

MINUTES

Tuesday, January 28, 2020

**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 11:29 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh (via teleconference), 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, Assistant General Counsel Fred S. Etheridge (Item 1b), Attorney Derek T. McDonald (Items 1a-1d and 2a-2b), Attorney Ayriel A. Bland (Items 1a-1d and 2a-2b), Attorney Lourdes Matthew (Item 1c), Workers Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), Risk Management Analyst Kim A. Damico (Item 1a), Director of Water and Natural Resources Michael T. Tognolini (Item 1b), Engineering Manager Lena L. Tam (Item 1b), Director of Operations and Maintenance Clifford C. Chan (Item 1c), Manager of Human Resources Laura A. Acosta (Item 1c), Director of Engineering and Construction Jimi Yoloye (Items 1d and 2a-2b), and Engineering Manager Elizabeth Z. Bialek (Items 1d and 2a-2b).

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 1:16 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh (via teleconference), William B. Patterson, and President Marguerite Young were present at roll call. Director Frank Mellon arrived in the Board Room at 1:19 p.m.

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

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

2020 Board Committee Assignments

President Young announced the 2020 Board Committee assignments would be considered after Board discussion on Agenda Item 9.

- Motion by Director McIntosh, seconded by Director Coleman, to approve the 2020 Committee assignments, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young,); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 025-20 – Approved the following 2020 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
Director Mellon
Director Linney, Alternate

*1st Monday in Feb; 3rd Monday in May; 4th Monday
in March, July, Sept., and Nov, meets 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., with 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, Alternate
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

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera, EBMUD Gardener Foreman, who provided information on the 9th Circuit Federal Court proceedings in Ivette Rivera versus EBMUD et al., and played a brief audio clip of the proceedings.

CONSENT CALENDAR

- Item 1 was removed from the Consent Calendar for separate discussion.
- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 3-8 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 024-20** – Approved the Regular Meeting Minutes of January 14, 2020.

President Young pulled Item 1 to point out the need for administrative corrections to the minutes. Director Patterson requested a correction to the spelling of Ms. Betita Coty's last name under Director Comments.

- Motion by Director Patterson, seconded by Director Mellon, to approve Item 1 with the necessary corrections, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young.); NOES (None); ABSTAIN (None); ABSENT (None).
2. The following correspondence was filed with the Board: 1) Memorandum dated January 28, 2020, to Board of Directors Mellon, Linney, Coleman, Young, McIntosh, Patterson, Katz, General Manager Alec (sp) Coate and General Counsel Craig Spencer from Ivette Rivera, Grounds Foreman regarding YouTube Clip of 9th Circuit Court Proceeding; Ivette Rivera v EBMUD et al.; 2) Revised January 14, 2020 EBMUD Board of Directors Regular Meeting Minutes; 3) Presentation entitled, "Water Supply Update," dated January 28, 2020; 4) Memorandum dated January 28, 2020, to Board of Directors from Marguerite Young, President, regarding proposed 2020 Board Committee Assignments; and 5) Speakers' Bureau and Outreach Record CY20, dated January 28, 2020.
3. **Motion No. 019-20** – Awarded a contract to the lowest responsive/responsible bidder, CDW Government, LLC, dba CDW Public, in an annual amount, after the addition of taxes, not to exceed \$102,261 for supplying the Microsoft Enterprise Agreement for operating system and management software required for the District's workstation fleet for three years beginning on or after January 28, 2020 for a total cost of \$306,783.
4. **Motion No. 020-20** – Authorized an agreement beginning on or after January 28, 2020 with an air emission credit broker in an amount not to exceed \$100,000 for a one-time purchase of nitrogen oxides offsets for the Main Wastewater Treatment Plant gas flares.
- 5a.-5b. **Motion No. 021-20** – Authorized agreements with the following seven vendors: American Asphalt Repair & Resurfacing Co., Inc.; Bond Blacktop, Inc.; Bruce Enterprises; Carone & Company, Inc.; J.V. Lucas Paving, Inc.; O.C. Jones & Sons, Inc.; MCK Services, Inc.; and various public agencies in our service area in an aggregate amount not to exceed \$1,250,000 for paving, striping, sealing, and other related services at locations throughout the District's service area beginning on or after January 29, 2020 through January 29, 2021; and authorized additional agreements with vendors that meet District standards to increase flexibility and

ensure vendor availability during periods of peak workload. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

6. **Motion No. 022-20** – Authorized the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters in an additional amount not to exceed \$160,000.
7. **Motion No. 023-20** – Approved the November and December 2019 Monthly Investment Transactions Reports.
- 8a.-8b. **Resolution No. 35163-20** –Confirming Appointment Of Standby Officers For The Board of Directors Under The Emergency Succession Plan For The Board Of Directors.
 - President Young congratulated Xanthe Berry on her appointment as a Standby Officer for Ward 4 for Calendar Year 2020.

DETERMINATION AND DISCUSSION

9. Discuss Standing Board Committees.

General Manager Alexander R. Coate announced staff had prepared information on the history of Standing Board Committees and the rationale for the current committee structure based on a recommendation from President Young and Board discussion during the January 14, 2020 Board meeting regarding reorganizing the Legislative/Human Resources (L/HR) Committee. Secretary of the District Rischa S. Cole reviewed the history of Standing Board Committees. Ms. Cole noted the L/HR Committee structure has been in place since 1982 when the Board at that time voted to rename the Legislative Committee to the L/HR Committee and to expand the Committee's overview to include the District's Affirmative Action Program and related matters. President Young put forth two options to separate the L/HR Committee, and restructure the committees as follows: 1) Legislative/Sustainability/Energy Committee; Finance/Administration/Human Resources Committee; and Planning Committee; or 2) Legislative/Sustainability/Energy Committee; Finance/Administration Committee; Planning Committee; and Human Resources Committee. There was considerable Board discussion regarding President Young's recommendation and the need for congruity between subject matters being discussed at committee meetings. Director McIntosh requested input from the General Manager. General Manager Coate explained the current committee structure and typical number of items presented at each committee meeting allows staff flexibility to defer or cancel meetings to accommodate Board workshops. Restructuring the committees could make it more challenging to defer or cancel meetings; however, staff is here to work with the Board on the best approach. There was additional Board discussion regarding potential impacts to Legislative Affairs staff working in Sacramento having to attend additional committee meetings, especially during legislative sessions; and potential impacts to committee members' ability to effectively interact, review and discuss multiple, complex agenda items if the committees are combined and the agendas become expanded. There was Board consensus that the committee structure would remain unchanged and the discussion regarding this matter was beneficial. President Young called for a motion to approve the 2020 Board Committee assignments as proposed in the January 28, 2020 memo to the Board. The Board voted to approve the 2020 Board Committee assignments.

10. General Manager's Report.

Manager of Maintenance and Construction/Water Operations David A. Briggs presented the Water Supply Update which included information on the District's and California's current water supply. In addition to reporting on gross water production, precipitation in the East Bay and the Mokelumne, and the snow depth at Caples Lake, he said that as of January 26, 2020, the District's total system storage was 609,730 acre feet, which is 108% of average and 79% of capacity. He discussed PG&E's flow releases, the snow water content at Caples Lake, projected Mokelumne precipitation for rainfall year 2020, and the District's projected total system storage for 2020.

General Manager Coate announced the Board had received copies of the EBMUD Biennial Report for Fiscal Years 2018-2019, a memo on the District's Water on Wheels (WOW) Trailer which includes a list of the events where the trailer is scheduled to appear in 2020, and the latest Speakers Bureau and Outreach Record. Copies of the Biennial Report are available for distribution at District events. He pointed out staff had reviewed the staffing impacts and feedback received during and after the 2019 WOW Trailer season, and proposed changes to the WOW Trailer event selection criteria. One change includes a requirement that the event be free, open to the public and family focused. Director Coleman asked if the District could possibly require groups that charge an entry fee to pay the cost to provide the WOW Trailer. General Manager Coate said staff experienced difficulty trying to implement a similar approach in the past but would check into it again. He asked the Board to contact staff if they had questions regarding the 2020 WOW Trailer schedule or the Speakers Bureau and Outreach Record.

REPORTS AND DIRECTOR COMMENTS

11. Committee Reports.

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of January 14, 2020.
- Sustainability/Energy Committee Chair Doug Linney reported the Committee met at 8:00 a.m. and received updates on the Climate Change Monitoring and Response Plan; Greenhouse Gas Inventory Methodology; the Energy Policy; and Managing Vehicle Emissions. He highlighted some of the key points discussed during the Energy Policy update and said the Committee is looking forward to an update in April.
- President Young reported the Board met in workshop session this morning to receive an update on the District's Customer Assistance Program.

12. Other Items for Future Consideration.

- None.

13. Director Comments.

- Director Coleman reported attending the CASA Conference on January 22 in Indian Wells and plans to attend/participate in the following events: ACWA Federal Affairs Committee Meeting on January 29 via conference call from Oakland and a meeting with representatives from N3 Ranch on January 30 in Oakland. He also reported that at the January 24 UMRWA Board Meeting, the UMRWA Board agreed in concept to support District federal initiatives 1 and 3 approved by the EBMUD Board on January 14, 2020. He requested that legislative information provided to the EBMUD Board regarding forest health and Mokelumne fisheries also be provided to the UMRWA Board.
- Directors Katz, Linney, McIntosh, Mellon, Patterson and President Young had no comment.

ADJOURNMENT

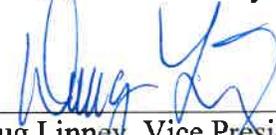
President Young adjourned the meeting at 2:16 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: February 11, 2020



Doug Linney, Vice President of the Board