



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, May 26, 2015**

**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. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Phillips 66 Company
Claim No.: 2011-L-271-9
 - b. Two matters.

(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

PRESENTATION:

- EBMUD Employee Excellence Awards

ANNOUNCEMENTS FROM CLOSED SESSION:

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 7 recommendations including 2 Resolutions.)

1. Approve the Regular Meeting Minutes of May 12, 2015.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after July 1, 2015 with Arkadin, Inc. in an amount not to exceed \$15,000 annually for audio conferencing service for three years with two options to renew for an additional one-year period for a total cost of \$75,000.
4. Authorize renewal of an agreement with Oracle America, Inc. for one year beginning on or after July 1, 2015 in an amount not to exceed \$265,000 for database software license and maintenance services. The additional \$265,000 will increase the total cost for Oracle's software support service under the agreement to \$1,502,633.
5. Authorize a purchase agreement with Placer County Water Agency as follows:
 - 5.1. Find the proposed water transfer between the East Bay Municipal Water District and Placer County Water Agency (PCWA) exempt from the requirements of the California Environmental Quality Act and authorize execution of a one-year water purchase agreement with PCWA for up to 12,000 acre-feet (AF) at a cost of \$500 per AF for a maximum total cost of \$6,000,000 in 2015.
 - 5.2. Authorize the negotiation and execution of a Warren Act contract with the United State Bureau of Reclamation to move 12,000 AF of PCWA transfer water through Folsom Reservoir and Folsom South Canal at a cost not to exceed \$360,000.
6. Adopt a new policy: Use of Social Media. (Resolution)
7. Approve the nomination of Director Lesa R. McIntosh as a candidate for a regional officer position on the Association of California Water Agencies Region 5 Board. (Resolution)

DETERMINATION AND DISCUSSION:

8. Legislative Update:
 - Update on Legislative Issues of Interest to EBMUD
9. Adopt a policy position opposing the imposition of any statewide retail water user fees.
10. General Manager's Report:
 - 2015 Critical Drought Action Plan Update

REPORTS AND DIRECTOR COMMENTS:

11. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Sustainability/Energy
 - Finance/Administration
12. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 9, 2015 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

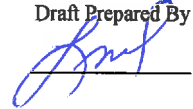
If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

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, May 26	Sustainability/Energy Committee Katz {Chair}, Linney, Young	8:45 a.m. Training Resource Center	<ul style="list-style-type: none"> Update on Greenhouse Gas Emissions Energy Strategy Update Food Waste Update
	Finance/Administration Committee Patterson {Chair}, Katz, Young	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Adopt New Policy: Use of Social Media Update on EBMUD's Website Hydropower Contract Update
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, June 9	Planning Committee McIntosh {Chair}, Linney, Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, June 23	Finance/Administration Committee Patterson {Chair}, Katz, Young	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Board of Directors	11:00 a.m. 1:15 p.m.	
Friday, July 3	Fourth-of-July Holiday		<ul style="list-style-type: none"> District Offices Closed
Tuesday, July 14	Planning Committee McIntosh {Chair}, Linney, Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	



MINUTES

Tuesday, May 12, 2015

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

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:00 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Regulatory Compliance Michael R. Ambrose (Item 1a); Attorney Xanthe M. Berry (Item 1a); Director of Wastewater Bennett K. Horenstein (Item 1b); Manager of Real Estate Services Matt Elawady (Item 1b); and Attorney Derek T. McDonald (Item 1b).

PUBLIC COMMENT

- Addressing the Board was Virdis Fuels Chief Executive Officer Kathy Neal, who requested an opportunity to meet with staff to discuss land lease agreement issues related to its planned biodiesel fuels project on EBMUD property.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

President Frank Mellon 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, Andy Katz, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

PRESENTATION

General Manager Coate announced that the 2015 “Speaker of the Year” award will be presented to the Security and Emergency Preparedness group consisting of Manager of Security and Emergency Preparedness Steven G. Frew, Security Shift Supervisor Steven J. Shively, and Security Shift Supervisor George W. Wright. General Manager Coate pointed out that each one has made informative and timely presentations throughout our service area this year to educate community leaders, ratepayers and stakeholders on the District’s preparedness as well as on how the audience can be prepared and take precautions. On behalf of the Board, President Mellon presented the plaques. The Board and staff applauded the awardees.

Next, General Manager Coate announced the recipients of the “Excellence in Water and Wastewater Research Awards” which recognizes outstanding student projects in the world of water. In the audience was the second place winner in the Contra Costa Science Fair senior division Dallin Stewart, a ninth grader at San Ramon Valley High School in Danville. He conducted an experiment to determine how to clean oil from water. On behalf of the Board, Director Coleman presented the award. General Manager Coate also announced that three other students were recognized for their projects but unable to attend the meeting. First place recipients in Contra Costa Science Fair senior division were Eric Zhou and Jacob Bronshteyn, ninth graders at Monte Vista High School in Danville who conducted an experiment to determine the effect of adding plant-based biological filtration on the chemical filtration ability of media and cloth filters. Third place recipient in the Contra Costa Science Fair senior division was Nathaniel Yu, a ninth grader at San Ramon Valley High School in Danville who conducted an experiment in the Delta to determine the effect of salt water on hyacinths, which are an invasive species. The Board and staff applauded the students for their accomplishment.

General Manager Coate recognized and thanked the following EBMUD volunteers who supported the science fairs: Janitor Supervisor Joey D. Smith, Superintendent Water Treatment Distribution Roberto C. Cortez, Ranger Naturalist II Vanessa C. Stevens, Associate Civil Engineer Ramona E. Gonzalez, Wastewater Plant Operator II Cheryl A. Franklin, Engineering Manager Susan M. Teefy, Associate Civil Engineer Yuyun Shang, Senior Chemist Jack C. Lim, Wastewater Plant Operator II Joseph R. Barge, Community Affairs Representative II Sharla J. Sullivan, Community Affairs Representative II Michelle Blackwell, and Director Frank Mellon, President of the Board.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Loni Gray, Collaborative Living Advisor, ZODwellings, distributed a letter that commends the Board for water conservation efforts, offered additional ideas to promote conservation, and asked about the appeal process for obtaining higher water allocations based on the number of residents in a single family

home; and 2) Lawrence Wales, San Pablo resident, said that the income guidelines for the Customer Assistance Program are discriminatory to self-employed individuals because qualification is based on the gross business income rather than the net personal income. Mr. Wales was referred to staff for assistance.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Patterson, to approve Items 1-9 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 076-15** – Approved the Regular Meeting Minutes of April 28, 2015.
 2. The following correspondence was filed with the Board: 1) Letter dated May 12, 2015 to EBMUD Board, from Loni Gray, Collaborative Living Advisor, ZODwellings, Berkeley, regarding conservation efforts and water allocations; 2) Presentation entitled “GM’s Report on Water and Wastewater Schedule of Rates and Charges and Setting Public Hearing Date,” dated May 12, 2015; and 3) Presentation entitled “Water Supply Briefing,” dated May 12, 2015.
 3. **Motion No. 077-15** – Awarded a contract to the lowest responsive/responsible bidder, Cambridge Brass, Inc., in the estimated annual amount of \$56,477, after the addition of taxes, for supplying 6” and 8” service clamps for three years, beginning on or after May 15, 2015, with two options to renew for an additional one-year period for a total not to exceed the amount of \$282,385 under Request for Quotation No. 1519.
 4. **Motion No. 078-15** – Authorized an agreement beginning on July 1, 2015 with Athens Insurance Service, Inc., dba Athens Administrators in an amount not to exceed \$655,000 for FY16, \$666,790 for FY17 and \$678,792 for FY18 for serving as the District’s Third Party Administrator and providing claims administration and benefits to injured workers in support of the District’s workers’ compensation program for three years with two options to renew for an additional two-year period for a total cost of \$4,844,920 for the seven-year period.
 5. **Motion No. 079-15** – Authorized an amendment to an agreement with HydroScience Engineering, Inc., in an amount not to exceed \$87,687 for a new not-to-exceed agreement amount of \$372,850 for consultant services related to completing the Pardee Recreation Area Recreational Vehicle Park Improvements Project design and construction.
 6. **Motion No. 080-15** – Amended the Concession Management Contract for Camanche Reservoir Recreation Area to index contractual fees paid by the concessionaire to water surface elevations in order to offset financial impacts resulting from the drought and to increase fees when levels are optimal. The fee adjustments are proposed to be retroactive to January 1, 2015.

7. **Motion No. 081-15** – Ratified the one-year water purchase and sale agreements with Reclamation District 1004 for up to 8,250 acre-feet (AF) of water in 2015, and with Sycamore Mutual Water Company for up to 4,978 AF in 2015, as falling within the Board of Directors' April 28, 2015 approval of proposed transfers.
8. **Motion No. 082-15** – Authorized the Office of General Counsel to continue employment of the Law Offices of Curtis T. White for specialized legal services in Federal Communications Commission licensing related matters in an additional amount not to exceed \$30,000.
9. **Motion No. 083-15** – Authorized the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett, LLP, for specialized legal services related to construction, public contract and procurement, claims, trademark services, pension, employment, and litigation matters in an additional amount not to exceed \$75,000.

DETERMINATION AND DISCUSSION

10. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine requested that the Board table actions on AB 291 (Medina) California Environmental Quality Act: Local Agencies: Notice of Determination until staff has an opportunity to meet with the Sierra Club regarding their concerns about the bill. Director McIntosh announced that the Legislative/Human Resources Committee concurred with the staff recommendation to table consideration of AB 291 (Medina) and to "Support" the recommended position for SB 637 (Allen) Suction Dredge Mining: Permits in the Legislative Report No. 05-15.

- Motion by Director McIntosh, seconded by Director Linney, to accept Legislative Report No. 05-15 and to approve the recommended position on SB 637 (Allen) Suction Dredge Mining: Permits, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 084-15 – Accepted Legislative Report No. 05-15 and approved the position on the following bill: SUPPORT SB 637 (Allen) Suction Dredge Mining: Permits.

Next, Ms. Dumaine provided an update on the EBMUD bill regarding multi-family lien and property tax collection, state and federal drought funding measures, and water user fees. There was considerable discussion regarding water user fee proposals. Following discussion, the Board requested that staff develop policy principles on a state water user fee for Board consideration. In concluding, Ms. Dumaine noted that work continues on federal drought relief legislation.

11. File A Report and Set A Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees, and System Capacity Charges.

Director of Finance Eric L. Sandler presented a summary of the General Manager's Report on Water and Wastewater Schedule of Rates and Charges. He reported that the Board held two budget workshops (March 24 and April 14) and that Proposition 218 notices were mailed April 15-24. A public hearing on rates and charges along with consideration of budget and rates is scheduled for June 9. Fiscal Year 2016 rates and charges become effective July 1.

Mr. Sandler pointed out that rates were based on a recently completed cost of service study. Proposed water rates for FY16 and FY17 are 8.0% and 7.0% respectively and proposed wastewater rates are 5.0% for each year. He provided a comparison of current and proposed monthly billing impacts to the average single family residential (SFR) customer. He also highlighted the drought rate surcharge and excessive use charges for SFR bills. Mr. Sandler presented an agency comparison of water and wastewater rates and charges. In concluding, he provided an overview of non-Proposition 218 rates and charges.

President Mellon announced that Mr. Sandler would be leaving the District. Board members thanked Mr. Sandler for the great financial oversight he provided during his tenure, and Mr. Sandler thanked the Board for the opportunity.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for 11.1-11.2, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

11.1. Motion No. 085-15 – Filed the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees, and System Capacity Charges.

11.2. Motion No. 086-15 – Set a Public Hearing for Tuesday, June 9, 2015, during the Board's regular meeting to consider the General Manager's Report and Recommendation and to comply with Proposition 218 public notification requirements.

12. General Manager's Report.

Operations and Maintenance Department Manager Eileen M. White presented the water supply update. She reported that the Mokelumne River basin precipitation totaled 26.14 inches (57% of average), East Bay precipitation totaled 19.16 inches (73% of average), and total system storage was 392,480 acre-feet (62% average and 51% of total capacity). Actual runoff received to date is 185 thousand acre-feet (TAF) and projected end of water year storage is 310 to 325 TAF. Ms. White reported that the State Water Resources Control Board issued curtailment notices for water diversions and pointed out this action could reduce system storage. Next,

Ms. White reported on District actions to address the drought which included conservation outreach to customers, increased recycling efforts, water transfers, and the use of the Freeport Regional Water Project. There was a question and answer period regarding curtailment of water rights and the Board requested information explaining curtailment and its relationship to water rights.

General Manager Coate announced that this would be the last water supply update for the year. He also announced that the Critical Drought Action Plan Update and the April 2015 Monthly Report was provided in the Board's packet. The Board requested that before launching an artificial turf rebate, staff provide a briefing for the Board showing that the recommended rebate criteria, goals for environmental health, water savings, and confirmation of EBMUD's standing as a Bay Friendly Landscape Principles signatory.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Minutes of the April 28, 2015 Finance/Administration Committee.

14. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA teleconference meeting for the ACWA drought panel on April 28 in Oakland; DERWA Board of Directors meeting on April 29 in Dublin; meeting to discuss drought restrictions on April 29 in Lafayette; ACWA Executive Committee teleconference meeting on April 30; drought presentation to the Real Estate Marketing Association on April 30 in Danville; drought presentation to the Republican Women of Orinda/Moraga/Lafayette on April 30 in Orinda; ACWA/JPIA Board of Directors meeting on May 4 in Sacramento; ACWA Spring Conference from May 4-8 in Sacramento; meeting with San Joaquin County officials on May 6 in Sacramento; dinner with Placer County Water officials on May 6 in Sacramento; ACWA Executive Committee teleconference meeting on May 11; drought presentation to Walnut Forest Homeowners Association on May 11 in Danville; DERWA teleconference meeting on California recycled water on May 12 in Oakland; and a farewell reception for Director of Finance Eric Sandler on May 12 in Oakland. He reported on plans to attend/participate in the following upcoming events: ACWA teleconference meeting on May 14; East Bay Leadership Council Board of Directors meeting on May 15 in Pleasant Hill; meeting with Norma Bishop, Lindsay Museum, on May 18 in Walnut Creek; ACWA Executive Committee teleconference meeting on May 18; drought presentation to Pleasant Hill City Council on May 18 in Pleasant Hill; ACWA webinar meeting with Governor Jerry Brown's administration on May 19; and Ward 2 breakfast briefing to discuss water issues on May 20 in Walnut Creek.
- Director Katz attending/participating in the following events: Navigating the American Carbon World conference on April 29 in Los Angeles; Rising Sun Energy Center's

Bright Night 2015 on May 7 in Berkeley; and Alameda Labor Council annual dinner event on May 8.

- Director Linney had no comment.
- Director McIntosh reported attending the attending the ACWA Federal Affairs Committee meeting on May 5 in Sacramento and the ACWA Spring Conference from May 5-6 in Sacramento.
- Director Patterson reported attending/participating in the following events: Upper Mokelumne River Water Authority Board of Directors meeting on April 24 in Pardee; African American Leadership Coalition event where he received the "Water Legacy Award" on May 5 in Sacramento; ACWA Spring Conference from May 5-6 in Sacramento; and the Freeport Regional Water Authority Board of Directors meeting on May 7 in Sacramento.
- Director Young had no comment.
- President Mellon reported attending/participating in the following events: African American Leadership Coalition event where Director Patterson was honored on May 5 in Sacramento; drought presentation to the San Leandro Rotary Breakfast Club on May 6; and a drought presentation to the San Ramon Rotary Evening Club on May 6.

ADJOURNMENT

President Mellon announced that each year the District honors its employees who have passed away in the last year. He adjourned the meeting in memory of District employees and retirees who passed away between May 2014 and April 30, 2015. The names of these employees were displayed while the Board and staff observed a moment of silence.

President Mellon adjourned the meeting at 2:49 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: May 26, 2015

Frank Mellon, President of the Board



AGENDA NO.
MEETING DATE

3.
May 26, 2015

TITLE TELEPHONE CONFERENCE CALL SERVICE

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after July 1, 2015 with Arkadin, Inc. in an amount not to exceed \$15,000 annually for audio conferencing service for three years with two options to renew for an additional one-year period for a total cost of \$75,000.

SUMMARY

The District uses the Arkadin audio conferencing system for internal and external conference calls. In addition, the hosted audio service is used for business continuity and emergency response operations.

The agreement contains an indemnify provision that has been reviewed by the Office of General Counsel. The Office of General Counsel stated the performance of the contracted services pose little risk of liability under the indemnity provision.

DISCUSSION

The District has used the Arkadin audio conferencing service since 2006 for all types of business interactions including industry partner calls, general public calls, business continuity and emergency response calls. The District has 51 authorized employees to initiate calls, along with a separate account to schedule calls for non-authorized employees. The operation of the service has been integrated into our business continuity and emergency response plans due to the zero dependency on the District's telephony infrastructure and the large call capacity of the Arkadin service.

SERVICE PROVIDER SELECTION

Requests for proposals were sent to three potential proposers. Two of the proposals were incomplete. Arkadin, Inc. was selected due the ease of use of the service, ease of managing and creating user accounts and the detailed invoice billing for usage review.

Funds Available: FY16		Budget Code: WSO/252/8583/5372
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR Nicholas J. Irias	APPROVED General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds are available for this work in the FY16 operating budget.

ALTERNATIVE

Do not purchase the service. This alternative is not recommended because the District would need to replace the hosted service with a premises-based service. The premises-based service may not be available during an emergency and to support large conference calls the District would need to add many additional phones lines that may cost more over time than the hosted service.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Telephone Conference Call Service -Three Year Contract with 2 One-Year Options to Renew						DATE: May 13, 2015						
CONTRACTOR: Arkadin, Inc. Atlanta, GA				PERCENTAGE OF CONTRACT DOLLARS								
BID/PROPOSER'S PRICE: \$15,000 */per year		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
		White	Men	Ethnic Minorities		25%		0.0%				
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: Arkadin, Inc.		\$15,000	White	X		100.0%	---	---	---	---	---	---
SUBS: None						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
TOTAL		\$15,000				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:		112		88		58		258				
Percent of Total Employees:		43.4%		34.1%		22.5%						
MSA Labor Market %:		39.0%		33.7%		27.2%						
MSA Labor Market Location:		Total USA										
COMMENTS												
Contract Equity Participation - 100% White Men participation												
*Total Not to Exceed 75,000.												
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: Telephone Conference Call Service -Three Year Contract with 2 One-Year Options to Renew		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	
Professional Services Agreement		DATE: 5/13/2015	Number of Ethnic Minority Employees					
R=Recmmd P=Prime S=Sub	Composition of Ownership							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT MSA %
RP	WM	Company Wide	17	26	12	-	55	21.3% 27.2%
Arkadin, Inc. Suzanne Smith 5 Concourse Parkway NE, Suite 1600 Atlanta, GA 30328 866-551-1432		Manager/Prof	4	4	9	-	17	15.9%
		Technical/Sales	3	4	2	-	9	16.4%
		Clerical/Skilled	10	18	1	-	29	30.2%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA 39.9%
		AA Plan on File: NA	Date of last contract with District: 8/19/2013					
		Co. Wide MSA: Total USA	# Employees-Co. Wide: 258 Bay Area: 0					
		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.
MEETING DATE

4.
May 26, 2015

TITLE ORACLE DATABASE SOFTWARE LICENSE & MAINTENANCE RENEWAL

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize renewal of an agreement with Oracle America, Inc. (Oracle) for one year beginning on or after July 1, 2015 in an amount not to exceed \$265,000 for database software license and maintenance services. The additional \$265,000 will increase the total cost for Oracle's software support service under the agreement to \$1,502,633.

SUMMARY



Oracle database software is used extensively by the District and is essential for the majority of our computer information systems including Customer, Financial, Human Resource, Work Management and Maximo. This software has been used at the District for the past 25 years to provide a consistent means of storing, updating, and searching for information. This renewal of the agreement, without change to product counts and terms and conditions, provides for continued license to use the software as well as periodic updates to the software and remote support to resolve any software problems. This renewal is for Oracle database licenses initially purchased in 2005.

DISCUSSION

Technical support for Oracle is required to ensure that District staff have access to Oracle database experts when resolving complex system administration issues and responding to any potential operational problem. Periodic updates are important to ensure that up-to-date security patches are available, maintain software current with technology, and assure compatibility of the Oracle software with other software products.

VENDOR SELECTION

Oracle is the sole source of Oracle database software. Oracle is not providing multi-year maintenance contract renewals at this time and only offers annual renewals.

Funds Available: FY16		Budget Code: WSO/252/8547/5243
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR  Nicholas J. Irias	APPROVED  General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds are available in the FY16 operating budget.

ALTERNATIVES

Switch to a different database product. This alternative is not recommended because there are no alternative database systems capable of supporting the District's inventory of software applications.

Do not procure support and software update license. This alternative is not recommended because the District requires access to support in order to resolve data management issues and to software updates in order to ensure that any newly discovered security vulnerabilities can be addressed. Without the license for support and software updates the District's information systems could be compromised.


Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Renewal of General Services Agreement Oracle Database Software License & Maintenance Renewal							DATE: May 15, 2015					
CONTRACTOR: Oracle Corporation Redwood City, CA					PERCENTAGE OF CONTRACT DOLLARS							
Sole Source					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		0.0%			
		Ethnicity	Gender		White Women		6%		0.0%			
\$265,000 *		Publicly Held			Ethnic Minorities		25%		0.0%			
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: Oracle Corporation		\$265,000	Publicly Held			---	---	---	---	100.0%	---	---
SUBS: None						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
						---	---	---	---	---	---	---
TOTAL		\$265,000			0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		20,241		7,716		16,034		43,991				
Percent of Total Employees:		46.0%		17.5%		36.4%						
MSA Labor Market %:		39.0%		33.7%		27.2%						
MSA Labor Market Location:		Total USA										
COMMENTS												
Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation and no subcontract opportunities exist.												
*Total not to exceed \$1,502,633.												
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: Oracle Database Software License & Maintenance Renewal		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: 5/15/2015	9 Bay Area Counties						
			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	Publicly Held	Company Wide	1,160	1,811	12,360	103	15,434	35.1%	27.2%
Oracle Corporation 500 Oracle Parkway Redwood City, CA 94065 408-642-2847		Manager/Prof	799	1,384	11,467	75	13,725	40.3%	
		Technical/Sales	310	345	827	26	1,508	16.4%	
		Clerical/Skilled	51	82	66	2	201	27.3%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		5/31/2015		
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		43,991 Bay Area: 0		
		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.
MEETING DATE

5.

May 26, 2015

TITLE ONE-YEAR WATER PURCHASE AGREEMENT WITH PLACER COUNTY WATER AGENCY

☒ **MOTION** _____ ☐ **RESOLUTION** _____ ☐ **ORDINANCE** _____

RECOMMENDED ACTION

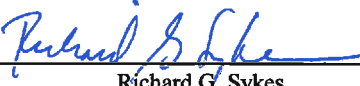

1. Find the proposed water transfer between the East Bay Municipal Water District and Placer County Water Agency (PCWA) exempt from the requirements of the California Environmental Quality Act (CEQA) and authorize execution of a one-year water purchase agreement with PCWA for up to 12,000 acre-feet (AF) at a cost of \$500 per AF for a maximum total cost of \$6,000,000 in 2015.
2. Authorize the negotiation and execution of a Warren Act contract with the United States Bureau of Reclamation (Reclamation) to move 12,000 AF of PCWA transfer water through Folsom Reservoir and Folsom South Canal at a cost not to exceed \$360,000.

SUMMARY

On April 14, 2015, EBMUD's Board of Directors declared a continuing water shortage emergency within EBMUD's service area, declared a Stage 4 critical drought, adopted a mandatory District-wide water use reduction goal of 20 percent, declared the need to use the Freeport facility to deliver supplemental supplies to EBMUD's service area, and increased mandatory restrictions on potable water use. Due to the unexpectedly low and virtually unprecedented allocation to EBMUD of just 25 percent or 33,250 AF, of the Central Valley Project (CVP) water to which it is entitled under its contract, EBMUD is proposing to secure water transfers to bring a total of 65,000 AF (combined CVP and transfers) of supplemental water supply into the service area via the Freeport facility in 2015. EBMUD and PCWA have negotiated a one-year agreement for EBMUD to purchase up to 12,000 AF of additional water PCWA plans to release to the lower American River as part of its Sacramento Water Forum Agreement (WFA) commitment in 2015. Staff is also working with Reclamation on a Warren Act contract that would allow EBMUD use of Folsom Reservoir and the Folsom South Canal to move transfer water to EBMUD's service area in 2015.

DISCUSSION

In August 2013, the District and PCWA executed a Memorandum of Understanding (MOU) to develop a long-term transfer agreement under which EBMUD would purchase dry year water from PCWA. PCWA owns and operates several reservoirs on the Middle Fork of the American River and its tributaries. PCWA is a signatory to the 2000 Sacramento WFA, which establishes goals of preserving the lower American

Funds Available: FY 15-16		Budget Code:
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  Alexander R. Coate

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

River and providing a reliable water supply for the region. As a part of the WFA, PCWA has agreed to release additional water from its reservoirs in dry years to benefit the lower American River. These environmental releases are conditioned upon PCWA's ability to find a willing buyer to purchase the water downstream of the confluence of the Sacramento and American Rivers. Under the long-term partnership envisioned by EBMUD and PCWA, EBMUD would become the buyer of PCWA's additional releases, thereby providing certainty that PCWA's environmental releases will continue in the future.

The MOU provides EBMUD with a right of first refusal to purchase water available on a short-term, one-year basis in the interim period prior to execution of the long-term transfer agreement. EBMUD staff and PCWA have negotiated a one-year agreement for EBMUD to purchase up to 12,000 AF at a price of \$500 per AF. EBMUD would pay PCWA a \$300,000 non-refundable processing fee to cover PCWA's costs to complete the necessary environmental reviews and approvals. The processing fee payment would be credited towards EBMUD water purchases in 2015. The one-year purchase agreement also contains a reciprocal indemnity provision under which PCWA agrees to indemnify EBMUD, and EBMUD agrees to indemnify PCWA, for losses arising from activities under the purchase agreement.

In order to deliver water from PCWA to EBMUD's service area, EBMUD and Reclamation would enter into a Warren Act contract that would allow transfer water to be moved through Folsom Reservoir and the Folsom South Canal at an estimated cost of \$30/AF.

FISCAL IMPACT

The estimated water purchase cost of up to 12,000 AF of transfer water is approximately \$6 million at \$500/AF. The total estimated water transfer cost, including operation of the Freeport facility and payments to Reclamation, is approximately \$11 million. Funds for the water transfer will be available from the FY16 drought surcharge revenue.

CEQA/ENVIRONMENTAL COMPLIANCE

Temporary water transfers of one-year or less involving post-1914 water rights are exempt from the requirements of CEQA. In addition, the proposed transfer is exempt from the requirements of CEQA as actions necessary to prevent or mitigate an emergency and actions involving the operation of existing facilities. Reclamation will complete environmental review under the National Environmental Policy Act (NEPA) prior to approval of a Warren Act contract that allows transfer water to be moved through federally owned facilities.

ALTERNATIVE

Do not purchase water or purchase less water from PCWA. This alternative is not recommended because under the declared Stage 4 drought, EBMUD has identified the need to procure 65,000 AF of supplemental supplies through water purchases and EBMUD's 2015 CVP allocation is only 33,250 AF. Other transfer agreements completed this year total approximately 13,000 AF.

RGS:MTT:JRL:acr



AGENDA NO.

6.

MEETING DATE

May 26, 2015

TITLE ADOPT NEW POLICY: USE OF SOCIAL MEDIA☐ MOTION ☒ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Adopt a new policy: Use of Social Media.

DISCUSSION

This proposed policy identifies the social media accounts that are approved for District public communication in furtherance of the mission and goals of the District, codifies organizational responsibility for managing social media accounts and states the District's intent to restrict or remove content that is deemed in violation of EBMUD's social media policy or any applicable law. Use of social media accounts will enable EBMUD to disseminate time-sensitive information as quickly as possible, especially in emergencies and increase EBMUD's ability to communicate with members of the public. The proposed policy will be supported by procedures and guidelines that further clarify roles and responsibilities and establish archiving procedures consistent with the California Public Records Act requirements. The proposed policy was reviewed with the Finance/Administration Committee on May 26, 2015.

UNION NOTIFICATION

Employee Relations has reviewed the new policy to determine the necessity for union review and has reviewed all of the changes that affect wages, hours and working conditions with the unions.

FISCAL IMPACT

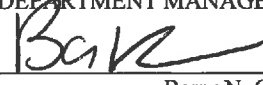
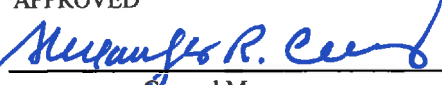
This new policy has no fiscal impact.

ALTERNATIVE

Do not establish a social media policy. This alternative is not recommended as it would leave the District with no Board directive on the use of social media.

Attachment

I:\SEC\05-26-15 Agenda Items\FIN - BD1 Revisions to Several District Policies 052615.doc

Funds Available FY:		Budget Code:
DEPARTMENT SUBMITTING Finance Department	DEPARTMENT MANAGER or DIRECTOR  Barry N. Gardin	APPROVED  General Manager

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



Policy 6.05

EFFECTIVE 26 MAY 15

Use of Social Media

SUPERSEDES NEW

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Use social media accounts as an official channel for District public communication in furtherance of the mission and goals of the District.

Purpose	EBMUD shall use social media accounts as a means of: disseminating time-sensitive information as quickly as possible, especially in emergencies; increasing EBMUD's ability to communicate with members of the public; and communicating official District public information about employment opportunities and promoting EBMUD as an employer of choice.
----------------	--

Compliance with Laws and Regulations	<p>EBMUD social media account management practices shall comply with all applicable District policies and procedures and state and federal laws and administrative rules.</p> <p>EBMUD social media accounts are subject to the California Public Records Act. EBMUD social media accounts shall clearly indicate that content posted or submitted for posting is subject to public disclosure, when possible. (Social media sites use proprietary commercial software and the software and user guidelines frequently change. Account holders have limited ability to control posting, deleting, copyrighting and archiving of their accounts' content; social media services also disclaim responsibility for storing information.)</p>
---	---

Right to Restrict or Remove Content	<p>EBMUD social media accounts are a mechanism for responsive communication between EBMUD and members of the public, and EBMUD reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law. When possible, EBMUD social media account managers reserve the right to remove content that includes or promotes:</p> <ul style="list-style-type: none">• Links to spam or to commercial ventures or products;• Content pertaining to candidate or ballot measure advocacy that may violate California Government Code Section 8314, which prohibits use of public resources for campaign activity;• Profane language or content;• Comments or content that promotes or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, veteran status, national origin, physical or mental disability or sexual orientation;• Sexual content or links to sexual content;• Conduct or encouragement of illegal activity;• Information that may tend to compromise the safety or security of the public, public systems or EBMUD employees; or• Content that violates a legal ownership interest of any other party.
--	---

These user guidelines must be displayed to users at www.ebmud.com and, when possible, be made available on EBMUD's social media accounts by hyperlink. EBMUD will archive content removed by the authorized account manager based on these prohibitions, including the time, date and identity of the poster. To the extent possible and as provided under the terms and conditions of use by third

party owned sites, EBMUD will make a good faith and reasonable effort to ensure that archive periods will be consistent with California Public Records Act requirements.

**Account
Management
Responsibilities**

Public Affairs is responsible for managing and delegating authority to manage the content of authorized EBMUD social media accounts, including the removal of any prohibited content. Only designated Public Affairs staff may publish statements or images to official EBMUD social media accounts in their capacity as an official District spokesperson or may authorize an employee to post information in that capacity.

Public Affairs is responsible for developing procedures that describe primary staff roles and responsibilities for each social media site and guidelines that describe social media account management duties and best practices for managing each social media account. Guidelines will specifically address reasonable practices for archiving each EBMUD social media account, given the constraints imposed by the accounts being managed on third-party owned sites, and for providing those documents in response to a public records request for those records in accordance with Procedure 608: Public Access to District Records. Guidelines also will address requirements for fact-checking information with the District subject matter experts.

**Approved Social
Media Sites for
Official Accounts**

The following social media sites have been approved for the establishment of EBMUD accounts:

- Twitter
- LinkedIn

Public Affairs will be responsible for recommending that the District add or delete social media sites and accounts based on perceived District benefits and resources.

Authority

Adopted by Resolution No. XXXXX-15, May 26, 2015

References

Policy 2.20	Workplace Communication
Policy 2.24	Health Insurance Portability and Accountability Privacy Rule
Policy 2.25	Equal Employment Opportunity
Policy 4.20	Use of District Technology Resources
Policy 6.04	Ethics Policy of the EBMUD Board of Directors
Procedure 223	Employee Discipline
Procedure 312	Document Control: Maps, Drawings, Related Data
Procedure 453	Technology Use and Privacy Procedure
Procedure 600	Public Outreach and Community Relations
Procedure 606	News Media Standard Practice
Procedure 608	Public Access to District Records
Procedure 609	Revisions to Record Retention Schedule
Procedure 720	Security: Facilities Photo/Video Images


Office of General Counsel

RESOLUTION NO. _____

ADOPT NEW POLICY 6.05, USE OF SOCIAL MEDIA

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, it is the desire and intention of the Board of Directors to adopt new Policy 6.05, entitled "Use of Social Media;"

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that new Policy 6.05, attached hereto as Exhibit A, is hereby adopted.

ADOPTED this 26th day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel



Policy 6.05

EFFECTIVE 26 MAY 15

Use of Social Media

SUPERSEDES NEW

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Use social media accounts as an official channel for District public communication in furtherance of the mission and goals of the District.

Purpose	EBMUD shall use social media accounts as a means of: disseminating time-sensitive information as quickly as possible, especially in emergencies; increasing EBMUD's ability to communicate with members of the public; and communicating official District public information about employment opportunities and promoting EBMUD as an employer of choice.
----------------	--

Compliance with Laws and Regulations	<p>EBMUD social media account management practices shall comply with all applicable District policies and procedures and state and federal laws and administrative rules.</p> <p>EBMUD social media accounts are subject to the California Public Records Act. EBMUD social media accounts shall clearly indicate that content posted or submitted for posting is subject to public disclosure, when possible. (Social media sites use proprietary commercial software and the software and user guidelines frequently change. Account holders have limited ability to control posting, deleting, copyrighting and archiving of their accounts' content; social media services also disclaim responsibility for storing information.)</p>
---	---

Right to Restrict or Remove Content	<p>EBMUD social media accounts are a mechanism for responsive communication between EBMUD and members of the public, and EBMUD reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law. When possible, EBMUD social media account managers reserve the right to remove content that includes or promotes:</p>
--	--

- Links to spam or to commercial ventures or products;
- Content pertaining to candidate or ballot measure advocacy that may violate California Government Code Section 8314, which prohibits use of public resources for campaign activity;
- Profane language or content;
- Comments or content that promotes or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, veteran status, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public, public systems or EBMUD employees; or
- Content that violates a legal ownership interest of any other party.

These user guidelines must be displayed to users at www.ebmud.com and, when possible, be made available on EBMUD's social media accounts by hyperlink. EBMUD will archive content removed by the authorized account manager based on these prohibitions, including the time, date and identity of the poster. To the extent possible and as provided under the terms and conditions of use by third

party owned sites, EBMUD will make a good faith and reasonable effort to ensure that archive periods will be consistent with California Public Records Act requirements.

**Account
Management
Responsibilities**

Public Affairs is responsible for managing and delegating authority to manage the content of authorized EBMUD social media accounts, including the removal of any prohibited content. Only designated Public Affairs staff may publish statements or images to official EBMUD social media accounts in their capacity as an official District spokesperson or may authorize an employee to post information in that capacity.

Public Affairs is responsible for developing procedures that describe primary staff roles and responsibilities for each social media site and guidelines that describe social media account management duties and best practices for managing each social media account. Guidelines will specifically address reasonable practices for archiving each EBMUD social media account, given the constraints imposed by the accounts being managed on third-party owned sites, and for providing those documents in response to a public records request for those records in accordance with Procedure 608: Public Access to District Records. Guidelines also will address requirements for fact-checking information with the District subject matter experts.

**Approved Social
Media Sites for
Official Accounts**

The following social media sites have been approved for the establishment of EBMUD accounts:

- Twitter
- LinkedIn

Public Affairs will be responsible for recommending that the District add or delete social media sites and accounts based on perceived District benefits and resources.

Authority

Adopted by Resolution No. XXXXX-15, May 26, 2015

References

Policy 2.20	Workplace Communication
Policy 2.24	Health Insurance Portability and Accountability Privacy Rule
Policy 2.25	Equal Employment Opportunity
Policy 4.20	Use of District Technology Resources
Policy 6.04	Ethics Policy of the EBMUD Board of Directors
Procedure 223	Employee Discipline
Procedure 312	Document Control: Maps, Drawings, Related Data
Procedure 453	Technology Use and Privacy Procedure
Procedure 600	Public Outreach and Community Relations
Procedure 606	News Media Standard Practice
Procedure 608	Public Access to District Records
Procedure 609	Revisions to Record Retention Schedule
Procedure 720	Security: Facilities Photo/Video Images



AGENDA NO.
MEETING DATE

7.
May 26, 2015

TITLE ASSOCIATION OF CALIFORNIA WATER AGENCIES REGION 5 NOMINATION

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Approve the nomination of Director Lesa R. McIntosh as a candidate for a regional officer position on the Association of California Water Agencies (ACWA) Region 5 Board.

SUMMARY


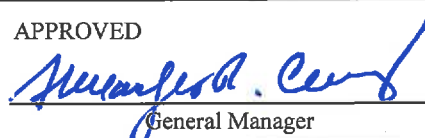
ACWA's regions provide opportunities for members to shape ACWA policy issues and determine the direction and focus of regional issues and activities. Additionally, the regions support the fulfillment of ACWA's goals on behalf of members. Ms. McIntosh has served one term as an ACWA Region 5 Board member and is interested in continuing to contribute in this capacity.

DISCUSSION

Ms. McIntosh has served on the East Bay Municipal Utility District Board of Directors since 1999 and during that time has chaired key Board committees, served as Vice President of the Board, and from 2007 – 2009 served as President of the Board. During her tenure as President, Ms. McIntosh led the Board through an intensive two-year effort to engage stakeholders in a review of the Water Supply Management Program and develop a strategy for providing East Bay residents and businesses with reliable water supplies through the year 2040. Additionally, EBMUD received its first AAA bond rating, evidencing the Board's fiscally sound priorities and planning during her presidency.

Ms. McIntosh has focused considerable attention on EBMUD's rate structure, water conservation and recycling efforts and has provided strong leadership for equity in EBMUD programs, facilitating contract participation by minority and woman owned businesses.

Ms. McIntosh is EBMUD's representative on the Special Districts Association of Contra Costa County. She has been active in local government issues for several years, having served as a Councilmember for the City of Richmond, California prior to serving on the EBMUD Board. Ms. McIntosh is a member of

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Office of the General Manager	DEPARTMENT MANAGER or DIRECTOR  Cheryl A. Farr	APPROVED  General Manager

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

Association of California Water Agencies Region 5 Nomination

May 26, 2015

Page 2

the Contra Costa County Bar Association, Charles Houston Bar Association, NAACP - Richmond Chapter, Black Women Lawyers of Northern California, Black Women Organized for Political Action (BWOPA), West Contra Costa County Democratic Club and formerly the Legal Services Foundation Board of Directors, Contra Costa College - Instructor Criminal Justice, Richmond Chamber Commerce and East Bay Community Development Corporation - Board member, President and Investigator, Richmond Rotary, Co-Founder, West County Democratic Club and Board member, League of Women Voters (West County).


Office of General Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY MUNICIPAL
UTILITY DISTRICT NOMINATING LESA R. MCINTOSH AS A CANDIDATE FOR
THE POSITION OF ASSOCIATION OF CALIFORNIA WATER AGENCIES
REGION 5 REGIONAL OFFICER

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (EBMUD) does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA); and

WHEREAS, EBMUD Director Lesa R. McIntosh has indicated a desire to serve as a Regional Officer of ACWA Region 5;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does place its full and unresolved support in the nomination of Lesa R. McIntosh for the Regional Officer of ACWA Region 5 and does hereby determine that the expenses attendant with the service of Lesa R. McIntosh on ACWA Region 5 shall be borne by EBMUD.

ADOPTED this 26th day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

ITEM #8

LEGISLATIVE UPDATE

WILL BE GIVEN AS AN
ORAL REPORT



AGENDA NO.
MEETING DATE

9.

May 26, 2015

TITLE **ADOPT A POLICY POSITION OPPOSING THE IMPOSITION OF ANY
STATEWIDE RETAIL WATER USER FEES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt a policy position opposing the imposition of any statewide retail water user fees.

SUMMARY

At the May 12, 2015 Board meeting, staff was asked to bring a policy position regarding potential retail water user fee proposals to the Board for consideration.

DISCUSSION

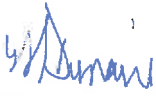

The concept of retail water user fees imposed on customer bills continue to be discussed in the legislature and administration as a way to provide a steady revenue source for the state to fund water-related programs. EBMUD is opposed to the imposition of statewide retail water user fees, also known as public goods charges or water surcharges, on customer water bills on the basis of equity, affordability, accountability, and the beneficiary pays principle.

FISCAL IMPACT

Adoption of this policy position is not expected to have a fiscal impact on the District.

ALTERNATIVES

Do not adopt the policy position. This is not recommended as efforts to pursue a retail water user fee are expected to continue and adoption of a policy position will express EBMUD's position on a retail water user fee outside of specific legislation and will inform stakeholders.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Office of Intergovernmental Affairs	 Marlaigne Dumaine	 General Manager

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

Policy Position on Statewide Retail Water User Fees

Funding for a variety of water-related projects and programs has become increasingly dependent on bond funding rather than allocations from the state general fund. Such programs include ecosystem restoration, research and monitoring, improvements to the statewide water system, and safe drinking water for disadvantaged communities. While bond measures can provide significant infusions of financial support for such actions, they are an unreliable funding mechanism as they require voter approval, and incur greater costs over the long run due to interest payments.

Retail water user fees have been proposed as an alternative way to ensure a steady revenue source to fund water-related programs considered by the state to be in the public's interest. Water fees have also been referred to as a public goods charge or a water surcharge. In most proposals, funds would be collected through a charge on retail customer water bills, placing the burden on urban ratepayers and urban water agencies.

Proponents of a retail water fee have asserted a fee would better adhere to the beneficiary pays principle, which holds that those who benefit from a project or program should pay for it. Further, a retail water fee would also be administratively simple to implement from the state's perspective. Opponents of a retail water fee assert that retail water use fees are inefficient and unfair, create inappropriate subsidies, and actually violate the beneficiary pays principle.

EBMUD is opposed to the imposition of state retail water use fees or surcharges on customer water bills on the basis of equity, affordability, and accountability.

Equity: Even though all Californians rely on surface or groundwater supplies, many water users would not contribute under a retail water user fee system as their consumption is not measured. These include most agricultural users, private well owners, and some urban users who do not yet have meters. This places the entire burden on retail customers who consume only a portion of the water used in the state.

Affordability: Retail water use fees added to customer bills would not be related to the cost of water service but would increase the payment amount. This would directly affect the affordability for rate payers, particularly those that are low income.

Beneficiary pays: A retail water user fee system would redirect resources away from water agencies that have carefully managed their finances and investments, and subsidize those that have not. EBMUD has been a leader in water use efficiency, natural resources stewardship, and integrated water planning while relying on a carefully established, fair and sustainable rate structure for its customers. For projects with multiple beneficiaries, the state should implement a rigorous beneficiary pays system to limit "free riders", including an analysis of the benefits that are truly public and would merit state funding. A more thorough analysis of beneficiaries and benefits for a given project or program would improve the economic justification for beneficiary contributions, and in all likelihood reduce the state's cost share for clearly defined public benefits.

Local control and infrastructure investment: In many parts of EBMUD's service area, water collection and distribution systems are reaching the end of their normal lifespan, and replacement costs will grow at a rate far exceeding inflation in the coming decades. A retail water user fee added to customer bills would impair the ability of water agencies to raise rates needed to fund critical infrastructure. Given the public's sensitivity to rate increases and the requirements of Prop 218, imposing a retail water use fee would effectively redirect ratepayer dollars to the state and displace critical investments in local infrastructure, thus undermining the continued reliability of our water systems.

Due to the deepening drought, EBMUD recently made the difficult decision to impose drought surcharges on customer bills to help meet fixed costs, which comprise the large majority of our capital and operating costs in providing water service. Even if precipitation returns to normal levels next year, many water purveyors will have deficits in their supplies and rationing may have to continue, with the accompanying reductions in revenue.

Efficiency and Accountability: With every additional step in revenue collection, administrative costs are incurred that erode the value and impact of the funds. Accountability is also lost as the path from revenue source to expenditure becomes clouded.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 26, 2015

MEMO TO: Board of Directors

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

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

SUBJECT: 2015 Critical Drought Action Plan Update

SUMMARY

This memo provides a brief update on recent activities related to the 2015 Critical Drought Action Plan. There have been no significant variances from the adopted plan.

DISCUSSION

Statewide Drought Report. The District submitted its latest monthly report on water production data to the State Water Resources Control Board. We reported that EBMUD's April 2015 production was 18% lower than April 2013 production (4,456.9 million gallons compared to 5,417.5 million gallons). On average, our residential customers used 67 gallons per capita per day in April 2015 compared to 82 gallons per capita per day in April 2013.

Customer Outreach. During May, a robocall was delivered to 145,065 households explaining drought restrictions. About one-third were answered by a person and two-thirds were delivered to answering machines. Reaching these households cost a total of \$3,846, or about \$0.027 per delivered call.

During the first three weeks of May, the Contact Center received 93 drought-related emails and 461 drought-related phone calls. Customer comments are most commonly from individuals concerned about their ability to save an additional 20 percent and there have been a number of inquiries from individuals who, remembering the last drought, want to talk about their allocation. Staff is explaining the District's expectations of compliance with outdoor watering restrictions and striving for 35 gallons per person per day indoors. Drought inquiries and water waste reports are expected to increase as we enter the summer months.

NEXT STEPS

Staff will continue to provide a comprehensive monthly report on the Critical Drought Action Plan at the first Board meeting of each month and a brief summary highlighting recent activities at the second Board meeting of each month.

ARC:CAF

I:\SEC\2015 Board Related Items\052615 Board Agenda Items\OGM – Critical Drought Action Plan Update.docx

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 21, 2015

MEMO TO: Board of Directors

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

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

SUBJECT: Planning Committee Minutes – May 12, 2015

Chair Lesa R. McIntosh called to order the Planning Committee in the Training Resource Center at 9:04 a.m. Director Marguerite Young was present at roll call and Director Doug Linney arrived at 9:09 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Wastewater Bennett K. Horenstein, Director of Engineering and Construction Xavier J. Irias, Associate Civil Engineer Diana M. Lee-Boozarpour, Manager of Wastewater Environmental Services Jacqueline T. Kepke, Engineering Manager Serge V. Terentieff, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Wastewater Collection System Infrastructure Condition Update. Associate Civil Engineer Diana M. Lee-Boozarpour presented a status update on the condition assessment findings of the wastewater collection system, including gravity interceptor pipelines, pressurized force mains, and pump stations. This work was required to fulfill the District's obligations under the 2009 Wet Weather Stipulated Order. She reported that based on the findings, a prioritized capital improvement program has been developed to ensure continued reliability of these critical wastewater infrastructure elements. She reported that the majority of the interceptor system is in fair-to-good condition; however, the interceptor system will require repairing any damaged or exposed rebar, repairing the concrete surface, and installing a protective coating or barrier to prevent corrosion. The force mains were found to be in good condition while some minor improvements were identified to improve access and repair existing corrosion prevention systems at several locations. Overall, the District's pump stations are in good condition with only one pump station identified as having pumping capacity issues. The proposed 5-year FY16-20 capital improvement program (CIP) includes approximately \$58 million to address critical wastewater collection system needs based on the condition assessment findings.

Food Waste Update. Manager of Wastewater Environmental Services Jacqueline T. Kepke presented a status update of the Waste Management (WM) subcontract negotiations. She reported that WM and the District have exchanged several rounds of contract markups and held a number of negotiating meetings. Progress has been made on a number of issues including the scope of materials to be delivered to the District and the alternate facility distance. The District also has made progress in developing an approach to address compliance with StopWaste recycling provisions included in

the City of Oakland (City) contract. The District is still in discussion regarding with WM regarding the disposal facility for residuals from preprocessing and the quality of incoming food waste materials. Ms. Kepke also reported that the District has received and evaluated two proposals in response to a Request for Proposals (RFP) for Food Scraps Preprocessing and Organics Program Development, and elected to negotiate with both companies for elements of their proposed scopes of services. Additionally, staff continues to evaluate the option to perform preprocessing using in-house resources.

Next steps include continued working with the City and WM to negotiate terms of the subcontract for District organics processing and the scope of service for preprocessing contractors. A status update will be provided to the Sustainability Committee in May and staff anticipates that proposed contracts will be brought to the Board for consideration in June. The Committee raised questions about the project economics and staff said that based on project assumptions, it will provide an economic benefit to the District.

Panoramic Hill Water System Improvements Update. Engineering Manager Serge V. Terentieff presented a project update on the water distribution system improvements for the Panoramic Hill neighborhood in the cities of Berkeley and Oakland. He reported that the project requires replacement of the existing reservoir, pipelines and pumping plant to improve the reliability of the area's domestic and emergency water service. Existing District facilities are over 50 years old, in poor condition, and in need of replacement. The existing 0.5-million gallon (MG) reservoir will be replaced with two 0.09-MG reservoirs, approximately 7,300 feet of existing pipelines on Panoramic Hill will be replaced prior to the City of Berkeley's repaving project scheduled for 2018, and the existing 0.2-million gallons per day pumping plant will be replaced with a new pumping plant of the same capacity. The schedule for these project components continues to be coordinated with the cities of Berkeley and Oakland to minimize community impacts and ensure completion prior to the City of Berkeley's repaving project.

Mr. Terentieff said the primary stakeholders for this project include the Panoramic Hill Association, the Berkeley Path Wanderers Association, and the cities of Berkeley and Oakland. Since October 2013, five information and outreach meetings have been held and the key issues were fire flow improvement, coordination with the City of Berkeley's repaving of the Panoramic Hill, community and emergency vehicle access during the pipeline construction, road closure notices, parking, and the final location of the Arden Path staircase (currently located on pumping plant property). Another community meeting is planned for February 2016 and regular coordination meetings are being held with the cities to coordinate the Panoramic Hill water system improvements with other projects such as the City of Berkeley's collection system improvements and street repaving projects.

Adjournment. Chair McIntosh adjourned the meeting at 10:10 a.m.

ARC/LML/slb

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 21, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager 

FROM: Lynelle M. Lewis, Secretary of the District 

SUBJECT: Legislative/Human Resources Committee Minutes – May 12, 2015

Director Lesa R. McIntosh called to order the Legislative/Human Resources Committee at 10:16 a.m. in the Training Resource Center. Director William B. Patterson was present at roll call and Chair John A. Coleman arrived at 10:19 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Legislative Affairs Marlaigne K. Dumaine, Director of Engineering and Construction Xavier J. Irias, Engineering Manager Jimi Yoloye, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Legislative Report. Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the recommended positions in Legislative Report No. 05-15 on AB 291 (Medina) California Environmental Quality Act: Local Agencies: Notice of Determination: Water and SB 637 (Allen) Suction Dredge Mining: Permits. She reported that AB 291 (Medina), as amended on April 23, 2015, would establish an alternative procedure for the filing of CEQA notices of approval or determination for multi-county water projects, such as water transfers. She noted that AB 291 does not create any new exemptions or otherwise change how local agencies analyze the environmental impacts of water projects under CEQA. Ms. Dumaine requested that the District postpone taking a position on AB 291 to allow staff an opportunity to understand the concerns raised by the Sierra Club.

Ms. Dumaine reported that a “support” positions was recommended on SB 637 (Allen) which is intended to regulate suction dredge mining waste discharges. Director Patterson made a motion, seconded by Director Coleman to hold over consideration of a position on AB 291 and approve the “support” position on SB 637, carried (3-0) with all members voting “yes.”

Chabot Dam Seismic Improvement Project – Pilot Project Labor (PLA) Agreement Update. Engineering Manager Jimi Yoloye presented a status update on the recent development of the draft principles of a PLA. Since the last update, staff completed a draft PLA document which was transmitted to the Alameda County Building Trades Council on May 5, 2015 in order to begin negotiating the PLA. Mr. Yoloye reported that the stakeholder outreach and earlier public comments on the principles identified three areas that generated the most interest and would potentially be the most challenging to negotiate: 1) targeted/local hiring, 2) equitable participation for all contractors, and 3) efficient and effective performance of the work.

Regarding targeted/local hiring, staff proposed developing a District-wide program in parallel with but independent of the pilot PLA. The program, which is in the early stages of development, would be modeled after or be a component of the District's Contract Equity Program. A separate update will be provided at the June 9, 2015 Legislative/Human Resources Committee.

Mr. Yoloye said the draft PLA requires all contractors to pay their employees in accordance with the classification and wage scale contained in the appropriate Master Labor Agreements (MLA) and in compliance with the applicable General Prevailing Wage Determination. Additionally, the draft PLA identifies the unions as the primary source of all craft labor for the work. However, in the event that a contractor that is not signatory to a MLA has its own core workforce, that contractor may request persons in that core workforce who demonstrate the specified qualifications. Upon request, the unions are to first refer up to six core workers, and will thereafter refer an employee from the hiring hall out-of-work list for the affected trade or craft. Subsequent referrals shall alternate between requested core workers and employees from the out-of-work list. In case of layoffs, employees shall be laid off in reverse order of hiring.

Next steps include negotiation of the PLA with periodic Board updates from May – June 2015, Board consideration of PLA for approval in July 2015, final implementation plan in August 2015, and construction contract bid/award in fall 2015. There was discussion regarding the local hiring program and the Committee suggested that staff contact AC Transit to obtain information about their program.

Andreas Cluver, Alameda County Building Trades Council, addressed the Committee and expressed opposition to the proposed EBMUD local hiring program. He urged the District to negotiate the local hiring provision within the PLA.

Adjournment. Chair Coleman adjourned the meeting at 10:45 a.m.

ARC/LML/slb