



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, September 12, 2017**

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

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. *Ivette Rivera v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C15-00380-DMR
 - b. *Ivette Rivera v. Public Employment Relations Board (East Bay Municipal Utility District, et al., as Real Parties in Interest)*
Alameda County Superior Court, Case Nos. RG16813608 and RG16843374
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
one matter.
3. Conference with Real Property Negotiators pursuant to Government Code section 54956.8 regarding conditions and terms of payment for the telecommunications site leases for the East Bay Regional Communications System Authority. East Bay Municipal Utility District negotiators: Alexander R. Coate, General Manager; Sherri A. Hong, Manager of Customer & Community Services; and Matt Elawady, Manager of Real Estate Services. Negotiating parties: East Bay Municipal Utility District and the East Bay Regional Communications System Authority.
4. Conference with Labor Negotiators Bruce Heid, Gregory Ramirez and Glenn Berkheimer from the Industrial Employers Distributors Association; Alexander R. Coate, General Manager; 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.
5. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Michael J. Wallis, Director of Operations and Maintenance; and Michael R. Ambrose, Manager of Regulatory Compliance.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- Director William B. Patterson 20-Year Service Award
- National Association of Clean Water Agencies' Platinum Peak Performance Award

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 16 recommendations, including 5 resolutions.)

1. Approve the Regular Meeting Minutes of August 8, 2017.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Jifco, Inc., in an amount, after the addition of taxes, not to exceed \$172,779 for supplying a specialized fabricated 48-inch welded steel tee and appurtenance piping for the Wildcat Pipeline Improvement Project no later than December 8, 2017 under Request for Quotation No. 1802.
4. Authorize an agreement beginning on or after September 13, 2017 with Degenkolb Engineers in an amount not to exceed \$385,000 for preparing the Main Wastewater Treatment Plant Seismic Evaluation Update project.
5. Authorize an agreement beginning on or after September 12, 2017 with FAAZ Consulting in an amount not to exceed \$290,000 annually for on-site technical consulting services for human resource information system support for one year with two options to renew for an additional one-year period for a total cost of \$870,000.
6. Authorize a two-year agreement beginning on or after September 13, 2017 with Hazen and Sawyer in an amount not to exceed \$156,000 for professional services to support District staff in operating and maintaining the Richmond Advanced Recycling Expansion Water Project microfiltration/reverse osmosis treatment plant.
7. Authorize an agreement beginning December 1, 2017 with Rocky Mountain Recreation Company to operate the Pardee Reservoir Recreation Area for five years with one option to extend for an additional five years.

CONSENT CALENDAR: (Continued)

8. Authorize agreements for delivery and acceptance of wastewater at a negotiated rate in exchange for a commitment to deliver material to the District.
 - 8.1. Authorize a five-year agreement with Hilmar Cheese Company for delivery and acceptance of cheese products wastewater resulting from the dissolved air flotation process at a negotiated rate in exchange for a commitment to deliver material to the District.
 - 8.2. Authorize a five-year agreement with Wallaby Yogurt Company for delivery and acceptance of yogurt processing wastewater at a negotiated rate in exchange for a commitment to deliver material to the District.
9. Authorize the purchase of gasoline and diesel fuel at market prices in an annual amount of \$2 million, after the addition of taxes, for a period not to exceed five years commencing September 13, 2017, for a total amount not to exceed \$10 million.
10. Authorize an amendment to the agreement with Examinetics, Inc., to conduct audiometric exams and medical evaluations, issued under purchase order 784-26502-AX, to increase the agreement ceiling from \$59,000 to \$95,000, and extend the agreement end date from January 22, 2018 to January 22, 2020.
11. Authorize an amendment to the existing WaterSmart Software, Inc., agreement to extend the termination date from September 30, 2017 to September 30, 2019 in the amount of \$310,000 annually to continue customer water consumption reporting and engagement services. The extension is for a one-year period with a one-year option to extend for a total cost not to exceed \$620,000.
12. Authorize the Office of General Counsel to continue the employment of the law firm of Meyers Nave for specialized legal services related to labor and employment matters.
13. Approve actions related to the Oak Knoll land exchange between the District and Oak Knoll Venture Acquisition, LLC. (Resolution)
 - 13a. Approve a land exchange between the District and Oak Knoll Venture Acquisition, LLC.
 - 13b. Authorize District staff to execute the Memorandum of Understanding, grant deeds and all documents related to the transaction.
14. Approve actions related to the Demonstration Recharge, Extraction and Aquifer Management (DREAM) Project. (Resolution)
 - 14.1. Adopt findings and the Mitigation Monitoring and Reporting Program for the DREAM Project as a responsible agency under the California Environmental Quality Act.
 - 14.2. Approve the DREAM Project and authorize execution of a Funding Agreement and Banking Agreement for the Project.

CONSENT CALENDAR: (Continued)

15. Adopt two resolutions to support the District's pending application for a low-interest loan from the State Water Resources Control Board's (State Water Board) Drinking Water State Revolving Fund (DWSRF) for the District's MacArthur Davenport Pipeline Replacement Project (Project).
(Resolutions)
 - 15.1. Adopt a resolution authorizing District staff to negotiate a financing agreement with the State Water Board for consideration by the District's Board of Directors and authorizing the pledge of net revenues of the District's Water System to the payment of DWSRF financing on parity with the District's outstanding Water System revenue bonds.
 - 15.2. Adopt a resolution declaring the District's intent to use DWSRF loan proceeds to reimburse certain Project expenditures incurred during the loan application process.
16. Adopt a resolution authorizing District staff to submit an application for an amount up to \$1 million, for a Sustainable Groundwater Planning Grant to fund the development of a Groundwater Sustainability Plan for the East Bay Plain Subbasin and, if funding is awarded, to execute a grant agreement on terms approved as to form by the Office of the General Counsel.
(Resolution)

DETERMINATION AND DISCUSSION:

17. Conduct a second reading, and adopt an ordinance amending Water Theft Penalty Ordinance No. 365-15 enacted by the Board of Directors on April 28, 2015, to reduce the applicable penalties for water theft resulting from meter tampering from \$1,000, \$2,000, \$3,000 to \$200, \$400, \$800 for first, second, and third offenses, respectively. The first reading of the amendment to the Ordinance was held on August 8, 2017.
(Second Reading and Vote – Ordinance No. 368-17)
18. General Manager's Report:
 - Monthly Report – August 2017

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Planning
 - Legislative/Human Resources
20. Other Items for Future Consideration.
21. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 26, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<p>Tuesday, September 12</p>	<p>Planning Committee Mellon {Chair}; Linney; Young</p> <p>Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young</p> <p>Board of Directors</p>	<p>8:15 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> • FY 17 Emergency Preparedness and Business Continuity Readiness • Water Quality Program Semi-Annual Update • Regulatory Compliance Semi Annual Report- March 2017-August 2017 • Wet Weather Program Management Update • Main Wastewater Treatment Plant Seismic Evaluation Update • Status of District Information Technology Security Efforts • Trench Soils Removal and Sustainable Local Reuse • Initial Customer Assistance Policy <p><i>Cancelled</i></p> <ul style="list-style-type: none"> • Closed Session • Regular Meeting
<p>Tuesday, September 26</p>	<p>Finance/Administration Committee Patterson {Chair}; Coleman; Mellon</p> <p>Board of Directors</p>	<p>10:00 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
<p>Tuesday, October 10</p>	<p>Planning Committee Mellon {Chair}; Linney; Young</p> <p>Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young</p> <p>Board of Directors</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"> • Closed Session • Regular Meeting