract to the lowest responsive/responsible bidders Groeniger & Company and Corix Water Products, Inc. in the estimated annual amounts, after the addition of taxes, of \$715,301 and \$101,119 respectively for supplying resilient seated gate and butterfly valves for the two-year period beginning November 15, 2013 and ending November 14, 2015, with three (3) options to renew for additional one-year periods for a total estimated cost of \$4,082,100 under Request For Quotation No. 1408.
 4. **Motion No. 156-13** -- Authorized an agreement with Raftelis Financial Consultants, Inc. in an amount not to exceed \$150,000 to conduct a Water and Wastewater Cost of Service Study under Request for Proposal No. PUR 091.
 5. **Motion No. 157-13** -- Awarded a contract to the lowest responsive/responsible bidder, Ahtna Government Services Corporation, in the amount of \$1,148,529 for construction of Camanche North Shore Boat Dock Replacement under Specification 2060.

6. **Motion No. 158-13** -- Awarded an amended contract to the lowest responsive/responsible bidder, Monterey Mechanical Co., in the amount of \$598,000 to reflect the correct low bid amount for the construction of the Bryant No. 2 Pumping Plant Electrical Rehabilitation under Specification 2072.
- 7.1 **Motion No. 159-13** -- Awarded a contract to Dell, Inc. in the total amount, after the addition of taxes, of \$664,000 for supplying and installing Dell computer hardware and CommVault software for the period beginning November 12, 2013 and ending November 11, 2014.
- 7.2 **Motion No. 160-13** -- Awarded a contract to Integrated Archive Systems, Inc. in the total amount, after the addition of taxes, of \$143,000 for supplying, installing, designing and implementing the Quantum tape backup hardware during the period beginning November 12, 2013 and ending November 11, 2014.
8. **Motion No. 161-13** -- Authorized an agreement with Pure Technologies, Incorporated in an amount not to exceed \$226,000 for a leak detection survey of Mokelumne Aqueduct No. 2.
9. **Motion No. 162-13** -- Authorized an agreement with Environmental Systems Research Institute, Inc. (ESRI) in an amount not to exceed \$75,000 annually for services under their ESRI Enterprise Advantage Program in support of its ArcGIS system during the period November 2013 to November 2014, with four (4) options to renew for an additional 1-year period for a total amount not to exceed \$375,000.
10. **Motion No. 163-13** -- Authorized the Office of General Counsel to continue the employment of the law office of Hanson Bridgett, LLP, in an additional amount not to exceed \$85,000 for specialized legal services related to construction, public contract and procurement, claims, trademark services, pension, employment, and litigation matters.
11. **Resolution No. 33950-13** -- Adopting Revised Policy 4.17, Risk Management; Revised Policy 7.05, Sustainability; Revised Policy 7.07, Energy; And Revised Policy 9.03, Water Supply Availability And Deficiency.
12. **Resolution No. 33951-13** -- Approve Implementation Of The 2013-2017 Memorandum Of Understanding And Other Special Agreements With IFPTE Local 21; Amend The Position Resolution And Revise Salary Ranges, Salaries And Wage Rates And Other Benefits For Employees Represented By IFPTE Local 21 And For Managers, Confidential And Non-Represented Employees.
 - The Board expressed appreciation to Local 21 for their efforts to reach an agreement.
13. **Resolution No. 33952-13** -- Appointing Sherri A. Hong As Customer & Community Services Department Manager.
 - Director Mellon pulled Item 13 from the Consent Calendar to congratulate Ms. Hong. Ms. Hong thanked the Board for its support and said she looks forward to continuing her career at EBMUD and working with management and staff on future challenges.

- Motion by Director Mellon, seconded by Director Foulkes, to approve the recommended action for Item 13, carried (7-0) by voice vote.

DETERMINATION AND DISCUSSION

14. Legislative Update.

Legislative/Human Resource Committee Chair Lesa R. McIntosh announced that the Committee recommended taking no action on the completion of an independent study required by Senate Bill (SB) 4 (related to “fracking”). There was consensus by the Board to take no action on SB 4.

Special Assistant to the General Manager Marlaigne K. Dumaine introduced Washington, D.C. Legislative Lobbyist Eric Sapirstein who provided updates on several federal issues including: Fiscal Year 2014 budget; the Water Resources Reform and Development Act of 2013; proposed changes to plumbing standards and energy efficiency laws; tax exempt bonds; proposed amendments to the Clean Water Act; and California water issues and the Bay Delta, along with climate change. He also provided updates on recent federal appointments to agencies of interest to EBMUD. The Board thanked Mr. Sapirstein for the work he is doing in Washington, D.C. on behalf of the District.

Special Assistant to the General Manager Marlaigne K. Dumaine reported that the state Legislature is on break. Regarding the federal update, she pointed out that EBMUD has communicated its positions expressing concern about the tax exempt provision of the Water Infrastructure Finance and Innovation Act, pesticide aerial spraying, and on plumbing standards issues.

15. Rescheduling 2014 Board Meeting Dates That Conflict with District Holidays.

President Katz announced that in 2014, two District holidays fall on the regularly scheduled second Tuesday meeting dates of the Board (September 9 and November 11). There was Board consensus to follow past practice to reschedule the committees, workshops and Board meetings to the Wednesday following the District holiday.

- Motion by Director Foulkes, seconded by Director Linney, to approve the recommended action, carried (7-0) by voice vote.

Motion No. 164-13 -- Rescheduled the conflicting regularly scheduled 2014 Tuesday board meetings to the following Wednesday dates: Wednesday, September 10 and Wednesday, November 12.

16. General Manager's Report.

Director of Finance Eric L. Sandler presented an overview and timetable for the proposed long-range financial planning (LRFP) initiative scheduled for 2014. He noted that the LRFP is concerned with establishing the long-term funding needs of the District including underlying assumptions, financial risks and financial policies aimed at mitigating risks. Mr. Sandler

announced that staff will be conducting a series of Board workshops to consider and discuss elements of the LRFP. Proposed workshop topics include financial forecast (February), Capital Improvement Program (June), financial risks and reserves (September), and financial forecast and cost of service study findings (November). At the final workshop staff will bring together the work of the prior three workshops in the form of a long-term financial forecast. Staff will also review findings from the cost of service study. The results of these efforts will lay the groundwork for development of the FY 2016 and 2017 budget and rates. Finance/Administration Chair John A. Coleman noted that the Committee supported the recommendation of Raftelis Financial Consultants to lead the cost-of-service study. There was discussion about the Seismic Improvement Program charge and how EBMUD should proceed with the collection of this fee. Mr. Sandler said that staff will present the Board with options at the upcoming workshops.

Next, General Manager Alexander R. Coate reported that the October 2013 Monthly Report was provided to the Board. Director Mellon pointed out that the Dublin San Ramon Services District/EBMUD Recycled Water Authority (DERWA) Board reached a major milestone with the approval of the DERWA/Pleasanton Supplemental Supply agreement on October 28. Director Mellon thanked the Board and staff for its efforts to bring this to fruition. Director Patterson pointed out that the Camanche Permit Extension public comment period was extended until January 10, 2014. He also pointed out that water production was up to 204 MGD in October 2013 from 187 MGD in October 2012.

REPORTS AND DIRECTOR COMMENTS

17. Committee Reports.

- Filed with the Board were the Minutes of the October 22, 2013 Sustainability/Energy and Finance/Administration Committees.

18. Director Comments.

- Director Coleman reported attending/participating in the following events: Contra Costa Taxpayers Association luncheon on October 24 in Pleasant Hill; ACWA Executive Committee teleconference meeting on October 28; DERWA Board meeting on October 28 in Dublin; ACWA/JPIA Executive Committee teleconference meeting on October 29; ACWA Executive Committee teleconference meeting on November 4; ACWA Regions 5 and 8 meeting on November 5 in Calabasas; and ACWA Executive Committee teleconference meeting on November 12. He reported on plans to attend/participate in the following upcoming events: ACWA teleconference meeting on climate change on November 13; ACWA teleconference meeting for the Governor's State Water Action Plan on November 13; ACWA meeting with NRDC on November 13 in San Francisco; Mt. Diablo Silverado Executive Committee meeting on November 18 in Pleasant Hill; ACWA Executive Committee teleconference meeting on November 18; ACWA Regional meeting and dinner on November 21 in Sacramento; ACWA Executive Committee and Board meeting on November 22 in Sacramento; ACWA Special Closed Session of the Executive Committee on November 22 in Sacramento; and ACWA Executive Committee teleconference meeting on November 25.

- Director Foulkes reported attending the Asian Pacific Employees Association luncheon on November 7 in Oakland.
- Director Linney reported attending/participating in the following events: Friends of the River awards dinner honoring David "Chicken" Nesmith on October 25 in San Francisco; League of Conservation of Voters of the East Bay event honoring Congresswoman Barbara Lee and David "Chicken" Nesmith on November 1 in Oakland; Tour of Alameda Point by bicycle sponsored by the City of Alameda on November 2 in Alameda; and Alameda Mayor Marie Glimore lobster feed event on November 8 in Alameda. He reported on plans to attend the California Interfaith Power and Light Energy Awards event on November 12 in San Francisco and the Oakland African American Chambers of Commerce 10th anniversary and awards luncheon on November 13 in Oakland.
- Director McIntosh had no comment.
- Director Mellon reported attending/participating in the following events: International Foundation of Employee Benefits Plans conference from October 20-23, 2013 in Las Vegas, NV. DERWA Board meeting on October 28 in Dublin; Water Reuse Finance Authority at DSRSD on October 30 in Dublin; Economic Development Association on October 30 at the Oakland Museum; Economic Development Association on November 1 at Hayward City Hall; and the Castro Valley Educational Foundation dinner on November 1 in Castro Valley.
- Director Patterson had no comment.
- President Katz reported that he and Director Mellon attended the new members reception for the East Bay Economic Development Association.

ADJOURNMENT

President Katz adjourned the meeting at 2:25 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: November 26, 2013

Andy Katz, President of the Board



AGENDA NO.
MEETING DATE

3
November 26, 2013

TITLE EL PORTAL RESERVOIR REHABILITATION AND ALMOND PUMPING PLANT REPLACEMENT

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, JMB Construction, Inc. in the amount of \$10,768,100 for construction of El Portal Reservoir Rehabilitation and Almond Pumping Plant (PP) Replacement under Specification 2047.

SUMMARY

Work includes demolition and replacement of the existing Almond PP; rehabilitation of the existing El Portal reservoir; furnishing and installing approximately 2,390 linear feet of 6- to 36-inch diameter steel pipeline; furnishing and installing 810 linear feet of 2-inch diameter high density polyethylene temporary bypass pipeline; and performance of other required related work.

DISCUSSION

This project is part of the ongoing Pumping Plant Rehabilitation Program. Almond PP is over 80 years old and its electrical, mechanical and piping systems are deteriorated. The existing pumping plant will be replaced with a new 18-million gallon per day facility. As the only facility pumping water to the Almond Pressure Zone and upper cascades of Proctor and Fire Trail Pressure Zones, Almond PP is a critical component of the water system. Upgrades to the El Portal Reservoir will address tank leakage and other maintenance issues. Pipeline work will address hydraulic deficiencies in the nearby distribution pipeline and pressure zone. See attached map for location.

BID RESULTS

Bids Received:	6
Documents Issued:	88
Range of Bids:	\$10,768,100 - \$13,688,000
Engineer's Estimate:	\$9,736,369

Funds Available: FY14-15; CIP #001252; Page 36		Budget Code: WSC\570\7999\5561\2006632:25
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

The District sent bid documents to 29 resource organizations and to 49 potential bidders. The range of bids was above the engineer's estimate due to higher actual costs for the buildings and earthwork, higher electrical subcontract quotes, and confined access to the construction site. This restricts the type of equipment and processes that can be used and results in more labor-intensive work. See attached Bid Summary for additional information.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program for Pumping Plant Rehabilitation Project under the Pumping Plant Rehabilitation Program.

PREVAILING WAGE

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

UNION NOTIFICATION

Staff notified Local 444 of this contract on May 16, 2012. Local 444 did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

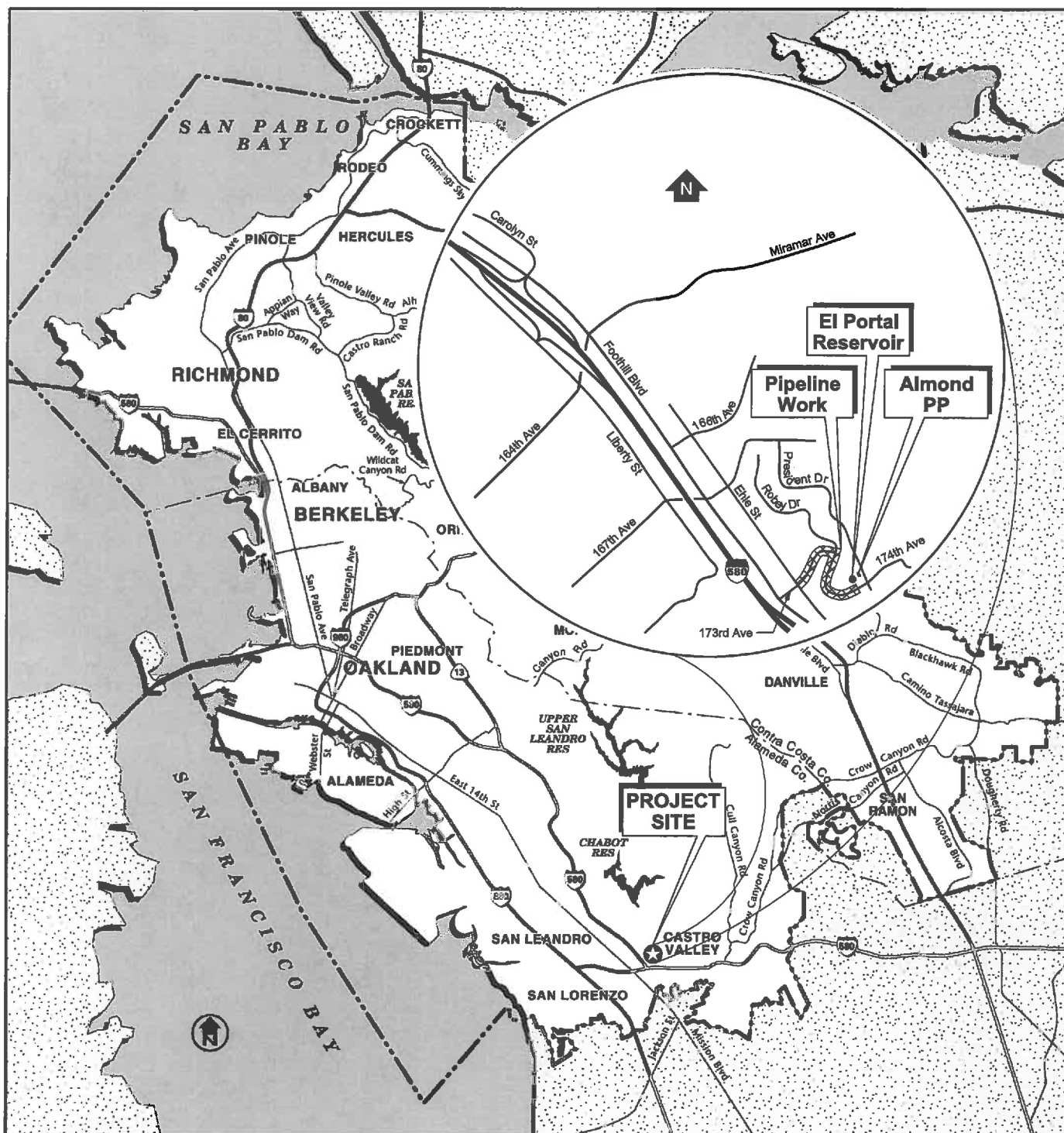
The Alameda County Clerk posted the Notice of Exemption on October 14, 2011.

ALTERNATIVES

No project. This alternative is not recommended because the existing infrastructure has reached the end of its service life and is undersized for current and projected water demands.

Perform the work with District forces. This project is not recommended as District staff does not have the resources or expertise to construct a project of this scale.

Attachments: Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**EL PORTAL RESERVOIR
REHABILITATION AND ALMOND
PUMPING PLANT REPLACEMENT**

SPECIFICATION 2047

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2047
EL PORTAL RESERVOIR REHABILITATION AND ALMOND PUMPING
PLANT REPLACEMENT
Bids Opened October 16, 2013

	BIDDER	TOTAL AMOUNT BID
1.	JMB Construction, Inc. 132 South Maple Ave. South San Francisco, CA 94080 (650) 267-5300	\$10,768,100
2.	Disney Construction, Inc. 859 Cowan Rd., Ste #3 Burlingame, CA 94101 (650) 259-9545	\$11,303,000
3.	Proven Management, Inc. 712 Sansome St. San Francisco, CA 94111 (415) 421-9500	\$11,598,500
4.	Monterey Mechanical Co 8275 San Leandro St. Oakland, CA 94621 (510) 632-3173	\$12,345,000
5.	Steve P. Rados, Inc. 2002 E. McFadden Ave., Ste. #200 Santa Ana, CA 92705 (714) 835-4612	\$13,043,000
6.	NTK Construction, Inc. 501 Cesar Chavez St. San Francisco, CA 94124 (415) 643-1900	\$13,688,000

Engineer's Estimate:

\$9,736,369



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE				SPECIFICATION NO.: 2047				DATE:			
				EI Portal Reservoir Rehabilitation and Almond Pumping Plant Replacement				November 19, 2013			
CONTRACTOR:				PERCENTAGE OF CONTRACT DOLLARS							
JMB Construction, Inc. South San Francisco, CA				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		82.0%			
		Ethnicity	Gender	White Women		9%		2.3%			
\$10,768,100		White	Men	Ethnic Minorities		25%		15.7%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
JMB Construction, Inc.	\$5,035,286	White	X		46.8%	---	---	---	---	---	---
SUBS:											
G3 Engineering	\$1,794,308	White	X		16.7%	---	---	---	---	---	---
All Bay Electric	\$1,352,000	Hispanic	X		---	---	12.6%	---	---	---	---
Jifco, Inc.	\$1,119,998	White	X		10.4%	---	---	---	---	---	---
Jeffco Painting	\$561,360	White	X		5.2%	---	---	---	---	---	---
Blocka Construction	\$216,000	White		X	---	2.0%	---	---	---	---	---
Mission City Rebar	\$128,924	Hispanic	X		---	---	1.2%	---	---	---	---
C & C Metals	\$120,700	White	X		1.1%	---	---	---	---	---	---
All City Trucking	\$100,000	Asian	X		---	---	0.9%	---	---	---	---
Cal West Acoustics	\$64,659	White	X		0.6%	---	---	---	---	---	---
Helo Pacific Manufacturer	\$61,842	Asian	X		---	---	0.6%	---	---	---	---
Green Vista Landscape	\$48,000	White	X		0.4%	---	---	---	---	---	---
Central Roofing	\$43,600	Hispanic	X		---	---	0.4%	---	---	---	---
Cyclone Fence & Iron	\$34,998	White		X	---	0.3%	---	---	---	---	---
BK Mill & Fixture, Inc.	\$32,053	White	X		0.3%	---	---	---	---	---	---
Townsend & Schmidt Masonry	\$22,490	White	X		0.2%	---	---	---	---	---	---
Atlas Tree Surgery	\$17,942	White	X		0.2%	---	---	---	---	---	---
Farwest Insulation	\$13,940	White	X		0.1%	---	---	---	---	---	---
TOTAL	\$10,768,100				82.0%	2.3%	15.7%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	21	3	30	54							
Percent of Total Employees:	38.9%	5.6%	55.6%								
MSA Labor Market %:	32.3%	27.8%	39.9%								
MSA Labor Market Location:	9 Bay Area Counties										
COMMENTS											
Contract Equity Participation - 82% White Men participation, 2.3% White Women participation and 15.7% Ethnic Minority participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
EI Portal Reservoir Rehabilitation and Almond Pumping Plant Replacement		National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2047	DATE: 11/19/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
MSA %								
RP	- LBE	Company Wide	1	28	1	-	30	55.6%
								39.9%
JMB Construction, Inc. Margaret Burke 132 South Maple Avenue South San Francisco, CA 94080 650-267-5300		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	6	-	-	6	33.3%
		Semi/Unskilled	1	22	1	-	24	100.0%
		Bay Area	1	28	1	-	30	55.6%
		AA Plan on File:	NA		Date of last contract with District:		09/05/2013	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		54	Bay Area: 54
S	WM	Company Wide	4	64	16	1	85	54.8%
								53.3%
Weir Floway, Inc. (G3 Engineering) Walter Lee 2494 S. Railroad Avenue Fresno, CA 93706 559-441-4050		Manager/Prof	1	10	7	-	18	31.6%
		Technical/Sales	1	7	-	-	8	53.3%
		Clerical/Skilled	1	31	8	1	41	69.5%
		Semi/Unskilled	1	16	1	-	18	75.0%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	Fresno, CA		# Employees-Co. Wide:		155	Bay Area: 0
S	EMM:H - L/SBE	Company Wide	-	2	-	-	2	100.0%
								38.5%
All Bay Electric John M. Valdez 2420 Sand Creek Road - C1-268 Brentwood, CA 94513 510-733-0573		Manager/Prof	-	1	-	-	1	100.0%
		Technical/Sales	-	1	-	-	1	100.0%
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	2	-	-	2	100.0%
		Co. Wide MSA:	Contra Costa County		# Employees-Co. Wide:		2	Bay Area: 2
S	WM - LBE	Company Wide	-	46	11	-	57	81.4%
								39.9%
Jifco, Inc. Jay Forni, Jr. 571 Exchange Court Livermore, CA 94550 925-449-4665		Manager/Prof	-	4	1	-	5	41.7%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	-	25	8	-	33	89.2%
		Semi/Unskilled	-	17	2	-	19	100.0%
		Bay Area	-	46	11	-	57	81.4%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		70	Bay Area: 70
S	WM	Company Wide	6	26	1	-	33	44.0%
								39.9%
Jeffco Painting & Coating, Inc. Steven T. Jeffress 1260 Railroad Avenue Vallejo, CA 94592 707-562-1900		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	3	24	-	-	27	49.1%
		Semi/Unskilled	3	2	1	-	6	66.7%
		Bay Area	6	26	1	-	33	44.0%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		75	Bay Area: 75
S	WW - LBE	Company Wide	6	8	7	1	22	26.8%
								39.9%
Blocka Construction, Inc. Patricia Jean Blocka 4455 Enterprise Street Fremont, CA 94538 510-657-3686		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	1	-	-	1	7.7%
		Clerical/Skilled	6	7	7	1	21	31.3%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	4	7	5	1	17	32.7%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		82	Bay Area: 52

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title: EI Portal Reservoir Rehabilitation and Almond Pumping Plant Replacement			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2047			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
DATE: 11/19/2013			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	EMM:H - L/SBE	Company Wide		33	-	-	33	66.0%	39.9%
Mission City Rebar, Inc. John A. Gonzales 542 McGraw Avenue Livermore, CA 94551 925-449-6999		Manager/Prof	-	4	-	-	4	57.1%	
		Technical/Sales	-	-	-	-	NA		
		Clerical/Skilled	-	22	-	-	22	71.0%	
		Semi/Unskilled	1	7	-	-	8	66.7%	
		Bay Area	1	33	-	-	34	68.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:		50	Bay Area:		50
S	WM	Company Wide	-	5	-	-	5	11.1%	16.8%
C & C Metals, Inc. Michael Parsons 1402 E. Davis Street Conroe, TX 77301 936-760-5640 x236		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	2	-	-	2	33.3%	
		Semi/Unskilled	-	3	-	-	3	14.3%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Montgomery County, TX	# Employees-Co. Wide:		45	Bay Area:		0
S	EMM:A/PI - L/SBE	Company Wide	-	13	6	-	19	79.2%	39.9%
All City Trucking, Inc. Rajinder S. Randhawa 1941 Jackson St., #8 Fremont, CA 94612 510-461-8287		Manager/Prof	-	7	3	-	10	76.9%	
		Technical/Sales	-	1	-	-	-	NA	
		Clerical/Skilled	-	2	1	-	3	60.0%	
		Semi/Unskilled	-	3	2	-	5	83.3%	
		Bay Area	-	13	6	-	19	79.2%	39.9%
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:		24	Bay Area:		24
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:		# Employees-Co. Wide:			Bay Area:		
P	WM - LBE	Company Wide	-	19	4	-	23	48.9%	39.9%
Disney Construction, Inc. Richard Disney 859 Cowan Road, Suite 3 Burlingame, CA 94010 650-259-9545		Manager/Prof	-	1	2	-	3	18.8%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	18	2	-	20	64.5%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	19	4	-	23	48.9%	39.9%
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:		47	Bay Area:		47
P	EMM:H - LBE	Company Wide	2	31	4	4	41	77.4%	39.9%
Proven Management, Inc. Alan Varela 712 Sansome Street San Francisco, CA 94111-1704 415-421-9500		Manager/Prof	-	1	-	1	2	28.6%	
		Technical/Sales	-	-	-	1	-	NA	
		Clerical/Skilled	2	30	4	1	37	80.4%	
		Semi/Unskilled	-	-	-	1	-	NA	
		Bay Area	2	31	4	-	37	69.8%	39.9%
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:		53	Bay Area:		53

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
EI Portal Reservoir Rehabilitation and Almond Pumping Plant Replacement		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2047		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
DATE: 11/19/2013		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM - LBE	Company Wide	2	22	3	1	28	22.4%	39.9%
Monterey Mechanical Company James D. Troup 8275 San Leandro Street Oakland, CA 94621 510-632-3173		Manager/Prof	-	-	1	1	2	9.5%	
		Technical/Sales	-	1	1	-	2	100.0%	
		Clerical/Skilled	2	17	1	-	20	22.0%	
		Semi/Unskilled	-	4	-	-	4	36.4%	
		Bay Area	2	22	3	1	28	22.4%	39.9%
Co. Wide MSA:		9 Bay Area Counties	# Employees-Co. Wide:				125	Bay Area:	125
P	WM	Company Wide	6	52	10	1	69	46.0%	43.6%
Steve P. Rados, Inc. Walter S. Rados 2002 E. McFadden Avenue, Suite 200 Santa Ana, CA 92705 714-835-4612		Manager/Prof	-	3	5	-	8	25.8%	
		Technical/Sales	1	-	-	-	1	14.3%	
		Clerical/Skilled	5	48	5	1	59	53.6%	
		Semi/Unskilled	-	1	-	-	1	50.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
Co. Wide MSA:		Orange County	# Employees-Co. Wide:				150	Bay Area:	0
P	EMM:A/PI - LBE	Company Wide	1	31	4	-	36	83.7%	39.9%
NTK Construction, Inc. Tin Tran 501 Cesar Chavez Street, Suite 123 San Francisco, CA 94124 415-643-1900		Manager/Prof	-	9	4	-	13	72.2%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	1	22	-	-	23	92.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	1	31	4	-	36	83.7%	39.9%
Co. Wide MSA:		9 Bay Area Counties	# Employees-Co. Wide:				43	Bay Area:	43
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
Co. Wide MSA:			# Employees-Co. Wide:					Bay Area:	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
Co. Wide MSA:			# Employees-Co. Wide:					Bay Area:	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
Co. Wide MSA:			# Employees-Co. Wide:					Bay Area:	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.
MEETING DATE

4
November 26, 2013

TITLE PARDEE CENTER LANDSCAPING SERVICES

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement with Four Season's Landscape in an amount not to exceed \$44,000 annually for landscaping services at Pardee Center during the period December 1, 2013 to November 30, 2015, with three options to renew for additional one-year periods for a total expenditure of \$220,000.

SUMMARY

Landscaping services at Pardee Center include lawn, shrub, and tree care, maintenance of sprinkler systems, weed control, and leaf clearing of sidewalks, concrete areas, and common grounds. This work is required to maintain the investment in the conference center. Work under this contract also includes vegetation control at Pardee for regulatory compliance, fire protection, and employee safety.

DISCUSSION

This work is contracted because of the seasonal labor requirements which vary from winter to summer. Additionally, special scheduling (i.e., weekends or evening hours) is sometimes necessary to accommodate meetings, retreats, and other special events.

SERVICE PROVIDER SELECTION

Requests for proposals were sent to 11 potential contractors. The contract was advertised in newspapers in Amador and Calaveras counties. A mandatory pre-bid site tour was conducted on October 8, 2013. Three responses were received and Four Season's Landscape was selected based on overall lowest price and number of years in business.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

Funds Available: FY2014 and FY2015		Budget Code: 762/6544/5311
DEPARTMENT SUBMITTING <u>Operations and Maintenance</u>	DEPARTMENT MANAGER or DIRECTOR <u>Eileen M. White</u> Eileen M. White	APPROVED <u>Stefan R. Cunniff</u> General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

FISCAL IMPACT

Funds are available for this work in the FY14 and FY15 budgets for Pardee Landscaping Services.

UNION NOTIFICATION

Local 444 was notified of this agreement on August 21, 2013. Local 444 did not have issues related to this contract.

ALTERNATIVES

Provide landscaping services by using District Gardeners from the Oakland service area. This alternative is not recommended because it is not efficient or economical and the service area gardeners are fully utilized on service area duties.

Provide landscaping services with existing Pardee staff. This alternative is not recommended because landscape workload would conflict with higher priority maintenance activities performed by Pardee staff during the spring and summer seasons and Pardee would have to acquire and maintain landscape maintenance equipment.


ATTACHMENTS

P-035 Contract Equity Summary
P-061 Affirmative Action Summary

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE General Services Agreement Landscaping Services at Pardee Center - Two-Year Contract with 3 One-Year Renewal Options							DATE: October 29, 2013							
CONTRACTOR: Four Season's Landscape Jackson, CA					Local/Small Business					PERCENTAGE OF CONTRACT DOLLARS				
BID/PROPOSER'S PRICE: \$87,136					FIRM'S OWNERSHIP Ethnicity: White Gender: Men		Availability Group White Men		Contracting Objectives 25%		Participation 100.0%			
					White Women 6%		0.0%							
					Ethnic Minorities 25%		0.0%							
CONTRACT EQUITY PARTICIPATION														
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER M W		CONTRACTING PARTICIPATION								
						White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign		
PRIME: Four Season's Landscape		\$87,136	White	X		100.0%	---	---	---	---	---	---		
SUBS: None						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
						---	---	---	---	---	---	---		
TOTAL		\$87,136				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)														
		White Men	White Women	Ethnic Minorities		Total Employees								
No. of Employees:		1	0	0		1								
Percent of Total Employees:		100.0%	0.0%	0.0%										
MSA Labor Market %:		28.1%	24.5%	47.4%										
MSA Labor Market Location:		Stockton-Lodi												
COMMENTS														
Contract Equity Participation - 100% White Men participation.														
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied					Award Approval Recommended				
NA					NA									



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Landscaping Services at Pardee Center - Two-Year Contract with 3 One-Year Renewal Options			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 10/29/2013	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM - L/SBE	Company Wide	-	-	-	-	0	0.0%	47.4%
Four Season's Landscape David A. Kuehn 17080 Wilderness Way Jackson, CA 95642 209-296-5419		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Stockton-Lodi		# Employees-Co. Wide:		1 Bay Area: 0		
Company Wide									
Manager/Prof									
Technical/Sales									
Clerical/Skilled									
Semi/Unskilled									
Bay Area									39.9%
Co. Wide MSA:					# Employees-Co. Wide:		Bay Area:		
P	WM - L/SBE	Company Wide	-	-	-	-	0	0.0%	47.4%
REO Rescue Crew Katie Rogers 49 E. California Street Valley Springs, CA 95252 209-920-3254		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Stockton-Lodi		# Employees-Co. Wide:		7 Bay Area: 0		
Company Wide									
Manager/Prof									
Technical/Sales									
Clerical/Skilled									
Semi/Unskilled									
Bay Area									39.9%
Co. Wide MSA:					# Employees-Co. Wide:		Bay Area:		
Company Wide									
Manager/Prof									
Technical/Sales									
Clerical/Skilled									
Semi/Unskilled									
Bay Area									39.9%
Co. Wide MSA:					# Employees-Co. Wide:		Bay Area:		
Company Wide									
Manager/Prof									
Technical/Sales									
Clerical/Skilled									
Semi/Unskilled									
Bay Area									39.9%
Co. Wide MSA:					# Employees-Co. Wide:		Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.
MEETING DATE

5.
November 26, 2013

TITLE WASTEWATER TURBINE EXTENDED SERVICE AGREEMENT

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement with Solar Turbines, Incorporated, Division of Caterpillar Company (Solar) in an amount not to exceed \$682,000 annually plus a \$700,000 initial fee, for turbine service and repairs at the Main Wastewater Treatment Plant (MWWTP) during the period December 1, 2013 to November 30, 2018, with a total amount not to exceed \$3,980,000.

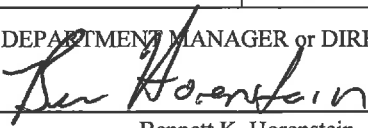

SUMMARY

The biogas turbine at the MWWTP was placed into routine operation in November 2011. In July 2012 and January 2013, the turbine injectors failed with associated damage to the turbine blades, resulting in repairs with an estimated value of \$1.4 million. Due to the progressive turbine blade damage that began in January 2013, the turbine has been shutdown since October 29, 2013. Staff has reached a negotiated settlement with Solar for past (out-of-warranty) repair costs and key terms for a five-year extended service agreement (ESA) through November 30, 2018. Following execution of the ESA, the turbine will be repaired by Solar and is expected to be returned to service by December 9, 2013.

DISCUSSION

Staff is recommending execution of a five-year ESA that will address both past and current repair costs (i.e., resolving District financial liability for out-of-warranty repair costs), while protecting the District from potentially significant future repair costs. The ESA will cover both routine and emergency service and repairs, major overhauls, and performance monitoring for a monthly fee starting at \$48,537 with a 4% escalation each year. The five-year ESA also includes an initial buy-in fee of \$700,000 to address turbine wear and tear to date since turbine startup in September 2011. The overall cost of the negotiated settlement and ESA is comparable to the costs the District would have incurred if an ESA was executed following expiration of the warranty period in May 2012.

Solar will provide and install a rebuilt turbine (\$1.5 million value, no cost to District) to address the current blade damage immediately following ESA execution. This effectively resets the run-time on the

Funds Available: FY14		Budget Code: WWC/7999/5312/2008801	
DEPARTMENT SUBMITTING Wastewater	DEPARTMENT MANAGER or DIRECTOR  Bennett K. Horenstein	APPROVED  General Manager	

Contact the Office of the District Secretary with questions about completing or submitting this form.

turbine and provides assurance that Solar will provide a complete turbine overhaul in year 4 (\$2 million value, includes gearbox replacement and cost escalation). Solar has also agreed to waive the full cost associated with the first blade repair (estimated at \$589,000). Solar will provide a spare set of improved injectors to expedite any required future repairs. The District paid Solar \$249,000 for replacement injectors in August 2012. The ESA includes a limitation of liability clause that caps Solar's liability at the maximum annual value of total ESA fees (\$682,000), as well as a waiver of damages that limits the District's ability to recover incidental damages such as lost revenue. The District standard is to require the other party in a contract agreement to indemnify the District; however, the ESA does not require indemnification by either party.

SERVICE PROVIDER SELECTION

This service agreement represents a sole-source award to Solar. Solar is the original manufacturer of this equipment and is the only firm that provides comprehensive services for this model turbine.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Funds are available for this work in the FY14 budget.

UNION NOTIFICATION

This type of work is not performed by District forces and consequently union notification was not required.

ALTERNATIVES

Reject the proposal and solicit bids. This alternative is not recommended because third-party service is not available for this equipment.

Reject the proposal and perform maintenance as-needed. This alternative is not recommended because of the financial risk associated with prior, current, and future turbine repairs. Execution of the ESA will allow necessary repairs to be made, while expediting return of the turbine to operational status and minimizing loss of energy sales revenue.

Attachments



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Extended Service Agreement with Solar Turbines, Inc. - Five year Contract		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Materials & Supplies Award		DATE: 11/20/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recomm P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
MSA %								
RP	Publicly Held Corporation	Company Wide	1	1	-	-	2	33.3%
Solar Turbines Incorporated Raul A. Duron 2200 Pacific Highway San Diego, CA 92101 858-694-6797		Manager/Prof	-	-	-	-	-	0.0%
		Technical/Sales	1	1	-	-	2	40.0%
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		AA Plan on File: NA	Date of last contract with District: 2/7/2012					
		Co. Wide MSA: San Diego, CA	# Employees-Co. Wide: 6			Bay Area: 0		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO. 6
MEETING DATE November 26, 2013

TITLE AUTHORIZE CONTINUED EMPLOYMENT OF BARG, COFFIN, LEWIS & TRAPP, LLP,
AS SPECIAL COUNSEL

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for special counsel services related to environmental regulatory and environmental litigation matters in an additional amount not to exceed \$180,000.

DISCUSSION

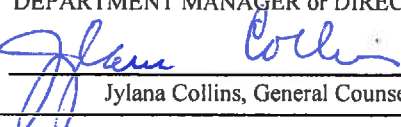

The firm of Barg, Coffin, Lewis & Trapp has been retained to assist the Office of General Counsel in environmental regulatory and environmental litigation matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate confidential memorandum to the Board of Directors.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Sufficient monies have been budgeted in the Office of General Counsel's budget for fiscal year 2014 for this request for specialized legal assistance.

Funds Available: FY 2014		Budget Code: WSO 130 8511 5231
DEPARTMENT SUBMITTING <u>Office of General Counsel</u>	DEPARTMENT MANAGER or DIRECTOR  Jylana Collins, General Counsel	APPROVED  General Manager

Contact the Office of the District Secretary regarding questions about completing or submitting this form.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Amendment to Professional Services Agreement Employment of Barg, Coffin, Lewis & Trapp, LLP as Special Counsel						DATE: July 29, 2013					
CONTRACTOR: Barg, Coffin, Lewis & Trapp, LLP San Francisco, CA						PERCENTAGE OF CONTRACT DOLLARS					
Small Business						Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$350,000		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Barg, Coffin, Lewis & Trapp, LLP	\$350,000	White	X		100.0%	—	—	—	—	—	—
SUBS: None					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
TOTAL	\$350,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:	13		14		11		38				
Percent of Total Employees:	34.2%		36.8%		28.9%						
MSA Labor Market %:	30.8%		25.1%		44.0%						
MSA Labor Market Location:	San Francisco										
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Employment of Barg, Coffin, Lewis & Trapp, LLP as Special Counsel		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	DATE: 7/29/2013						
Professional Services Agreement		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	
RP	WM - SBE	MSA %						
Barg, Coffin, Lewis & Trapp, LLP		Company Wide	2	2	7	-	11	28.9%
John F. Barg		Manager/Prof	1	-	2	-	3	15.0%
350 California Street, 22nd Floor		Technical/Sales	-	-	-	-	-	NA
San Francisco, CA 94104		Clerical/Skilled	1	2	5	-	8	44.4%
415-228-5410		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	2	2	7	-	11	28.9%
		AA Plan on File:	NA		Date of last contract with District:		6/4/2013	
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		38	
					Bay Area:		38	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.

8.

MEETING DATE

November 26, 2013

**TITLE CONTRACT EQUITY PROGRAM SMALL BUSINESS ENTERPRISE BID
DISCOUNT**☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Approve an increase in the maximum dollar amount for the Contract Equity Program 5% Small Business Enterprise (SBE) discount from \$50,000 to \$100,000 effective January 1, 2014.



SUMMARY

In June 1998, the Board of Directors adopted contracting objectives for targeted availability groups based on a firm's interest and ability to do business with the District under the Contract Equity Program (CEP). Firms are also identified where appropriate as small and/or local businesses. The CEP represents the District's continued commitment to contract equity and responsibility for complying with federal and state laws. The FY13 CEP Annual Report submitted to the Board on November 12, 2013, describes the activities and progress of the program and recommends several program enhancements for FY14. One of these enhancements is a proposed increase in the maximum dollar amount of the 5% SBE bid discount from \$50,000 to \$100,000 for responsive/responsible bids on one-time awards and \$100,000 per year for responsive/responsible bids on multi-year awards.

This item was reviewed with the Legislative/Human Resources Committee on November 12, 2013.

DISCUSSION

The District remains a leader to encourage equitable business participation by maintaining a creative and robust outreach program and partnering with other agencies and non-profit groups to educate all prospective bidders about the opportunities to do business with the District. In FY13, the overall contracting objective was achieved for white men (65%) and for ethnic minorities (27%). This is the second time since the adoption of the CEP in FY98 that the objective for ethnic minorities has been achieved. The 6% participation level for white women came close to meeting the goal of 6.3%. The FY13 combined participation of ethnic minorities and white women (33%) represent the second highest since the start of the District's diversity contracting programs in 1984. Despite this success, we continue

Funds Available: FY14		Budget Code: WSG/ADM/313/8734
DEPARTMENT SUBMITTING Administration	DEPARTMENT MANAGER or DIRECTOR  Carol Nishita	APPROVED  General Manager

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to pursue enhancements to the program that can improve participation levels among all groups, including small businesses.

A key component of the CEP is a 5% bid discount applied to responsive/responsible bids submitted by small businesses. When this program component was first introduced in FY01, the maximum amount allowed under the 5% bid discount was \$3,000. In 2007, the maximum was increased to \$50,000. During the period FY09 – FY13, the total cost to the District from the application of the 5% bid discount to SBE awards was \$73,000. In an effort to provide more potential business opportunities for SBEs, staff recommends that the maximum amount allowed under the 5% discount be increased from \$50,000 to \$100,000, effective January 1, 2014. If the maximum amount allowed under the 5% discount had been \$100,000 over the FY09-FY13 period, one additional award would have been made to a local small business, at a cost to the District of \$63,000.

This change in the bid discount component of the CEP is consistent with the State of California's SBE program and complies with California Public Contract Code Section 2002 and Government Code Section 14835. Being consistent with the State minimizes confusion for SBEs as they must comply with rules from various agencies and also provides legal support for the District's SBE program.

ALTERNATIVES

Do not increase the maximum dollar amount for the 5% SBE Bid Discount. This alternative is not recommended because increasing the maximum amount of the 5% bid discount could help the District meet our 50% goal for SBE participation at minimal cost.

Increase the maximum dollar amount for the 5% SBE Bid Discount to \$250,000 with an annual budget limit of \$500,000. Increasing the maximum amount to \$250,000 instead of \$100,000 would potentially allow even more awards to SBEs, although a review over the FY09-FY13 period indicates the results would have been no different when compared to the \$100,000 maximum. If the Board elects this alternative, staff recommends establishing a budget limit of \$500,000 to guard against any significant financial exposure associated with the higher maximum discount. Based on the District's history, the likelihood that the bid discount program would cost more than \$500,000 in any given fiscal year is slim. However, under this alternative staff would monitor the cost of the program throughout the year and would seek further Board direction if the cost approaches 75% of the budget limit.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 21, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Cheryl A. Farr, Special Assistant to the General Manager *Cheryl*

SUBJECT: Customer Opinion Research 2014

SUMMARY

In Fiscal Year 2014, funds were budgeted to restore the practice of periodically collecting statistically valid data from residential customers about their opinions of District programs and services. A telephone survey is being planned for February 2014 to update our understanding of how customers rate our overall performance and to gather information about topics such as customer preparedness for emergencies and droughts. This memo briefly reviews prior customer survey research and plans for the upcoming survey.

DISCUSSION

EBMUD began conducting regular customer opinion research in 2004 to monitor trends in customer opinions for core performance areas and to supplement other means by which the District gathers customer input on programs and services. The research informed the strategic plan and budget processes, prompted changes in construction notification and signage practices, guided investments in conservation advertising, and identified important topics for customer communications and effective ways to present information to customers. The research program was put on hold in 2009 as part of a District-wide effort to reduce expenses. A Department of Water Resources grant funded a survey in 2010 that focused on drought program experiences, contributed to our trend data on customer opinions about water use and informed work to implement the Water Supply Management Program 2040.

EBMUD's practice is to work with opinion research experts to gather feedback from a broad cross section of households. The research is conducted in Spanish and English by telephone and samples a sufficiently sized universe to ensure good statistical validity when analyzing data subsets based on key demographic characteristics.

In past surveys residents in the service area have reported high levels of satisfaction with District services and activities and a wide majority of customers have said they consider EBMUD a credible source of information about water issues. In the 2010 survey, EBMUD fell nine points below the key performance indicator goal of 70% of respondents rating EBMUD

Customer Opinion Survey Research

November 21, 2013

Page 2 of 2

service good or excellent, although customers continued to rate EBMUD's overall job higher than they rated the overall job done by their electric, telephone and cable utilities.

The upcoming survey will investigate customer awareness of and responses to water supply issues locally and statewide and explore how conservation knowledge and attitudes have changed since the 2008-2009 drought. We will update information on customer emergency preparedness and satisfaction with customer services. We will investigate whether the rising use of websites and social media has affected customer preferences for how the District delivers day-to-day and emergency information.

We are currently soliciting requests for proposals and in the coming weeks will negotiate an agreement and prepare the questionnaire to be used in conducting a survey in February 2014. We plan to share the 2014 customer research findings with the Board, customers and employees in the spring and use them as we refine long-term plans related to services, programs and District communications.

If you have suggestions for topics to be covered in the upcoming survey or questions about the survey research effort please let us know. We will continue to keep the Board apprised of our progress.

ARC:CAF

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 21, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager 

FROM: Lynelle M. Lewis, Secretary of the District 

SUBJECT: Finance/Administration Committee Minutes – November 12, 2013

Chair John A. Coleman called to order the Finance/Administration Committee in the Training Resource Center at 9:02 a.m. Director Doug Linney was present at roll call and Director William B. Patterson arrived at 9:22 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Finance Eric L. Sandler, Internal Auditor Supervisor Barry N. Gardin, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Review of Revisions to District Policies. Internal Auditor Supervisor Barry N. Gardin announced that the following four policies reviewed by staff warrant modification to clarify their purpose and accurately reference current procedures and/or operating practices: Policy 4.17 – Risk Management; Policy 7.05 – Sustainability; Policy 7.07 – Energy; and Policy 9.03 – Water Supply Availability and Deficiency. He pointed out that Policy 7.05 (Sustainability) was revised to include social, environmental, and financial considerations (triple bottom line). Policy 7.07 (Energy) was previously titled Renewable Energy and was modified to include establishing a carbon-free goal by 2040 using the least-cost option. The other two policies had minor edits for clarification.

Long-Term Financial Stability Update. Director of Finance Eric L. Sandler presented an overview and timetable for the proposed long-range financial planning (LRFP) initiative scheduled for 2014. He noted that the LRFP is concerned with establishing the long-term funding needs of the District including underlying assumptions, financial risks and financial policies aimed at mitigating risks. Mr. Sandler announced that staff will be conducting a series of Board workshops to consider and discuss elements of the LRFP. Proposed workshop topics include financial forecast (February), Capital Improvement Program (June), financial risks and reserves (September), and financial forecast and cost of service study findings (November). At the final workshop staff will bring together the work of the prior three workshops in the form of a long-term financial forecast. Staff will also review findings from the cost of service study. The results of these efforts will lay the groundwork for development of the FY 2016 and 2017 budget and rates.

Water and Wastewater Cost of Service Study. Director of Finance Eric L. Sandler reported that the District will undertake a cost of service study that includes both the water and wastewater enterprises. He said the study will review existing cost of service methodologies, assumptions and calculations including the allocation of fixed and variable costs, develop and document updated cost of service models, and incorporate findings from the long-range financing plan being developed. Staff recommended the engagement of Raftelis Financial Consultants (RFC) to conduct this study. Mr. Sandler noted that RFC is a recognized leader in the provision of such studies for public utilities, having performed over 350 cost of service/rate and financial studies in the past year alone. The cost of service study will be completed by the end of 2014 prior to development of the next biennial budget and rate package. It was moved, seconded and carried to forward the staff recommendation to the full Board at the November 12, 2013 regular meeting.

Adjournment. Chair Coleman adjourned the meeting at 9:25 a.m.

ARC/LML/slb

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 21, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Legislative/Human Resources Committee Minutes – November 12, 2013

Chair Lesa R. McIntosh called to order the Legislative/Human Resources Committee at 9:45 a.m. in the Training Resource Center. Directors John A. Coleman and Frank Mellon were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Administration Carol Y. Nishita, Manager of Human Resources Delores A. Turner, Contract Equity Administrator Beverly D. Johnson, Manager of Employee Services Lisa A. Sorani, Special Assistants to the General Manager Marlaine K. Dumaine and Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

FY13 Contract Equity (CE) Program Annual Report. Contract Equity Administrator Beverly Johnson provided an overview of the District's contract performance and described staff's proactive efforts to promote contract equity. She highlighted two significant accomplishments in FY13: achieving the contracting objective for ethnic minorities for the second time since the adoption of the CE Program in FY98 and achieving the second highest combined participation of ethnic minorities (27%) and white women (6%) since the start of the District's diversity contracting program in FY84. Ms. Johnson reported that the participation levels of Local Business Enterprise and for Local/Small Business Enterprise increased 9% and 4% respectively from FY12. The level of Small Business Enterprise (SBE) participation for contract awards ≤ \$70,000 increased 1% closer to the goal of 50% for contract awards ≤ \$70,000.

Next, Ms. Johnson highlighted the following FY14 proposed program enhancements: participate in Associated General Contractors (AGC)/Caltrans District 04 Mentor Protégé Program for Construction; implement new prime and subcontractor matchmaking sessions for targeted construction projects; investigate "piggy-backing" on BART's proposed SBE Bonding Assistance Program; investigate the feasibility of providing a bid discount for non-SBE Prime Bidders who use SBE subcontractors; and consider investigating a regional approach for local agencies to leverage their banking relationships in support of increasing the availability of loans and/or lines of credit to SBEs.

Staff also proposed recommending to the full Board that the District increase the maximum dollar cap for the 5% SBE bid discount from \$50,000 per year to \$100,000 per year on all competitive bid projects effective January 1, 2014 and applying the cap to all bid projects advertised on or after that date. The Committee requested that staff consider an alternative recommendation of a SBE bid discount maximum of \$250,000 with a cap on the annual amount to be spent on bid discounts. It was moved, seconded and carried to forward the staff recommendation, with the proposed amendment, to the full Board. The Committee commended the work of staff on the program, and requested that staff provide a table showing the overall CE Program participation trend over the past five years.

Legislation Updates Related to Employee Benefit Plans—Defense of Marriage Act and Affordable Care Act. Manager of Employee Services Lisa A. Sorani provided an update on changes to the Defense of Marriage Act (DOMA) as well as an update on the Affordable Care Act (ACA). She reported that IRS Revenue Ruling 2013-17 (released in August) provides that for federal tax purposes, the terms “spouse,” “husband and wife,” “husband,” and “wife” now include an individual married to a person of the same gender and the term “marriage” includes a marriage between individuals of the same gender, as long as the individuals are lawfully married under any domestic or foreign law which authorizes the marriage of two individuals of the same gender, even if they are now domiciled in a state that does not recognize the validity of same gender marriage. In response, the District has made some adjustments to its health care and retirements plans.

Ms. Sorani also reported that some key items related to the ACA for 2014 - the individual mandate and healthcare exchanges components of the law - do not impact EBMUD directly. The individual mandate requires that effective January 1, 2014 most individuals must obtain basic health insurance with minimum essential coverage or pay a tax. The ACA mandates for 2014 most impactful to EBMUD are new fees imposed on the health insurance companies, many of which are passed on directly to the insured as increased premium costs. Transitional re-insurance fees are one such fee charged for 2014 – 2016, which is \$63 per year per covered life. In total, approximately 1-3 percent of increases across our plans this year are attributable directly to ACA related fees. The Committee raised no questions.

Legislative Report. Special Assistant to the General Manager Marlaigne K. Dumaine presented background information on recently approved Senate Bill 4 (SB 4) to establish environmental protections and transparency requirements for oil and gas well stimulation treatments, including but not limited to hydraulic fracturing (also referred to as “fracking”) and acid stimulation. She pointed out that the District’s main focus of concern with well stimulation treatments is the protection of water resources. However, well stimulation treatments are not considered to be a direct threat to the District’s current and future water supplies. The Committee recommended tabling taking a position on fracking and allowing the process to move forward. It was moved, seconded and carried to table the consideration of a position on fracking.

Adjournment. Director McIntosh adjourned the meeting at 10:59 a.m.

ARC/LML/slb