

MINUTES

Tuesday, March 27, 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, Assistant General Counsel Craig S. Spencer (Item 1), Attorney Derek T. McDonald (Item 1), Senior Community Affairs Representative Gregory L. Chan (Item 1), and Manager of Real Estate Services Stephen J. Boeri (Item 1).

PUBLIC COMMENT

There were no comments.

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, William B. Patterson, and President John A. Coleman were present at roll call. Director Frank Mellon was excused to represent the District at the Alameda County Board of Supervisors meeting where discussion took place on two District-owned surplus properties (Redwood Filter Plant site and Sydney Reservoir site).

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

The Board, in closed session this morning, by a unanimous vote of the Directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants and other particulars will be disclosed, upon inquiry, once the action is formally commenced.

There were no other announcements from closed session.

PRESENTATIONS

General Manager Coate announced that the District received the 2011 Sustainability Project of the Year Award from the Sacramento Section of the American Society of Civil Engineers for the Mokelumne Watershed Headquarters Replacement Project. Mr. Coate said that this is the District's first net-zero electrical energy building, which supports the District's goals for sustainability and environmental protection. On behalf of the board, Director McIntosh presented the award to the following staff who contributed to the success of the project: Director of Engineering and Construction Xavier J. Irias, Director of Natural Resources Richard G. Sykes, Engineering Manager Elizabeth Bialek, Senior Civil Engineer Dean DiGiovanni, Associate Civil Engineer Bill Jeng, Associate Architect Agnes Wan, and Manager of Watershed and Recreation Kent Lambert. The Board applauded staff and thanked them for their outstanding work.

PUBLIC COMMENT

The following person addressed the Board: 1) Patrick Haggarty, Chair, representing Common Place Neighborhood Watch, presented a letter expressing concern about an emergency action plan in the event of a significant water release from Central Reservoir. The Board requested that staff prepare a response to Mr. Haggarty's letter.

CONSENT CALENDAR

- Motion by Director McIntosh, seconded by Director Patterson, to approve Items 1-5 on the Consent Calendar, carried (6-0) by voice vote. Director Frank Mellon was absent (excused).
1. **Motion No. 034-12** -- Approved the Regular Meeting Minutes of March 13, 2012.
 2. The following correspondence was filed with the Board: 1) Letter dated March 27, 2012, to EBMUD Board of Directors, from Patrick Haggarty, Chair, Common Place Neighborhood Watch, Oakland, CA, regarding Emergency Plans for the Central Reservoir; 2) Slide presentation entitled "Water Supply Board Briefing," Water Supply Engineering, dated March 27, 2012; and 3) Slide presentation entitled "2012 Drought Management Program Guidelines," dated March 27, 2012.

3. **Motion No. 035-12** -- Authorized 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. **Motion No. 036-12** -- Authorized an agreement with Pacific Gas and Electric Company 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.
- 5a. **Motion No. 037-12** -- Authorized a second amendment to the agreement with Brown and Caldwell in an amount not to exceed \$697,116 for additional design services during construction for the Main Wastewater Treatment Plant Digester Upgrade Phase 2 Project.
- 5b. **Motion No. 038-12** -- Authorized 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 Digester Upgrade Phase 2 Project.

DETERMINATION AND DISCUSSION

6. Legislative Update.

Special Assistant Marlaigne Dumaine highlighted the legislative measures and recommended positions outlined in Legislative Report No. 03-12.

- Motion by Director Foulkes, seconded by Director Patterson, to approve the recommended positions in Legislative Report No. 03-12, carried (6-0) by voice vote. Director Frank Mellon was absent (excused).

Motion No. 039-12 -- Received Legislative Report No. 03-12 and approved the positions on the following bills: SUPPORT AB 1750 (Solorio) Rainwater Capture Act of 2012; SUPPORT AND AMEND SB 1065 (Alquist) Emergency Preparedness: Earthquakes and Fires: Water Supplies; and SUPPORT AND AMEND SB 1387 (Emmerson) Metal Theft.

On the federal level, Ms. Dumaine reported that Senator Feinstein does not intend to move H.R. 1837 forward, but instead is looking for solutions to the water supply reliability issue independent of this measure.

7. 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 since the last update the Department of Water Resources has updated their March 1st snow survey and it's increased to 46% of average. Additionally, the Mokelumne watershed snow water content increased significantly, the Mokelumne and the East Bay has received over six inches of rain, and the snow depth also has increased. Overall, the current projection for Water Year 2012 is for a dry year.

Director of Water and Natural Resources Richard G. Sykes presented the 2012 Drought Management Program Guidelines. He reported that current projections for Water Year 2012 are for a moderate drought and no mandatory rationing. Furthermore, the projections don't include accessing the Freeport water supply based on the recent water supply forecast. Mr. Sykes said that the draft 2012 guidelines will be revised and staff will submit a water supply availability report for Board consideration at its April 24th meeting.

REPORTS AND DIRECTOR COMMENTS

8. Committee Reports.

- Filed with the Board were the Minutes of the March 13, 2012 Planning and Legislative/Human Resources Committees.

9. Director Comments.

- Director Foulkes reported meeting with City of Orinda's Mayor and staff on March 14; participating in an Upper Mokelumne River Watershed Authority teleconference on March 15; meeting with representatives of the Association of Women in Water, Energy & Environment on March 23; participating in an Upper Mokelumne River Watershed Authority teleconference on March 23; and meeting with the Bay Area Water Forum on March 26.
- Director Katz reported attending the City of Richmond community choice aggregation workshop on March 13 and attending the Good Jobs, Green Jobs Conference on March 15-16 in Los Angeles.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon had no comment.
- Director Patterson had no comment.

- President Coleman reported attending the following: Contra Costa Council Board meeting on March 16 in Pittsburgh, CA; agenda review conference call from Washington, D.C with General Manager Coate on March 21; and meeting with Congressman John Garamendi on March 22 in Washington, D.C. He reported on plans to attend the following upcoming events: ACWA/JPIA Executive Committee meeting on March 28 in Roseville; ACWA Federal Affairs meeting and the Clair Hill Awards meeting on March 29 in Sacramento; ACWA Executive Committee and Board meeting on March 30 in Sacramento; EBMUD Wastewater Power Generation Station dedication on April 3 in Oakland; and meeting with General Manager Coate for agenda review on April 4.


ADJOURNMENT

President Coleman adjourned the meeting at 1:46 p.m.

SUBMITTED BY:


Lynelle M. Lewis, Secretary of the District

APPROVED: April 10, 2012


John A. Coleman, President of the Board

