



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA  
Tuesday, September 26, 2017**

**REGULAR CLOSED SESSION  
11:00 a.m., Board Room**

*Director Doug Linney will participate via telephone from 60 Battery Street, Burlington, VT 05401*

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):
  - a. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*  
Contra Costa County Superior Court, Case No. MSC16-01348
  - b. Water rights hearing on *Petition Requesting Changes in Water Rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project*  
California State Water Resources Control Board
  - c. *East Bay Municipal Utility District v. California Department of Water Resources, et al.*  
Alameda County Superior Court, Case No. RG17872226
  - d. *California Department of Water Resources v. All Persons Interested in the Matter of the Authorization of California WaterFix Revenue Bonds, et al.*  
Sacramento County Superior Court, Case No. 34-2017-00215965
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Contra Costa Transportation Authority  
Claim No. 2016-L-181-2
  - b. Larry S. Blodgett  
Claim No. 2016-L-285-1
3. Conference with Labor Negotiators Bruce Heid, Gregory Ramirez and Glenn Berkheimer from the Industrial Employers Distributors Association; Alexander R. Coate, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Brunson, Manager of Human Resources; and David Pak, Manager of Employee Relations, pursuant to Government Code section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

**REGULAR BUSINESS MEETING**  
**1:15 p.m., Board Room**

*Director Doug Linney will participate via telephone from 60 Battery Street, Burlington, VT 05401*

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**PRESENTATION:**

- 20-Years of Service Water Drop Presentation

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**CONSENT CALENDAR:** (Single motion and vote approving 7 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of September 12, 2017.
2. File correspondence with the Board.
3. Authorize an agreement with Pacific States Environmental Contractors, Inc. in an amount not to exceed \$15 million to remove and reuse trench soils from three District sites over two years with two options to renew for additional one-year periods, for a maximum agreement term of four years.
4. Authorize an agreement beginning on or after September 27, 2017 with Pyro-Comm Systems, Inc. in an amount not to exceed \$27,300 annually for Administration Building and Adeline Maintenance Center fire alarm system testing and maintenance for three years with two options to renew for an additional one-year period at \$28,665 annually, for a total cost of \$139,230.
5. Authorize a Memorandum of Understanding between the South Bayside Waste Management Authority (SBWMA) and EBMUD to facilitate exploring a partnership and a project under which SBWMA would recover and deliver the Organic Fraction of Municipal Solid Waste to EBMUD for anaerobic digestion, energy generation, and beneficial reuse as biosolids.
6. Approve the July 2017 and August 2017 Monthly Investment Transactions Reports.
7. Approve revisions to the following District policies: Policy 3.03 – Community Fire Flow Improvement Program; Policy 3.04 – Coordination of District Construction and Maintenance Work with Other Agencies; Policy 4.05 – Financing Facilities to Serve Applicants for New Services; Policy 4.12 – Purchasing and Materials Management; Policy 4.14 – Reimbursement of Director Expenses; Policy 4.21 – Land and Conservation/Mitigation Credit Sales – Use of Funds; Policy 7.04 – Access to District Property for Tours; Policy 8.04 – Establishing Wastewater Capacity Fees; and Policy 9.06 – Bay-Delta Protection. (Resolution)

**DETERMINATION AND DISCUSSION:**

8. Authorize actions related to State Revolving Fund Financing Agreements for the MacArthur/Davenport Pipeline Replacement and the South Reservoir Replacement Projects.
  - 8.1. Authorize execution of a financing agreement with the State Water Resources Control Board (SWRCB) to obtain loan funding from the SWRCB's Drinking Water State Revolving Fund for the MacArthur/Davenport Pipeline Replacement Project in a principal amount not exceeding \$18,680,000. (Resolution)
  - 8.2. Authorize execution of a financing agreement with the SWRCB to obtain loan funding from the SWRCB's Drinking Water State Revolving Fund for the South Reservoir Replacement Project in a principal amount not exceeding \$22,215,600. (Resolution)
9. Conduct a continued second reading and vote to adopt an amendment to Water Theft Penalty Ordinance No. 365-15 ("Ordinance") enacted by the Board of Directors on April 28, 2015, considered for first reading on August 8, 2017, and a second reading on September 12, 2017, to reduce the applicable penalties for water theft resulting from meter tampering from \$1000, \$2000, \$3000 to \$0, \$200, \$400 for first, second, and third offenses, respectively.  
(Continued Second Reading and Vote – Ordinance No. 368-17)
10. Legislative Update:
  - Receive Legislative Report No. 10-17 and consider a position on the following bill: H.R. 1068 (Lee/Pallone) Safe Drinking Water Act Amendments of 2017
  - Update on Legislative Issues of Interest to EBMUD
11. General Manager's Report:
  - State Action on Low-Income Rate Assistance

**REPORTS AND DIRECTOR COMMENTS:**

12. Committee Reports:
  - Planning
  - Finance/Administration
13. Other Items for Future Consideration.
14. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 10, 2017 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.***

**Disability Notice**

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*

**Document Availability**

*Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<p><b>Tuesday, September 26</b></p>	<p><b>Finance/Administration Committee</b> Patterson {Chair}; Coleman; Mellon</p> <p><b>Board of Directors</b></p>	<p>9:00 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> <li>• FY18 Insurance Summary</li> <li>• Monthly Investment Transactions Reports</li> <li>• State Revolving Fund Financing Agreement for South Reservoir Replacement Project</li> <li>• State Revolving Fund Financing Agreement for MacArthur/Davenport Pipeline Replacement Project</li> <li>• Review of Revisions to District Policies</li> <li>• Status of District Cloud Services Usage</li> <li>• Division of Safety of Dams Condition Assessment of Lafayette Dam</li> <li>• Initial Customer Assistance Policy</li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<p><b>Tuesday, October 10</b></p>	<p><b>Planning Committee</b> Mellon {Chair}; Linney; Young</p> <p><b>Legislative/Human Resources Committee</b> Coleman {Chair}; Patterson; Young</p> <p><b>Board of Directors</b></p>	<p>9:15 a.m. Training Resource Center</p> <p>10:15 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<p><b>Tuesday, October 24</b></p>	<p><b>Finance/Administration Committee</b> Patterson {Chair}; Coleman; Mellon</p> <p><b>Sustainability/Energy Committee</b> Young {Chair}; Katz; Linney</p> <p><b>Board of Directors</b></p>	<p>10:00 a.m. Training Resource Center</p> <p>TBD Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>