

## MINUTES

**Tuesday, March 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 11:25 a.m. in the Administration Center Board Room.

### ROLL CALL

Directors John A. Coleman, Frank Mellon, William B. Patterson, and President Lesa R. McIntosh were present at roll call. Directors Andy Katz, Doug Linney, and Marguerite Young arrived in Conference Room 8 at 11:28 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a and 2a), Attorney Derek T. McDonald (Items 1a and 2a), Engineering Manager Elizabeth Z. Bialek (Items 1a and 2a), Director of Finance Sophia D. Skoda (Item 3), Manager of Human Resources Laura A. Brunson (Item 3), and Industrial Employers and Distributors Association representatives Glenn Berkheimer and Gregory Ramirez (Item 3).

### PUBLIC COMMENT

- Addressing the Board were the following: 1) John Briceno, President, AFSCME Local 444, commended the Board for extending the General Manager's employment agreement; and 2) George Cleveland, 1<sup>st</sup> Vice-President, AFSCME Local 2019, thanked the Board for approving the union contracts and asked the Board to consider compensating the employees who participated in the final negotiations meeting past their regularly scheduled work hours.

### 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 1:16 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.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Items 4 and 5 were pulled from the Consent Calendar for comment.
  - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-3 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. 029-18** – Approved the Regular Meeting Minutes of February 27, 2018.
  2. The following correspondence was filed with the Board: **1)** Memorandum dated March 13, 2018, to Board of Directors from Alexander R. Coate, General Manager, regarding Recruitment-Customer and Community Services Department Manager; **2)** Presentation entitled, “Water Supply Update,” dated March 13, 2018; and **3)** Speakers’ Bureau and Outreach Record CY18, dated March 13, 2018.
  3. **Motion No. 030-18** – Awarded a contract to the lowest responsive/responsible bidder, Corpro Companies, Inc., in the estimated annual amount of \$292,244, after the addition of taxes, for supplying magnesium anodes for three years, beginning on or after March 20, 2018, with two options to renew for an additional one-year period for a total cost of \$1,461,220 under Request for Quotation No. 1809.
  4. **Authorize a fourth amendment to the agreement for employment of Alexander R. Coate as General Manager of the East Bay Municipal Utility District.**
- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who congratulated General Manager Coate and said he looked forward to working together to make the District an even better agency.

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended action for Item 4, 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. 35075-18** – Authorizing Fourth Amendment To General Manager Employment Agreement.

5. **Authorize a fourth amendment to the agreement for employment of Craig S. Spencer as General Counsel of the East Bay Municipal District.**

- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who congratulated General Counsel Spencer and said he looked forward to working together to make the District an even better agency.
- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended action for Item 5, 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. 35076-18** – Authorizing Fourth Amendment To General Counsel Employment Agreement.

**DETERMINATION AND DISCUSSION**

6. **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. 02-18.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the bills and said the legislature usually enacts Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently. Next, she provided an update on activities related to the state's Low-Income Rate Assistance Program and the federal infrastructure plan.

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended positions in Legislative Report No. 02-18, 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. 031-18** – Received Legislative Report No. 02-18 and approved positions on the following bills: SUPPORT SB 1496 (Committee on Governance and Finance) Validations; SUPPORT SB 1497 (Committee on Governance and Finance) Validations; and SUPPORT SB 1499 (Committee on Governance and Finance) Validations.

**7. Adopt the 2018 East Bay Municipal Utility District Local Hazard Mitigation Plan.**

- Motion by Director Mellon, seconded by Director Linney, to approve the recommended action for Item 7, 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. 35077-18** – The 2018 East Bay Municipal Utility District Local Hazard Mitigation Plan.

**8. General Manager's Report.**

Manager of Maintenance and Construction David A. Briggs presented the Water Supply Update and reviewed the District's and California's current water supply, the Caples Lake snow depth and Mokelumne and East Bay precipitation after the recent rains. As of March 11, total system storage was 617,420 acre feet or 102% of average while total system capacity was 80%. He reported that end of water year total system storage is projected to be approximately 620,000 acre feet.

General Manager Alexander R. Coate pointed out the memo at Board places announcing the upcoming retirement of Sherri A. Hong, Manager of Customer and Community Services and the latest Speakers' Bureau and Outreach Record. Director Coleman asked about the District's hydropower revenue reported in the General Manager's monthly report. General Manager Coate advised staff will provide an information memo to the Board regarding the basis for forecasting hydropower revenue.

**REPORTS AND DIRECTOR COMMENTS**

**9. Committee Reports.**

- Filed with the Board were the revised Legislative/Human Resources Committee Minutes of February 13, 2018 and the Finance/Administration Committee Minutes of February 27, 2018.

**10. Other Items for Future Consideration.**

- None.

**11. Director Comments.**

- Director Coleman reported attending/participating in the following events: meeting with Tassajara Valley customers on March 7 in Oakland; meeting with constituent Cindy Darling on March 8 in Walnut Creek; Recycled Water panel on March 9 at Stanford University; Edmund Regalia memorial service on March 11 in Walnut Creek; and meeting with constituents Waldon and Kathy Carson regarding water rates on March 12 in Walnut Creek. He reported on plans to attend/participate in the following events: East Bay Leadership Council Water Task Force meeting on March 20 in Walnut Creek; East Bay Economic Development Alliance Legislative/Advocacy meeting on March 20 in

Oakland; Contra Costa Taxpayers Association meeting on March 23 in Danville; and DERWA Board meeting on March 26 in Dublin.

- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon reported meeting with Clean Water Action Water Programs Manager Jennifer Clary and Water Foundation's Juliet Christian-Smith to discuss SB 623 (Monning) on February 27 in Oakland; and with St. Vincent de Paul representatives to discuss SAFE and senior water bill assistance on February 28 in Oakland. Director Mellon announced that former Alameda County Sheriff Charles "Charley" Plummer passed away on Sunday, March 4 and asked that today's meeting be adjourned in his honor and that a letter of condolence be sent to his family.
- Director Patterson had no comment.
- Director Young had no comment.
- President McIntosh had no comment.

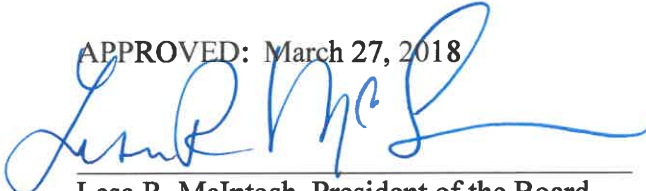
**ADJOURNMENT**

President McIntosh adjourned the meeting at 1:38 p.m. in honor of former Alameda County Sheriff Charles "Charley" Plummer.

SUBMITTED BY:

  
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Rischa S. Cole, Secretary of the District

APPROVED: March 27, 2018

  
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Lesla R. McIntosh, President of the Board

