



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Special Meeting

Tuesday, August 23, 2016

11:00 a.m.

Board Room

**375 Eleventh Street
Oakland, California**

At the call of President Frank Mellon, the Board of Directors has scheduled a special meeting at 11:00 a.m. on Tuesday, August 23, 2016, at 375 Eleventh Street, Administration Center Board Room, Oakland, California.

The Board will take action pursuant to AB 408, codified as Public Utilities Code Section 11852.5, to either appoint the sole candidate running for election in Ward Nos. 5 and 6, or proceed with the election in one or more of those wards.

Dated: August 18, 2016

A handwritten signature in blue ink, reading 'Lynelle M. Lewis', is written over a horizontal line.

Lynelle M. Lewis
Secretary of the District



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

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Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, August 23, 2016**

**Special Meeting
11:00 a.m., Board Room
375 11th Street, Oakland, CA**

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.

DETERMINATION AND DISCUSSION:

1. Take action pursuant to AB 408, codified as Public Utilities Code Section 11852.5, to either: (1) appoint the sole candidate running for election in Ward Nos. 5 and 6; or (2) proceed with the election in each of those wards scheduled for Tuesday, November 8, 2016.

ADJOURNMENT:

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.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 18, 2016
MEMO TO: Board of Directors
FROM: Lynelle M. Lewis, Secretary of the District 
SUBJECT: Take Action Pursuant to AB 408 for 2016 District Elections

INTRODUCTION

The terms of Directors for EBMUD Ward Nos. 1, 5 and 6 expire December 31, 2016. The regular election for Directors is scheduled for Tuesday, November 8, 2016, and shall be conducted in accordance with the Municipal Utility District Act of the State of California and conform with the provisions of the California Elections Code. The nomination period for the EBMUD Director seats opened July 18, 2016 and closed August 12, 2016. Pursuant to AB 408, county election officials were required to notify the District by August 17, 2016 if no one or only one person had filed a declaration of candidacy for a particular ward.

The District has received notice from Alameda County that only one candidate is running for election in Ward Nos. 5 and 6, which triggers the Board's authority under AB 408 to vote to either proceed with the election or appoint the sole unopposed candidate in those wards. The Board's AB 408 authority is not triggered in Ward 1 because Contra Costa County confirmed that two candidates are running for election in that ward. The Board will be requested to take action on its AB 408 authority at a Special Meeting on August 23, 2016.

RECOMMENDATION

Take action pursuant to AB 408, codified as Public Utilities Code Section 11852.5, to either: (1) appoint the sole candidate running for election in Ward Nos. 5 and 6; or (2) proceed with the election in each of those wards.

DISCUSSION

The election official of Alameda issued their certificate of facts on August 16, 2016 which notified the District that the following candidates (both of whom are incumbents) are running unopposed in their respective wards:

- Doug A. Linney – Ward No. 5
- William B. Patterson – Ward No. 6

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The election official of Contra Costa County issued their Contest/Candidate Proof List on August 18, 2016 which notified the District that Ward 1 has the following two candidates running for the open board seat:

- Lesa R. McIntosh (Incumbent)
- Sarita L. Evans

AB 408 allows municipal utility districts with seven-member boards elected by wards the same authority that existing law provides to other local government entities (including cities, regional park districts, school districts, and enterprise and non-enterprise special districts) to appoint uncontested Board candidates in lieu of having ratepayers incur the cost of an election. Therefore, the Board may exercise its AB 408 authority to either appoint these unopposed candidates to office or proceed with an election in each of their wards.

NEXT STEPS

Once the Board vote has taken place on August 23, 2016, the Secretary of the District will inform Alameda County elections officials on or before August 24, 2016 whether the Board has decided to proceed with an election and to place the names of the unopposed candidates on the ballot; or whether the Board has decided to appoint the unopposed candidates in Ward Nos. 5 and 6 and request the counties to remove the candidate names from the ballot in those wards.

FISCAL IMPACT

In 2012 District ratepayers paid \$475,000 in election costs for unopposed candidates in three wards. In 2014, the first District election year in which AB 408 went into effect, four Board seats were up for election. Candidates running for three of those four open Board seats ran unopposed, and the Board exercised its AB 408 authority to appoint those candidates. One of the four open Board seats did not trigger the Board's AB 408 appointment authority because it had more than one candidate running for office. Accordingly, an election was held in that ward at a cost of \$187,980. Staff anticipates future savings potential could be on the same order as these historic costs.

ALTERNATIVES

Do not take any action pursuant to AB 408, and have the election proceed automatically for all open board seats, even those that are unopposed. This alternative is not recommended because the District supported adoption of AB 408 to provide a tool to control costs on behalf of its ratepayers and to give the Board the authority to choose between appointing an unopposed candidate or proceeding with an election.

LML:lml