

MINUTES

Tuesday, March 14, 2017

**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 11:45 a.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, Engineering Manager Elizabeth Z. Bialek (Item 1a); Risk Manager Karen K. Curry (Item 1a); Attorney Derek T. McDonald (Item 1a); Acting Director of Wastewater Jackie Zipkin (Item 2); Director of Finance Sophia D. Skoda (Item 3); Manager of Human Resources Laura A. Brunson (Item 3); and Industrial Employers Distributors Association representatives Glenn Berkheimer and Bruce Heid (Item 3).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Lesa R. McIntosh announced the Closed Session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:23 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 Acting 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) Heinrich Albert, Sierra Club Bay Chapter, who commented on the District's participation in a comment letter to the State Water Resources Control Board (SWRCB) regarding the Bay-Delta Water Quality Control Plan; 2) Chris Gilbert, Sierra Club, San Francisco Bay Chapter, who commented on the District's participation in a comment letter to the SWRCB regarding the Bay-Delta Water Quality Control Plan; and 3) Dennis Martel, customer, who requested that the Board direct staff to resolve issues related to the Moraga landslide so that the two families impacted by the slide can move on with their lives.

General Manager Coate advised that the District is participating in the comment letter to the SWRCB because of potential impacts to the Mokelumne fish hatchery. He also noted that staff has been talking with members of the Sierra Club and will continue to do so. He advised that staff will provide the Board with a copy of the final letter.

Director Young thanked Mr. Martel for his comments and expressed she is hopeful that all parties impacted by the slide can come together to discuss a plan for moving forward.

CONSENT CALENDAR

- Item 10 was removed from the Consent Calendar for discussion.
 - Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-9 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. 038-17** – Approved the Regular Meeting Minutes of February 28, 2017.
 2. The following correspondence was filed with the Board: **1)** Draft letter dated March 14, 2017 with attachments to The Honorable Steve Glazer, Senator, 7th Senate District; The Honorable Catharine Baker, Assemblymember, District 16; and The Honorable Candace Andersen, District 2 Supervisor, Contra Costa County, from Alexander R. Coate, General Manager, in response to a March 7, 2017 letter regarding Augusta Drive Landslide in Moraga; **2)** Presentation entitled "Moraga Creek Landslide," dated March 14, 2017; and **3)** Speakers' Bureau and Outreach Record CY17.

3. **Motion No. 039-17** – Awarded a contract to the lowest responsive/responsible bidder, All American Modular, in an amount, after the addition of taxes, of \$326,858 for supplying one modular home for the Mokelumne Fish Hatchery Manager, beginning on or after March 14, 2017, under Request for Quotation No. 1623.
4. **Motion No. 040-17** – Awarded a contract to the lowest responsive/responsible bidder, Sierra Mountain Construction, Inc., in the amount of \$9,474,000 for construction of the Carisbrook Reservoir and Skyline Pumping Plant Replacements and Montclair Reservoir Rehabilitation Project under Specification 2085A.
5. **Motion No. 041-17** – Authorized an agreement with Environmental Science Associates in an amount not to exceed \$1,566,505 to prepare an Environmental Impact Report for the Central Reservoir Replacement Project, pursuant to the California Environmental Quality Act.
6. **Motion No. 042-17** – Authorized an amendment to the agreement with Shaw Law Group to increase the agreement ceiling by \$50,000 from \$30,000 to an amount not to exceed \$80,000 for Equal Employment Opportunity investigative services.
7. **Motion No. 043-17** – Approved the assignment of the contract for replacement of the meter reading system, previously awarded under Board Motion No. 099-13, from DataZeo, Inc. to Alexander's Contract Services, Inc.
8. **Motion No. 044-17** – Approved the Water Supply Assessment requested by the City of Oakland for the Eastline Project – 2100 Telegraph pursuant to California Water Code, Sections 10910-10915.
9. **Resolution No. 35027-17** – Authorizing Execution Of An Assistance Agreement Between East Bay Municipal Utility District And Dublin San Ramon Services District.
10. **Resolution No. 35028-17** – Appointing David Pak As Manager Of Employee Relations.
 - Director Mellon pulled Item 10 to welcome Mr. Pak and to comment on his background in labor relations. Mr. Pak thanked the Board for the opportunity and said he looked forward to working at the District.
 - Motion by Director Mellon, seconded by Director Young, 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).

DETERMINATION AND DISCUSSION

11. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted Legislative Report No. 03-17 which included information on State Level Policy Update – Affordability and Access to Safe Drinking Water.

Next, Ms. Dumaine provided an update on AB 594 (Irwin) which pertains to permanent exemptions for water supply assessments to photovoltaic solar and wind energy projects. Staff will bring AB 594 to the Board for consideration at its next meeting. In concluding, she highlighted AB 975 (Friedman) which seeks to add federal characteristics to the state definition of wild and scenic designation. Staff will bring more information regarding AB 975 to the Board at a later date.

12. **General Manager's Report.**

Risk Manager Karen K. Curry provided information on the Moraga Country Club landslide in response to public comments received during the February 28, 2017 Board meeting. She briefly reviewed the history of the slide area, publicly available information regarding responsibility for the slide, the District's efforts to date and future actions to address the slide. She noted that the District has invited the parties involved in litigation to meet and discuss a plan for moving the process forward.

There was discussion regarding the slide impacts to the Lafayette-Moraga Regional trail and the temporary, above ground water main. General Manager Coate advised that East Bay Regional Park District (EBRPD) is exploring options for opening a reach of the trail that has not been impacted by the slide. He also noted that EBMUD has plans in place to address the temperature concerns experienced last summer with the above ground main.

Next, Manager of Water Operations Eileen M. White provided an update on District storm operations. She noted that the District continues to operate its reservoirs to address the historic precipitation and snow received to date, flood control encroachment, reservoir spilling, and projected precipitation. She reported that the season-to-date precipitation in the Mokelumne watershed is 70.28 inches (198 percent of average), which is the highest cumulative precipitation on record through March 7. The snow depth at Caples Lake has increased to 142 inches (191 percent of average), and the Caples Lake snow water content has increased to 55.9 inches (205 percent of average). With the historic precipitation and snow in the Mokelumne watershed, the District has been making the maximum allowable release of 5,000 cubic feet per second (cfs) from Camanche for over 54 days, which is the greatest number of days at this rate of release in any year since the construction of Camanche Dam.

The East Bay rainfall to date in March is 1.28 inches (144 percent of average) and the cumulative season to date precipitation is 35.61 inches (171 percent of average). Below is the status of local reservoirs:

- Briones Reservoir elevation is 572.6 feet and 3.6 feet from spill.
- Lafayette Reservoir elevation is 447.0 feet and 2.2 feet from spill.
- San Pablo Reservoir elevation is 311.6 feet and 2.0 feet from spill. San Pablo Reservoir release is 180 cfs.
- USL Reservoir elevation is 459.9 feet and is 0.1 feet from spill. USL Reservoir Release is 130 cfs.
- Chabot Reservoir elevation is 228.3 feet and is spilling 90 cfs.

In concluding, General Manager Coate noted that the February 2017 Monthly Report was provided in the Board's packet. He also pointed out that at their places was a draft response letter to Senator Glazer, Assemblymember Baker and Contra Costa County District Supervisor Andersen regarding the Moraga slide and an updated copy of the Speakers' Bureau and Outreach Record for CY17.

Directors Coleman and Linney requested information regarding the upcoming San Joaquin County meeting discussion on the DREAM Project. General Manager Coate advised staff would provide the Board with an information memo on this topic.

President McIntosh requested that the Speakers' Bureau and Outreach Record for CY17 be updated to reflect that the cities of Hercules, Pinole, Richmond and San Pablo have City Councils, not Municipal Advisory Councils.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Sustainability/Energy and the Finance/Administration Committee Minutes of February 28, 2017.

14. Other Items for Future Consideration.

None.

15. Director Comments.

- Director Coleman reported attending/participating in the following events: California Association of Sanitation Agencies and Association of California Water Agency (ACWA) meetings from February 27 through March 2 in Washington, DC and the Upper Mokelumne River Watershed Authority teleconference meeting on March 14. He reported on plans to attend/participate in the following upcoming events: EBMUD Rotary speech on March 24 in Lafayette and an ACWA teleconference meeting on March 27 in Oakland.
- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon reported attending/participating in the following events: Meeting with EBRPD Directors Dennis Waespi and Ellen Corbet on March 4 in Oakland; DERWA meeting on March 6 in Dublin; and League of Women Voters meeting on March 10 in Hayward.
- Director Patterson reported attending/participating in the following events: EBMUD Black History Month event on March 1 in Oakland; Oakland Parks and Recreation Foundation's "Anne Woodell" memorial on March 10; and Mary King Memorial Dedication event at Highland Hospital on March 13 in Oakland.

- Director Young had no comment.
- President McIntosh reported attending/participating in the following events:
EBMUD/Contra Costa County joint meeting on San Pablo Dam and Flood Control on March 8 in El Sobrante and candidate interviews for Secretary of the District on March 13 in Oakland.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:15 p.m.

SUBMITTED BY:

Rischa S. Cole
Rischa S. Cole, Acting Secretary of the District

APPROVED: March 28, 2017

Lesa R. McIntosh
Lesa R. McIntosh, President of the Board