

MINUTES

Tuesday, July 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 11:00 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Frank Mellon, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:18 a.m. (absent) and Director William B. Patterson was absent (excused).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Water and Natural Resources Richard G. Sykes (Item 1a), Manager of Customer and Community Services Andrew L. Lee (Item 2), and Manager of Real Estate Services Matt Elawady (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 1:15 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, Marguerite Young, William B. Patterson, 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.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Dustie Robeson commented on the status of repairs to the landslide near Augusta Drive in Moraga; 2) Alan Manewitz commented on the District's landscape rebate program and requested an exception to the application process for his project; 3) Debra Smith commented on the status of repairs to the landslide near Augusta Drive in Moraga and the aesthetics of the District's above ground water pipes on Augusta Drive; 4) Jaunie Schooley commented on the status of repairs to the landslide near Augusta Drive in Moraga; 5) Eileen Alford commented on the status of repairs to the landslide near Augusta Drive in Moraga, the litigation process, and the impact the slide has had on her family and her home; 6) Anna-Christina Newby commented on the temperature of the water served from the District's above ground pipes on Augusta Drive; 7) Katie Keough commented on the status of repairs to the landslide near Augusta Drive in Moraga and the District's above ground water pipes on Augusta Drive; 8) Liz Daugherty commented on the status of repairs to the landslide near Augusta Drive in Moraga; and 9) Dana Dowell commented on the status of repairs to the landslide near Augusta Drive in Moraga.

Director Coleman asked staff to consider Mr. Manewitz's request for an exception to the landscape rebate program application process. Mr. Manewitz was referred to staff for assistance. Director Young asked staff to comment on the temperature of the water from the above ground pipes and the status of the litigation process and requested a written update on the status of the landslide. Director of Operations and Maintenance Clifford C. Chan commented on steps the District is taking to control the water temperature in the pipes (including regular flushing) and advised staff will go out and investigate the pipes' current temperatures. There was Board discussion about how the water used to flush the pipes can be recycled. General Manager Coate advised staff will review options for reusing the water and include this information in the written update on the landslide to the Board. General Counsel Craig S. Spencer provided a general update on the litigation process and confirmed the Board will receive an additional update during the July 24 closed session meeting.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-7 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. 101-18** – Approved the Regular Meeting Minutes of June 26, 2018.
 2. The following correspondence was filed with the Board: 1) Speakers' Bureau and Outreach Record CY18, dated July 10, 2018; and 2) Three (3) color photos submitted by speaker Debra Smith depicting the above ground water pipes on Augusta Drive in Moraga.

3. **Motion No. 102-18** – Authorized an agreement with Ford Construction, Inc., in the estimated total amount of \$500,000, for supply, transport, on-site sorting and placement of gravel, and development of floodplain habitat in the lower Mokelumne River for spawning and rearing enhancement during the period August 1, 2018 through July 1, 2023.
4. **Motion No. 103-18** – Authorized an agreement with Horizon Water and Environment, LLC, in an amount not to exceed \$348,514 to prepare required environmental documentation to support routine maintenance of the Mokelumne Aqueducts and watershed lands adjacent to Pardee and Camanche Reservoirs.
5. **Motion No. 104-18** – Authorized Authorize renewal of an agreement with The Tharpe Company (dba Engage2Excel) for an amount not to exceed \$65,000 for one year to provide employee service recognition awards and an electronic peer recognition program platform. The agreement ceiling will increase from \$65,000 to \$130,000.
6. **Motion No. 105-18** – Approved Approve the Water Supply Assessment requested by the City of San Leandro for the 915 Antonio Street Project pursuant to California Water Code, Sections 10910-10915.
7. **Motion No. 106-18** – Cancelled the August 28, 2018 Closed Session and Regular Meetings of the Board of Directors.

DETERMINATION AND DISCUSSION

8. 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. 07-18 and requested that staff have Senate Bill 1079 (Monning) added to the July 27 Upper Mokelumne River Watershed Authority Board meeting agenda. Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the bills in the report and said in response to a request from the Legislative/Human Resources Committee, staff will bring information on Assembly Bill 1884 (Calderon/Bloom) Food Facilities: Single-Use Plastic Straws, for Board consideration in August. She reported that Governor Brown signed the Mokelumne River Wild and Scenic bill into law on June 27. The Board congratulated staff for their work on this effort.

- Motion by Director Mellon, seconded by Director Coleman, to approve the recommended positions in Legislative Report No. 07-18, 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. 107-18 – Received Legislative Report No. 07-18 and approved positions on the following bills: SUPPORT IN CONCEPT SB 212 (Jackson) Solid Waste: Pharmaceutical and Sharps Waste Stewardship; SUPPORT SB 1079 (Monning) Forest Resources: Fire Prevention Grants: Advance Payments; SUPPORT SB 1263 (Portantino) Ocean Protection Council: Statewide Microplastics Strategy; and SUPPORT IF AMENDED SB 1422 (Portantino) California Safe Drinking Water Act: Microplastics.

9. **Adopt a Resolution Expressing the Commitment by the District and its Board of Directors to Support the Rights of Public Sector Employees and Public Sector Unions.**

Manager of Human Resources Laura A. Acosta reviewed information from the recent Supreme Court decision in the *Janus v. American Federation of State, County and Municipal Employees (AFSCME)* case. She stated the court's decision could impact the District's current practices and staff is currently in discussions with the unions on this matter. Staff is recommending that the Board adopt the resolution in support of the rights of public sector employees and unions.

- Addressing the Board was Mark Foley, President, AFSCME Local 2019 who thanked the Board for considering the resolution and its continued support of District employees and unions.
- Motion by Director Young, seconded by Director Mellon, to approve the recommended action for Item 9, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35101-18 – Supporting The Rights Of Public Employees And Public Sector Unions.

10. **Authorize a Fifth Amendment to the Agreement for Employment of the General Manager.**

President McIntosh provided the following summary for Items 10 and 11 - 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 General Manager and the General Counsel. In accordance with the employment agreements with the General Manager and the General Counsel, the Board may authorize base salary increases to the General Manager and the General Counsel based on annual performance evaluations conducted by the Board. As such, it is recommended that the General Manager and the General Counsel each receive a 3% increase in their base salary effective July 23, 2018. There were no questions from the Board or comments from the public regarding these actions.

- Motion by Director Patterson, seconded by Director Linney, to approve the recommended action for Item 10, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35102-18 – Authorizing Fifth Amendment To General Manager Employment Agreement.

11. **Authorize a Fifth Amendment to the Agreement for Employment of the General Counsel.**

- Motion by Director Patterson, seconded by Director Linney, to approve the recommended action for Item 11, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Young, Patterson, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35103-18 – Authorizing Fifth Amendment To General Counsel Employment Agreement.

12. General Manager's Report.

General Manager Coate announced he was available to answer Board questions regarding information provided in the Six-Month Forecast of Board Committee and Workshop Agenda Topics and a Summary of 2018 Committee and Workshop Topics memo and the June 2018 Monthly Report.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of June 26, 2018.

14. Other Items for Future Consideration.

- None.

15. Director Comments.


Director Coleman reported attending/participating in the following events: San Ramon City Council meeting on June 12 in San Ramon and East Bay Leadership Council meeting on June 19 in Dublin. He reported on plans to attend/participate in the following upcoming events: DERWA Board of Directors meeting on July 23 in Dublin; Lafayette Chamber of Commerce Mega Mixer on July 25 in Lafayette; ACWA Executive Committee and Board of Directors meetings on July 27 in Sacramento; UMRWA Board meeting on July 27 at Pardee; San Ramon/Danville Realtor Marketing Association meeting on August 2 in Danville; and Contra Costa County Mayors' Conference on August 2 in Danville.

- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon had no comment.
- Director Patterson had no comment.
- Director Young had no comment.
- President McIntosh had no comment.

ADJOURNMENT

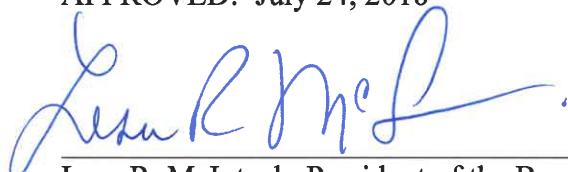
President McIntosh adjourned the meeting at 1:57 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: July 24, 2018



Lesla R. McIntosh, President of the Board