

MINUTES

Tuesday, April 10, 2018

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

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director Andy Katz called into Conference Room 8 at 11:13 a.m. and Director Doug Linney was absent (excused).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Frederick S. Etheridge (Items 1a and 2), Manager of Water and Natural Resources Richard G. Sykes (Items 1a and 2), Attorney Rachel R. Jones (Item 2), and Director of Operations and Maintenance Clifford C. Chan (Item 2).

PUBLIC COMMENT

- Addressing the Board was Ruben Rodriguez, 1st Vice-President, AFSCME Local 444, who commented on the District's proposed Technical Trades Apprenticeship Program and the union's hope that the program will include women, minorities, and participants from the local community. Mr. Rodriguez thanked District staff for their work on this effort.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President McIntosh announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President McIntosh 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 John A. Coleman, Andy Katz, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director Doug Linney was absent (excused).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President McIntosh led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was George Cleveland, AFSCME Local 2019, who requested an update on the union's request for the District to consider paying overtime to the Local 2019 employees who participated in the final labor negotiations meeting.

General Manager Alexander R. Coate advised Human Resources Manager Laura A. Brunson will follow up with Local 2019.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Young, to approve the recommended actions for Items 1-8 on the Consent Calendar, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Linney).
1. **Motion No. 039-18** – Approved the Special and Regular Meeting Minutes of March 27, 2018.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Water Supply Update,” dated April 10, 2018; **2)** memorandum dated April 10, 2018 to Board of Directors from David A. Briggs, Manager of Water Operations regarding Freeport Regional Water Authority, April 12, 2018 Board of Directors Special Meeting; and **3)** Speakers’ Bureau and Outreach Record CY18 as of April 10, 2018.
 3. **Motion No. 040-18** – Authorized an agreement beginning on or after April 10, 2018 with Franzenburg in an amount of \$152,880 annually for dewatering centrifuge maintenance services for the Main Wastewater Treatment Plant for three years, with two options to renew for an additional one-year period for a total cost not to exceed \$764,400.
 4. **Motion No. 041-18** – Authorized an agreement beginning on or after April 10, 2018 with GovernmentJobs.com, Inc., dba NEOGOV in an amount not to exceed \$35,500 annually for online recruitment and onboarding services for two years, including base fees and one-time implementation and consulting costs, with three options to renew for an additional one-year period at approximately \$40,000 per renewal period, for a total cost of \$191,000.
 5. **Motion No. 042-18** – Approved the assignment of the contract for Sodium Hypochlorite and Sodium Bisulfite (Request for Quotation No. 1624) originally awarded under Board Motion No. 021-17, from Sierra Chemical Co. to Thatcher Company of California, Inc.

6. **Motion No. 043-18** – Authorized the Office of the General Counsel to amend an existing agreement with MBK Engineers to increase the agreement amount by \$250,000 to a total amount not to exceed \$830,000 for confidential, technical, and professional services in support of water rights issues.
- 7.1. **Resolution No. 35079-18** – Amending The East Bay Municipal Utility District 401(a) Plan.
- 7.2. **Resolution No. 35080-18** – Amending The East Bay Municipal Utility District 401(k) Tax Deferred Savings Plan.
8. **Resolution No. 35081-18** – Fixing The Boundaries Of The Wards For The Purpose Of Electing Directors Therefrom.

DETERMINATION AND DISCUSSION

9. **Legislative Update.**

Legislative/Human Resources Committee Chair John A. Coleman reported that the Committee met this morning and approved the staff recommended positions in Legislative Report No. 03-18. Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the bills and recommended actions contained in the report and provided an update on federal legislative activities including the recently approved Fiscal Year 2018 federal budget.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 9, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Linney).

Motion No. 044-18 – Received Legislative Report No. 03-18 and approved positions on the following bills: SUPPORT AB 2060 (Garcia) Water: Grants: Advanced Payments; SUPPORT AB 2064 (Gloria) Integrated Regional Water Management Plans: Grants: Advanced Payment; and SUPPORT SB 929 (McGuire) Special Districts: Internet Web Sites.

- 10a-10b. **Approve implementation of the second year general salary increase of 4.3% in accordance with the 2017-2021 Memoranda of Understanding (MOUs) between the District and AFSCME Locals 2019 and 444, IUOE Local 39 and IFPTE Local 21; and authorize a 4.3% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Resolution 35074-18. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Manager of Customer & Community Services, Director of Engineering & Construction, Director of Finance, Manager of Human Resources, Director of Operations & Maintenance, Director of Wastewater, Director of Water & Natural Resources, Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).**

General Manager Alexander R. Coate introduced Items 10a and 10b. President McIntosh announced the Board would cast one vote for both items by roll call, and provided the following summary of the changes in salary ranges, salaries and wage rates being considered

under Item 10b for Senior Management Team members including the General Manager and the General Counsel. Director Coleman stated that he would be voting “No” on the recommended actions.

“Pursuant to Section 54953(c)(3) of the Government Code, the Board of Directors provides this oral report prior to taking action on the salary, salary schedule and compensation paid in the form of fringe benefits paid to the members of the Senior Management Team listed below, including the General Manager and the General Counsel. In accordance with the employment agreements with the General Manager and the General Counsel, the Board may authorize the same general salary increases and benefits to the General Manager and the General Counsel as that granted to District employees at the department director level. As such, it is recommended that the General Manager and the General Counsel each receive a 4.3% increase in their annual salary, commensurate with the 4.3% increase being granted to all District employees in this action, effective April 16, 2018. The 4.3% increase consists of a cost-of-living increase of 3.8% based on the Consumer Price Index and an additional 0.5% enhancement. Additionally, it is recommended that the following members of the Senior Management Team also be granted a 4.3% increase in their current annual salary, commensurate with the increase being granted to all District employees in this action, effective April 16, 2018: Secretary of the District; Manager of Customer & Community Services; Director of Engineering & Construction; Director of Finance; Manager of Human Resources; Director of Operations & Maintenance; Director of Wastewater; Director of Water & Natural Resources; Special Assistant IV (Legislative Affairs); and Special Assistant IV (Public Affairs). The current salaries are contained in the Salary Schedule authorized by the Board and on file with the Secretary of the District.”

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended actions for Items 10a and 10b, carried (5-1) by the following roll call vote: AYES (Katz, Mellon, Patterson, Young, and McIntosh); NOES (Coleman); ABSTAIN (None); ABSENT (Linney).

Resolution No. 35082-18 – Revise District Salary Ranges, Salaries And Wage Rates.

11. General Manager’s Report.

Manager of Maintenance and Construction David A. Briggs presented the Water Supply Update. He reviewed the District’s current water supply and precipitation in the Mokelumne and East Bay areas, the Caples Lake snow depth and runoff projections. As of April 8, total system storage was 684,700 acre feet or 109 percent of average while total system capacity was 89 percent. Mr. Briggs noted that although it is a below normal year, the District’s carryover storage will be near full by the end of September 2018.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- None.

13. **Other Items for Future Consideration.**

- None.

14. **Director Comments.**

- Director Coleman reported attending meetings with City of Lafayette to discuss Leland Reservoir on April 3 in Lafayette and with Round Hill POA to discuss an AMI Tower on April 10 in Alamo. He reported on plans to attend/participate in the following upcoming events: Freeport Regional Water Authority Board meeting and an East Bay Economic Development Alliance reception on April 12 in Oakland; meeting at Central Contra Costa Sanitary District to discuss recycled water on April 23 in Martinez; and a Ramboll-Global Care reception on April 23 in San Francisco.
- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon reported attending/participating in the following events: Career Day at San Lorenzo High School on March 28 in San Lorenzo; Career Day at San Leandro High School on March 29 in San Leandro; San Ramon Mayor's Breakfast on March 30 in San Ramon; and the Advanced Manufacturing and Transportation Apprenticeships of California Apprenticeship Program on April 9 in San Leandro.
- Director Patterson reported participating in the EBMUD and Union Locals Memorandum of Understanding signing on March 29 in Oakland and plans to participate in the Freeport Regional Water Authority Board meeting on April 12 in Oakland.
- Director Young had no comment.
- President McIntosh thanked Board members and staff for condolence cards acknowledging the recent passing of her family member.

ADJOURNMENT

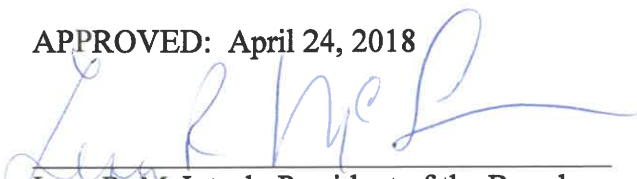
President McIntosh adjourned the meeting at 1:35 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: April 24, 2018



Lesla R. McIntosh, President of the Board

