

MINUTES

Tuesday, February 13, 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 11:01 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Items 1 and 2), Manager of Customer and Community Services Sherri A. Hong (Item 1), Manager of Real Estate Services Matt Elawady (Item 1), Manager of Human Resources Laura A. Brunson (Item 2), and Industrial Employers Distributors Association representative Glenn Berkheimer (Item 2).

PUBLIC COMMENT

There was no public comment.

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 1:18 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh 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 McIntosh led the Pledge of Allegiance.

2018 Committee Assignments

President McIntosh announced that the 2018 Board Committee assignments approved by the Board at its January 23, 2018 meeting have been amended to reflect that Director Mellon is the representative for the Special Districts Association of Alameda County/Special Districts Selection Committee. All other committee assignments remain the same.

- Motion by Director Patterson, seconded by Director Linney, to approve the 2018 Board Committee assignments, as amended, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 016-18 – Approved the following amended 2018 Board Committee assignments:

Planning

Director Mellon, Chair
Director Linney
Director Young

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 Patterson
Director Young

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 Mellon

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

Sustainability/Energy

Director Young, Chair
Director Katz
Director Linney

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 of Feb.
3rd Monday of May
4th Monday of March, July, Sept., and Nov.
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
Director 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 Young, Alternate
Director Katz, 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 Linney
Director Katz
Director Mellon, Alternate

*Meeting dates, times, and location to be
determined*

Oakland Chamber of Commerce

Director Linney
Director Patterson, Alternate
Director Katz, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Mellon, Member
Director Katz, Alternate
Director Linney, Alternate

Special Districts Association of Contra Costa County

President McIntosh, Member
Director Mellon, Alternate
Director Young, Alternate

PRESENTATION

General Manager Alexander R. Coate announced that today marks the District's Eighth Annual WaterSmart Certification Program awards. The program helps business customers identify and implement water efficient measures in their operations. In 2017, 33 new businesses qualified for certification and 11 businesses were re-certified for continuing their water-efficient practices. In addition, 9 District facilities also achieved certification. To date, WaterSmart certified businesses have saved over 125 million gallons annually. Director Linney presented awards to representatives from the following businesses: Mr. Norman Wong, BART; City of Alameda Fire Captain Sharon Oliver for City of Alameda Mastick Senior Center, City of Alameda Police Department, and City of Alameda Fire Department Fire Station 1; Ms. Sue Chiang, Center for Environmental Health;

Mr. Matthew Maneval, HMC Architects; Mr. Mat Dahms, Mat Dahms State Farm Insurance Agency; Ms. Tiffany Tran, Annie's Inc.; Mr. Benjamin Bloom, Homewatch CareGivers of Oakland; Ms. Gentin Waoe Chinkarlaprang, Café Tibet; Mr. Kai Flache, Gaumenkitzel; Ms. Ruth Wiseman, Oakland Hebrew Day School; Ms. Kelly Lux, Kelly Lux–State Farm; and Mr. Kevin Kenny, California State University East Bay – Oakland Campus. The Board congratulated the recipients and thanked them for their agencies' efforts to conserve water.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

Items 3.1 and 3.2 were pulled from the Consent Calendar for discussion.

- Motion by Director Linney, seconded by Director Mellon, to approve the recommended actions for Items 1, 2 and 4 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 017-18** – Approved the Regular Meeting Minutes of January 23, 2018.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “EBMUD Board Member Succession Plan,” dated February 13, 2018; **2)** Presentation entitled, “Water Supply Update,” dated February 13, 2018; **3)** Presentation entitled, “Social Media Update,” dated February 13, 2018; and **4)** Speakers’ Bureau and Outreach Record CY18, dated February 13, 2018.
 3. **Authorize agreements related to the Orinda Water Treatment Plant (WTP) Disinfection Improvements Project.**
 - Addressing the Board was Jae Park, AFSCME Local 2019, who commented on the union’s opposition to the District contracting out the work to obtain permits, design, start up and test the chlorine contact basin for the project and that staff should be trained and allowed to complete the work. The Board requested a staff report on the project.

Director of Engineering and Construction Xavier J. Irias provided an overview of the project which will build a system at the Orinda WTP that includes ultraviolet disinfection with a chlorine contact basin to mitigate raw water quality changes and to expand the plant’s disinfection reliability and treatment capacity. He described the work that will be performed by District staff and explained that the project will require specialized expertise for the design phase. Due to the complexity of the project, staff is also recommending an independent third-party value engineering analysis and technical/constructability review of design deliverables. There was Board discussion regarding project requirements, the time

sensitivity of the project, potential impacts if the contracts were held over to the February 27 meeting, and whether a work plan was in place that outlines staff's level of involvement in the project. Mr. Irias affirmed that staff will work with the consultants throughout all aspects of the project. The Board requested an information memo explaining the work plan.

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 3.1 and 3.2, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
- 3.1. **Motion No. 019-18** – Authorized an agreement beginning on or after February 13, 2018 with Carollo Engineers, Inc., in an amount not to exceed \$8,179,184 for design services for the Orinda Water Treatment Plant Disinfection Improvements Project.
 - 3.2. **Motion No. 020-18** – Authorized an agreement beginning on or after February 13, 2018 with CDM Smith, Inc., in an amount not to exceed \$695,564 for technical/constructability review and value engineering services for the Orinda Water Treatment Plant Disinfection Improvements Project.
 4. **Motion No. 018-18** – Adopted the Fiscal Year 2018 Diversity and Inclusion Program.

DETERMINATION AND DISCUSSION

5. **Consider a resolution to appoint individuals as Standby Officers for the East Bay Municipal Utility District Board of Directors as outlined in the Director's Emergency Succession Plan which was adopted on May 23, 2017.**

On behalf of the Board of Directors, President McIntosh welcomed the prospective Standby Officers in attendance and thanked them for being willing to serve the District. Attorney III Derek T. McDonald presented an overview of the duties of Standby Officers, including the requirement to file Fair Political Practices Commission's (FPPC) Statements of Economic Interest – Form 700, defined key definitions in the Director's Emergency Succession Plan and reviewed the options for filling Board vacancies in an emergency in accordance with the provisions of the Municipal Utility District Act and the California Emergency Services Act. Mr. McDonald also stated that staff is working with the FPPC to determine if Standby Officers will be required to file Statements of Economic Interest – Form 700 going forward.

The Board asked questions about the types of emergencies that may trigger the Director's Emergency Succession Plan and additional clarification regarding the term "unavailable" as defined in the Plan. The Board also asked if a similar plan was in place for the General Manager and General Counsel. General Manager Coate advised that both the General Manager and General Counsel have succession plans as part of the District's Emergency Operations Plan. The Board suggested that a qualified employee who resides outside of the service area be included in the General Manager's succession plan and requested a future update on this topic.

- Motion by Director Coleman, seconded by Director Young, to appoint the following individuals as Standby Officers for the East Bay Municipal Utility District Board of Directors, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Ward No. 1 – 1) Celia McCoy; 2) Linda Jackson-Whitmore; 3) Lynelle Lewis

Ward No. 2 – 1) Dennis Diemer; 2) Carol Rowley; 3) Robert Dean

Ward No. 3 – 1) Jennifer Jackson; 2) Peter Vorster; 3) Randle Kanouse

Ward No. 4 – 1) Helen Burke

Ward No. 5 – 1) Heinrich Albert; 2) James Prola

Ward No. 6 – 1) Robert Harris; 2) Jose Guzman

Ward No. 7 – 1) Calvin Sakamoto; 2) Gene Ashford Jr.; 3) Gregory Chan

Resolution No. 35071-18 – Appointing Standby Officers For Board Of Directors Under The Emergency Succession Plan For The Board Of Directors.

6. **General Manager's Report.**

Manager of Maintenance and Construction David A. Briggs presented the Water Supply Update in which he reviewed the District's and California's current water supply, the Caples Lake snow depth and runoff projections as of February 8, 2018. As of February 8, total system storage was 622,360 acre feet or 109% of average while total system capacity was 81% which is the same level of capacity reported on January 23.

Next, Special Assistant to the General Manager Alison A. Kastama presented an update on the District's social media activity on Twitter, LinkedIn and Nextdoor in 2017. She highlighted how the District leverages social media to manage EBMUD's brand and messaging and as an additional avenue to interact with customers and the public. Starting in March 2018, the District will begin using Facebook to share news and information and to engage with customers. Next steps include working to grow to 3,000 followers on Twitter, increasing engagement across all platforms and investing in social media ads. The Board thanked Ms. Kastama and expressed appreciation for staff's efforts in managing the District's social media presence.

General Manager Alexander R. Coate pointed out that the January 2018 Monthly Report was in the Board's packets and reminded the Board that staff will begin posting audio files of the Regular Board meetings online after the February 27 meeting. In conclusion, Mr. Coate recounted a customer letter acknowledging staff at Lafayette Reservoir for providing assistance when the customer's boat ran out of gas.

REPORTS AND DIRECTOR COMMENTS

7. **Committee Reports.**

- Filed with the Board were the Finance/Administration Committee Minutes of January 23, 2018.

8. Other Items for Future Consideration.

None.

9. Director Comments.

- Director Coleman reported attending/participating in the following events: East Bay Economic Development Agency Legislative Committee meeting on January 25 in Oakland; UMRWA Board meeting on January 26 in Pardee; DERWA Board meeting on February 5 in Dublin; and a Leland Reservoir Draft Environmental Impact Report meeting on February 8 in Lafayette. He reported on plans to attend a Wild and Scenic River meeting on February 15 in Mokelumne Hill; a Special UMRWA Board meeting on February 23 in Pardee; and CASA and ACWA meetings February 26 through March 1 in Washington DC.
- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon reported attending the ACWA Region 5 meeting on January 24 in San Jose.
- Director Patterson had no comment.
- Director Young had no comment.
- President McIntosh had no comment.

ADJOURNMENT

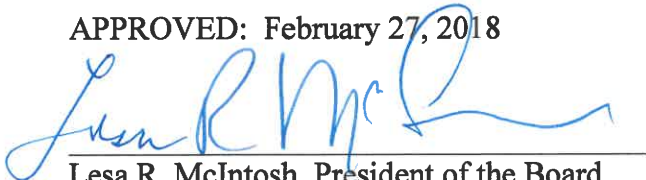
President McIntosh adjourned the meeting at 2:51 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: February 27, 2018



Lesa R. McIntosh, President of the Board

