

MINUTES

Tuesday, May 26, 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 11:24 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, Risk Manager Karen K. Curry (Item 1a), Attorney Xanthe M. Berry (Item 1a), Director of Water and Natural Resources Richard G. Sykes (Item 1b), Attorney Frederick S. Etheridge (Item 1b), Director of Wastewater Bennett K. Horenstein (Item 1b), Manager of Real Estate Services Matt Elawady (Item 1b), and Attorney Derek T. McDonald.

PUBLIC COMMENT

There was no public comment.

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 1:20 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 Alexander R. Coate announced the winners of the 2015 Employee Excellence Awards. He said that the employees were nominated and selected by their fellow employees for their outstanding performance and achievements. The awardees were:

Cost Savings --Associate Civil Engineer Ramona E. Gonzalez; **Creativity And Innovation**--Associate Mechanical Engineer Richard H. Wilson; **Customer Service**--Human Resources Analyst II Patti Paul; **Employee Leadership**--Gardener Foreman Stuart K. Gustafson; **Environmental Excellence**--Fisheries/Wildlife Biologist II James S. Jones; **Management Achievement**--Senior Civil Engineer Atta B. Yiadom; **Management Excellence**--Manager of Purchasing Andrew A. Akelman; **Safety Excellence**--Maintenance Specialist III Eric R. West; **Outstanding Performer**--Associate Civil Engineer Stan A. Ali; **Outstanding Performer**--Quality Assurance Officer Antoine Chamsi; **Outstanding Performer**--Senior Programmer Analyst Sue Deng; **Outstanding Performer**--Electrical Technician Robert D. Gardner; **Outstanding Performer**--Maintenance Specialist III Harold J. Gianelli; **Outstanding Performer**--Senior Chemist Jack C. Lim; **Outstanding Performer**--Electrical Technician Keith G. Maher; **Outstanding Performer**--Assistant Engineer Brett B. Margosian; **Outstanding Performer**--Senior Programmer Analyst Michael Nguyen; **Outstanding Performer**--Senior Administrative Clerk Lisa M. Servande; **Outstanding Performer**--Associate Civil Engineer Joe G. Tam; **Outstanding Performer**--Instrument Technician Andrew R. Wescott; **Teamwork--Wastewater Interceptor Rehabilitation Team--Team Leader** Associate Civil Engineer Pam S. Hopkins; Senior Mechanical Engineer Maura A. Bonnarens; Senior Drafter Odilon L. Dris; Construction Inspector Scott B. Johnson; Senior Construction Inspector Erik T. Jorgenson; Associate Civil Engineer Diana M. Lee-Boozarpour; Wastewater Shift Supervisor Michael E. Purcell; and Assistant Engineer Jenny B. Tran; and **Team Achievement--Permit Extension Team--Team Leader** Engineering Manager Lena L. Tam; **Team Leader** Attorney III Frederick S. Etheridge; Senior Civil Engineer Benjamin S. Bray; Senior Administrative Clerk Suzanne M. Corralejo; Senior Civil Engineer Rey C. Encarnacion; Manager of Water Supply John S. Hurlburt; Attorney II Rachel R. Jones; Associate Civil Engineer Martin Liu; Senior Community Affairs Representative Gerald E. Schwartz; Manager of Fishery & Wildlife Jose D. Setka; General Counsel Craig S. Spencer; Associate Civil Engineer Suma A. Thomas; Manager of Water Supply Improvements Michael T. Tognolini; Senior Civil Engineer Ana R. Ulloa; and Operations & Maintenance Department Manager Eileen M. White.

President Mellon presented the awards and the Board and staff applauded the winners. General Manager Coate invited the Board and staff to a reception to honor the winners immediately following the Board meeting.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Item 6 was removed from the Consent Calendar for discussion.
 - Motion by Director Patterson, seconded by Director Linney, to approve Items 1-5 and 7 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. 087-15** – Approved the Regular Meeting Minutes of May 12, 2015.
 2. The following correspondence was filed with the Board: 1) Document entitled “Policy 6.xx – Use of Social Media, AFSCME Local 2019 Suggested Edits, submitted by Mark Foley, President, AFSCME Local 2019; and 2) Revised draft of Policy 6.05 – Use of Social Media.
 3. **Motion No. 088-15** – Authorized 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. **Motion No. 089-15** – Authorized 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.
 - 5.1. **Motion No. 090-15** – Find the proposed water transfer between the East Bay Municipal Utility 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. **Motion No. 091-15** – Authorized 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. **Resolution No. 34036-15 – Adopt A New Policy 6.05, Use Of Social Media.**

- General Manager Coate announced that the Finance/Administration Committee reviewed the new Policy 6.05, Use Of Social Media and based on their input revisions were made. Special Assistant to the General Manager reviewed the proposed policy and the revisions.
- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who distributed a copy of 2019's suggested edits to the policy: 1) employees will not be subject to disciplinary actions for the inadvertent or unintentional posting of content; 2) eliminate approved social media sites; and 3) employees shall be provided access to social media sites that have authorized EBMUD social media accounts. There was considerable discussion about these issues.
- Motion by Director McIntosh, seconded by Director Patterson, to approve the revisions and adopt the new policy, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

7. **Resolution No. 34035-15 – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Nominating Director Lesa R. McIntosh As A Candidate For The Position Of Association Of California Water Agencies Region 5 Regional Officer.**

DETERMINATION AND DISCUSSION

8. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine provided a status update on water related bills in the Governor's Proposed 2015-16 Budget. Next, she reported that Senate Bill 188 (Hancock) pertaining to EBMUD's collection of delinquent fees and Assembly Bill 142 (Bigelow) pertaining to Wild and Scenic River passed out of the Senate are in the Assembly for discussion. Ms. Dumaine said staff would provide the Board additional updates on these issues in June. In concluding, she reported that newly elected Senator Steve Glazer, representing District 7, is now a member of the EBMUD delegation.

9. **Adopt A Policy Position Opposing the Imposition of any Statewide Retail Water User Fees.**

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended action for Item 9, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 092-15 – Adopted a policy position opposing the imposition of any statewide retail water user fees.

10. General Manager's Report.

General Manager Coate announced that the Critical Drought Action Plan Update and the April 2015 was provided in the Board's packet.

REPORTS AND DIRECTOR COMMENTS

11. Committee Reports.

- Filed with the Board were the Minutes of the May 12, 2015 Planning and Legislative/Human Resources Committees.

12. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA teleconference meeting on May 14 in Oakland; 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 in Oakland; 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. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee and Board of Directors meeting on May 29 in Sacramento; ACWA Board of Directors meeting on May 29 in Sacramento; AWCA Executive Committee teleconference meeting on June 1 in Oakland; EBMUD-GE water recycling meeting on June 3 in San Francisco; EBMUD Pride Month Kick Off event on June 4 in Oakland; Contra Costa Mayors' Conference on June 4 in Danville; meeting with Lafayette business community on June 8 in Lafayette; and ACWA Executive Committee teleconference meeting on June 8 in Oakland.
- Director Katz had no comment.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Patterson reported that the National Dunbar/Horace Mann Alumni Association would be recognizing him with the 2015 Bearcat Award on June 26, 2015 in New Orleans.
- Director Young reported attending/participating in the following events: Meeting with Clarewood Homeowners Association regarding Glen Echo Creek on April 28; League of Conservation Voters of the East Bay event with Mayor Libby Schaaf on April 29; presentation to Longfellow Community Association on May 6; meeting with Richard Sykes and the Blue Forest Conservation Notes regarding forest management on May 7; Rising Sun Energy Services Gala event on May 7; Contra Costa Sustainable Farm event at Central Contra Costa Sanitary District in Martinez on May 8; PLACE for Sustainable

Living block party on May 9; El Sobrante MAC presentation on May 13; meeting with Moraga Mayor Roger Wykle and Town Manager Jill Keimach on May 14; meeting with City of Pinole Mayor Peter Murray and City Manager Belinda Espinosa on May 19; and EBMUD Retirement Board meeting on May 21. She reported on plans to attend/participate in the following upcoming events: Meeting with Piedmont Mayor Margaret Fujioka and City Manager Paul Benoit on May 27; Contra Costa Building Trades Council Networking event on May 29; Ward 3 luncheon on June 2 in Orinda; presentation to Pinole City Council on June 2; EBMUD Pride Month Kickoff event on June 4 in Oakland; and the annual rafting trip sponsored by Friends of the River and Foothill Conservancy on June 6.

- President Mellon reported attending/participating in the following events: Drought presentation at the Alameda County Special Districts Association monthly meeting on May 13; Alameda County Mayors' Conference on May 13 in San Leandro; drought presentation to Moraga Mayor Mykle on May 14 in Moraga; drought presentation to Pinole Mayor Peter Murray on May 15 in Pinole; EBMUD Retirement Board meeting on May 21 in Oakland; and drought presentation to Berkeley Mayor Tom Bates on May 22 in Berkeley.

ADJOURNMENT

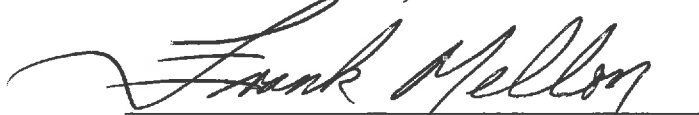
President Mellon announced that the meeting was being adjourned in the memory of George H. Schmidt, a long-time Richmond resident who served on the West County Wastewater District Board since 1992 and who passed away earlier this month.

President Mellon adjourned the meeting at 2:35 p.m.

SUBMITTED BY:


Lynelle M. Lewis, Secretary of the District

APPROVED: June 9, 2015


Frank Mellon, President of the Board