



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, February 14, 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:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. In Re Municipal Derivatives Antitrust Litigation
Judicial Panel on Multidistrict Litigation (MDL) Docket No. 1950 No.
08-02516 (VM) (GWG) (S.D.N.Y.)
2. 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:

- Earthquake Engineering Research Institute's Northern California Chapter for the Seismic Improvement Program's 2011 Leadership, Innovation, and Outstanding Accomplishments in Earthquake Risk Reduction Award.
- Lafayette Rotary Gift of Lafayette Reservoir Stage to the District
- Director Andy Katz's 5 Years of Service Award

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the Agenda.

CONSENT CALENDAR: (Single motion and vote approving 7 recommendations including 2 resolutions.)

1. Approve the Regular Meeting Minutes of January 24, 2012.
2. File correspondence with the Board.
3. Authorize an agreement with Burks Toma Architects in an amount not to exceed \$194,285 to provide architectural and landscape services for inclusion in a Mitigated Negative Declaration being prepared by District staff for the Diablo Vista Pumping Plant Replacement Project pursuant to the California Environmental Quality Act and for bid-period and construction-phase services.
4. Authorize an agreement with Environmental Science Associates in an amount not to exceed \$288,456 for noise and vibration monitoring services for the Estates Reservoir Replacement Project pursuant to the Environmental Impact Report.
5. Authorize the Office of the General Counsel to continue the employment of the law firm of Meyers Nave Riback Silver & Wilson, including provision of specialized legal services in the area of employment and labor.
6. Appoint the Director of Finance effective March 26, 2012, with the signatory authority of the Treasurer and the Accountant as set forth in the Municipal Utility District Act. (Resolution)
7. Authorize a first amendment of the agreement for employment of Alexander R. Coate as General Manager, effective February 14, 2012. (Resolution)

DETERMINATION AND DISCUSSION:

8. Legislative Update:
 - Receive Legislative Report No. 01-12 and consider positions on the following bills:
AB 1540 (Buchanan) Sacramento-San Joaquin Delta: Invasive Weeds: South American Spongeplant; SB 200 (Wolk) Delta Levee Maintenance; HR 2939 (Slaughter) Pharmaceutical Stewardship Act of 2011
 - Update on Legislative Issues of Interest to EBMUD
9. General Manager's Report:
 - Water Supply Report
 - Monthly Report – January 2012

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 28, 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.

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BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, February 14	Sustainability/Energy Committee Katz (Chair), Foulkes, Linney	8:15 a.m. Training Resource Center	<ul style="list-style-type: none"> EPA Climate Resilience Evaluation and Awareness Tool Update PGS Renewable Energy Expansion Project Update Water System Energy Management Strategy Community Choice Aggregation Update
	Planning Committee Linney (Chair), Foulkes, McIntosh	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> Mokelumne Aqueduct Levee Improvements Mokelumne Aqueducts Interconnection Project Update Water Quality Program Semi-Annual Update
	Legislative/Human Resources Committee McIntosh (Chair), Katz, Mellon	10:30 a.m. Training Resource Center	<ul style="list-style-type: none"> Legislative Update
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Monday, February 20	Washington's Birthday		Offices Closed
Tuesday, February 28	WSMP 2040 Workshop	TBD Training Resource Center	
	Finance/Administration Committee Katz (Chair), Mellon, Patterson	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting

MINUTES

Tuesday, January 24, 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 Engineering and Construction Xavier J. Irias (Item 1a), and Attorney Xanthe Berry (Item 1a).

PUBLIC COMMENT

There was no public comment.

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.

Appointment of Board Committees

President Coleman presented the 2012 Board Committee assignments. The Board concurred with the assignments from President Coleman.

- Motion by Director Linney, seconded by Director Foulkes, to ratify the 2012 Board Committee assignments, carried (7-0) by voice vote.

Motion No. 014-12 -- Approved the following 2012 Board Committee assignments:

Planning

Director Linney, Chair
Director Foulkes
Director McIntosh

2nd Tuesday of the month at 9:15 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Legislative/Human Resources

Director McIntosh, Chair
Director Katz
Director Mellon

2nd Tuesday of the month at 10:15 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Katz, Chair
Director Mellon
Director Patterson

4th Tuesday of the month at 10:00 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Katz, Chair
Director Foulkes
Director Linney

Meets quarterly on 4th Tuesday

DSRSD/EBMUD Recycled Water Authority (DERWA)

President Coleman
Director Mellon
Director Foulkes, Alternate

4th Monday of even calendar months at 6:00 p.m.
Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

President Coleman
Director Foulkes
Director Patterson, Alternate

*2nd Thursday at 10:00 a.m. on a quarterly basis,
with locations to be announced*

Retirement Board

Director Mellon
Director Patterson

3rd Thursday odd numbered months at 8:30 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

**Upper Mokelumne River Watershed
Authority**

President Coleman
Director Foulkes
Director Patterson, Alternate
Director Katz, Alternate

4th Friday, quarterly at 1:00 p.m.
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Mellon, Chair
Director Patterson
Director McIntosh

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Linney
Director Patterson
Director Katz, Alternate

Meets quarterly; dates to be determined

Oakland Chamber of Commerce

Director Patterson
Director Linney, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Foulkes
Director Katz, Alternate

Special Districts Association of Contra Costa County

President Coleman
Director Katz, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Linney, seconded by Director Foulkes, to approve Items 1-6 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 011-12** -- Approved the Regular Meeting Minutes of January 10, 2012.
 2. The following documents were filed with the Board: 1) Memorandum dated January 24, 2012, regarding EBMUD Biennial Report for Fiscal Years 2010-2011; 2) Presentation entitled "Water Supply Board Briefing," Water Supply Engineering, dated

January 24, 2012; and 3) Letters dated January 12, 2012 to EBMUD staff, from Adèle M. D. Ho, Public Works Director, City of San Pablo, commending staff's work in response to the 60-inch water pipeline break on El Portal Drive (letters addressed to Construction and Maintenance Superintendent Marc Carradine, Construction and Maintenance Superintendent Antonio Martinez, Maintenance Shift Supervisor Harvey Boddie, and Assistant Construction and Maintenance Superintendent Richard Paniagua).

3. **Motion No. 012-12** -- Awarded a contract to the lowest responsible/responsive bidder State Pipe & Supply Company, Inc. dba West Coast Pipe in the estimated total amount of \$1,393,703.03 for supplying various sized steel pipe for the period beginning February 1, 2012 and ending January 31, 2013 under Proposal No. 1210.
4. **Motion No. 013-12** -- Authorized an agreement with Wiss, Janney, Elstner Associates, Inc., in an amount not to exceed \$244,559 to prepare property condition assessments for the Estates Reservoir Replacement Project.
5. **Resolution No. 33864-12** -- Adopting Revised Policy 1.01, Equal Employment Opportunity (EEO), Revised Policy 1.07, Prevention Of Sexual Harassment In The Workplace, Revised Policy 3.02, California Environmental Quality Act Implementation, And Revised Policy 8.03, Wastewater Service To Residential Customers.
6. **Resolution No. 33865-11** -- Fixing The Boundaries Of The Wards For The Purpose Of Electing Directors Therefrom.

DETERMINATION AND DISCUSSION

7. Legislative Update.

Special Assistant Marlaigne Dumaine provided status updates on state and federal legislative issues pertaining to the Bay-Delta initiatives, the state water bond measure, and the 2012 federal budget.

8. Remarketing Agreements of Series 2009A-2 Water System Bonds.

Finance/Administration Committee Chair Katy Foulkes reported that the Committee unanimously supported the staff recommendation on the remarketing of the Series 2009-A2 Water System bonds.

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

Resolution No. 33866-11 -- Approving The Form And Authorizing The Execution Of A Remarketing Agreements In Connection With The District's Water System Revenue Refunding Bonds, Series 2009A-2; Authorizing The Delivery Of A Preliminary Reoffering Circular And The Execution And Delivery of A Reoffering Circular; Authorizing And Ratifying Certain Related Actions; And Authorizing The

Officers Of The District To Do All Other Things Deemed Necessary Or Advisable Relating Thereto.

9. **General Manager's Report.**

Operations and Maintenance Department Manager Eileen M. White presented a status update on the statewide water supply, water production, precipitation and snow report, water supply forecast, and reservoir storage. She reported that the statewide water supply was in good condition, precipitation and snow levels had increased due to the recent storm activity, and total EBMUD system storage was good. The Board raised no questions.

General Manager Alexander R. Coate announced that the EBMUD Biennial Report for Fiscal Years 2010-2011 had been provided for the Board. Next, he reported on the participation at public meetings on the Draft Revised Water Supply Management Program (WSMP) 2040 Environmental Impact Report. He said that the participants have expressed appreciation for the actions by the District and that a WSMP 2040 Board Workshop is scheduled for February 28, 2012.

REPORTS AND DIRECTOR COMMENTS

10. **Committee Reports.**

- Filed with the Board were the Minutes of the January 10, 2012 Planning and Legislative/Human Resources Committees.

11. **Director Comments.**

- Director Foulkes reported attending the installation of Water Conservation signs at Pardee Home Museum on January 4 in Oakland. She thanked staff who created and installed the new Pardee Home Museum sign. This included Painter George Monterrey, Water Conservation Representative Rolando Gonzalez, Carpenter Dwight Punzel, and Carpenter Nalani Heath-Delaney. Director Foulkes also reported attending the City of Oakland public meeting on the Private Sewer Lateral Program on January 5, meeting with Orinda Country Club staff regarding the Duffy property on January 17 in Orinda, a public meeting regarding 39th Avenue Reservoir downsizing on January 18 in Oakland, and the Pardee Home Museum board meeting on January 23 in Oakland.
- Director Katz reported attending the NAACP Youth Council banquet on January 13 in Oakland.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon reported attending a meeting with Supervisor Nate Miley to discuss the Castro Valley General Plan and its potential impact on EBMUD on January 12, the

2012 Eagle Tour on the Mokelumne River, and the EBMUD Retirement Board meeting on January 19 in Oakland.

- Director Patterson commented that he would be attending the Upper Mokelumne River Water Authority Board meeting on January 27. He thanked Board members for attending the NAACP Youth Council banquet, where he was honored, on January 13.
- President Coleman reported attending the following: Land use briefing with Miller Steer Regalia on January 12 in Walnut Creek, meeting with EBMUD General Manager Coate on January 12 in Oakland, and an ACWA Region meeting on January 12 in Sacramento. He reported on plans to attend the following upcoming events: ACWA Region meeting on January 24 in Concord, ACWA Board retreat on January 26 in Sacramento, ACWA board meeting with Executive Officer on January 27 in Sacramento, and ACWA Executive Committee meeting on January 31 in Roseville.

ADJOURNMENT

President Coleman adjourned the meeting at 1:38 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 14, 2012

John A. Coleman, President of the Board

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AGENDA NO.
MEETING DATE

3.
February 14, 2012

TITLE DIABLO VISTA PUMPING PLANT REPLACEMENT PROJECT –
ARCHITECTURAL AND LANDSCAPE SERVICES

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

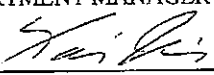
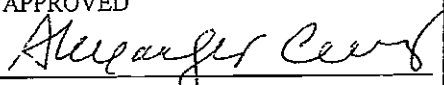
Authorize an agreement with Burks Toma Architects in an amount not to exceed \$194,285 to provide architectural and landscape services for inclusion in a Mitigated Negative Declaration (MND) being prepared by District staff for the Diablo Vista Pumping Plant Replacement Project pursuant to the California Environmental Quality Act (CEQA) and for bid-period and construction-phase services. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

SUMMARY

CEQA documentation is required prior to commencing final design and construction for the Diablo Vista Pumping Plant Replacement Project and staff determined that the appropriate documentation is an MND. District staff will prepare the MND in full compliance with CEQA requirements and requires preparation of architectural and landscape plans to assess impacts and identify mitigation measures related to aesthetics. Subsequent to certification of the MND, architectural, landscape, and irrigation drawings and specifications will be incorporated into the District's construction contract documents. This project was discussed at the Planning Committee on September 13, 2011.

DISCUSSION

The existing 12-million gallon per day (mgd) Diablo Vista Pumping Plant, which is located at 3305 Mt. Diablo Boulevard in the City of Lafayette (City), will be replaced with a new 16-mgd pumping plant. In discussions with City staff regarding the project, alternative sites were explored because the existing site is smaller than desirable; would require finding a site and constructing a temporary pumping plant; and the City could use the land for additional downtown parking if the pumping plant was relocated. Following the review of several sites, a new site was identified that is located at the corner of Mt. Diablo Boulevard and Mt. Diablo Court (see attached map) and has the potential for a property exchange with the City.

Funds Available: FY12-13; CIP #001252; page 2.4-40		Budget Code: WSC/522/7999/5231/2006399:16
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

The Diablo Vista Pumping Plant was constructed in 1954, and is the primary conveyance point for water entering the Colorados Pressure Zone and one of three pumping plants supplying this pressure zone; one of the three pumping plants will be decommissioned after the new pumping plant is in service. The Diablo Vista Pumping Plant is a critical facility that needs to be replaced due to mechanical and electrical issues, including irreplaceable parts; inefficient pumps; failed motors and piping; poor site drainage; and a building that does not meet current seismic code. Recently, there have been failures of the pump units, which impact the District's ability to effectively operate the zone. An interim project was recently completed that included installation of portable pump connections at the existing site, which allows the District to deploy a portable pumping plant during an emergency failure while the new pumping plant planning and implementation proceeds.

The District and City are currently working on an agreement for a potential land swap of the two sites. Subsequent to the property exchange agreement, the District will complete the MND. As part of the analysis, architectural and landscape plans will be developed and included in the MND. Both the City and the immediately adjacent business, Blodgett's Floor Covering, expressed interest in providing input and reviewing and commenting on the architectural and landscape concepts developed for the new site.

CONSULTANT SELECTION

A Request for Proposals was sent to 38 firms with expertise in architectural services. Seven firms submitted proposals and four firms were interviewed based on their qualifications and experience. Burks Toma Architects was selected based on its expertise in the preparation of architectural and landscape plans for pumping plants, and overall project approach and understanding of the project requirements, including community concerns.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

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

UNION NOTIFICATION

Locals 2019 and 21 were notified of this contract on November 23, 2011. Local 2019 raised issues related to the District's architectural and landscape staffing needs. The District and Local 2019 met on December 6, 2011; December 27, 2011; January 3, 2012; and February 7, 2012. The District and Local 2019 were unable to resolve the issues and Local 2019 has advised the District that it plans to oppose this contract and that it may address the Board regarding staffing needs at the Board meeting. The District's reasons for contracting, as explained in the BD-1, are consistent with the District's criteria for contracting out work. Local 21 did not raise any specific issues related to this contract, but suggested it may be a training opportunity.

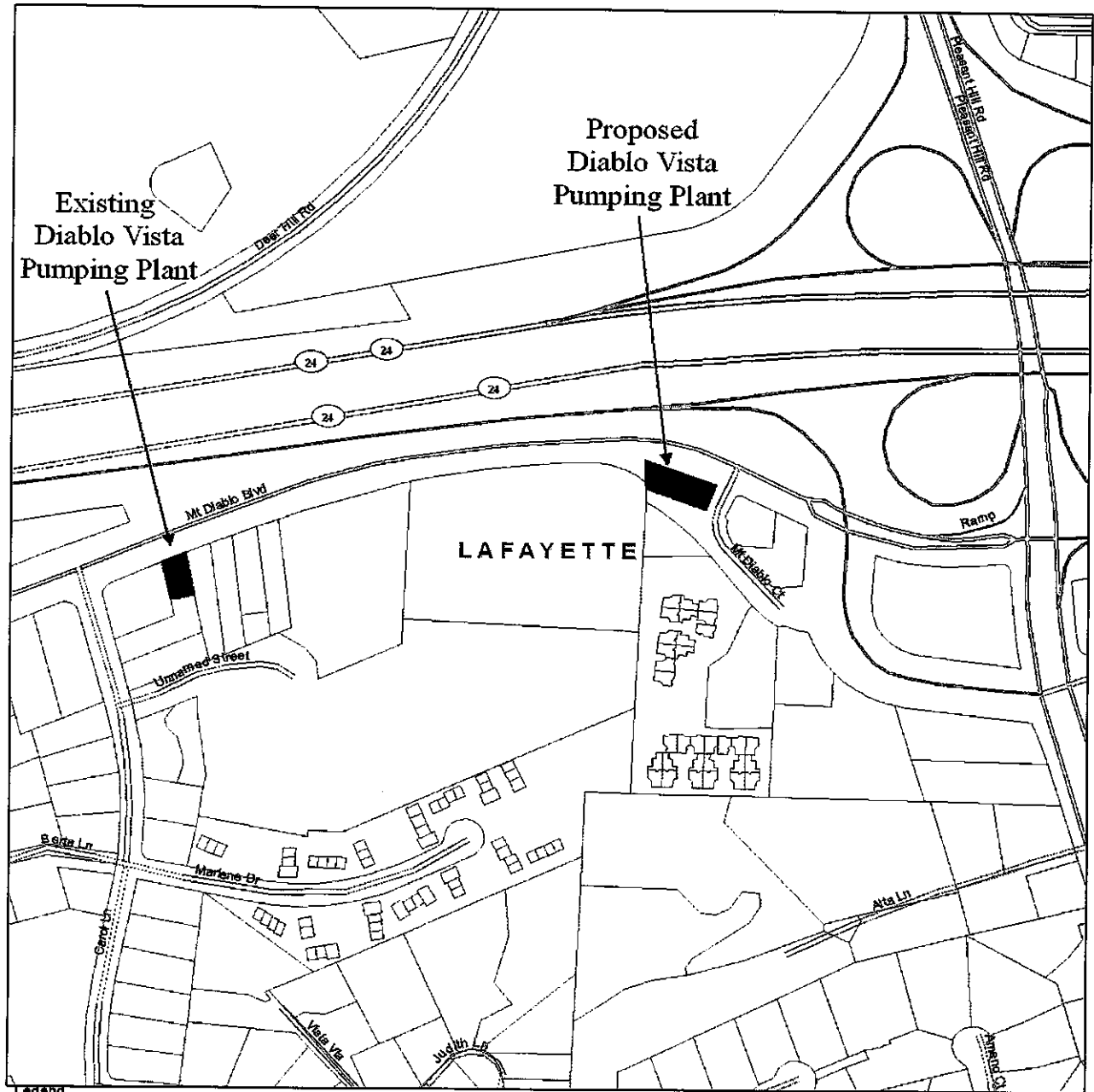
ALTERNATIVES

Perform the Work with District Forces – This alternative is not recommended because District staff does not have the necessary experience and expertise to complete this work. The work requires an experienced architectural and landscape design firm to provide necessary documentation and plans for inclusion in the CEQA documentation and to independently develop alternatives for the pumping plant. The work cannot be satisfactorily performed through the civil service because the District's civil service employees do not have the expertise to perform architectural and landscape services at this level. These kinds of projects do not occur at the District with the degree of frequency and consistency to develop the necessary expertise in-house.

Do Not Perform the Work – This alternative is not recommended because the Diablo Vista Pumping Plant Replacement Project is a critical infrastructure upgrade and cannot go forward without appropriate CEQA documentation.

Attachments: Vicinity Map
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)

Diablo Vista Pumping Plant Vicinity Map



Not to scale





CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement from Consultant Roster Diablo Vista Pumping Plant Replacement Project - Architectural and Landscape Services						DATE: January 24, 2012					
CONTRACTOR: Burks Toma Architects Berkeley, CA				Local/Small Business				PERCENTAGE OF CONTRACT DOLLARS			
BID/PROPOSER'S PRICE: \$194,285		FIRM'S OWNERSHIP Ethnicity: White Gender: Female		Availability Group White Men: 25% White Women: 6% Ethnic Minorities: 25%		Contracting Objectives		Participation 0.0% 58.8% 41.2%			
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
PRIME: Burks Toma Architects	\$114,230	White		X	---	58.8%	---	---	---	---	---
SUBS: Royston Hanamoto Alley & Abey	\$80,055	Multi Ethnic		X	---	---	41.2%	---	---	---	---
TOTAL					\$194,285	0.0%	58.8%	41.2%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		3		1		1		5			
Percent of Total Employees:		60.0%		20.0%		20.0%					
MSA Labor Market %:		28.0%		24.2%		47.8%					
MSA Labor Market Location:		Oakland									
COMMENTS											
Contract Equity Participation - 58.8% White Women participation and 41.2% Ethnic Minority participation.											
Burks Toma Architects' Affirmative Action profile is less than 50% workforce diversity based on the applicable MSA. The District will notify them of their non-compliance and that future awards may be denied if the workforce diversity remains less than 50% of the MSA and if they fail to document Good Faith Efforts to increase workforce diversity. An Affirmative Action Plan is on file.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
ON FILE				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant Replacement Project - Architectural and Landscape Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Professional Services Agreement		DATE: 1/24/2012	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 P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WW - L/SBE	Company Wide	-	1	-	1	20.0%	47.8%	
Burks Toma Architects Karen Burks 814 Camelia Street Berkeley, CA 94710 510-524-4255		Manager/Prof	-	1	-	1	25.0%		
		Technical/Sales	-	-	-	0	0.0%		
		Clerical/Skilled	-	-	-	-	NA		
		Semi/Unskilled	-	-	-	-	NA		
		Bay Area	-	1	-	-	1	20.0%	39.9%
AA Plan on File: 1/19/2012		Date of last contract with District: 6/25/2005							
Co. Wide MSA: Oakland		# Employees-Co. Wide: 5		Bay Area: 5					
S	WW - L/SBE	Company Wide	-	-	7	-	7	21.9%	39.9%
Royston Hanamoto Alley & Abey Barbara Lundburg 225 Miller Avenue Mill Valley, CA 94941 415-383-7900		Manager/Prof	-	-	4	-	4	23.5%	
		Technical/Sales	-	-	2	-	2	20.0%	
		Clerical/Skilled	-	-	1	-	1	20.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	7	-	7	21.9%	39.9%
Co. Wide MSA: 9 Bay Area Counties		# Employees-Co. Wide: 32		Bay Area: 32					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
Co. Wide MSA:		# Employees-Co. Wide:		Bay Area:					
P	WW - L/SBE	Company Wide	-	-	-	0	0.0%	53.9%	
Muller & Caulfield Architects Rosemary Muller 339 15th Street, Suite 300 Oakland, CA 94612 510-832-8580		Manager/Prof	-	-	-	0	0.0%		
		Technical/Sales	-	-	-	-	NA		
		Clerical/Skilled	-	-	-	0	0.0%		
		Semi/Unskilled	-	-	-	-	NA		
		Bay Area	-	-	-	-	0	0.0%	39.9%
Co. Wide MSA: Alameda County		# Employees-Co. Wide: 4		Bay Area: 4					
P	WW - L/SBE	Company Wide	-	-	1	-	1	16.7%	47.8%
RPR Architects Kathleen Rousseau 1629 Telegraph Avenue, Suite 200 Oakland, CA 94612 510-272-0654		Manager/Prof	-	-	-	0	0.0%		
		Technical/Sales	-	-	1	-	1	50.0%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	1	-	1	16.7%	39.9%
Co. Wide MSA: Oakland		# Employees-Co. Wide: 6		Bay Area: 6					
P	EMM:H - L/SBE	Company Wide	-	2	-	-	2	100.0%	47.8%
Farias & Marrugo Architects Isidor Farias 525 Green Street Martinez, CA 94553 925-229-8806		Manager/Prof	-	1	-	-	1	100.0%	
		Technical/Sales	-	1	-	-	1	100.0%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	2	-	-	2	100.0%	39.9%
Co. Wide MSA: Oakland		# Employees-Co. Wide: 2		Bay Area: 2					

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)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant Replacement Project - Architectural and Landscape Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
Professional Services Agreement		DATE: 1/24/2012							
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
P	EMM: B L/SBE	Company Wide	3	3	9	-	15	30.0%	39.9%
MWA Architects Michael E. Willis 471 9th Street Oakland, CA 94607 510-287-9710		Manager/Prof	3	-	3	-	6	26.1%	
		Technical/Sales	-	3	5	-	8	38.1%	
		Clerical/Skilled	-	-	1	-	1	16.7%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	3	3	9	-	15	30.0%	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 50		Bay Area: 50				
P	EMM: A/PI L/SBE	Company Wide	-	1	13	-	14	53.8%	48.4%
TECTONICS Andrew C. Chen 1500 Park Avenue Emeryville, CA 94608 510-740-2400		Manager/Prof	-	1	6	-	7	46.7%	
		Technical/Sales	-	-	4	-	4	57.1%	
		Clerical/Skilled	-	-	3	-	3	75.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	8	-	8	53.3%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 26		Bay Area: 15				
P	EMM: A/PI	Company Wide	-	-	3	-	3	50.0%	44.0%
LDA Architects, Inc. Gerald K. Lee 1108-A Bryant Street San Francisco, CA 94103 415-552-9940-x117		Manager/Prof	-	-	2	-	2	50.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	1	-	1	100.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	3	-	3	50.0%	39.9%
		Co. Wide MSA: San Francisco	# Employees-Co. Wide: 6		Bay Area: 6				
		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

4.
February 14, 2012

**TITLE ESTATES RESERVOIR REPLACEMENT PROJECT – NOISE AND VIBRATION
MONITORING SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement with Environmental Science Associates (ESA) in an amount not to exceed \$288,456 for noise and vibration monitoring services for the Estates Reservoir Replacement Project pursuant to the Environmental Impact Report.

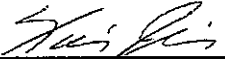
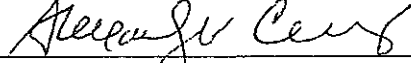
SUMMARY

Noise and vibration monitoring are mandated under the Mitigation Monitoring and Reporting Program (MMRP), which was approved by the Board of Directors on January 26, 2010. This contract enables ESA to provide noise and vibration monitoring services for the construction phase of the Estates Reservoir Replacement Project. On January 10, 2012, the need for this contract was discussed during the Planning Committee and the construction contract was awarded by the Board of Directors.

DISCUSSION

Estates Reservoir is located on a 6.7-acre parcel of land in the City of Oakland. The existing reservoir is a 17.6 million gallon (MG) open-cut reservoir with an approximate roof area of 3.1 acres. The Estates Reservoir Replacement Project includes demolition of the existing open-cut reservoir, embankment, and access road as well as a portion of the site's drainage. Improvements include construction of two partially buried 3.5 MG concrete tanks; retaining walls; a valve pit structure, including mechanical and electrical improvements; drainage improvements; an inlet/outlet pipeline; access road improvements; site grading, a chain-link fence; and new landscaping.

The cost for the noise and vibration monitoring is \$170,841 and the cost for optional services is \$117,615, for a total project cost of \$288,456. The optional services cover extended noise and vibration monitoring services during construction to meet the requirements of the MMRP. The optional services will be utilized only if dictated by construction activities. Written authorization is required before ESA can perform any optional task.

Funds Available: FY12-13; CIP #003042; Page 2.4-11		Budget Code: WSC\570\7999\2005965:25
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

SERVICE PROVIDER SELECTION

A Request for Proposals was sent to four firms with expertise in noise and vibration monitoring. Three firms submitted proposals that were reviewed by District staff. One firm removed itself from the selection process because its proposed project manager resigned. ESA was selected based on its experience and expertise with noise and vibration monitoring on various projects over the last five years.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

This item is included in the FY12-13 Capital Improvement Program for the Central Oakland Hills Cascade Pressure Zone Improvements Project under the Pressure Zone Improvements Program.

UNION NOTIFICATION

Locals 2019 and 21 were notified of this contract on July 29, 2011. Locals 2019 and 21 did not raise any specific issues related to this contract.

ALTERNATIVES

Do Not Perform the Work – This alternative is not recommended because the Estates Reservoir Replacement Project cannot be constructed without California Environmental Quality Act documentation compliance.

Perform the Work with District Forces – This alternative is not recommended because District staff does not have the expertise or available resources to perform a project of this scale within the required timeframe.

Attachments: Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement from Consultant Roster Estates Reservoir Replacement - Noise & Vibration Monitoring Services			DATE: January 17, 2012									
CONTRACTOR: Environmental Science Associates San Francisco, CA			PERCENTAGE OF CONTRACT DOLLARS									
			Availability Group	Contracting Objectives	Participation							
BID/PROPOSER'S PRICE: \$288,456	FIRM'S OWNERSHIP		White Men	25%	77.8%							
	Ethnicity	Gender	White Women	6%	0.0%							
	White	Male	Ethnic Minorities	25%	22.2%							
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	
PRIME: Environmental Science Associates	\$224,498	White	X		77.8%	---	---	---	---	---	---	---
SUBS: Orion Environmental Associates	\$53,600	Asian	X		---	---	18.6%	---	---	---	---	---
Geier & Geier Consulting, Inc.	\$10,358	Asian		X	---	---	3.6%	---	---	---	---	---
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TOTAL	\$288,456				77.8%	0.0%	22.2%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
	White Men	White Women	Ethnic Minorities	Total Employees								
No. of Employees:	156	129	53	338								
Percent of Total Employees:	46.2%	38.2%	15.7%									
MSA Labor Market %:	39.0%	33.7%	27.3%									
MSA Labor Market Location:	USA											
COMMENTS												
Contract Equity Participation - 77.8% White Men participation and 22.2% Ethnic Minority participation.												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
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		
Estates Reservoir Replacement - Noise & Vibration Monitoring Services		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
DATE: 1/17/2012		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	
RP	WM	Company Wide	6	17	30	-	53	15.7%
Environmental Science Associates		Manager/Prof	2	11	17	-	30	11.1%
Eric Ruby		Technical/Sales	-	-	5	-	5	25.0%
225 Bush Street, Suite 1700		Clerical/Skilled	4	6	8	-	18	38.3%
San Francisco, CA 94104		Semi/Unskilled	-	-	-	-	-	NA
415-896-5900		Bay Area	-	-	-	-	-	NA
		AA Plan on File: NA	Date of last contract with District: 9/22/2011					
		Co. Wide MSA: USA	# Employees-Co. Wide: 338		Bay Area: NA			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area					39.9%	
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
P	WM - LBE	Company Wide	1	17	26	1	45	20.3%
LSA Associates, Inc.		Manager/Prof	1	10	18	1	30	17.0%
David Clore		Technical/Sales	-	-	-	-	-	NA
2215 5th Street		Clerical/Skilled	-	7	8	-	15	32.6%
Berkeley, CA 94710		Semi/Unskilled	-	-	-	-	-	NA
510-540-7331		Bay Area	-	3	5	-	8	14.0%
		Co. Wide MSA: California	# Employees-Co. Wide: 222		Bay Area: 57			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area					39.9%	
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
P	WM - SBE	Company Wide	-	-	1	-	1	9.1%
Illingworth & Rodkin, Inc.		Manager/Prof	-	-	-	-	0	0.0%
Paul R. Donavon		Technical/Sales	-	-	-	-	0	0.0%
505 Petaluma Blvd. South		Clerical/Skilled	-	-	1	-	1	50.0%
Petaluma, CA 94952		Semi/Unskilled	-	-	-	-	-	NA
707-766-7700		Bay Area	-	-	1	-	1	10.0%
		Co. Wide MSA: Santa Rosa	# Employees-Co. Wide: 11		Bay Area: 10			
		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 (Elhnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.
MEETING DATE

5.
February 14, 2012

TITLE AUTHORIZE CONTINUED EMPLOYMENT OF THE LAW FIRM OF MEYERS
NAVE RIBACK SILVER & WILSON

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize the Office of the General Counsel to continue the employment of the law firm of Meyers Nave Riback Silver & Wilson, including provision of specialized legal services in the area of employment and labor, for an additional amount up to \$120,000.

DISCUSSION

The firm of Meyers Nave Riback Silver & Wilson (Meyers Nave) has been retained to assist the Office of General Counsel in public agency law, including employment and labor law. The Office of General Counsel is now requesting authorization for additional funds for services described in detail in a separate confidential memorandum to the Board of Directors.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Sufficient monies have been budgeted in the Office of the General Counsel's budget for fiscal year 2012 for this request for specialized legal assistance.

Attachments

Funds Available: FY 2012		Budget Code: 130 8511 5231
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR Jylana Collins	APPROVED General Manager

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Amendment to Professional Services Agreement Specialized Legal Services in the Area of Employment and Labor						DATE: January 31, 2012															
CONTRACTOR: Meyers, Nave, Riback, Silver & Wilson Oakland, CA					PERCENTAGE OF CONTRACT DOLLARS					Availability Group		Contracting Objectives		Participation							
BID/PROPOSER'S PRICE: \$120,000		FIRM'S OWNERSHIP			White Men		25%		100.0%		White Women		6%		0.0%						
		Ethnicity		Gender		Ethnic Minorities		25%		0.0%											
		White		Male																	
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	
PRIME: Meyers, Nave, Riback, Silver & Wilson		\$120,000		White		X		100.0%		---		---		---		---		---		---	
SUBS: None								---		---		---		---		---		---		---	
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AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Upper San Leandro (USL) Reservoir Hypolimnetic Oxygenation System (HOS) Diffuser Repair and Modification			Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL		
National			10.5	10.7	3.7	0.7	27.3		
9 Bay Area Counties			5.5	16.2	14.2	0.4	39.9		
Alameda/CC Counties			10.7	15.6	15.4	0.5	46.2		
Professional Services Agreement	DATE: 1/31/2012	Number of Ethnic Minority Employees							
R=Recommnd P=Prime S=Sub	Composition of Ownership								
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WW - SBE	Company Wide	-	-	-	-	0	0.0%	8.5%
Mobley Engineering, Inc. Susan R. Mobley 30 Hickory Trail Norris, TN 37828 865-494-0600		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	-	NA	
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Anderson County, TN		# Employees-Co. Wide:		7 Bay Area: 0		
		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 _____

60.
February 14, 2012

TITLE APPOINTMENT OF DIRECTOR FINANCE

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Appoint Eric L. Sandler as the Director of Finance, effective March 26, 2012, with the signatory authority of the Treasurer and the Accountant as set forth in the Municipal Utility District Act.

SUMMARY

Following a nationwide search conducted on behalf of the District by executive search firm, Bob Murray & Associates, Eric L. Sandler is recommended as Director of Finance. Mr. Sandler will replace former Finance Director, Gary Breaux, who recently retired. The Director of Finance position is exempt from the civil service provisions of the MUD Act in accordance with Section 12055 which excludes officers, assistant officers and other persons and employees appointed by the Board of Directors.

DISCUSSION

Mr. Sandler is currently the Director of Finance/Treasurer of the San Diego Water Authority, a large wholesale public water utility. There, he is responsible for financial planning, debt financing, accounting, budgeting and treasury and he manages the Authority's \$1.6 billion biennial budget, \$2.5 billion debt portfolio and \$950 million investment portfolio. Prior to his employment in San Diego, Mr. Sandler was Finance Director for the San Francisco Public Utilities Commission and held financial positions with a number of other employers including Lehman Brothers.

In addition to his broad financial background and water utility management experience, Mr. Sandler has an excellent track record of working effectively with customers, diverse stakeholder groups and employees. His education includes a Bachelor of Science Degree in Biological Sciences from Stanford University and a Masters of Business Administration from the University of California, Berkeley. He brings proven leadership skills and outstanding professional credentials to the District Finance Department.

Funds Available: FY _____		Budget Code: _____
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR <i>Gwen McDonald</i> Gwen McDonald	APPROVED <i>Stephanie C...</i> General Manager

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

RESOLUTION NO. _____

APPOINTING ERIC L. SANDLER AS DIRECTOR OF FINANCE

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Board of Directors has established the position of Director of Finance and such position has been assigned a salary range under the Management Salary Plan heretofore established for District Officers, Assistant Officers, civil service exempt and certain civil service classes; and

WHEREAS, the Director of Finance position is exempt from the District civil service pursuant to State of California Public Utilities Code section 12055; and

WHEREAS, the General Manager has recommended that Eric L. Sandler be appointed to serve as Director of Finance of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints Eric L. Sandler to serve as Director of Finance effective March 26, 2012.

BE IT FURTHER RESOLVED that Eric L. Sandler as Director of Finance has the signatory authority of the Treasurer and the Accountant as set forth in the Municipal Utility District Act and the laws of the State of California or as otherwise established by law, including acts of the Board of Directors expressed by motion, resolution or ordinance, and is authorized to execute all

documents, instruments and other papers requiring such signature in the capacity of the Treasurer and/or Accountant of the East Bay Municipal Utilities District.

Adopted this 14th day of February 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



AGENDA NO.
MEETING DATE

7.

February 14, 2012

TITLE AMEND EMPLOYMENT AGREEMENT OF THE GENERAL MANAGER


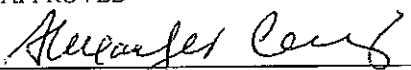
☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize a first amendment of the agreement for employment of Alexander R. Coate as General Manager, effective February 14, 2012.

SUMMARY

Mr. Coate was appointed to the position of General Manager pursuant to an agreement for employment dated February 7, 2011. The Board provided a positive appraisal of Mr. Coate's job performance as General Manager on January 10, 2011 and appointed an Ad Hoc Advisory Committee to negotiate any compensation increases for Mr. Coate based on its positive appraisal of his performance. In the course of those negotiations, Mr. Coate declined to accept additional compensation offered by the Board in light of the District's current financial situation and out of consideration for the sacrifices that all District employees made over the last two years in waiving their annual general salary increase. The proposed first amendment of Mr. Coate's employment agreement extends the term of the agreement by one year and amends the severance pay provisions to conform to the new requirements of Government Code Section 53243 *et seq.*, which went into effect on January 1, 2012. The proposed amendment to the agreement is attached as Exhibit A to the authorizing resolution.

Funds Available FY:		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Human Resources	 Gwen McDonald	 General Manager

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

RESOLUTION NO. _____

AUTHORIZING FIRST AMENDMENT
TO GENERAL MANAGER EMPLOYMENT AGREEMENT

Introduced by Director

; Seconded by Director

BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby authorizes the President of the Board of Directors to execute a First Amendment to the Agreement for Employment of Alexander R. Coate as General Manager for East Bay Municipal Utility District, in the form attached as Exhibit A, effective February 14, 2012.

ADOPTED this 14th day of February, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

**FIRST AMENDMENT TO
AGREEMENT FOR EMPLOYMENT OF ALEXANDER R. COATE AS
GENERAL MANAGER OF EAST BAY MUNICIPAL UTILITY DISTRICT**

THIS FIRST AMENDMENT TO AGREEMENT is entered into this 14TH day of February 2012, by and between EAST BAY MUNICIPAL UTILITY DISTRICT ("District") and Alexander R. Coate ("General Manager").

WITNESSETH

WHEREAS on February 7, 2011, the parties entered into an agreement setting forth the terms and conditions of employment for the position of General Manager of East Bay Municipal Utility District; and

WHEREAS it is the desire and intention of the parties to amend the agreement to extend the term of the agreement by one year, based on the General Manager's performance evaluation and to conform to the new requirements of Government Code Section 53243 *et seq.*;

NOW, THEREFORE, THE PARTIES DO AGREE to amend the agreement as follows:

1. Section 7 is amended to extend the term of the agreement by one year and to comply with the new requirements of Government Code Section 53243 *et seq.* as follows:

7. Term. The term of this agreement shall be for a period of ~~three (3)~~ four (4) years, commencing on the date first set forth above; provided, however, that District's Board of Directors may terminate General Manager's employment at any time in accordance with and pursuant to the provisions of section 11929 of the Municipal Utility District Act. Upon such termination and regardless of the term of this agreement, the General Manager shall receive severance pay in an amount equal to the General Manager's monthly Base Salary (as defined in paragraph 2 hereof) multiplied by the number of months left on the unexpired term of this agreement. However, if the unexpired term of the agreement is greater than 9 months, the maximum amount of severance pay shall be an amount equal to the General Manager's monthly Base Salary multiplied by 9. Commencing on the effective date of termination, the General Manager shall be entitled to continued health insurance coverage at District expense for the period of time equivalent to the same number of months used to calculate the General Manager's severance pay under this paragraph or until General Manager finds other employment, whichever occurs first. The severance pay and health insurance coverage

provided under this paragraph 7 shall be the maximum payment General Manager may receive for termination. Any severance payment or cost of health insurance made pursuant to this Section shall be reimbursed by the General Manager to the District in the event that the General Manager is convicted of a crime involving an abuse of his or her office or position. For purposes of this Agreement, the term "abuse of his or her office or position" shall have the meaning set forth in Government Code Section 53243.4. General Manager shall not be entitled to severance pay and health insurance coverage under this paragraph if termination is for any of the following reasons:

- a) Commission of any material act of fraud or dishonesty which is adverse to District; or
- b) Acting in a manner that is directly or substantially in a conflicting position with District after notice of the same and reasonable opportunity to cure and which has a material adverse effect on District; or
- c) Gross negligence in the performance of General Manager's duties and obligations to District which materially adversely affect District; or
- d) Sale, possession or use of illegal drugs; or
- e) Conviction (including a plea or verdict of guilty or a conviction following a plea of nolo contendere) of a felony or misdemeanor involving moral turpitude which has an adverse effect on District; or
- f) A final judgment by a court of law of unlawful discrimination by General Manager under State or Federal law; or
- g) A final judgment by a court of law of unlawful retaliation by General Manager against any other employee for disclosure of information relative to actual or suspected violations of any State or Federal law; or
- h) Willful disregard of a lawful directive of the Board of Directors which has a material adverse effect on District.

2. Except as expressly provided herein, all other terms and conditions of the agreement shall remain in full force and effect.

WHEREFORE the parties have entered into this First Amendment to the agreement in Oakland, California, on the date first set forth above.

EAST BAY MUNICIPAL UTILITY DISTRICT

By _____
John A. Coleman
President

Alexander R. Coate
General Manager

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2012

MEMO TO: Board of Directors

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

SUBJECT: Legislative Report No. 01-12

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate.

<u>STATE LEGISLATION</u>	<u>RECOMMENDED POSITION</u>
AB 1540 (Buchanan)	SUPPORT
SACRAMENTO-SAN JOAQUIN DELTA: INVASIVE WEEDS: SOUTH AMERICAN SPONGEPLANT	

Existing law provides that water hyacinth and *Egeria densa* are the only invasive aquatic weeds that are authorized for treatment in the Sacramento-San Joaquin Delta (Delta), and designates the California Department of Boating and Waterways (Boating and Waterways) as the lead agency in cooperating with other agencies in controlling these invasive weeds in the Delta, its tributaries, and the Suisun Marsh.

AB 1540, as introduced January 24, 2012, designates Boating and Waterways as the lead agency in controlling South American Spongeplant (Spongeplant) and would authorize Boating and Waterways to cooperate with agencies of the United States and other public agencies to control Spongeplant.

Invasive weeds growing in the Delta have the potential to impair navigation and recreational uses of the waterways, damage water quality and threaten water supplies by blocking canals, pumps, and dams. In addition, the Spongeplant could block access to shallow water habitat, thus improving habitat for invasive fish species and impacting salmonid populations. According to the California Department of Food and Agriculture, Spongeplant was first found in the Delta in 2007 and is spreading. The Spongeplant is a highly invasive, prolific seed-bearing plant that would be difficult to eradicate if it is allowed to grow unchecked.

Because much of California's water supply system is interconnected, control and eradication of invasive species is vital. AB 1540 would provide Boating and Waterways the necessary authority to work with entities in controlling and working to try and eradicate Spongeplant and other invasive weeds. With regard to EBMUD, AB 1540 would help protect the migratory pathway of Mokelumne salmon.

EBMUD has previously supported measures to combat invasive species in California's waters. In 2011, EBMUD supported SB 215 (Huff), which extended a sunset from January 1, 2012 to January 1, 2017, authorizing the Department of Fish and Game to continue to control and eradicate zebra and quagga mussels from mussel-infested waters. In 2008, EBMUD sponsored AB 2065 (Hancock), which requires the owners and operators of recreational reservoirs that are not infested with dreissenid mussels to implement a mussel prevention program. Both of these measures were signed into law.

There are currently no listed organizations in support or opposition to AB 1540.

SB 200	DELTA LEVEE MAINTENANCE	SUPPORT
(Wolk)		

Under existing law, the Delta levee maintenance program allows those local agencies that are authorized to maintain levees to request reimbursement from the state for costs incurred for the maintenance or improvement of State Water Project and non-State Water Project levees in the Sacramento-San Joaquin Delta (Delta). Existing law provides for reimbursement to eligible local agencies in an amount not to exceed 75 percent of those costs in excess of \$1,000 per mile of levee. The 75 percent reimbursement limit applies until July 1, 2013, after which time the limit will decrease to 50 percent. SB 200 (Wolk), as amended January 24, 2012, would extend the Delta levee maintenance program's 75 percent reimbursement limit to July 1, 2014.

The Delta levee maintenance program was initially established in 1973 to provide partial reimbursement by the state for Delta levee maintenance and improvement. In 1996, the Delta levee maintenance program statute was amended to include the 75 percent limit for the state funding share and a sunset date of July 1, 2006 was established for this limit. In 2006, the sunset for the 75 percent limit was extended by the legislature to July 1, 2010. In 2010, the statute was amended to extend the sunset date to the current date of July 1, 2013, after which time the limit would decrease to 50 percent. With regard to EBMUD, local reclamation districts have previously received state funding to help maintain the integrity of levees that protect EBMUD's Mokelumne Aqueducts. SB 200's extension of the higher reimbursement limit may benefit those reclamation districts.

According to the United States Geological Survey, the Delta includes about 57 islands or tracts that are protected from flooding by more than 1,100 miles of levees. EBMUD's Mokelumne Aqueducts are protected by 55 miles of levees on five Delta islands. Delta levees are vulnerable to collapse and continual maintenance and improvement activities are necessary to preserve the integrity of the levee system.

The Department of Water Resources is in the process of developing the document "A Framework for Department of Water Resources Investments in Delta Integrated Flood Management" (Framework). This Framework would direct state investment for levee maintenance, operation and improvement in the Delta and is expected to be completed in early 2013. Upon completion, the Delta Stewardship Council (Council) will consider the Framework for adoption. SB 200 extends the current levee

maintenance program reimbursement limit to maintain funding for levee programs until an investment strategy is adopted by the Council.

EBMUD has previously supported legislation which extended the sunset for Delta levee maintenance funding. EBMUD supported SB 808 (Wolk), in 2010 and AB 798 (Wolk), in 2006. Both of these measures were signed into law.

The current SB 200 support and opposition is listed below.

Support

Central Valley Flood Control Association (Sponsor)
Delta Counties Coalition
Regional Council of Rural Counties

Opposition

None listed

FEDERAL LEGISLATION

H.R. 2939	PHARMACEUTICAL STEWARDSHIP ACT	SUPPORT
(Slaughter)	OF 2011	

Regulation and disposal of pharmaceuticals and controlled substances is complex and involves multiple and sometimes overlapping federal and state agencies. United States Drug Enforcement Administration regulations prohibit the transfer of controlled substances, such as Vicodin, Ritalin, and Codeine, to anyone other than for whom the medicine is prescribed. Law enforcement officials are exempted from this prohibition. These regulations preclude the collection of controlled substances at pharmaceutical waste collection events unless law enforcement personnel are present. Because of the strict federal regulation of controlled substances, local collection programs are often precluded from accepting controlled substances and thus have limited efficacy.

H.R. 2939 would establish a National Pharmaceutical Stewardship Organization to create and implement a certified national pharmaceutical stewardship program, and would establish the Commission on Drug Disposal and its Public Safety, Public Health, and Environmental Impacts to develop a strategy to prevent entry of drugs into the nation's water supply.

H.R. 2939 would facilitate the safe disposal of unwanted pharmaceuticals, including controlled substances, in the following ways: 1) by requiring drug manufacturers to incorporate a third-party non-profit organization to develop a nationwide disposal program; 2) by providing that the program be funded by the drug manufacturers and with no fee to be imposed on individuals for use of the program; and 3) by providing that the program is accessible throughout the United States. The measure includes provisions for safe disposal of the collected pharmaceuticals and controlled substances, outreach to ensure collection and disposal options are understood, and various reporting provisions.

Currently, no cohesive national policy exists for the disposal of pharmaceuticals and, in many cases, drug labels instruct end users to flush unwanted pharmaceuticals and controlled substances down the toilet. Some pharmaceuticals do not completely break down in wastewater treatment plants, and ultimately could end up in waterways and water supplies.

EBMUD conducts pharmaceutical collection events throughout its service area multiple times per year, in an effort to reduce the amount of unwanted medication disposed of into the wastewater collection system via drains or toilets. The development of a national pharmaceutical collection program would increase waste pharmaceutical disposal options throughout the U.S., including in EBMUD service area, and would assist in EBMUD's efforts to minimize the disposal of pharmaceuticals via the waste water collection system.

EBMUD previously supported measures to facilitate the safe disposal of pharmaceuticals. EBMUD supported H.R. 1191 (Inslee), in 2009, which would have developed a uniform federal framework that individual states could use to develop pharmaceutical collection programs. In 2007, EBMUD adopted a "Support" position on SB 966 (Simitian), which was Chaptered in 2007 and in 2009, EBMUD adopted a "Support" position on SB 26 (Simitian), which failed to advance.

A full list of supporters and opponents of this measure is not available.

ARC:MD:JF

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2012
MEMO TO: Board of Directors
FROM: Alexander R. Coate, General Manager *ME*
SUBJECT: Monthly Report – January 2012

HIGHLIGHTS

The comment period for the Draft Revised Program Environmental Impact Report (PEIR) for Water Supply Management Program (WSMP) 2040 closed on January 27, 2012. Public meetings were held in Jackson, San Andreas, and Oakland. A combined total of 30 people attended the three meetings. The Board will be briefed on comments received on the Draft PEIR at a Board workshop in March, and consideration of the Final Revised PEIR's certification is expected to occur about a month after the workshop.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

EBMUD comments to the Delta Stewardship Council (DSC) on covered actions. The January 6, 2012 letter raised concerns with the proposed process for determining projects defined as covered actions under the draft Delta Plan. The proposed process was presented at the DSC's work session held on December 9, 2011. EBMUD noted that additional clarity is needed to better understand the process outlined in the draft Delta Plan. As written, the process has the potential to broadly affect EBMUD's ability to implement existing and future water supply projects.

Precipitation. East Bay precipitation for January was 3.89 inches (69% of average), resulting in a season total to date of 7.25 inches (45% of average, 5th driest of record). Mokelumne precipitation for January was 6.82 inches (77% of average) and a season total of 12.46 inches (47% of average to-date, 5th driest of record).

Releases from Camanche Reservoir. The average rate of Camanche Reservoir release for January to date has been 332 cfs (278 cfs generation, 16 cfs sluice, and 38 cfs through the hatchery), and the average flow below Woodbridge Dam was 260 cfs. Both figures are in excess of the Joint Settlement Agreement "Normal and Above" criteria for January 2012.

Mokelumne Reservoirs Storage. As of January 31, 2012, Pardee Reservoir level was at 557.7 feet or 103% of average. Camanche Reservoir was at 210.5 feet or 84% of average. Combined Pardee and Camanche storage was 427,000 acre-feet compared to 441,000 acre-feet last year.

Releases from East Bay Reservoirs. There are currently no East Bay reservoir releases.

East Bay Reservoirs Storage. As of January 31, 2012, USL Reservoir level was at 447.4 feet or 97% of average, San Pablo Reservoir was at 307.3 feet or 109% of average, and Briones Reservoir was at 564.5 feet or 93% of average. Total terminal reservoir storage was 127,000 acre-feet compared to 130,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. Mokelumne Aqueduct No. 1 was returned to service in January. For January 2012, the average rate of Mokelumne Aqueduct draft was 161 MGD, Briones Reservoir draft was 9 MGD, and San Pablo Reservoir input was 2 MGD. Walnut Creek and Moraga pumping plants remained out of service for the month. Briones pumping plant was returned to service to refill Briones Reservoir in preparation for summer demands.

The average rate of gross water production for January is shown in the table below.

	January 2012	January 2011	January 2010	Average of 2005-2007
East of Hills	35 MGD	26 MGD	25 MGD	28 MGD
West of Hills	118 MGD	112 MGD	113 MGD	125 MGD
Total	153 MGD	138 MGD	138 MGD	153 MGD
Max Day Production	171 MGD (01/13/2012)	150 MGD (01/26/2011)	146 MGD (01/20/2010)	

***Note:** Data are all from preliminary daily operational reports and are subject to revision*

CUSTOMER EVENTS AND PUBLIC OUTREACH

Camanche South Shore burglary suspect arrested. Staff working with concession patrol staff and Calaveras Sheriff's Department were tracking a string of recent burglaries at the Camanche South Shore Recreation Area. Several residences and campsites reported items stolen over a four-week span. Calaveras Sheriff's Deputies, working with the San Joaquin County Probation Department, conducted a search of a home in Lodi and found several items belonging to Camanche residents. There have been no reports of thefts at Camanche since this subject's arrest.

The Mokelumne River Technical Advisory Committee (MRTAC) met January 24, 2012. The MRTAC met to discuss the 2011 salmon return, study plans for the coming year, water supply projections, and adaptive management plans for the coming year. The committee recommended proceeding with an adaptive management request to the State Board to reduce required releases in the spring, thus saving water for fall pulse releases.

Staff conducted the 2012 USFWS Midwinter Bald Eagle Survey on Camanche and Pardee Reservoirs on January 5, 2012. Fifteen bald eagles and 24 raptors were observed on Camanche Reservoir while three bald eagles and 15 raptors were observed on Pardee Reservoir.

39th Avenue Reservoir replacement project underway. The 10-million gallon reservoir is 90 years old and will be replaced with a 3.5 million gallon reservoir to improve seismic stability and make water quality maintenance more efficient. An outreach meeting was held January 18 and was attended by 19 neighbors. Staff provided a briefing on the project, solicited input regarding the site layout, and answered questions about site security and construction-related impacts.

Public comment period ended January 3, 2012 on the Draft Flow Modeling and Limits Report (FMLR) required by the District's Stipulated Order (SO) for Preliminary Relief. The District released the Draft FMLR for stakeholder review on September 30, 2011, and held a workshop on the document on October 5, 2011. The only comment letter received was from the East Bay Collection System Advisory Committee (EBCSAC), a joint committee of the seven satellite collection system agencies. In addition to specific comments on the Capacity Flow Limit (CFL) development methodology, EBCSAC raised concerns regarding how CFLs would be used to help achieve peak wet weather flow reductions, favoring their use as guides as opposed to permit limits. The SO requires the District to submit all comments on the Draft FMLR, any responses and a Final FMLR to the USEPA by April 1, 2012.

Private Sewer Lateral replacement programs are now in effect throughout the EBMUD wastewater service area. On January 5, the last of three Oakland public meetings on the Regional PSL Program was held at Joaquin Miller Community Center. The meeting was well-attended by community members, real estate agents, and contractors. On January 10, staff hosted a second contractor outreach event and another meeting with the Oakland Association of Realtors was held on January 12. The Regional PSL Ordinance became effective in Oakland on January 16. Staff continues to meet with stakeholders to discuss program implementation.

On January 13, EBMUD partnered with the Bay Area Contract Compliance Officers Association and the National Association of Minority Contractors to host a workshop to promote the participation of small, local and diverse businesses on public work projects. The workshop encouraged the development of outreach programs that incorporate uniform standards among local public agencies. Over 70 Contract Compliance Officers and Administrators from various Bay Area agencies received innovative strategies for Job Ordering Contracting, Local Hiring Ordinance, Bonding Assistance Programs, and legal updates for Local Business Preferences and for Public Contracting in the Proposition 209 Era.

On January 27, Alameda County Public Works Agency hosted a Building Opportunities for Business workshop in Hayward. Staff gave a presentation on doing business with EBMUD and described upcoming business opportunities to more than 50 small business owners.

An article describing two large scale EBMUD leak detection projects was published in the January edition of the U.S. Department of the Interior Bureau of Reclamation's newsletter, *Conservation Connection*. The article described the Berkeley Pipeline Leak Detection Project and the Aqueduct Leak Detection Project in a special feature, "Water Conservation Success Stories: Lessons from the Field." The article explained how leak detection helps EBMUD optimize pipeline replacement and control water losses.

On January 28, staff hosted a table at the Lamorinda Web Home Expo '12 held at the Veterans Building in Lafayette. Staff educated attendees on residential water conservation practices and technologies, including landscaping and efficient irrigation methods. The event was free to the general public and targeted homeowners interested in renovation or remodeling their homes. Over 500 homeowners and other individuals from the local community attended.

CAPITAL IMPROVEMENT AND FACILITIES MAINTENANCE

Staff responded to main break in Rodeo. The January 1 pipe break on the District's 24-inch diameter Crockett No. 1 Aqueduct near Willow Avenue in Rodeo occurred where the pipe crosses under Rodeo Creek; it was the result of corrosion and failed mortar coating. In addition to repairing the failed section of pipe, staff inspected and repaired a corroded section of pipe on the opposite side of the creek crossing and installed a new corrosion control system to prevent further corrosion at the site.

Construction continues on schedule at the Walnut Creek Raw Water Pumping Plant Electrical Safety Improvements project. The high-voltage vertical break switch and switch stand, a critical item for staying on schedule, was delivered and installed. The contractor installed the indoor and outdoor battery chargers and batteries and completed pulling the substation control wiring, testing the substation electrical ground grid, and building the roadway into the substation. Rewinding the motor stators and rebabbiting six raw water pump motors for Walnut Creek Pumping Plant Nos. 1 and 2 was completed. Corrosion was found in the three raw water pumps and a repair plan is being developed; it may require an increase to the change order allowance but will not affect the critical schedule.

During the construction project to rehabilitate Bayview Reservoir No. 2, the entire wood structure for the reservoir roof was found to have dry rot. This condition could not have been known while the reservoir was in service. Staff is evaluating options for replacing the roof.

Fiber optic cable installed in Administration Building for new Building Management and Controls System (BMCS). The new BMCS replaces the old heating/ventilations/air conditioning (HVAC) lighting, and micro turbine controls systems. The contractor and the District's construction management team also completed installation of doweled concrete pads for the new control panels in the second floor mechanical air supply rooms without disrupting the building's occupants or losing building functions.

The North Reservoir Dam seismic safety evaluation concluded that the dam will perform satisfactorily during a major earthquake on the Hayward Fault with crest deformation less than a foot. The reservoir is currently operated with two feet of freeboard (distance between the maximum water level and the dam crest); therefore, earthquake-induced uncontrolled release of reservoir water is not anticipated.

The District submitted the annual Dam Safety Surveillance and Monitoring Report for 2011 to the Federal Energy Regulatory Commission (FERC). The annual report, which is required by FERC to help them monitor ongoing conditions for dam safety, covers the Mokelumne dams and appurtenant structures. The report contains a summary of the District's monthly visual inspection, lists corrective maintenance items, details improvements at the dams for the reporting year, summarizes instrumentation performance data, and provides assessment of dam safety. Camanche and Pardee Dams and related facilities are considered safe and performing normally.

Pipeline replacement. Staff replaced 1,340 feet of 12-inch steel water main on Los Angeles Avenue in Berkeley and began replacing 3,365 feet of 8-inch and 12-inch steel water main pipe on Northgate Avenue in Berkeley.

WATER AND WASTEWATER SYSTEM OPERATION

Freeport Regional Water Project update: Vibration testing of the eight raw water pumps revealed some low-speed resonance on all pumps. Upon evaluation of detailed information submitted by the contractor, the design engineer and FRWA member agency staff concluded that the relatively small magnitude of the observed vibration is acceptable. This clears the way for issuing completion of the intake facilities construction contract. Installation of platforms to access the fish screen cleaner began in January, followed by modifications to the fish screen cleaner mechanism in February. This change order-related work will extend beyond the date of contract completion.

On January 17, staff attended a California Water Environment Association (CWEA) workshop aimed at providing publicly owned treatment works (POTWs) with a roadmap for anaerobic digestion of trucked waste for renewable energy production. This was one of many recent forums where the wastewater industry is encouraging programs modeled after the District's Resource Recovery program. The District has seen notable losses in fats, oils and grease truck traffic over the past year as other Bay Area POTWs develop programs. The District also is losing some food processing wastes to the City of Fresno's new waste off-load facility.

There were two (2) odor complaints at the Main Wastewater Treatment Plant in January. Appropriate steps were taken to mitigate the emissions.

All discharges from the Main Wastewater Treatment Plant complied with the permit limits. This is the 149th consecutive month that the Main Wastewater Treatment Plant experienced no exceedances.

The District Laboratory passed the audit conducted by the California Department of Public Health, Environmental Laboratory Accreditation Program (ELAP) on January 24 and 25. In passing this audit the District Laboratory maintains its ELAP certification, allowing the Lab to continue to be an approved laboratory to perform compliance analyses.

ORGANIZATION EFFECTIVENESS AND EFFICIENCY

EBMUD received two awards at California Water Environment Association (CWEA) San Francisco Bay Section's 2011 awards banquet on January 6, 2012. The *Research Achievement Award* acknowledges EBMUD's research that not only resulted in an innovative new anaerobic digestion process that can provide a 50% increase in digestion capacity but also earned the first ever US EPA-approved process to significantly reduce pathogens equivalency for the new digestion process. The *Engineering Achievement Award* recognizes the Power Generation Station Renewable Energy Project and engineers and operations personnel involved in the project. This project included a new 4.6 megawatt biogas turbine, which allows the District to use its excess biogas to generate renewable energy at the wastewater treatment plant.

Employment Information

	January 2012	FY12 Total
Retirements*	7	33
Other Separations	3	28
Hires	4	52

**Includes vested employees who left District employment and retired later.*

Tuition Reimbursement

	January 2012	FY12 Totals
# of Employees	21	140
# of Classes	30	188
Total Reimbursed	\$11,873	\$116,850

FINANCIAL NEWS

Monthly yield on all investments including reserve funds, Water 2010B and Wastewater 2010B bond proceeds for January was 0.93%, a decrease of 0.07% from December 2011. New investments in January were at an average rate of 1.12%. The yield on 90-day Treasury bills on January 31, 2012 was 0.06%.

Average interest cost during January on outstanding commercial paper issued for the Water System was 0.18%, a decrease of 3 basis points from December. The average interest cost for outstanding Wastewater System commercial paper in January was 0.20%, no change from December.

The Net Mokelumne Power Revenue for January was \$160,300 vs. \$644,200 planned. Inflow into Pardee Reservoir was less than plan and generation was 36% of plan at 5,000 MWhs. The average electricity price was 20% lower than planned at \$28.20/MWh. Renewable power and related Renewable Environmental Attributes (EA) were sold to the Sacramento Municipal Utility District (SMUD) under the Power Purchase Agreement. Approximately 4,850 MWhs of energy was sold to SMUD, and EA revenue for December was \$26,475. Total net revenue through December is \$3,266,426 which is 59% of the annual budgeted revenue of \$5.5 million.

FY12	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
November	\$297,281	\$230,540	33,933	34,608
December	\$451,356	\$315,556	37,900	34,354*
January	\$644,200	\$160,300*	47,467	38,490*
FY12 YTD Total	\$3,030,376	\$3,266,426*	261,267	352,456*

**Estimated.*

There were no contracts over \$70,000 and less than \$100,000 approved by the General Manager in January 2012.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2012

MEMO TO: Board of Directors

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

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

SUBJECT: Finance/Administration Committee Minutes – January 24, 2012

Chair Katy Foulkes called to order the Finance/Administration Committee in the Training Resource Center at 10:16 a.m. Director William B. Patterson was present at roll call and Director Andy Katz arrived at 10:25 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana D. Collins, Treasury Manager Wanda B. Hendrix, Internal Audit Supervisor Barry N. Gardin, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Remarketing of Series 2009A-2 Water System Bonds. Treasury Manager Wanda B. Hendrix provided highlights of recent bond financings and summarized the proposed transaction. She said the Series 2009A-2 bonds were remarketed on March 1, 2011 for a twelve-month period ending February 29, 2012. Therefore, it is necessary to remarket the bonds prior to that date and set a new interest rate based upon the weekly rate at a variable interest rate equal to the Securities Industry and Financial Markets Association (SIFMA) Municipal Swap Index. It was noted that the new interest period will be determined after consultation with the remarketing agents and financial advisor. At the end of the interest rate period, the District will have to remarket the existing bonds for a subsequent interest rate period, remarket the bonds with liquidity support, or refund the bonds with a new bond issue. It was moved, seconded and carried to forward the staff recommendation to the full Board.

Review of Revisions to District Policies. Internal Audit Supervisor Barry N. Gardin reported that staff periodically reviews District policies to consider whether any organizational, regulatory, or other changes have occurred that would necessitate their modification. He highlighted recommended changes for several policies: Policy 1.01 – Equal Employment Opportunity; Policy 1.07 – Prevention of Sexual Harassment in the Workplace; Policy 3.02 – California Environmental Quality Act Implementation; Policy 8.03 – Wastewater Service to Residential Customers. He noted that the policy changes do not have a fiscal impact. It was moved, seconded and carried to forward the staff recommendation to the full Board.

Semi-Annual Internal Audit Report. Internal Audit Supervisor Barry N. Gardin announced that in accordance with District policy, the results of internal audit activities had been submitted. He reported that the audits found no material weaknesses in District operations, no irregularities in reporting and no need for significant adjustments. He reviewed upcoming activities for the quarter and the FY12 internal audit plan. The Committee raised no questions on the audit plan and commended the work of the audit unit in reviewing District operations.

Financial Quarterly Reports. General Manager Alexander R. Coate reported that the quarterly reports were filed in compliance with government statutes. The reports cover investment transactions along with quarterly payroll, disbursements and real estate summary reports covering the period October 1, 2011 through December 31, 2011. The Committee raised no questions.

Adjournment. Chair Foulkes adjourned the meeting at 10:37 a.m.

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