

## **MINUTES**

**Tuesday, October 8, 2013**

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

### **Regular Closed Session Meeting**

Vice-President Katy Foulkes called to order the Regular Closed Session Meeting of the Board of Directors at 11:05 a.m. in the Administration Center Board Room.

### **ROLL CALL**

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, and William B. Patterson and were present at roll call. President Andy Katz was absent at roll call but arrived at 11:06 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Engineering and Construction Xavier J. Irias (Item 1a), Attorney Xanthe M. Berry (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), Manager of Employee Relations Michael K. Rich (Item 2), Manager of Employee Services Lisa A. Sorani (Item 2), Attorney Lourdes Matthew (Item 2), and I.E.D.A. Representative Glenn Berkheimer (Item 2).

### **PUBLIC COMMENT**

The following persons addressed the Board: 1) Jae Park, representing AFSCME Local 2019 presented statistics on actual versus net wage increases since 2007 and said the current proposal is not in parity with the previous contract; and 2) Eric Fieberling, representing AFSCME Local 2019 commented that the minutes of September 24, 2013 did not accurately reflect his comments and said that the Local 21 tentative agreement does not work for Local 2019.

### **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 1:19 p.m. in the Administration Center Board Room.

### **ROLL CALL**

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, William B. Patterson, and President Andy Katz were present at roll call. Director Frank Mellon was absent at roll call but arrived at 1:26 p.m.

### **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**

- Motion by Director McIntosh, seconded by Director Coleman, to approve Items 1-7 on the Consent Calendar, carried (6-0) by voice vote. Director Mellon was absent.
1. **Motion No. 142-13** -- Approved the Regular Meeting Minutes of September 24, 2013.
  2. The following correspondence was filed with the Board: 1) Presentation entitled "Net Raise," submitted by Jae Park, representing AFSCME Local 2019; and 2) Memorandum dated October 8, 2013, to Andy Katz, President, Board of Directors from Frank Mellon, Member Board of Directors, regarding, "Request to be excused for Board Meeting October 22, 2013."
  3. **Motion No. 143-13** -- Awarded a contract to the lowest responsive/responsible bidder R.R. Donnelley Company in the estimated annual amount after the addition of taxes of \$37,985 for supplying water bill forms for the period beginning October 15, 2013 and ending October 14, 2015, with one (1) option to renew for an additional one-year period for a total estimated cost of \$113,955 under Proposal No. 1407.
  4. **Motion No. 144-13** -- Awarded a contract to the lowest responsive/responsible bidder, McGuire and Hester, in the amount of \$363,400 for construction of Argyle Reservoirs Access Road Improvements under Specification 2074.

5. **Motion No. 145-13** -- Authorized agreements with the following dump truck vendors for the rental of ten-yard dump trucks, 20-yard end-dump and transfer trucks, and 20-yard super dump trucks, in the combined estimated annual amount of \$1,250,000 for the period November 1, 2013 through October 31, 2015, with three options to renew for additional one-year periods, for a total estimated cost of \$6,250,000: A.I.P. Trucking; Adam Moreno & Sons, Inc.; Jarah Transportation, Inc.; D & S Trucking, LLC; De Bibb Trucking; E. M. Blair Trucking; Economy Trucking Services, Inc.; G. W. Trucking; Haver Transport; Hill Trucking; Inder Trucking; Jackson Transportation; JD Trucking Co., Inc.; Kemp Trucking; Mae Trucking; Robertson Trucking Service, Inc.; Roby Trucking; Royal Trucking; S&L Enterprises; Sandstone Trucking; SMG Trucking; Sudden Sam's Trucking, Co.; Tom Aikens General Engineering; and V. Dolan Trucking, Inc.
6. **Motion No. 146-13** -- Authorized an agreement with Stanford University in the estimated amount of \$64,038 for specialized research services to investigate the cause of process upsets at the Main Wastewater Treatment Plant.
7. **Motion No. 147-13** -- Approved the Water Supply Assessment requested by the City of Oakland for the Children's Hospital and Research Center Oakland Master Plan Project pursuant to California Water Code, Sections 10910-10915.

#### **DETERMINATION AND DISCUSSION**

##### **8. Legislative Update.**

Legislative/Human Resources Chair Director Lesa R. McIntosh announced that the Committee unanimously voted to support the 2014 recommendations for legislative proposals presented by staff. Special Assistant to the General Manager Marlaigne K. Dumaine highlighted the Committee's discussion on Initiative #4 related to the District's ability to reject bids and exclude bidders based on past performance. Ms. Dumaine pointed out that there is a remedy in current law that the District has not yet tested, and the Committee recommended that rather than seeking legislation, staff should establish a new practice of including information in staff recommendations for construction bid awards explaining EBMUD's experience with a proposed contractor in the past five years with regard to claims and litigation. Following discussion, the Board recommended including information regarding prevailing wage compliance.

- Motion by Director McIntosh, seconded by Director Coleman, to approve the staff recommendations on State Legislative Initiatives for 2014 Legislative Year and to exercise existing authority to reject bids by providing information on EBMUD's experience with the contractor in the previous five years with regard to claims, litigation, and prevailing wage compliance, carried (7-0) by voice vote.

**Motion No. 148-13** -- Approved the following recommendations for the 2014 Legislative Year: 1) Protect EBMUD's interests, including its water rights and water supply, as the legislature continues to consider Delta-related water supply and reliability issues and Delta-related funding issues (Proceed); 2) Protect EBMUD's interests in any efforts to impose a

statewide water surcharge or public goods charge on water (Proceed); 3) Protect EBMUD's property tax revenues (Proceed); 4) Provide greater flexibility to reject bids and exclude bidders (Do Not Proceed); and 5) Revise the utility marking law to allow for the broader use of vacuum extraction techniques for planned and emergency excavations (Do Not Proceed--Engage in Legislative Discussions).

Ms. Dumaine reported that October 11 is the deadline for Governor Brown to sign legislation. She announced that staff would provide a status update at the next meeting of EBMUD position bills for the first year of the state legislative. She also reported that the federal government shutdown continues (Day 8).

**9. General Manager's Report.**

General Manager Coate noted that the Monthly Report – September 2013 had been submitted in the Board's packet. He noted that the District was notified that the Camanche Area Regional Water Supply Plan will be awarded full funding from the State's Integrated Regional Water Management fund.

**REPORTS AND DIRECTOR COMMENTS**

**10. Committee Reports.**

- Filed with the Board were the Finance/Administration Committee Minutes of September 24, 2013.

**11. Director Comments.**

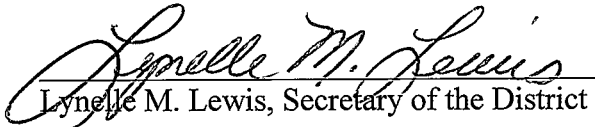
- Director Coleman reported attending/participating in the following events: ACWA Board tours of EBMUD facilities on September 26 in Oakland and at San Pablo Reservoir; ACWA Executive Committee and Board of Directors meeting on September 27 in Oakland; CMAA breakfast for the San Francisco Public Utility Commission on October 3 in San Francisco; Bay Institute Annual Gala on October 3 in San Francisco; Upper Mokelumne River Water Authority Board of Directors meeting and Pardee Barbeque event on October 4 at Pardee; ACWA Executive Committee teleconference meeting on October 7; and the ACWA Strategic Vision teleconference meeting on October 8. He reported on plans to attend/participate in the following upcoming events: Exchange Club on October 9 in Danville; Freeport Regional Water Authority Board of Directors meeting on October 10; ACWA "Best of Blue" teleconference meeting on October 14; and ACWA Executive Committee teleconference meeting on October 14 and October 21.
- Director Foulkes reported attending the ACWA dinner on September 26 at San Pablo Reservoir, Pardee Home Museum Board meeting on September 30 in Oakland, and an interview with a reporter for Orinda news regarding the Orinda Treatment Plant on October 2.
- Director Linney had no comment.

- Director McIntosh announced being elected to the ACWA Region 5 Board, and said she would begin in January 2014. The Board congratulated her on this achievement.
- Director Mellon reported touring the Cape Coral Recycled Water Facilities in Cape Coral, Florida on September 27. He submitted a request to be excused for the October 22, 2013 Board meetings to attend an annual conference conducted by the International Foundation of Employee Benefits Plans from October 20-23, 2013.
- Director Patterson reported attending the Congressional Black Caucus Legislative Foundation Conference from September 17-22 in Washington, D.C.
- President Katz reported attending the Bay Institute Annual Gala on October 3 in San Francisco and attending the Pardee BBQ event on October 4.

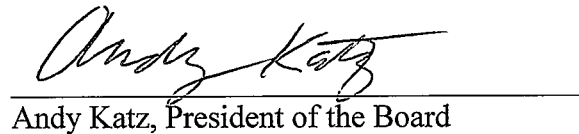
#### **ADJOURNMENT**

President Katz adjourned the meeting at 1:44 p.m.

SUBMITTED BY:

  
Lynelle M. Lewis, Secretary of the District

APPROVED: October 22, 2013

  
Andy Katz, President of the Board

