

MINUTES

Wednesday, February 13, 2019

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

Regular Closed Session Meeting

President Marguerite Young 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 John A. Coleman, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:12 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a, 1b, 2a, and 2b), Attorney Derek T. McDonald (Items 1b, 2a, and 2b), Attorney Jonathan D. Salmon (Item 2c), Attorney Anna P. Gunderson (Item 2c), Workers Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), Risk Management Analyst Kim A. Damico (Item 1a), Engineering Manager Elizabeth Z. Bialek (Items 1b, 2a, and 2b), and Director of Wastewater Eileen M. White (Item 2c).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Young 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, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call.

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 Young led the Pledge of Allegiance.

2019 Revised Committee Assignments

President Young announced the amended 2019 Board Committee Assignments which reflect that Director Mellon will be assigned to the Planning Committee and Director Patterson will be assigned to the Legislative/Human Resources Committee. All other committee assignments approved by the Board on January 22, 2019 remain the same.

- Motion by Director Mellon, seconded by Director Linney to approve the amended 2019 Committee Assignments, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 024-19 – Approved the following amended 2019 Board Committee Assignments:

Planning

Director Linney, Chair
Director McIntosh
Director Mellon

2nd Tuesday of the month at 9:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Legislative/Human Resources

Director Coleman, Chair
Director McIntosh
Director Patterson

2nd Tuesday of the month at 10:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Patterson, Chair
Director Coleman
Director Katz

4th Tuesday of the month at 10:00 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Linney, Chair
Director Katz
Director Mellon

4th Tuesday, quarterly, time to be determined

Administration Center Building
Training Resource Center, 2nd Floor

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Coleman
President Mellon
Director Linney, Alternate

1st Monday in Feb.;

3rd Monday in May.;

***4th Monday in March, July, Sept., and Nov.
(meetings at 6:00 p.m.)***

Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Director Coleman
Director Patterson
Director Katz, Alternate

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

Retirement Board

Director Mellon
President Young

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

**Upper Mokelumne River
Watershed Authority**

Director Coleman
Director Patterson
Director Katz, Alternate
Director Linney, Alternate

4th Friday, quarterly at 1:30 p.m.
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Coleman
Director Katz
Director Patterson
Director Mellon, Alternate

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Katz
Director Linney
Director Mellon, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Linney
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Mellon, Member
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director McIntosh, Member
Director Mellon, Alternate
Director Coleman, Alternate

PRESENTATION

President Young presented Director Lesa R. McIntosh with a plaque in recognition of her leadership as President of the Board in 2017 and 2018. President Young highlighted some key District accomplishments during Director McIntosh's tenure as president including her leadership during the Fiscal Year 2018/2019 budget and rate setting process on the heels of a historic drought. The resulting budget and rate structure allowed the District to launch its Pipeline Rebuild Program. Director McIntosh also advocated for long-term customer water savings which brought the District to realize its 2020 customer water use goal far ahead of schedule and for an expanded Customer Assistance Program to further assist the District's most disadvantaged customers. The District also celebrated a record Chinook salmon return in 2017 and thirty-seven miles of the Mokelumne River was designated as Wild and Scenic in 2018. The Board congratulated Director McIntosh and she thanked each of them for their continued support.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

Items 4 and 8 were removed from the Consent Calendar for comment.

- Motion by Director Coleman, seconded by Director Linney to approve the recommended actions for Items 1, 3, 5, 6 and 7 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 025-19** – Approved the Special and Regular Meeting Minutes of January 22, 2019.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Delta Update,” dated February 13, 2019; **2)** Presentation entitled, “Water Supply Update,” dated February 13, 2019; and **3)** Speakers’ Bureau and Outreach Record CY19, dated February 13, 2019.
 3. **Motion No. 026-19** – Authorized an agreement beginning on or after February 13, 2019 with Lettis Consultants International, Inc., in an amount not to exceed \$281,030 to provide engineering geology consulting services to support the Pardee Dam – Foothills Fault System Study.
 4. **Motion No. 030-19** – Authorized an agreement beginning on or after February 13, 2019 with Schneider Electric Systems USA, Inc., in an amount not to exceed \$716,467 for supplying industrial control systems cybersecurity services for the District’s Supervisory Control and Data Acquisition networks with the stipulation that District forces be trained to assume responsibility for these services prior to the end of the three year agreement.
 - Addressing the Board was Joey D. Smith, 1st Vice-President, AFSCME Local 2019, who requested that the Board consider amending the recommended action to include the following language which was agreed upon during a December 2018 meeting between Local 2019 and the District’s Contracting Out Committee – “...*that District forces be trained to assume responsibility for these services prior to the end of the three year agreement.*”
 - Motion by Director Mellon, seconded by Director Katz to amend the recommended action for Item 4 to include the language regarding training for staff, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
 5. **Motion No. 027-19** – Authorized an agreement beginning on or after February 13, 2019 with Solutionwerks, Inc., in an amount not to exceed \$150,843 for turboexpander rebuild services for the Oxygen Production Plant (cryogenic facility) at the Main Wastewater Treatment Plant.

6. **Motion No. 028-19** – Authorized a cost-sharing agreement between EBMUD, Contra Costa Water District, and the San Luis & Delta-Mendota Water Authority in an amount not to exceed \$128,333 for the preparation of a revised Environmental Impact Statement/Environmental Impact Report for the Long-Term Water Transfer Program and potential litigation costs.
7. **Motion No. 029-19** – Authorized an amendment to the agreement with LEE & RO, Inc. to increase the agreement amount by \$55,000, to a total amount not to exceed \$121,000 for additional design services for the Demonstration Recharge, Extraction, and Aquifer Management Project.
8. **Resolution No. 35131-19** – Appointing Kelly Zito As Special Assistant IV (Manager of Public Affairs) (*effective March 18, 2019*).
 - Director Mellon pulled Item 8 for comment. The Board members welcomed Ms. Zito and offered congratulations on her appointment. Ms. Zito provided an overview of her past experience and expressed excitement to be joining the District.
 - Motion by Director Mellon, seconded by President Young, to approve the recommended actions for Item 8, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION

9. General Manager's Report.

Associate Civil Engineer Paul B. Gilbert-Snyder provided an update on recent and ongoing activities with the California WaterFix Project as well as Delta operations related to the State Water Project (SWP) and Central Valley Project (CVP). He discussed the status of the project's potential funding from Metropolitan Water District of Southern California to advance construction of the twin tunnels, the State Water Resources Control Board process and the lawsuits that have been filed challenging the project's Environmental Impact Report (EIR) and biological opinions. He noted that the District filed one of the 18 actions that challenged adequacy of the project EIR. He reviewed the proposed amendments to the Coordinated Operating Agreement (COA), which increases SWP responsibility to 35 percent and 40 percent in dry and critically dry years, respectively, and increases CVP responsibility to 80 percent in wet and above normal years. This amendment will benefit CVP customers, including the District, during dry and critically dry years. The Department of Water Resources' (DWR) approval of the COA amendment is being challenged in a lawsuit by a group of organizations led by the Pacific Coast Federation of Fishermen's Association, asserting that DWR has not met CEQA requirements concerning its approval of the COA amendment. Staff will continue monitoring the State Water Resources Control Board process, participating in legal action challenging the project's EIR, and supporting science that improves the understanding of fish passage through the Delta. The Board asked staff to consider how Governor Gavin Newsom's comments regarding the project during his State of the State address could potentially impact the District.

General Manager Alexander R. Coate advised the Board received the following items in their packets: the January 2019 monthly report, the latest version of the Speakers' Bureau and Outreach Record, and a written update on staff's efforts to schedule meetings for Board members and Oakland City councilmembers to discuss extending the District's Customer Assistance Program discount to the city's sewer collection charges. Staff has experienced challenges scheduling the meetings and is proposing meetings between councilmember staff and District staff to ensure the councilmembers receive information in advance of city budget discussions in April. The Board agreed with this approach and asked that during the meetings, staff convey the Board's preference for the city to phase in the discount in less than the proposed five year schedule. The Board also asked staff to continue working to schedule meetings between Board members and Oakland City councilmembers to discuss other topics of mutual interest. General Manager Coate also said staff would be coordinating with Board members to schedule ward briefings in the spring.

Manager of Maintenance and Construction David A. Briggs presented the Water Supply update as of February 10 and projections for the remainder of the rain year. He reviewed the snow water equivalent in the state's water supply, gross water production, the current snow depth at Caples Lake (177% of average), and precipitation in the East Bay (87% of average) and the Mokelumne (116% percent of average). He reported the District continues to make flood control releases from Camanche Reservoir and that staff has been in contact with downstream neighbors about the releases. As of February 10, the District's total system storage was 624,110 acre feet, which is 109% of average and 81% of capacity. Mr. Briggs responded to questions regarding potential releases from Lake Chabot and Upper San Leandro Reservoirs.

REPORTS AND DIRECTOR COMMENTS

10. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of January 22, 2019.

11. Other Items for Future Consideration.

None.

12. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA Board of Directors meeting on January 25 in Sacramento; UMRWA Board of Directors meeting on January 25 in Pardee; and DERWA Board of Directors meeting on February 4 in Dublin. He reported on plans to attend/participate in the following: ACWA Conference February 25-28 in Washington, DC; the East Bay Economic Development Alliance Legislative Committee meeting on March 1 in Oakland; and the Contra Costa County Mayors' Conference on March 7 in San Ramon.

- Director Mellon reported attending/participating in the following events: Pardee Eagle tour on January 25 in Valley Springs; Recycled Water Master Plan meeting on January 30 in Oakland; DERWA Board of Directors meeting on February 4 in Dublin; and the 7th Annual Cal Desal Conference February 6-8 in Palm Springs for which he submitted a written summary.
- Director Patterson announced the Oakland City Council will honor him for his work in Oakland and on civil rights matters at its meeting on February 26.
- Directors Katz, Linney, McIntosh and President Young had no comment.

ADJOURNMENT

President Young adjourned the meeting at 2:03 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: February 26, 2019



Marguerite Young, President of the Board

