



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

---

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

---

**AGENDA  
Tuesday, March 27, 2012**

**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:**

This memorandum sets forth the closed session items for the March 13, 2012 Board meeting agenda:

1. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.

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

**REGULAR BUSINESS MEETING**

**1:15 p.m., Board Room**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PRESENTATIONS:**

American Society of Civil Engineers' (Sacramento Section) 2011 Sustainability Project of the Year Award for the Mokelumne Watershed Headquarters Replacement Project.

**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 5 recommendations.)

1. Approve the Regular Meeting Minutes of March 13, 2012.
2. File correspondence with the Board.
3. Authorize an agreement with Maze and Associates Accountancy Corporation for professional auditing services in an amount not to exceed \$412,780 for the next three fiscal years ending June 30, 2012-2014, with two 2-year renewal options for an amount not to exceed \$285,610 and \$294,242 for fiscal years ending June 30, 2015-2016 and June 30, 2017-2018, respectively.
4. Authorize an agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$160,855 to perform construction services to provide a 115 kilovolt electrical service connection at the Walnut Creek Nos. 1 and 2 Raw Water Pumping Plants.
5. Authorize amendments to contracts related to construction for the Main Wastewater Treatment Plant Digester Upgrade Phase 2 Project.
  - 5a. Authorize a second amendment to the agreement with Brown and Caldwell in an amount not to exceed \$697,116 for additional design services.
  - 5b. Authorize an amendment to the agreement with EPC Consultants, Inc. in an amount not to exceed \$555,275 for supplemental construction management services.

**DETERMINATION AND DISCUSSION:**

6. Legislative Update:
  - Receive Legislative Report No. 03-12 and consider positions on the following bills:  
AB 1750 (Solorio) Rainwater Capture Act of 2012; SB 1065 (Alquist) Emergency Preparedness: Earthquakes and Fires: Water Supplies; SB 1387 (Emmerson) Metal Theft
  - Update on Legislative Issues of Interest to EBMUD
7. General Manager's Report:
  - Water Supply Report
  - 2012 Drought Management Program Guidelines

**REPORTS AND DIRECTOR COMMENTS:**

8. Committee Reports:
  - Planning
  - Legislative/Human Resources
9. Director Comments.

**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 10, 2012 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, March 27 | <b>WSMP 2040 Workshop</b><br><br><b>Finance/Administration Committee</b><br>Katz (Chair), Mellon, Patterson<br><br><b>Board of Directors</b>  | 9:30 a.m.<br>Training Resource Center<br><br><br>11:00 a.m.<br>1:15 p.m.   | <ul style="list-style-type: none"> <li>• <b>Cancelled</b></li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul> |
| Friday, March 30  | <b>Cesar Chavez Holiday</b>   |  | <ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>  |
| Tuesday, April 10 | <b>Planning Committee</b><br>Linney (Chair), Foulkes, McIntosh<br><br><b>Legislative/Human Resources Committee</b><br>McIntosh (Chair), Katz, Mellon<br><br><b>Board of Directors</b> | 9:15 a.m.<br>Training Resource Center<br><br>10:15 a.m.<br>Training Resource Center<br><br>11:00 a.m.<br>1:15 p.m. | <ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>                             |

## MINUTES

Tuesday, March 13, 2012

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

### *Regular Closed Session Meeting*

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Operations and Maintenance Michael J. Wallis (Item 2), Attorney Xanthe M. Berry (Item 1a), and Attorney Derek T. McDonald (Item 2).

### PUBLIC COMMENT

The following persons addressed the Board: 1) Ruben Rodriguez, President, AFSCME Local 444, said that the union did not receive timely notification or adequate information on the meter reader reorganization and this hampered the union's ability to respond to its membership; and 2) John M. Briceno, 1<sup>st</sup> Vice-President, AFSCME Local 444, expressed concern about the meter reader reorganization and its impact on the proposed plumber positions. He also commented that the union was not given adequate information on the alternatives.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

### *Regular Business Meeting*

President Coleman called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Center Board Room.

## **ROLL CALL**

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins and Secretary of the District Lynelle M. Lewis.

## **BOARD OF DIRECTORS**

President Coleman led the Pledge of Allegiance.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

The following person addressed the Board: 1) Mark Foley, President, AFSCME Local 2019, thanked the Board for the planned improvements to the customer service window area at the Administration Building. He said the addition will greatly improve security for employees.

## **CONSENT CALENDAR**

- Items 5 and 6 were pulled from the Consent Calendar for separate discussion.
  - Motion by Director Mellon, seconded by Director Patterson, to approve Items 1-4 and 7-9 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 025-12** -- Approved the Regular Meeting Minutes of February 28, 2012.
  2. The following documents were filed with the Board: 1) Memorandum dated March 13, 2012 to Board of Directors, from Xavier J. Irias, Director of Engineering and Construction, regarding Round Hill No. 2 Pumping Plant—District's Small Business Program; 2) Memorandum dated March 15, 2012 to Board of Directors, from Eileen White, Manager of Operations and Maintenance, regarding 2012 Water Supply Plan; and 3) Presentation entitled "Water Supply Board Briefing," Water Supply Engineering, dated March 13, 2012.
  3. **Motion No. 026-12** -- Awarded a contract to the lowest responsible/responsive bidder WESCO Distribution, Inc., in the amount of \$448,377 for supplying electrical equipment for the Bryant No. 1, Leland and Colorado Pumping Plants Electrical Rehabilitation Project under Proposal No. 1206A.

4. **Motion No. 027-12** -- Awarded a contract to the lowest effective responsive/responsible bidder, Disney Construction, Inc. in the amount of \$2,295,000 for construction of the Round Hill No. 2 Pumping Plant under Specification 2011.
5. **Motion No. 031-12** -- Awarded a contract to the lowest responsive/responsible bidder, Trinet Construction, Inc., in the amount of \$677,000 for construction of the Almond Rate Control Station under Specification 2030.

- Director Patterson pulled Item 5 to ask questions of staff.

- Motion by Director Patterson, seconded by Director Foulkes, to approve the recommended action for Item 5, carried (7-0) by voice vote.

6. **Motion No. 032-12** -- Awarded a contract to the lowest responsive/responsible bidder, Ranger Pipelines, Inc., in the amount of \$1,081,998 for construction of the Central and Road 20 Rate Control Stations Rehabilitation under Specification 2041.

Director Patterson pulled Item 6 to ask staff about the actual project costs versus the engineering estimate listed in the staff report. Director of Engineering and Construction Xavier J. Irias said that staff carefully reviewed the pricing structure and that the bid reflects the current market. Major factors accounting for the difference of \$411,619 include higher than estimated costs for mechanical and electrical equipment, a higher cost impact from the traffic control requirements, and a tight outage schedule. Director Katz pointed out that that there was no small business enterprise (SBEs) bid experience on this project and suggested that staff investigate potential barriers to success for SBEs in the future.

- Motion by Director Linney, seconded by Director Mellon, to approve the recommended action for Item 6, carried (6-1) by voice vote with Director Patterson voting "no."

7. **Motion No. 028-12** -- Authorized an agreement with Benesyst, Inc. in the estimated annual amount of \$290,000 to provide administration of all District employee and retiree benefit plans for the period beginning March 14, 2012 and ending December 31, 2015, with the option to extend for two additional one-year periods through December 31, 2017, and approve mutual indemnification.
8. **Motion No. 029-12** -- Authorized an agreement with the Association of Bay Area Governments (ABAG) for an estimated amount of \$325,013 for a two-year period commencing on the effective date of the agreement to fund a staff position to develop a regional general permit for potable water discharges and a permit revision for Orinda Water Treatment Plant.
9. **Motion No. 030-12** -- Adopted the 2012 Affirmative Action Plan and Goals.

## **DETERMINATION AND DISCUSSION**

### **10. Legislative Update.**

Legislative/Human Resources Committee Chair Lesa R. McIntosh reported that the Committee unanimously supported the staff recommendations in Legislative Report No. 02-12.

- Motion by Director Mellon, seconded by Director Foulkes, to approve the recommended positions in Legislative Report No. 02-12, carried (7-0) by voice vote.

**Motion No. 033-12** -- Received Legislative Report No. 02-12 and approved the positions on the following bills: SUPPORT SB 1146 (Pavley) – Wells: Reports: Public Availability and OPPOSE H.R. 1837 (Nunes) - Sacramento-San Joaquin Valley Water Reliability Act.

Special Assistant Marlaigne Dumaine reported that the Governor's revised budget is anticipated for mid-May and also reported that discussions are ongoing regarding the state water bond measure.

### **11. General Manager's Report.**

Operations and Maintenance Department Manager Eileen M. White presented a status update on the state and local water supply. She reported that even with the recent rainfall, the Water Year 2012 projections for runoff will be well below normal. She also presented a summary of the 2012 water supply plan. Director Linney asked what EBMUD is doing to notify customers of the dry conditions and potential costs for implementing drought surcharges. Director Katz pointed out that the Freeport water supply carries higher operating costs that will have to be passed on to customers. General Manager Coate said that staff will provide the Board with an update on the proposed schedule for dry year planning at its March 27 meeting.

General Manager Alexander R. Coate noted that the monthly report for February 2012 had been provided to the Board. Director Patterson asked for an update on community choice aggregation (CCA). There was considerable discussion on whether Board members should be responding to requests from cities to discuss the CCA concept since EBMUD has not developed plans to pursue this concept. General Manager Coate said that staff will be preparing a report for the Board summarizing what other cities have done and what a CCA would mean for EBMUD.

## **REPORTS AND DIRECTOR COMMENTS**

### **12. Committee Reports.**

- Filed with the Board were the Minutes of the February 28, 2012 Finance/Administration Committee.

13. **Director Comments.**

- Director Foulkes reported meeting with Mayor Ken Chew of the Town of Moraga on February 29, attending a community meeting regarding Castle Regulator on March 1, and the Alameda County LAFCO meeting on March 8.
- Director Katz reported giving a presentation regarding community choice aggregation to the Emeryville City Council on March 6, attending the Public Officials for Water and Environmental Reform Conference from March 8-9 in Los Angeles, and attending the Sierra Club annual David Brower celebration on March 9.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon requested a resolution from EBMUD for the upcoming Castro Valley veterans' memorial event.
- Director Patterson thanked Director Mellon for supporting him at the Peralta Community College Board reception on February 29. He reported attending the Clem Daniels tribute on March 8 and said that he planned to attend the Waterways plumber graduation on March 23.
- President Coleman reported attending the following: ACWA Conference from February 29 - March 2 in Washington, D.C.; ACWA State Legislation Symposium on March 7 in Sacramento; conference call meeting with EBMUD General Manager Coate for agenda review on March 7; ACWA Executive Committee conference call meeting on March 8; speaking engagement at San Francisco State University on March 9; and ACWA meeting on March 12 in Sacramento. He reported on plans to attend the Contra Costa Council Board meeting on March 16 in Pittsburgh.

**ADJOURNMENT**

President Coleman adjourned the meeting at 2:39 p.m.

SUBMITTED BY:

---

Lynelle M. Lewis, Secretary of the District

APPROVED: March 27, 2012

---

John A. Coleman, President of the Board





AGENDA NO.  
MEETING DATE

3  
March 27, 2012

TITLE AGREEMENT FOR PROFESSIONAL AUDITING SERVICES

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an agreement with Maze and Associates Accountancy Corporation for professional auditing services in an amount not to exceed \$412,780 for the next three fiscal years ending June 30, 2012-2014, with two 2-year renewal options for an amount not to exceed \$285,610 and \$294,242 for fiscal years ending June 30, 2015-2016 and June 30, 2017-2018, respectively.



**SUMMARY**

In accordance with Section 11859 of the California Municipal Utility District Act (MUD Act), the District is required to employ an external auditor to examine and report, at least annually, upon the system of accounts kept by the District. Maze and Associates will conduct an independent audit of the District's financial internal controls, transactions and fund balance for the aforementioned periods. The audit conducted in accordance with Government Auditing Standards attests the fair presentation of the District's financial position and assures the accuracy of the District's financial statements. Maze and Associates will provide an independent auditor's report detailing its opinion and results of the audit at the conclusion of each aforementioned fiscal year audit.

**DISCUSSION**

The District is required to have its financial records audited at the end of each fiscal year. Individual audit reports must be prepared for the following:

- Combined Statements for the Water System, Wastewater System and the Employees' Retirement System.
- EBMUD Employees' Retirement System
- Bay Area Clean Water Agencies (BACWA)
- Freeport Regional Water Authority (FRWA)
- Dublin/San Ramon East Bay Municipal Utility District Recycle Water Authority (DERWA)
- Upper Mokelumne Regional Water Authority (UMRWA)
- Federal grants in compliance with the Single Audit Act of 1984
- Joint Power Authorities' financial statements as required
- Joint Power Authorities' federal grants in compliance with the Single Audit Act of 1984.

|                                      |  |  |
|--------------------------------------|--|--|
| Funds Available: FY12                |  | Budget Code: 220/900; Various programs; 5231 account   |
| DEPARTMENT SUBMITTING<br><br>Finance | DEPARTMENT MANAGER or DIRECTOR<br><br><br>Scott Klein | APPROVED<br><br><br>General Manager |

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

## **CONSULTANT SELECTION**

Maze and Associates has been the District's external auditors for the last seven years. Their prior contract ended with the conclusion of the June 30, 2011 audit. In December 2011, the request for proposal (RFP) was sent to 25 Certified Public Accounting (CPA) firms and published on the District web site, District Contract Equity newsletter and California Society of Municipal Financial Officer web site. A pre-bid meeting was held at the District on December 9, 2012 in which the District presented its auditing needs and answered questions submitted by interested consultants. Three RFPs were received prior to the January 6, 2012 submission deadline. The two CPA firms with the highest rating were invited to an oral interview on February 9, 2012. Maze and Associates demonstrated to the interview panel that they possess the best qualifications to meet the District's needs and would be able to fulfill all the District's auditing requirements.

## **CONTRACT EQUITY PROGRAM EFFORTS**

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

## **FISCAL IMPACT**

Funds for the FY 2012 audit have been included in the current budget.

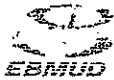
## **UNION NOTIFICATION**

The MUD Act states that "the Board shall employ an expert who shall examine and report at least annually, upon the system of accounts kept by the District". Accordingly, union notification was not necessary.

## **ALTERNATIVE**

The alternative to the recommended action is to select the other finalist firm to perform the audit. This is not recommended as Maze and Associates was determined to be the best qualified to perform the annual audit of the District at the lowest cost.

## **Attachments**



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| <b>TITLE</b><br><i>Professional Services Agreement</i><br>Professional Auditing Services - Three-Year Contract with 2 Two-Year Renewal Options |                  |   |             |  |                           | <b>DATE:</b><br>March 5, 2012 |                   |  |                     |                  |         |
|--|------------------|---|-------------|--|---------------------------|-------------------------------|-------------------|--|---------------------|------------------|---------|
| <b>CONTRACTOR:</b><br>Maze and Associates<br>Pleasant Hill, CA<br>Local/Small Business   |                  |   |             | <b>PERCENTAGE OF CONTRACT DOLLARS</b>  |                           |                               |                   |  |                     |                  |         |
| <b>BID/PROPOSER'S PRICE:</b><br>\$412,780  |                  | <b>FIRM'S OWNERSHIP</b><br>Ethnicity: White<br>Gender: Male |             | <b>Availability Group</b><br>White Men: 25%<br>White Women: 6%<br>Ethnic Minorities: 25% |                           | <b>Contracting Objectives</b> |                   | <b>Participation</b><br>100.0%<br>0.0%<br>0.0% |                     |                  |         |
| <b>CONTRACT EQUITY PARTICIPATION</b>   |                  |   |             |  |                           |                               |                   |  |                     |                  |         |
| COMPANY NAME   | ESTIMATED AMOUNT | ETHNICITY   | GENDER      |  | CONTRACTING PARTICIPATION |                               |                   |  |                     |                  |         |
|  |                  |   | M           | F  | White-Men                 | White-Women                   | Ethnic Minorities | Unclassified                                   | Publicly Held Corp. | Gov't/Non Profit | Foreign |
| <b>PRIME:</b><br>Maze and Associates   | \$412,780        | White   | X           |  | 100.0%                    | ---                           | ---               | ---  | ---                 | ---              | ---     |
| <b>SUBS:</b><br>None   |                  |   |             |  | ---                       | ---                           | ---               | ---  | ---                 | ---              | ---     |
| <b>TOTAL</b>   |                  | \$412,780   |             |  | 100.0%                    | 0.0%                          | 0.0%              | 0.0%   | 0.0%                | 0.0%             | 0.0%    |
| <b>CONTRACTOR'S WORKFORCES PROFILE (From JP-025 Form)</b>  |                  |   |             |  |                           |                               |                   |  |                     |                  |         |
|  |                  | White Men   | White Women | Ethnic Minorities  | Total Employees           |                               |                   |  |                     |                  |         |
| <b>No. of Employees:</b>   |                  | 16  | 8           | 23   | 47                        |                               |                   |  |                     |                  |         |
| <b>Percent of Total Employees:</b>   |                  | 34.0%   | 17.0%       | 48.9%  |                           |                               |                   |  |                     |                  |         |
| <b>MSA Labor Market %:</b>   |                  | 28.0%   | 23.6%       | 48.4%  |                           |                               |                   |  |                     |                  |         |
| <b>MSA Labor Market Location:</b>  |                  | California  |             |  |                           |                               |                   |  |                     |                  |         |
| <b>COMMENTS</b>  |                  |   |             |  |                           |                               |                   |  |                     |                  |         |
| <i>Contract Equity Participation - 100% White Men participation.</i>   |                  |   |             |  |                           |                               |                   |  |                     |                  |         |
| <b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>  |                  |   |             | <b>Good Faith Outreach Efforts Requirement Satisfied</b>                                 |                           |                               |                   | <b>Award Approval Recommended</b>              |                     |                  |         |
| 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   |                          | Ethnic Minority Percentages From U.S. Census Data |                     |      |                                      |       |          |           |       |
|---|--------------------------|---|---------------------|------|--------------------------------------|-------|----------|-----------|-------|
|   |                          |   | B                   | H    | A/PI                                 | A/IAN | TOTAL    |           |       |
| <b>Professional Auditing Services - Three-Year Contract with 2 Two-Year Renewal Options</b><br><br><b>Professional Services Agreement</b> |                          | DATE:   |                     |      |                                      |       |          |           |       |
|   |                          | 3/5/2012  | National            | 10.5 | 10.7                                 | 3.7   | 0.7      | 27.3      |       |
|   |                          |   | 9 Bay Area Counties | 5.5  | 16.2                                 | 14.2  | 0.4      | 39.9      |       |
|   |                          | Alameda/CC Counties                               | 10.7                | 15.6 | 15.4                                 | 0.5   | 46.2     |           |       |
| R=Recmmd<br>P=Prime<br>S=Sub  | Composition of Ownership | Number of Ethnic Minority Employees               |                     |      |                                      |       |          |           |       |
| Company Name, Owner/Contact Person, Address, and Phone Number   |                          |   | B                   | H    | A/PI                                 | A/IAN | TOTAL    | PERCENT   | MSA % |
| RP  | WM - L/SBE               | Company Wide                                      | 3                   | 5    | 15                                   | -     | 23       | 48.9%     | 48.4% |
| Maze and Associates<br>Vikki C. Rodriguez<br>3478 Buskirk Avenue, Suite 215<br>Pleasant Hill, CA 94523<br>925-930-0902                    |                          | Manager/Prof                                      | -                   | 5    | 14                                   | -     | 19       | 46.3%     |       |
|   |                          | Technical/Sales                                   | -                   | -    | -                                    | -     | 0        | 0.0%      |       |
|   |                          | Clerical/Skilled                                  | -                   | -    | 1                                    | -     | 1        | 20.0%     |       |
|   |                          | Semi/Unskilled                                    | -                   | -    | -                                    | -     | -        | NA        |       |
|   |                          | Bay Area  | 3                   | 5    | 15                                   | -     | 23       | 48.9%     | 39.9% |
|   |                          | AA Plan on File:                                  | NA                  |      | Date of last contract with District: |       | 9/1/2010 |           |       |
|   |                          | Co. Wide MSA:                                     | California          |      | # Employees-Co. Wide:                |       | 47       | Bay Area: | 47    |
|   |                          | Company Wide                                      |                     |      |                                      |       |          |           |       |
|   |                          | Manager/Prof                                      |                     |      |                                      |       |          |           |       |
|   |                          | Technical/Sales                                   |                     |      |                                      |       |          |           |       |
|   |                          | Clerical/Skilled                                  |                     |      |                                      |       |          |           |       |
|   |                          | Semi/Unskilled                                    |                     |      |                                      |       |          |           |       |
|   |                          | Bay Area  |                     |      |                                      |       |          |           | 39.9% |
|   |                          | Co. Wide MSA:                                     |                     |      | # Employees-Co. Wide:                |       |          | Bay Area: |       |
| P   | WM                       | Company Wide                                      | -                   | 7    | 13                                   | -     | 20       | 19.8%     | 43.6% |
| White Nelson Diehl Evans LLP<br>Nitin P. Patel<br>2875 Michelle Drive, Suite 300<br>Irvine, CA 92606<br>714-978-1300                      |                          | Manager/Prof                                      | -                   | 5    | 13                                   | -     | 18       | 21.7%     |       |
|   |                          | Technical/Sales                                   | -                   | -    | -                                    | -     | -        | NA        |       |
|   |                          | Clerical/Skilled                                  | -                   | 2    | -                                    | -     | 2        | 11.1%     |       |
|   |                          | Semi/Unskilled                                    | -                   | -    | -                                    | -     | -        | NA        |       |
|   |                          | Bay Area  | -                   | -    | -                                    | -     | -        | NA        | 39.9% |
|   |                          | Co. Wide MSA:                                     | Orange County       |      | # Employees-Co. Wide:                |       | 101      | Bay Area: | 0     |
| P   | WM - LBE                 | Company Wide                                      | 9                   | 29   | 62                                   | 1     | 101      | 43.7%     | 48.4% |
| Macias Gini & O'Connell LLP<br>Cynthia Fort<br>2121 N. California Blvd., Suite 750<br>Walnut Creek, CA 94596<br>925-395-2803              |                          | Manager/Prof                                      | 6                   | 16   | 54                                   | 1     | 77       | 41.4%     |       |
|   |                          | Technical/Sales                                   | -                   | -    | -                                    | -     | -        | NA        |       |
|   |                          | Clerical/Skilled                                  | 3                   | 11   | 7                                    | -     | 21       | 50.0%     |       |
|   |                          | Semi/Unskilled                                    | -                   | 2    | 1                                    | -     | 3        | 100.0%    |       |
|   |                          | Bay Area  | -                   | 5    | 23                                   | -     | 28       | 66.7%     | 39.9% |
|   |                          | Co. Wide MSA:                                     | California          |      | # Employees-Co. Wide:                |       | 231      | Bay Area: | 42    |
|   |                          | Company Wide                                      |                     |      |                                      |       |          |           |       |
|   |                          | Manager/Prof                                      |                     |      |                                      |       |          |           |       |
|   |                          | Technical/Sales                                   |                     |      |                                      |       |          |           |       |
|   |                          | Clerical/Skilled                                  |                     |      |                                      |       |          |           |       |
|   |                          | Semi/Unskilled                                    |                     |      |                                      |       |          |           |       |
|   |                          | Bay Area  |                     |      |                                      |       |          |           | 39.9% |
|   |                          | Co. Wide MSA:                                     |                     |      | # Employees-Co. Wide:                |       |          | Bay Area: |       |
|   |                          | Company Wide                                      |                     |      |                                      |       |          |           |       |
|   |                          | Manager/Prof                                      |                     |      |                                      |       |          |           |       |
|   |                          | Technical/Sales                                   |                     |      |                                      |       |          |           |       |
|   |                          | Clerical/Skilled                                  |                     |      |                                      |       |          |           |       |
|   |                          | Semi/Unskilled                                    |                     |      |                                      |       |          |           |       |
|   |                          | Bay Area  |                     |      |                                      |       |          |           | 39.9% |
|   |                          | Co. Wide MSA:                                     |                     |      | # Employees-Co. Wide:                |       |          | Bay Area: |       |

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



AGENDA NO.  
MEETING DATE

4.  
March 27, 2012

**TITLE      WALNUT CREEK NOS. 1 AND 2 RAW WATER PUMPING PLANTS ELECTRICAL SAFETY IMPROVEMENTS**

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$160,855 to perform construction services to provide a 115 kilovolt (kV) electrical service connection at the Walnut Creek Nos. 1 and 2 Raw Water Pumping Plants.

**SUMMARY**

Work includes replacement of PG&E's damaged main protection, control and communications systems cables; installation of controls for the circuit breaker, new instrument transformers, and metering devices; and performing other related work.

**DISCUSSION**

On February 7, 2011, during the construction of the Walnut Creek Nos. 1 and 2 Raw Water Pumping Plants Electrical Safety Improvements Project, an explosion occurred at the 115 kV substation due to an electrical fault condition on District-owned underground power cables. The explosion destroyed the 4,160 volt switchgear in the substation and caused extensive damage to the transformers, underground cables, and other District-owned equipment. PG&E's main protection, control and communications systems cables; instrument transformers; and metering devices were also destroyed and this agreement provides for their repair. See attached map for location.

**CONTRACT EQUITY PROGRAM EFFORTS**

The District's Contract Equity Program efforts are not applicable to work performed by PG&E on its own facilities.

|  |   |                                      |
|--|---|--------------------------------------|
| Funds Available: FY12-13; CIP#001252; Page 2.4-40            |   | Budget Code: WSC/554/7999/2006911:38 |
| DEPARTMENT SUBMITTING<br><u>Engineering and Construction</u> | DEPARTMENT MANAGER or DIRECTOR<br><br>Xavier J. Irias | APPROVED<br><br>General Manager      |

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

## **FISCAL IMPACT**

This item is included in the FY12-13 Capital Improvement Program for Pumping Plant Rehabilitation under the Pumping Plant Rehabilitation Program.

## **UNION NOTIFICATION**

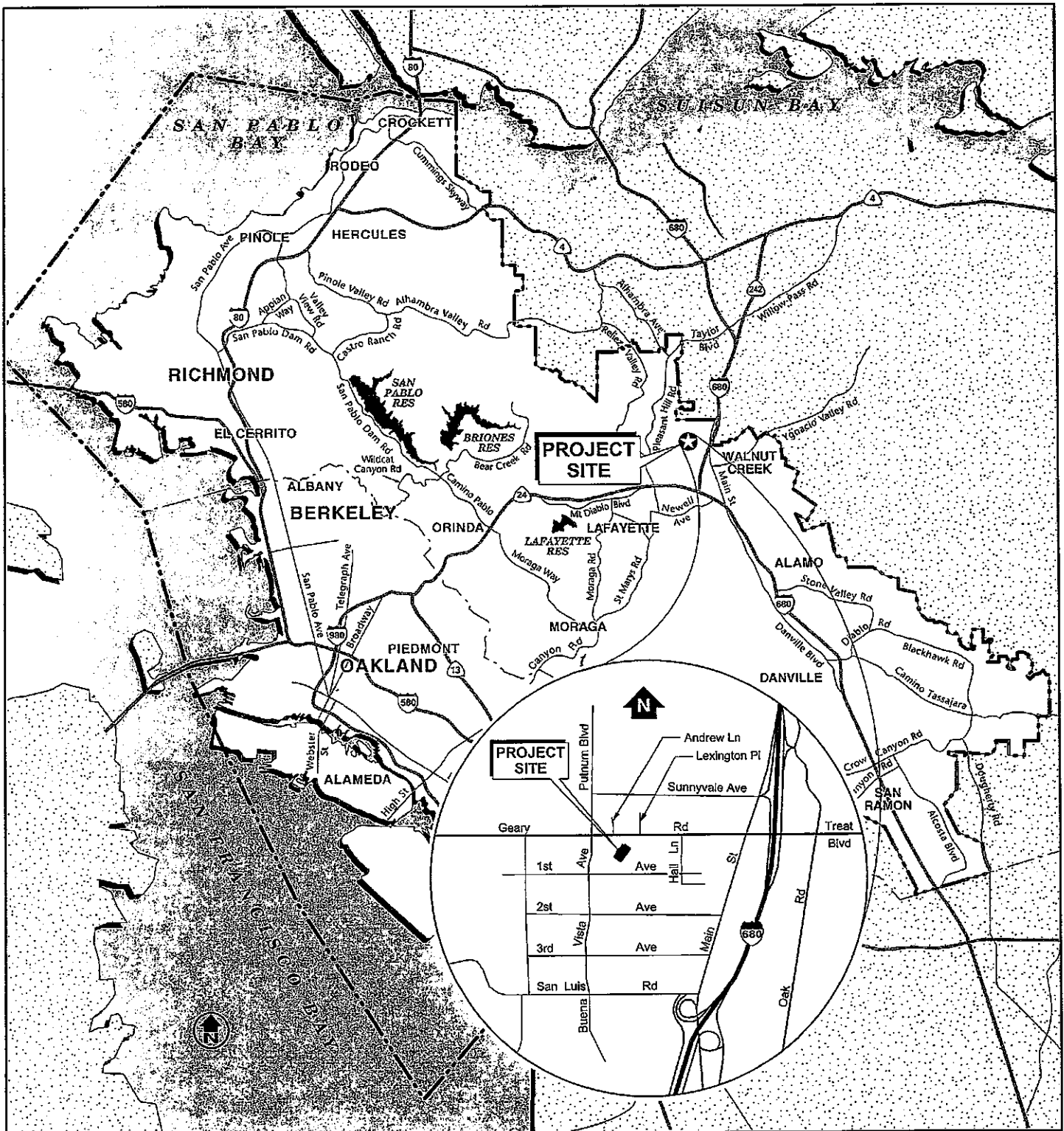
This work is being done by PG&E on its own facilities and, therefore, the unions were not notified.

## **ALTERNATIVES**

Do Not Perform Work – This alternative is not recommended because this project will replace fire-damaged main protection, control and communications systems cables for PG&E's 115 kV substation that was caused by an explosion of District-owned equipment. These cables are necessary in order to provide monitoring and protection to personnel and equipment and allow safe operation of the Walnut Creek Nos. 1 and 2 Raw Water Pumping Plants.

Perform the Work with Other Contractors – This alternative is not recommended because PG&E owns the facilities and requires its own staff to perform the work.

Attachment: Location Map



**PROJECT SITE  
LOCATION MAP**

NOT TO SCALE

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**WALNUT CREEK NOS. 1 & 2  
RAW WATER PUMPING PLANTS  
ELECTRICAL SAFETY IMPROVEMENTS**

**SPECIFICATION 2008**





AGENDA NO.  
MEETING DATE

5a.  
March 27, 2012

**TITLE** CONSULTANT AGREEMENT AMENDMENT FOR DESIGN SERVICES DURING CONSTRUCTION FOR THE DIGESTER UPGRADE PHASE 2 PROJECT

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize a second amendment to the agreement with Brown and Caldwell (B&C) in an amount not to exceed \$697,116 for additional design services during construction (DSDC) for the Main Wastewater Treatment Plant (MWWTP) Digester Upgrade Phase 2 Project. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

This agreement amendment provides for additional DSDC for the Digester Upgrade Phase 2 Project. The digester upgrades are needed to ensure long-term reliability of the digestion facilities to meet National Pollutant Discharge Elimination System permit requirements. Additional funding for DSDC is needed because the Proven Inc. construction contract is currently approximately six months behind schedule, and the District is anticipating further contractor-caused delays. The additional funding will be utilized to provide claims support analysis, review more requests for information and change order requests from the contractor, provide field services support, and increase the level of effort from B&C's project manager to assist in resolving critical issues.

**DISCUSSION**

On February 10, 2009, the Board of Directors authorized the original agreement with B&C for \$1,896,370 for DSDC of the Digester Upgrade Phase 2 Project. On May 10, 2011, the Board approved Amendment No. 1, increasing the agreement to \$2,439,370 for additional services to review an excessive number of requests for information and submittals from the contractor. An additional \$697,116 is now required to complete this effort through anticipated project completion, increasing the total agreement limit to \$3,136,486. This amendment will provide the needed additional funding to assist the District in claims analysis, reviewing more requests for information and change order requests, and providing field services support. In addition, B&C's project management duties will be increased to attend issue resolution meetings, partnering meetings, and contractor progress meetings to assist the District in resolving issues in a timely manner.

|   |   |   |
|---|---|---|
| Funds Available: FY12                   |   | Budget Code: WWC/927/7999/2005085/5231              |
| DEPARTMENT SUBMITTING<br><br>WASTEWATER | DEPARTMENT MANAGER or DIRECTOR<br><br><i>David R. Williams</i><br>David R. Williams | APPROVED<br><br><i>Alpenalet</i><br>General Manager |

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

The contractual completion date of this project is October 2012, but the latest contractor's schedule indicates completion of the work in April 2013, a six-month delay on the project. In addition, many of the major systems such as the new sludge feed system, the FOG (fats, oil, and grease) Facility, and the blend tanks still need to be completed, and the District is anticipating further contractor-caused delays on the project, with a projected completion date of December 2013. With these delays and the impending risks of liquidated damages, the Contractor is submitting a significant additional number of change order requests and claims, which utilizes more resources and associated budget from the District and B&C.

### **CONSULTANT SELECTION**

B&C is the Engineer-of-Record for the design of the project and, as such, is thoroughly familiar with the project. B&C would be the most cost-effective and most efficient consulting firm to provide these additional services since they have the project history and background of the design and construction.

### **CONTRACT EQUITY PROGRAM EFFORTS**

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

### **FISCAL IMPACT**

The FY12 capital budget contains sufficient funds for this amendment under the Digester Upgrade Project.

### **UNION NOTIFICATION**

Locals 21 and 2019 were notified of this contract on February 7, 2012. Locals 21 and 2019 did not raise any specific issues related to this contract.

### **CEQA/ENVIRONMENTAL COMPLIANCE**

The Board of Directors certified a Negative Declaration for this project on August 12, 2008.

### **ALTERNATIVES**

**Select a Different Consultant to Perform the Work:** This alternative is not recommended because B&C designed the project, is the Engineer-of-Record, and has the best-qualified team to perform the work. In addition, they have the project history and background to assist in the review of any claims from the contractor. Use of a different consultant would increase design liability to the District.

**Perform the Work Entirely with District Forces:** This alternative is not recommended because it is the District and industry practice to retain the Engineer-of-Record to ensure design continuity. Completion of work with District forces could result in conflicting interpretations of design intent, and would increase the District's liability.

### **Attachments**



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

|   |  |   |                  |  |   |   |             |  |              |                     |                  |         |
|---|--|---|------------------|--|---|---|-------------|--|--------------|---------------------|------------------|---------|
| <b>TITLE</b><br>Amendment to Professional Services Agreement from Consultant Roster<br>Design Services During Construction for the Digester Upgrade Phase 2 Project |  |   |                  |  |   | <b>DATE:</b><br>March 19, 2012                    |             |  |              |                     |                  |         |
| <b>CONTRACTOR:</b><br>Brown and Caldwell<br>Walnut Creek, CA  |  |   |                  | Local Business   |   | <b>PERCENTAGE OF CONTRACT DOLLARS</b>             |             |  |              |                     |                  |         |
| <b>BID/PROPOSER'S PRICE:</b><br>\$697,116   |  | <b>FIRM'S OWNERSHIP</b><br>Ethnicity: White<br>Gender: Male |                  | <b>Availability Group</b><br>White Men: 86.9%<br>White Women: 0.0%<br>Ethnic Minorities: 13.1% |   | <b>Contracting Objectives</b><br>25%<br>6%<br>25% |             | <b>Participation</b><br>86.9%<br>0.0%<br>13.1% |              |                     |                  |         |
| <b>CONTRACT EQUITY PARTICIPATION</b>  |  |   |                  |  |   |   |             |  |              |                     |                  |         |
| <b>COMPANY NAME</b>   |  | <b>ESTIMATED AMOUNT</b>                                     | <b>ETHNICITY</b> | <b>GENDER</b><br>M    F  |   | <b>CONTRACTING PARTICIPATION</b>                  |             |  |              |                     |                  |         |
|   |  |   |                  | M  | F | White-Men   | White-Women | Ethnic Minorities                              | Unclassified | Publicly Held Corp. | Gov't/Non Profit | Foreign |
| <b>PRIME:</b><br>Brown and Caldwell   |  | \$605,516   | White            | X  |   | 86.9%   | ---         | ---  | ---          | ---                 | ---              | ---     |
| <b>SUBS:</b><br>Ninyo & Moore   |  | \$51,600  | Asian            | X  |   | ---   | ---         | 7.4%   | ---          | ---                 | ---              | ---     |
| Beyaz & Patel   |  | \$40,000  | Asian            | X  |   | ---   | ---         | 5.7%   | ---          | ---                 | ---              | ---     |
| <b>TOTAL</b>  |  | \$697,116   |                  |  |   | 86.9%   | 0.0%        | 13.1%  | 0.0%         | 0.0%                | 0.0%             | 0.0%    |
| <b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>  |  |   |                  |  |   |   |             |  |              |                     |                  |         |
|   |  | <b>White Men</b>  |                  | <b>White Women</b>   |   | <b>Ethnic Minorities</b>                          |             | <b>Total Employees</b>                         |              |                     |                  |         |
| <b>No. of Employees:</b>  |  | 781   |                  | 389  |   | 221   |             | 1,391  |              |                     |                  |         |
| <b>Percent of Total Employees:</b>  |  | 56.1%   |                  | 28.0%  |   | 15.9%   |             |  |              |                     |                  |         |
| <b>MSA Labor Market %:</b>  |  | 39.0%   |                  | 33.7%  |   | 27.2%   |             |  |              |                     |                  |         |
| <b>MSA Labor Market Location:</b>   |  | USA   |                  |  |   |   |             |  |              |                     |                  |         |
| <b>COMMENTS</b>   |  |   |                  |  |   |   |             |  |              |                     |                  |         |
| <b>Contract Equity Participation</b> - 86.9% White Men participation and 13.1% Ethnic Minorities participation  |  |   |                  |  |   |   |             |  |              |                     |                  |         |
| <b>Overall Contract Equity Participation</b> - 81.4% White Men participation, 3.1% White Women participation and 15.5% Ethnic Minorities participation              |  |   |                  |  |   |   |             |  |              |                     |                  |         |
| <b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>   |  |   |                  | <b>Good Faith Outreach Efforts Requirement Satisfied</b>                                       |   |   |             | <b>Award Approval Recommended</b>              |              |                     |                  |         |
| NA  |  |   |                  | YES  |   |   |             |  |              |                     |                  |         |



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

| Title:   |                          | Ethnic Minority Percentages From U.S. Census Data |      |      |                                      |       |           |              |       |
|--|--------------------------|---|------|------|--------------------------------------|-------|-----------|--------------|-------|
|  |                          |   | B    | H    | A/PI                                 | AI/AN | TOTAL     |              |       |
| <b>Design Services During Construction for the Digester Upgrade Phase 2 Project</b>                            |                          | 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      |              |       |
| <b>Professional Services Agreement</b>   | DATE:                    | <b>Number of Ethnic Minority Employees</b>        |      |      |                                      |       |           |              |       |
|  | 3/19/2012                |   |      |      |                                      |       |           |              |       |
| R=Recomm<br>P=Prime<br>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 - LBE                 | Company Wide                                      | 45   | 78   | 93                                   | 5     | 221       | 15.9%        | 27.2% |
| Brown and Caldwell<br>Susy Pepper<br>201 N. Civic Dr., Suite 115<br>Walnut Creek, CA 94596<br><br>925-937-9010 |                          | Manager/Prof                                      | 25   | 58   | 80                                   | 3     | 166       | 14.5%        |       |
|  |                          | Technical/Sales                                   | 8    | 6    | 5                                    | 2     | 21        | 20.6%        |       |
|  |                          | Clerical/Skilled                                  | 12   | 14   | 8                                    | -     | 34        | 23.6%        |       |
|  |                          | Semi/Unskilled                                    | -    | -    | -                                    | -     | -         | NA           |       |
|  |                          | Bay Area  | -    | 7    | 9                                    | 1     | 17        | 21.0%        | 39.9% |
|  |                          | AA Plan on File:                                  | NA   |      | Date of last contract with District: |       | 1/11/2012 |              |       |
|  |                          | Co. Wide MSA:                                     | USA  |      | # Employees-Co. Wide:                |       | 1,391     | Bay Area: 81 |       |
|  |                          | Company Wide                                      |      |      |                                      |       |           |              |       |
|  |                          | Manager/Prof                                      |      |      |                                      |       |           |              |       |
|  |                          | Technical/Sales                                   |      |      |                                      |       |           |              |       |
|  |                          | Clerical/Skilled                                  |      |      |                                      |       |           |              |       |
|  |                          | Semi/Unskilled                                    |      |      |                                      |       |           |              |       |
|  |                          | Bay Area  |      |      |                                      |       |           |              | 39.9% |
|  |                          | Co. Wide MSA:                                     |      |      | # Employees-Co. Wide:                |       |           | Bay Area:    |       |
|  |                          | Company Wide                                      |      |      |                                      |       |           |              |       |
|  |                          | Manager/Prof                                      |      |      |                                      |       |           |              |       |
|  |                          | Technical/Sales                                   |      |      |                                      |       |           |              |       |
|  |                          | Clerical/Skilled                                  |      |      |                                      |       |           |              |       |
|  |                          | Semi/Unskilled                                    |      |      |                                      |       |           |              |       |
|  |                          | Bay Area  |      |      |                                      |       |           |              | 39.9% |
|  |                          | Co. Wide MSA:                                     |      |      | # Employees-Co. Wide:                |       |           | Bay Area:    |       |
|  |                          | Company Wide                                      |      |      |                                      |       |           |              |       |
|  |                          | Manager/Prof                                      |      |      |                                      |       |           |              |       |
|  |                          | Technical/Sales                                   |      |      |                                      |       |           |              |       |
|  |                          | Clerical/Skilled                                  |      |      |                                      |       |           |              |       |
|  |                          | Semi/Unskilled                                    |      |      |                                      |       |           |              |       |
|  |                          | Bay Area  |      |      |                                      |       |           |              | 39.9% |
|  |                          | Co. Wide MSA:                                     |      |      | # Employees-Co. Wide:                |       |           | Bay Area:    |       |
|  |                          | Company Wide                                      |      |      |                                      |       |           |              |       |
|  |                          | Manager/Prof                                      |      |      |                                      |       |           |              |       |
|  |                          | Technical/Sales                                   |      |      |                                      |       |           |              |       |
|  |                          | Clerical/Skilled                                  |      |      |                                      |       |           |              |       |
|  |                          | Semi/Unskilled                                    |      |      |                                      |       |           |              |       |
|  |                          | Bay Area  |      |      |                                      |       |           |              | 39.9% |
|  |                          | Co. Wide MSA:                                     |      |      | # Employees-Co. Wide:                |       |           | Bay Area:    |       |
|  |                          | Company Wide                                      |      |      |                                      |       |           |              |       |
|  |                          | Manager/Prof                                      |      |      |                                      |       |           |              |       |
|  |                          | Technical/Sales                                   |      |      |                                      |       |           |              |       |
|  |                          | Clerical/Skilled                                  |      |      |                                      |       |           |              |       |
|  |                          | Semi/Unskilled                                    |      |      |                                      |       |           |              |       |
|  |                          | Bay Area  |      |      |                                      |       |           |              | 39.9% |
|  |                          | Co. Wide MSA:                                     |      |      | # Employees-Co. Wide:                |       |           | Bay Area:    |       |

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



AGENDA NO.  
MEETING DATE

56.  
March 27, 2012

**TITLE     CONSULTANT AGREEMENT AMENDMENT FOR CONSTRUCTION  
           MANAGEMENT SERVICES OF THE DIGESTER UPGRADE PHASE 2 PROJECT**

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an amendment to the agreement with EPC Consultants, Inc. in an amount not to exceed \$555,275 for supplemental construction management services for the Main Wastewater Treatment Plant (MWWTP) Digester Upgrade Phase 2 Project. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

This agreement amendment provides for additional supplemental construction management services for the Digester Upgrade Phase 2 Project. This project provides upgrades to the existing infrastructure and improves the performance of the digestion facilities, which are needed to ensure long-term reliability to meet National Pollutant Discharge Elimination System permit requirements. Additional funding is needed to maintain continuous resources on this project through project completion. The construction contractor, Proven Inc., is currently approximately six months behind schedule and the District is anticipating further contractor-caused delays on the project.

**DISCUSSION**

The construction of the Digester Upgrade Phase 2 Project consists of rehabilitation of four digesters with new covers and mixers, replacing the sludge feed system including installation of new blend tanks, and construction of a FOG (fats, oils, and grease) Receiving Facility. Currently, the contractual completion date for this project is October 2012; however, the latest contractor's schedule indicates completion of the work in April 2013, which is approximately six months behind the contractually required schedule. With many challenges still ahead on this project, the District is anticipating further contractor-caused delays to the project schedule, and projects the completion date of the project to December 2013.

On February 10, 2009, the Board of Directors authorized an agreement with EPC for \$872,524 for services of a construction engineer. An additional \$555,275 is now required to complete this effort through project completion, increasing the total agreement ceiling to \$1,427,799. This amendment will provide additional

|   |   |   |
|---|---|---|
| Funds Available FY: 12                  |   | Budget Code: WWC/927/7999/2005085/5231                    |
| DEPARTMENT SUBMITTING<br><br>WASTEWATER | DEPARTMENT MANAGER or DIRECTOR<br><br><i>David R. Williams</i><br>David R. Williams | APPROVED<br><br><i>General Manager</i><br>General Manager |

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

services to review and respond to claims from the contractor, process an excessive number of requests for information and change order requests, and resolve field issues. District staff will continue to provide the lead construction manager. The District is expending significantly more District and consultant staff time on this project due to contractor-caused delays on the project and contractor-related quality and contract compliance issues.

### **CONSULTANT SELECTION**

EPC Consultants, Inc. was selected from the District-wide engineering consultant roster at the beginning of this project. They are thoroughly familiar with the project, and would be the most efficient consulting firm to continue these additional services. Their performance to date has demonstrated their high qualifications to perform this work.

### **CONTRACT EQUITY PROGRAM**

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

### **FISCAL IMPACT**

The FY12 capital budget contains sufficient funds for this amendment under the Digester Upgrade Project.

### **UNION NOTIFICATION**

Locals 2019 and 21 were notified of the contract on February 7, 2012. Locals 2019 and 21 did not raise any specific issues related to this contract.

### **CEQA/ENVIRONMENTAL COMPLIANCE**

A Negative Declaration was certified by the Board for this project on August 12, 2008.

### **ALTERNATIVES**

**Select a Different Consultant to Perform the Work:** This alternative is not recommended because EPC Consultants, Inc., who possesses the project history and background, would be the most cost effective firm to provide these services, and is qualified to perform this work.

**Perform Work with District Forces:** This alternative is not recommended because District staff is already providing significant resources to this project and re-allocating additional resources would jeopardize the project schedule of other high-priority capital projects. In addition, EPC Consultants, Inc. has the project history, which assists in responding to claims and change order requests from the contractor.

Attachments



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

|  |                                |
|--|--------------------------------|
| <b>TITLE</b><br><i>Amendment to Professional Services Agreement from Consultant Roster</i><br>Construction Management Services of the Digester Upgrade Phase 2 Project | <b>DATE:</b><br>March 20, 2012 |
|--|--------------------------------|

| CONTRACTOR:                                |                         | PERCENTAGE OF CONTRACT DOLLARS |             |                    |                        |               |
|--|-------------------------|--------------------------------|-------------|--------------------|------------------------|---------------|
| EPC Consultants, Inc.<br>San Francisco, CA |                         | Small Business                 |             | Availability Group | Contracting Objectives | Participation |
| <b>BID/PROPOSER'S PRICE:</b>               | <b>FIRM'S OWNERSHIP</b> |                                | White Men   |                    | 25%                    | 0.0%          |
|  | Ethnicity               | Gender                         | White Women |                    | 6%                     | 0.0%          |
|  | \$555,275               | Asian                          | Male        | Ethnic Minorities  |                        | 25%           |

| CONTRACT EQUITY PARTICIPATION          |                  |           |        |   |                           |             |                   |              |                     |                  |         |
|--|------------------|-----------|--------|---|---------------------------|-------------|-------------------|--------------|---------------------|------------------|---------|
| COMPANY NAME                           | ESTIMATED AMOUNT | ETHNICITY | GENDER |   | CONTRACTING PARTICIPATION |             |                   |              |                     |                  |         |
|  |                  |           | M      | F | White-Men                 | White-Women | Ethnic Minorities | Unclassified | Publicly Held Corp. | Gov't/Non Profit | Foreign |
| <i>PRIME:</i><br>EPC Consultants, Inc. | \$555,275        | Asian     | X      |   | ---                       | ---         | 100.0%            | ---          | ---                 | ---              | ---     |
| <i>SUBS:</i><br>None                   |                  |           |        |   | ---                       | ---         | ---               | ---          | ---                 | ---              | ---     |
| <b>TOTAL</b>                           | \$555,275        |           |        |   | 0.0%                      | 0.0%        | 100.0%            | 0.0%         | 0.0%                | 0.0%             | 0.0%    |

| CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form) |            |             |                   |                 |
|---|------------|-------------|-------------------|-----------------|
|   | White Men  | White Women | Ethnic Minorities | Total Employees |
| <b>No. of Employees:</b>                          | 21         | 4           | 29                | 54              |
| <b>Percent of Total Employees:</b>                | 38.9%      | 7.4%        | 53.7%             |                 |
| <b>MSA Labor Market %:</b>                        | 28.0%      | 23.6%       | 48.4%             |                 |
| <b>MSA Labor Market Location:</b>                 | California |             |                   |                 |

**COMMENTS**

*Contract Equity Participation - 100% Ethnic Minority participation and no subcontract opportunities exist.*

|   |  |                                   |
|---|--|-----------------------------------|
| <b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b> | <b>Good Faith Outreach Efforts Requirement Satisfied</b> | <b>Award Approval Recommended</b> |
| 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:  |                | Ethnic Minority Percentages From U.S. Census Data |      |                                      |           |       | TOTAL           |       |       |       |
|---|----------------|---|------|--------------------------------------|-----------|-------|-----------------|-------|-------|-------|
|   |                | B   | H    | A/PI                                 | AI/AN     |       |                 |       |       |       |
| <b>Construction Management Services of the<br/>Digester Upgrade Phase 2 Project</b>                       |                | 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            |       |       |       |
| <b>Professional Services Agreement</b><br>DATE: 3/20/2012   |                | <b>Number of Ethnic Minority Employees</b>        |      |                                      |           |       |                 |       |       |       |
| R=Recommd<br>P=Prime<br>S=Sub   |                | Composition of Ownership                          |      |                                      |           |       |                 |       |       |       |
| Company Name, Owner/Contact Person, Address, and Phone Number   |                | B   | H    | A/PI                                 | AI/AN     | TOTAL | PERCENT         | MSA % |       |       |
| RP  | EMM:AP/I - SBE | Company Wide                                      |      | 3                                    | 5         | 21    | -               | 29    | 53.7% | 48.4% |
| EPC Consultants, Inc.<br>Pundalik Kini<br>655 Davis Street<br>San Francisco, CA 94111<br><br>415-675-7580 |                | Manager/Prof                                      |      | 1                                    | 3         | 15    | -               | 19    | 45.2% |       |
|   |                | Technical/Sales                                   |      | -                                    | -         | -     | -               | -     | NA    |       |
|   |                | Clerical/Skilled                                  |      | 2                                    | 2         | 6     | -               | 10    | 83.3% |       |
|   |                | Semi/Unskilled                                    |      | -                                    | -         | -     | -               | -     | NA    |       |
|   |                | Bay Area  |      | 3                                    | 1         | 16    | -               | 20    | 55.6% | 39.9% |
| AA Plan on File:  |                | NA  |      | Date of last contract with District: |           |       | 4/26/2011       |       |       |       |
| Co. Wide MSA:   |                | California  |      | # Employees-Co. Wide:                |           |       | 54 Bay Area: 36 |       |       |       |
| Company Wide  |                |   |      |                                      |           |       |                 |       |       |       |
|   |                | Manager/Prof                                      |      |                                      |           |       |                 |       |       |       |
|   |                | Technical/Sales                                   |      |                                      |           |       |                 |       |       |       |
|   |                | Clerical/Skilled                                  |      |                                      |           |       |                 |       |       |       |
|   |                | Semi/Unskilled                                    |      |                                      |           |       |                 |       |       |       |
|   |                | Bay Area  |      |                                      |           |       |                 |       |       | 39.9% |
| Co. Wide MSA:   |                | # Employees-Co. Wide:                             |      |                                      | Bay Area: |       |                 |       |       |       |
| Company Wide  |                |   |      |                                      |           |       |                 |       |       |       |
|   |                | Manager/Prof                                      |      |                                      |           |       |                 |       |       |       |
|   |                | Technical/Sales                                   |      |                                      |           |       |                 |       |       |       |
|   |                | Clerical/Skilled                                  |      |                                      |           |       |                 |       |       |       |
|   |                | Semi/Unskilled                                    |      |                                      |           |       |                 |       |       |       |
|   |                | Bay Area  |      |                                      |           |       |                 |       |       | 39.9% |
| Co. Wide MSA:   |                | # Employees-Co. Wide:                             |      |                                      | Bay Area: |       |                 |       |       |       |
| Company Wide  |                |   |      |                                      |           |       |                 |       |       |       |
|   |                | Manager/Prof                                      |      |                                      |           |       |                 |       |       |       |
|   |                | Technical/Sales                                   |      |                                      |           |       |                 |       |       |       |
|   |                | Clerical/Skilled                                  |      |                                      |           |       |                 |       |       |       |
|   |                | Semi/Unskilled                                    |      |                                      |           |       |                 |       |       |       |
|   |                | Bay Area  |      |                                      |           |       |                 |       |       | 39.9% |
| Co. Wide MSA:   |                | # Employees-Co. Wide:                             |      |                                      | Bay Area: |       |                 |       |       |       |
| Company Wide  |                |   |      |                                      |           |       |                 |       |       |       |
|   |                | Manager/Prof                                      |      |                                      |           |       |                 |       |       |       |
|   |                | Technical/Sales                                   |      |                                      |           |       |                 |       |       |       |
|   |                | Clerical/Skilled                                  |      |                                      |           |       |                 |       |       |       |
|   |                | Semi/Unskilled                                    |      |                                      |           |       |                 |       |       |       |
|   |                | Bay Area  |      |                                      |           |       |                 |       |       | 39.9% |
| Co. Wide MSA:   |                | # Employees-Co. Wide:                             |      |                                      | Bay Area: |       |                 |       |       |       |
| Company Wide  |                |   |      |                                      |           |       |                 |       |       |       |
|   |                | Manager/Prof                                      |      |                                      |           |       |                 |       |       |       |
|   |                | Technical/Sales                                   |      |                                      |           |       |                 |       |       |       |
|   |                | Clerical/Skilled                                  |      |                                      |           |       |                 |       |       |       |
|   |                | Semi/Unskilled                                    |      |                                      |           |       |                 |       |       |       |
|   |                | Bay Area  |      |                                      |           |       |                 |       |       | 39.9% |
| Co. Wide MSA:   |                | # Employees-Co. Wide:                             |      |                                      | Bay Area: |       |                 |       |       |       |

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

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 22, 2012  
MEMO TO: Board of Directors  
FROM: Alexander R. Coate, General Manager *ARC*  
SUBJECT: Legislative Report No. 03-12

The following issues are being referred to the Board of Directors for action, as appropriate.

| <u>STATE LEGISLATION</u>                               | <u>RECOMMENDED POSITION</u> |
|--|-----------------------------|
| <b>AB 1750 RAINWATER CAPTURE ACT OF 2012 (Solorio)</b> | <b>SUPPORT</b>              |

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system permit program and the Porter-Cologne Water Quality Control Act. Existing law authorizes a city, county, or special district to develop stormwater resource plans jointly or individually.

AB 1750 would enact the Rainwater Capture Act of 2012, which would authorize landowners to install, maintain, and operate rain barrel systems to supply water for outdoor, nonpotable uses; and rainwater capture systems for outdoor nonpotable use, infiltration into groundwater, or indoor nonpotable use. The use of these systems would be limited to non-agricultural uses on the landowner’s property. Under AB 1750, if any local agency has a program to promote rainwater capture, a landowner would be required to comply with the applicable requirements of the local agency program.

According to the author, “Rainwater and stormwater, captured and properly managed, can contribute significantly to local water supplies by infiltrating and recharging groundwater aquifers, thereby increasing available supplies of drinking water. In addition, the onsite capture, storage, and use of rainwater and stormwater for nonpotable uses significantly reduces demand for potable water, contributing to the statutory objective of a 20-percent reduction in urban per capita water use in California by December 31, 2020.”

AB 1750 would contribute to statewide efforts to conserve potable water by authorizing the use of rainwater capture and barrel systems statewide. Though AB 1750 is not anticipated to directly impact EBMUD’s water or wastewater operations, the goal of reducing reliance on potable water for nonpotable uses is consistent with EBMUD’s



preparedness and emergency response so that California is better able to respond to, and recover from future earthquakes.

SB 1065's focus on emergency planning for earthquakes is consistent with EBMUD's emergency preparedness efforts which include its seismic retrofit program, interties with neighboring water providers, and development of a Local Hazard Mitigation Plan in partnership with the Association of Bay Area Governments.

Developing statewide post-earthquake firefighting and water supply goals and guidelines is a complex undertaking. California is a large and geographically diverse state, and has a wide range of water supply sources and systems. Water needs and water supply reliability may differ from region to region. Due to this complexity, involvement of stakeholders throughout the state will be needed to help develop an approach that can be effectively applied to the different regions. SB 1065 would be strengthened by the inclusion of language that requires the commission to invite stakeholders, including a variety of water districts, to participate in the development and/or review of the guidelines.

EBMUD has previously supported legislation intended to improve disaster recovery. In 2010, EBMUD supported SB 1205 (Corbett), which would have established the Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan. SB 1205 was vetoed by Governor Schwarzenegger.

There are currently no entities listed in support or opposition to SB 1065.

**SB 1387 METAL THEFT  
(Emmerson)**

**SUPPORT  
AND AMEND**

Existing law requires junk dealers and recyclers to keep written records of all sales and purchases and prohibits junk dealers or recyclers from providing payment for nonferrous metals unless specified requirements are met. Violation of these provisions regulating junk dealers and recyclers is a crime. Existing law also provides for criminal penalties for junk dealers or collectors who buy or receive any wire, cable, copper, lead, solder, mercury, iron, or brass which they should know ordinarily belongs to a railroad, telephone, telegraph, gas, water, electric light company, a city, a county, or city and county engaged in furnishing public utility service.

SB 1387 would strengthen the protections in existing law for utility providers by prohibiting a junk dealer or recycler from possessing a "public fire hydrant, fire department connection, a public manhole cover or lid, a public backflow device and connections to that device" without a written certification from the utility provider that owns the material. This certification must be on the letterhead of the utility provider and state that the person possessing, and identified in the certificate, is authorized to negotiate the sale of the material.

Any junk dealer or recycler possessing the specified materials without certification would be civilly liable for damages of three times the compensation for the owner's actual damages, including the value of the material, the cost of replacing the material, the cost of repairs of damage caused by the removal of the material, court costs and reasonable attorney's fees and would be subject to criminal liability.

SB 1387 would benefit water utilities throughout the state, including EBMUD, by making it more difficult for thieves of fire hydrants, manhole covers, and backflow devices to sell or dispose of the material. In addition, SB 1387's civil and criminal liability provisions would serve as an additional deterrent from the theft of these materials.

Metal theft has been an issue for water districts throughout the state, including EBMUD. EBMUD has experienced the theft of stock copper tubing as well as the theft of copper wire and pipe from operating facilities. Fire hydrants, manhole covers, backflow devices, and water meters are considered to also be potentially at risk of theft.

SB 1387's protections for utility providers would be strengthened by the addition of water meters to the materials junk dealers and recyclers are prohibited from possessing without certification and thus should be expanded to include water meters.

EBMUD supported a previous metal theft measure. In 2008, EBMUD supported SB 691 (Calderon), which was signed into law (Chapter 730). SB 691 set requirements on the manner in which junk dealers and recyclers could provide payment for nonferrous material.

There are currently no entities listed in support or opposition to SB 1387.

ARC:MD:JF

**EAST BAY MUNICIPAL UTILITY DISTRICT**

---

DATE: March 22, 2012

MEMO TO: Board of Directors

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

FROM: Richard G. Sykes, Director of Water & Natural Resources *RGS*

SUBJECT: 2012 Drought Management Program Guidelines

**INTRODUCTION**

The District's Drought Management Program (DMP) Guidelines are a set of trigger points based on water system storage which staff uses for creating rationing program targets and developing the operation plan for the Freeport Regional Water Project (FRWP). The guidelines were most recently updated in January 2010. Current projections for Water Year 2012 are for runoff well below normal and it is possible that EBMUD will be in a moderate to severe drought stage in 2012. In response to this, staff has used the general DMP Guidelines to create 2012 DMP Guidelines tailored to the current conditions. A presentation on the proposed 2012 DMP Guidelines will be made at the March 27 Board meeting. The draft 2012 guidelines will be revised based on Board input and the finalized document will be presented to the Board for acceptance at its April 24<sup>th</sup> meeting.

**DISCUSSION**

The District's Interim DMP Guidelines (Figure 1) are described in the 2010 Urban Water Management Plan. These guidelines are general in nature and were created to ensure that the District can meet our water supply needs given an estimated "planning level" of demand under the District's three-year design drought. Actual conditions at the time of a drought are never identical to the planned conditions and thus it is prudent to have a more specific DMP at the time of a water shortage. Interim DMP guidelines were established in 2010 to account for the availability of Freeport in that year and the suppressed demand for water at an average rate of 189 million gallons per day (mgd).

The 2012 DMP Guidelines (Figure 2) differ from the Interim DMP Guidelines in several ways. First, they are specific to 2012 and the conditions which exist now including the current water storage levels, current water demands of about 182 mgd, the availability of the FRWP and the allocation of Central Valley Project (CVP) contract water, and the projected runoff for the remainder of the year. Second, the guidelines do not include a mandatory rationing component even if there is a severe drought. This is because unlike 2010 with its preceding dry year, 2011 was wet and it is anticipated that voluntary rationing up to 15% and use of the CVP supply will be sufficient to prevent unacceptable depletion of stored water this year. Finally, the trigger for initiating take of the CVP supply and operation of the FRWP supply was lowered slightly to

Board of Directors

March 22, 2012

Page 2

reflect the low current water demands and provide more flexibility given the financial considerations of operating the FRWP.

#### **NEXT STEPS**

The 2012 DMP Guidelines will be reviewed and discussed at the March 27 Board meeting. Board input from this discussion will be used by staff to finalize the guidelines and will also assist staff in development of a draft 2012 Water Supply Plan to be presented to the Board on April 10. Both the guidelines and the final Water Supply Plan will be presented for Board consideration along with the Water Supply Availability and Deficiency Report on April 24.

Attachments

RGS:LLT:dec

**Figure 1 - Interim Drought Management Program Guidelines**

| STAGE    | PROJECTED TSS <sup>(1)</sup> | % OF MAX TSS | FSCC STATUS | CVP IMPORT QUANTITY | RATIONING REDUCTION GOAL |
|----------|------------------------------|--------------|-------------|---------------------|--------------------------|
| NORMAL   | >500 TAF                     | >65%         | OFF         | NONE                | Wise water use           |
| MODERATE | 500-450 TAF                  | 65-59%       | OFF         | NONE                | 0-15% voluntary          |
|          | 450-425 TAF                  | 59-55%       | ON          | Up to 35 TAF        |                          |
| SEVERE   | 425-300 TAF                  | 55-39%       | ON          | 35-65 TAF           | 15% mandatory            |
| CRITICAL | <300 TAF                     | <39%         | ON          | 65 TAF              | 15% mandatory            |

**Figure 2 - 2012 Drought Management Program Guidelines**

| STAGE    | PROJECTED TSS <sup>(1)</sup> | % OF MAX TSS | FSCC STATUS | CVP IMPORT QUANTITY | RATIONING REDUCTION GOAL |
|----------|------------------------------|--------------|-------------|---------------------|--------------------------|
| NORMAL   | >500 TAF                     | > 65%        | OFF         | NONE                | Wise water use           |
| MODERATE | 500-435 TAF                  | 65-57%       | OFF         | NONE                | Wise water use           |
|          | 435-400 TAF                  | 57-52%       | ON          | 0-35 TAF            | 0-15% voluntary          |
| SEVERE   | 400-350 TAF                  | 52-46%       | ON          | 35-65 TAF           | 15% voluntary            |

<sup>(1)</sup> Without Freeport or rationing



EAST BAY MUNICIPAL UTILITY DISTRICT

---

DATE: March 22, 2012  
MEMO TO: Board of Directors  
THROUGH: Alexander R. Coate, General Manager *ARC*  
FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*  
SUBJECT: Planning Committee Minutes – March 13, 2012

Chair Doug Linney called to order the Planning Committee at 8:47 a.m. in the Training Resource Center. Directors Katy Foulkes and Lesa R. McIntosh were present at roll call. Staff present included: General Manager Alexander R. Coate, Director of Operations and Maintenance Michael J. Wallis, Director of Water and Natural Resources Richard G. Sykes, Director of Engineering and Construction Xavier J. Irias, Manager of Regulatory Compliance Michael R. Ambrose, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Chabot Dam Seismic Upgrade Project.** Director of Engineering and Construction Xavier J. Irias presented a status update on the stability analysis of Chabot Dam. He said that based on the findings, upgrades to the dam and tower are required at this time. Staff evaluated various options and the recommended project is to remove and replace soil near the toe of the dam and complete a seismic retrofit of the tower outlet structure. The extent of necessary repairs was approved by the Division of Safety of Dams in February 2012. Next steps include starting agency and public outreach in April 2012. The planning phase of the project will involve the preparation of an Environmental Impact Report, which will be developed in the summer of 2012 through fall 2013. The design phase is scheduled for completion in early 2014, and construction will begin after bid and award of the project in 2014. The project budget is approximately \$15 million for the dam and approximately \$2 million for the tower. The Committee concurred with staff's approach.

**2011 Mokelumne Fall Run Chinook Salmon Returns.** Director of Water and Natural Resources Richard G. Sykes reported that the 2011 fall-run Chinook salmon returns to the Mokelumne River was the single largest salmon run observed since 1940. He noted that improved ocean conditions, key program changes initiated in 2009, and proactive management of the Mokelumne fishery likely played a role in increasing the Mokelumne population. It was noted that significant Central Valley environmental issues will continue to impact the Mokelumne salmon returns. Progress on addressing these issues, such as Delta habitat, impacts of export pumps, and through-delta flow operations has been slow. Nonetheless, EBMUD will continue its long-term, successful efforts to support the Mokelumne River fishery and will work with resource agencies and others to ensure that any Delta "fix" is protective of the Mokelumne fishery and contributes to the overall health of the Delta environment.

**Regulatory Compliance Semi-Annual Report – August 2011 through January 2012.**

Manager of Regulatory Compliance Michael R. Ambrose gave an update on the status of key regulatory issues and compliance activities since the last update on August 9, 2011. He said that since the last report, the District had two Notice of Violations for an unauthorized discharge to West County Wastewater District's sanitary sewer system and one from the Bay Area Air Quality Management District for exceeding hydrogen sulfide limits in the digester gas at the Main Wastewater Treatment Plant (MWWTP). The District also received a Cal/OSHA citation for a hole in the floor of the security kiosk at the MWWTP. He noted that the District has taken actions to prevent these events from occurring in the future. During the next six months, the District will be working with the regulatory agencies to evaluate remedial alternatives and implement improvements to surface water protection programs.

In concluding, Mr. Ambrose pointed out that as part of EBMUD's response to previously issued Cal/OSHA citations for meter reading ergonomic issues, a comprehensive abatement plan was implemented. Modifications to approximately 5,300 meters will include a range of solutions including raising small meters, replacing meter boxes/lids, or installing remote meter reading technology. The Committee raised no questions.

**2012 Community Clean Water Initiative.** Manager of Regulatory Compliance Michael R. Ambrose presented an update on an initiative that would implement state and federal clean water mandates in Contra Costa County. He said that the Contra Costa Clean Water Program is proposing a spring 2012 property owner election and is seeking approval of a proposed property related fee. The District has received 264 ballots for the properties located in Contra Costa County, and staff will be reviewing each of the District's parcels to determine if any special benefit will be conferred by this initiative. Mr. Ambrose said staff will provide the Board with a summary of the analysis and voting. The Committee raised no questions.

**Adjournment.** Chair Linney adjourned the meeting at 10:43 a.m.

ARC/LML/slb

W:\Minutes\Minutes 2012\031312\_planning\_minutes.doc

## EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 22, 2012  
MEMO TO: Board of Directors  
THROUGH: Alexander R. Coate, General Manager *AC*  
FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*  
SUBJECT: Legislative/Human Resources Committee Minutes – March 13, 2012

Chair Lesa R. McIntosh called to order the Legislative/Human Resources Committee at 9:50 a.m. in the Training Resource Center. Director Frank Mellon was present at roll call and Director Andy Katz arrived at 10:00 a.m. Staff present included: General Manager Alexander R. Coate, Director of Administration Carol Y. Nishita, Director of Operations and Maintenance Michael J. Wallis, Acting Manager of Human Resources Tamara H. Wickland, Affirmative Action Officer Elaine Lew-Smith, Special Assistants to the General Manager Marlaigne K. Dumaine and Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**2012 Affirmative Action (AA) Plan.** Affirmative Action Officer Elaine Lew-Smith reported that during 2011 significant workforce underutilization (5% or greater) decreased or stayed the same since the last update. This decrease was attributed to goal achieving hires and changes in the District's internal candidate pool. She noted that the District met or exceeded 11 out of 45 AA goals which was an improvement over the previous rate. Ms. Lew-Smith pointed out that the District will continue to have fewer hiring opportunities due to the hiring freeze. She highlighted the 2012 Action Plan and AA goals and noted workforce areas where the District anticipates exceptions to the hiring freeze. She said that the District expects to have hiring opportunities in the next few years for the Skilled Trades. Staff recommended adoption of the 2012 Affirmative Action Plan and Affirmative Action Goals. It was moved, seconded and carried to recommend adoption of the plan to the full Board.

**Benefits Administration System Update.** Acting Manager of Human Resources Tamara H. Wickland presented the staff recommended approach for administering District employee and retiree benefits programs. She reported that the current technology platform does not offer a full range of employee self-services, retiree access, or needed capacity to respond to the increasing requirements of federal health care reform. Currently the District provides administration of medical, dental, vision, life, disability and voluntary benefits for 7,000 employees, retirees, beneficiaries, and dependents. Ms. Wickland said that the District issued a RFP for benefits administration to ten firms. Based on the results of interviews, system demonstrations, reference and security checks, staff recommends Benesyst because it specializes in public agency benefits administration and demonstrated the strongest ability to meet District requirements. The Committee asked questions about system back up and portability of the service. Following staff responses, the Committee moved, seconded and carried to forward the staff recommendation to the full Board.

**Water Meter Division Organization.** Director of Operations and Maintenance Michael J. Wallis presented an update on a proposal to establish a new Meter Division, and move all the work tasks and resources from three divisions related to meter work to this new division. He said a new classification is proposed that combines meter reading and meter repair work. Staff in the new classification will have varied tasks, and the number of daily/weekly meter reads will be reduced. All new hires and existing qualified staff on a voluntary basis will be assigned to this new classification. The new division would be placed in the Maintenance and Construction Department and organized into three new meter reading/repair sections and the existing Meter Shop.

Mr. Wallis said the District plans to implement this new division in FY13. The District met with Local 444 and Local 21 on March 6<sup>th</sup> to notify them of the new organizational plan and additional meetings will be scheduled in the future to discuss the details. Mr. Wallis went on to say that in the long-term, the District estimates that the costs of the new organization and classifications will increase the annual budget by slightly less than \$100,000. During the transition period from the existing organization to the new division, costs are estimated to increase by \$100,000 to \$400,000; this assumes a significant reduction in overtime. The Committee raised no questions.

**Legislative Report.** Special Assistant to the General Manager Marlaigne K. Dumaine highlighted the recommended positions in Legislative Report No. 02-12: SUPPORT SB 1146 (Pavley) – Wells: Reports: Public Availability; and OPPOSE H.R. 1837 (Nunes) - Sacramento-San Joaquin Valley Water Reliability Act. It was moved, seconded and carried to forward the staff recommended positions to the full Board.

**Adjournment.** Chair McIntosh adjourned the meeting at 10:43 a.m.

ARC/LML/slb