

MINUTES

Tuesday, February 28, 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 11:14 a.m. in the Administration Center Board Room.

ROLL CALL

Directors Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director John A. Coleman was excused to attend meetings of the California Association of Sanitation Agencies and the Association of California Water Agencies on behalf of the District in Washington, D.C.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a and b), Risk Manager Karen K. Curry (Items 1a and b), Director of Finance Sophia D. Skoda (Item 2), Manager of Human Resources Laura A. Brunson (Item 2), Manager of Employee Services Lisa A. Sorani (Item 2), Attorney Lourdes Matthew (Item 2), and Industrial Employers Distributors Association representatives Glenn Berkheimer and Bruce Heid (Item 2).

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 McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:22 p.m. in the Administration Center Board Room.

ROLL CALL

Directors Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director John A. Coleman was excused to attend meetings of the California Association of Sanitation Agencies and the Association of California Water Agencies on behalf of the District in Washington, D.C.

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 were: 1) Steve Garrett, Moraga resident, said the District's lack of response in repairing the Moraga Country Club landslide area was jeopardizing the health and welfare of residents; 2) Tim Alford, Moraga resident, said his family was still displaced as a result of the landside and urged EBMUD to get repairs completed; 3) Susan Romak, Moraga resident, commented that the lack of accountability was unacceptable and EBMUD should get the area repaired; 4) Liz Daugherty, Moraga resident, said EBMUD was responsible for repairing the landslide area and appealed to the Board to resolve the issues so cleanup can begin; 5) Kimberly Manning, Moraga resident, said the landslide has impacted neighbors and said EBMUD is responsible for the repairs; 6) Laura Revelos, Moraga resident, said residents have been harmed and EBMUD should take action to make the appropriate repairs; 7) Dustie Robeson, Moraga resident, expressed frustration with EBMUD's lack of action on the landslide damage; 8) Alex Mooradian, Moraga resident, said EBMUD was negligent for not making repairs to the landslide area; 9) Frank Gordo, Jackson resident, asked for access to cross District land to make improvements to his property on Middle Bar Road in Jackson; and 10) Audrey L. Comeaux, Vice-President of West County Wastewater District and former EBMUD employee, congratulated District Secretary Lewis on her retirement from the District.

Director Young thanked the speakers for their comments on the Moraga landslide and said the District will continue to work with them on their concerns. She requested that staff calendar this issue for future consideration. General Manager Coate said staff will provide an update on the Middle Bar Road access concern.

CONSENT CALENDAR

- Motion by Director Mellon, seconded by Director Young, to approve the recommended actions for Items 1-8 on the Consent Calendar, carried (6-0) by the following voice vote: AYES (Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Coleman).
1. **Motion No. 028-17** – Approved the Regular Meeting Minutes of February 14, 2017.

2. The following correspondence was filed with the Board: 02.1) Memorandum dated February 28, 2017 to Board of Directors, from Alison A. Kastama, Special Assistant to the General Manager, regarding Town of Moraga Letter on Moraga Country Club Landslide; 02.2) Memorandum dated February 28, 2017 to Board of Directors, from Michael J. Wallis, Director of Operations and Maintenance, regarding Water Quality Incident; 02.3) Memorandum dated February 28, 2017 to Board of Directors, from Alexander R. Coate, General Manager, regarding California Water Policy Conference, April 6-7, 2017; and 02.4) documents entitled "Speakers' Bureau and Outreach Record CY16" and "Speakers' Bureau and Outreach Record CY17."
3. **Motion No. 029-17** – Awarded a contract to the lowest responsive/responsible bidder, Weir Floway, Inc., in the total amount, after the addition of taxes, of \$233,603 for supplying two 60-horsepower vertical turbine decant pumps with travel costs, factory inspection, and pump testing included, to the District's Walnut Creek Water Treatment Plant under Request for Quotation No. 1531B.
4. **Motion No. 030-17** – Awarded contracts to the lowest responsive/responsible bidders, Frank A. Olsen Company and Ferguson Enterprises, Inc., DBA Ferguson Waterworks in the total amount, after the addition of taxes, not to exceed \$164,636.54 for supplying four large butterfly valves and two large check valves for Danville, Castaneda, San Ramon and Scenic East Pumping Plants, beginning on or after February 28, 2017 under Request for Quotation No. 1630.
5. **Motion No. 031-17** – Awarded contracts to the lowest responsive/responsible bidders – Univar USA, Inc.; Olin Corporation; Kemira Water Solutions, Inc.; Chemtrade Chemicals US, LLC; and Hill Brothers Chemical Company – in the total annual amount, after the addition of taxes, not to exceed \$5,083,661 for supplying water and wastewater chemicals for various District sites for three years, beginning on or after February 28, 2017 with two options to renew for an additional one-year period for a total cost of \$25,714,305 under Request for Quotation No. 1703.
6. **Motion No. 032-17** – Awarded a contract to the lowest responsive/responsible bidder, HD Supply Waterworks, Ltd., in the estimated total amount, after the addition of taxes, of \$1,968,832 for supplying wet barrel fire hydrants for the period beginning on or after March 6, 2017 and ending March 5, 2019, or upon delivery of 2,000 hydrants, whichever occurs later, under Request for Quotation No. 1704.
7. **Motion No. 033-17** – Awarded a contract to the lowest responsive/responsible bidder, Exline, Inc., in an amount, after the addition of taxes, not to exceed \$400,000 for supplying three Dry Constant Pressure Exhaust Manifolds for the Main Wastewater Treatment Plant Power Generation Station engines.
8. **Motion No. 034-17** – Authorized the Office of General Counsel to continue the employment of the law firm of Remcho, Johansen & Purcell, LLP, for specialized legal services related to elections and conflicts of interest in an additional amount not to exceed \$75,000.

DETERMINATION AND DISCUSSION

9. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted Legislative Report No. 02-17 which included a recommended position on AB 574 (Quirk) Potable Reuse.

- Motion by Director Mellon, seconded by Director Patterson, to approve the recommended position in Legislative Report No. 02-17, carried (6-0) by the following voice vote: AYES (Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Coleman).
- **Motion No. 035-17** – Received Legislative Report No. 02-17 and approved a position on the following bill: SUPPORT AB 574 (Quirk) Potable Reuse.

Ms. Dumaine provided brief updates on state legislative activity addressing environmental regulation, water quality, water affordability, Wild and Scenic designation, and funding for flood related infrastructure projects. She also provided updates on federal legislative activity and said staff would provide additional information when it becomes available.

10. General Manager's Report.

Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements for the General Manager and General Counsel.

- Motion by Director Mellon, seconded by Director Patterson, to approve the Ad Hoc Committee appointments, carried (6-0) by the following voice vote: AYES (Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Coleman).

Motion No. 036-17 – Appointed President Lesa R. McIntosh and Directors William B. Patterson and Frank Mellon to the Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel.

Appoint Ad Hoc Committee to Recommend a Candidate for Secretary of the District.

- Motion by Director Young, seconded by Director Katz, to approve the Ad Hoc Committee appointments, carried (6-0) by the following voice vote: AYES (Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Coleman).

Motion No. 037-17 – Appointed President Lesa R. McIntosh and Directors Andy Katz and Frank Mellon to the Ad Hoc Committee to Recommend a Candidate for Secretary of the District.

Storm Operations Update. Manager of Water Operations Eileen M. White reported that the District continues to operate its reservoirs to address encroachment, spilling, and projected precipitation. The month-to-date precipitation in the Mokelumne watershed is 20.55 inches (334 percent of average), and the season-to-date precipitation is 68.05 inches (211 percent of

average) and is the highest cumulative precipitation through February on record. The snow depth at Caples Lake has increased to 147 inches (201 percent of average), and the Caples Lake snow water content has increased to 50.86 inches, which is 199 percent of average. As of February 22, the Pardee and Camanche Reservoir system is encroached 187,000 acre-feet (93 percent). There is currently about 16,270 acre-feet of remaining storage capacity in Camanche Reservoir.

The East Bay season to date precipitation is 34.12 inches (180 percent of average). The status of local reservoirs is:

- Briones Reservoir elevation is 574.6 feet and 1.6 feet from spill.
- Lafayette Reservoir is 448.1 feet and 1.1 feet from spill. Lafayette Reservoir release is 10 cfs.
- San Pablo Reservoir elevation is 314.2 feet and is spilling 100 cfs.
- USL Reservoir elevation is 461.7 feet and is spilling 280 cfs.
- Chabot Reservoir elevation is 229.9 feet and is spilling 400 cfs.

REPORTS AND DIRECTOR COMMENTS

11. Committee Reports.

- Filed with the Board were the Planning and the Legislative/Human Resources Committee Minutes of February 14, 2017.

12. Other Items for Future Consideration.

- Moraga Country Club landslide update.

13. Director Comments.

- Director Coleman reported attending/participating in the following events: Association of California Water Agencies (ACWA) teleconference meeting on January 30 in Oakland; East Bay Leadership Council meeting on February 17 in Concord; meeting with Tom Terrill with the Diablo Chamber of Commerce on February 21 in Lafayette; ACWA teleconference meeting on February 22 in Oakland; dinner with Carl Morrison to discuss Radar Technology and weather on February 22 in Danville; and California Association of Sanitation Agencies and ACWA meetings from February 27 through March 2 in Washington, D.C. He reported on plans to attend/participate in the following upcoming events: ACWA teleconference meeting on March 13 in Oakland; and Upper Mokelumne River Watershed Authority teleconference meeting on March 14.
- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon had no comment.

- Director Patterson reported attending/participating in the following events: State Legislature Meet & Greet meetings on February 1 in Sacramento; Peralta Colleges Foundation Board of Directors meeting on February 8 in Oakland; Oakland Urban Strategies Council Board of Directors meeting on February 15 in Oakland; and Oakland NAACP Black History Program on February 20 in Oakland.
- Director Young had no comment.
- President McIntosh reported attending/participating in the following events: ACWA Region 5 Board teleconference meeting on February 15; and West County Wastewater District Board meeting on February 22 in Richmond.

ADJOURNMENT

President McIntosh announced that Secretary Lewis was retiring from the District after 23 years of service and highlighted some of her accomplishments. Board members commented and thanked Secretary Lewis for her dedicated service. The Board also recognized Director of Wastewater Ben Horenstein on his upcoming transition from the District.


President McIntosh adjourned the meeting at 2:29 p.m.

SUBMITTED BY:



Rischa S. Cole, Acting Secretary of the District

APPROVED: March 14, 2017



Lesa R. McIntosh, President of the Board