

MINUTES

Tuesday, February 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 11:06 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 was absent at roll call, but arrived in Conference Room 8 at 11:10 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Items 1 and 2), Attorney Brooke N. Barnum (Item 1), Manager of Human Resources Laura A. Brunson (Item 2), Manager of Employee Services Lisa A. Sorani (Item 2), and Industrial Employers Distributors Association representatives Glenn Berkheimer and Bruce Heid (Item 2).

PUBLIC COMMENT

- Addressing the Board was Associate Civil Engineer Jae Y. Parks who presented 10-year historical data on raises, floors, and ceilings (handout filed), and said that this information should be considered as part of the upcoming labor negotiations.

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 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 Lynelle M. Lewis.

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 was Dwight Peterson, Moraga resident, who requested assistance with gaining access to EBMUD property so he could install stitch piers to protect his property from landslide activity on Augusta Drive in Moraga. The Board referred Mr. Peterson to staff for assistance and requested a follow up memorandum regarding the outcome.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-11 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. 020-17** – Approved the Special and Regular Meeting Minutes of January 24, 2017.
 2. The following correspondence was filed with the Board: 02.1) Presentation entitled “Historical Raises, Floors, and Ceilings;” 02.2) Presentation entitled “Employee Recognition and Service Award Program, Building a Culture of Appreciation,” dated February 14, 2017; and 02.3) Document entitled “Speakers’ Bureau and Outreach Record CY17.”
 3. **Motion No. 021-17** – Awarded contracts to the lowest responsive/responsible bidders Northstar Chemical, Hill Brothers Chemicals Co., Univar USA, Inc., and Sierra Chemical Co. in an annual amount, after the addition of taxes, not to exceed \$262,683, for supplying mini-bulk wastewater treatment chemicals for the Richmond Advanced Recycling Expansion Water Treatment Plant and the East Bayshore Recycled Water Treatment Facility for three years, beginning on or after February 14, 2017, with two options to renew for an additional one-year period, for a total cost of \$1,313,414 under Request for Quotation No. 1624.
 4. **Motion No. 022-17** – Authorized an agreement beginning on or after February 14, 2017, with BC Laboratories, Inc., in an amount not to exceed \$30,000 annually for sample kits, mailers, data entry, analytical support, and reporting to implement a customer tap lead sampling program, for one year with four options to renew for an additional one-year period, for a total cost of \$150,000.

5. **Motion No. 023-17** – Awarded a contract to CDW Government, LLC, in an annual amount, after the addition of taxes, not to exceed \$91,666 for an Enterprise Agreement for Microsoft’s workstation operating system and management software required to manage the District’s workstation fleet, for three years beginning on or after February 15, 2017, for a total cost not to exceed of \$275,000.

- 6a.-6b. **Motion No. 024-17** – Authorized an amendment to Board Motion No. 145-13 dated October 8, 2013, to increase the estimated combined amount by \$5,000,000 for the rental of fully maintained and operated 10-yard dump trucks, 20-yard end-dump and transfer trucks, and 20-yard super dump trucks from the following vendors, beginning on or after February 14, 2017 through the remainder of the agreement period ending October 31, 2018: A.I.P. Trucking; Adam Moreno & Sons, Inc.; Allied Materials, Inc.; D & S Trucking, LLC; De Bibb Trucking; E. M. Blair Trucking; Gloria Washington Trucking, Inc.; Haver Transport; Ibarra Trucking; Inder Trucking; Jackson Transportation; JD Trucking Co.; Mae Trucking; Roby Trucking; Royal Trucking; Sky Rock, Inc.; S&L Enterprises; S&L Transport; SMG Trucking; Sudden Sam’s Trucking Co.; Tom Aikens General Engineering; Tri Valley Water Trucks, Inc.; Uris Kemp Trucking; and V. Dolan Trucking, Inc.; and authorized additional agreements for fully maintained and operated dump truck rental services with vendors that meet District standards and offer pricing at or below the range in the amended agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility and ensure availability of fully maintained and operated dump truck rental services to the District.

7. **Motion No. 025-17** – Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment matters in an additional amount not to exceed \$120,000.

8. **Motion No. 026-17** – Adopted the FY 2017 Diversity and Inclusion Program.

9. **Resolution No. 35023-17** – Authorizing And Approving The East Bay Municipal Utility District’s Application To Modify The Contactor’s Service Area Described In Its Central Valley Project Contractor With The United States Bureau Of Reclamation To Include The 80 Carr Ranch Road, Morris, And Larabell Annexations.

10. **Resolution No. 35024-17** – Authorizing Acquisition Of Property Through The California Federal Surplus Personal Property Program.

11. **Resolution No. 35025-17** – Resolution Terminating The Existence Of An East Bay Municipal Utility District Emergency.

DETERMINATION AND DISCUSSION

12. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine said that Legislative Report No. 01-17 contained positions on two bills. Legislative/Human Resources Committee Chair Director John A. Coleman reported that the Committee unanimously recommended approval.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended positions in Legislative Report No. 01-17, 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. 027-17 – Received Legislative Report No. 01-17 and approved positions on the following bills: SUPPORT SB 206, SB 207, SB 208 (Committee on Governance and Finance) – Validations and SUPPORT H.R. 448 (Huffman) – Water Conservation Rebate Tax Parity Act.

Ms. Dumaine provided updates on state and federal legislative initiatives. She reported that a spot bill is being introduced to amend Proposition 218 to allow the use of rate revenues for customer assistance programs and conservation pricing. This would require an amendment to the state Constitution and approval by voters. Staff will keep the Board apprised. At the federal level, the budget deadline is drawing near, but it is anticipated that Congress will pass a continuing resolution to fund the government through September. Ms. Dumaine noted that key presidential appointments are pending, and staff will keep the Board apprised as more information is obtained.

Board members commented on discussions with East Bay legislators during the “Meet and Greet” sessions in Sacramento. President McIntosh, Director Linney and Director Young requested that staff arrange meetings with Assemblymember Ron Bonta.

13. Adopt Resolution Approving an Update to the East Bay Municipal Utility District Employee Recognition and Service Award Program.

Manager of Employee and Organizational Development Derry L. Moten presented information on recommended updates to the program. He reported that following a year-long employee-guided program redevelopment, the District is prepared to launch an updated Employee Recognition and Service Award Program in March 2017. The Employee Recognition team developed this program with input from the 2015 Employee Recognition Survey, interviews with public and private organizations, and data from the Society for Human Resource Development’s employee recognition survey conducted in 2015. The updated program reflects these trends and provides a platform to improve how the District recognizes and acknowledges employees. The updated program has four elements: Longevity and Retirement Awards, Peer Recognition, Local Recognition, and Employee Appreciation Month.

- Motion by Director Linney, seconded by Director Mellon, to approve the recommended action for Item 13, 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. 35026-17 – Approving Updates To The East Bay Municipal Utility District Employee Service Recognition Award Program.

14. General Manager's Report.

General Manager Coate reported that the appointment of the Ad Hoc Committee to negotiate amendments to the employment agreements for the General Manager and General Counsel was deferred.

Next, Operations and Maintenance Department Manager Eileen M. White reported that through February 8, 2017, the rainfall year-to-date total in the Mokelumne watershed is 57.11 inches, which is wetter than 1983, the wettest year on record. The precipitation season is approximately 60 percent complete. The 484,000 acre-feet of runoff received to-date is greater than the 480,000 acre-feet received in Water Years 2014 and 2015 combined. Total system storage is currently 657,700 acre-feet, 115 percent of average. The East Bay received 4.5 inches of precipitation in the last six days, bringing the monthly total to 337% of average. The precipitation was particularly intense on February 6 and February 7 with over an inch of precipitation received each day. Upper San Leandro Reservoir spilled on February 7 which led to flooding at the Redwood Canyon Golf Course.

In concluding, General Manager Coate said that the January 2017 Monthly Report had been provided in the Board's packet. He also reported that staff provided a copy of the Speakers' Bureau and Outreach Record CY17, and asked for Board input. Director Young and President McIntosh requested that staff expand the report to include the last 12 months of meetings, where they were held, and the respective staff representatives.

REPORTS AND DIRECTOR COMMENTS

15. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of January 24, 2017.

16. Other Items for Future Consideration.

None.

17. Director Comments.

- Director Coleman reported attending/participating in the following events: Meeting with constituent David Bowlby on January 26 in Oakland; East Bay Leadership Council dinner on January 26 in Concord; Upper Mokelumne River Watershed Authority Board meeting on

January 27 in Pardee; Association of California Water Agencies (ACWA) teleconference meeting on January 30 in Oakland; Lamorinda presentation on January 30 in Lafayette; meetings with state legislators on February 1 in Sacramento; ACWA Board workshop and dinner on February 2 in Sacramento; and ACWA Executive Committee and Board of Directors meeting on February 3 in Sacramento. He reported on plans to attend/participate in the following upcoming events: ACWA teleconference meeting on January 30 in Oakland; East Bay Leadership Council meeting on February 17 in Concord; and California Association of Sanitation Agencies and ACWA meetings from February 27 through March 2 in Washington, D.C.

- Director Katz reported attending meetings with Senator Nancy Skinner and Assemblymember Tony Thurmond on February 1 in Sacramento.
- Director Linney had no comment.
- Director Mellon had no comment.
- Director Patterson commented on the Black History Month Program Kickoff and apologized for not participating in the opening events.
- Director Young commented on the Black History Month Program events and suggested advertising to a wider audience.
- President McIntosh reported attending/participating in the following events: ACWA Federal Affairs Committee teleconference meeting on January 24 and "Meet and Greets" with legislators on February 7 in Sacramento. President McIntosh commented on the Black History Month Program and the Asian Pacific Employee Association events and apologized for being unable to attend.

ADJOURNMENT

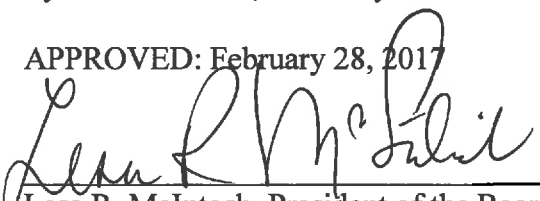
President McIntosh adjourned the meeting at 2:08 p.m.

SUBMITTED BY:



Lynelle M. Lewis, Secretary of the District

APPROVED: February 28, 2017



Lesla R. McIntosh, President of the Board