

## MINUTES

**Tuesday, March 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 11:11 a.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, Director of Operations and Maintenance Michael J. Wallis (Item 1), Manager of Customer and Community Services Sherri A. Hong (Items 1 and 2), Manager of Real Estate Services Matt Elawady (Items 1 and 2), Attorney Jonathan D. Salmon (Item 1), Derek McDonald (Items 1 and 2), Director of Finance Sophia D. Skoda (Item 3), Manager of Human Resources Laura A. Brunson (Item 3), Manager of Employee Relations David M. Pak (Item 3), Attorney Lourdes Matthew (Item 3), and Industrial Employers Distributors Association representatives Glenn Berkheimer and Bruce Heid (Item 3).

### PUBLIC COMMENT

- Addressing the Board were the following: 1) Mark Foley, President, AFSCME Local 2019 highlighted some of the union's proposals submitted to the District; and 2) Jae Park, Executive Board member, AFSCME Local 2019 commented on the District's transit subsidy and the union's proposal that the subsidy be increased and indexed to future BART fare increases.

### 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 Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:23 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 Acting 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**

- Addressing the Board were the following: 1) John Wilson, customer, commented on the District's use of leak detection instrumentation; and 2) Lynelle M. Lewis, retiring Secretary of the District, congratulated Rischa S. Cole on her appointment to Secretary of the District.

## **CONSENT CALENDAR**

- Item 7 was removed from the Consent Calendar for discussion.
  - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended actions for Items 1-6 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. 045-17** – Approved the Special and Regular Meeting Minutes of March 14, 2017.
  2. The following correspondence was filed with the Board: 1) Excerpt of EBMUD presentation entitled "Water Distribution System Leak Detection Program" dated July 26, 2016 from John Wilson; and 2) Speakers' Bureau and Outreach Record CY17 as of March 28, 2017.
  3. **Motion No. 046-17** – Awarded a contract to the lowest responsive/responsible bidder, C. Overaa & Co., in the amount of \$3,219,000 for construction of the Main Wastewater Treatment Plant Primary Sedimentation Tanks Rehabilitation, Phase 4 under Specification SD-388.
  4. **Motion No. 047-17** – Authorized a second amendment to the agreement with SR Bray LLC, dba Power Plus approved under Board Motion No. 018-16 dated January 26, 2016, to increase the authorization by \$133,440, to an amount not to exceed \$356,370, for the rental of a standby generator at Lafayette Water Treatment Plant beginning on or after March 28, 2017.

5. **Motion No. 048-17** – Approved the assignment of the contracts for liquid oxygen supply and system maintenance for Upper San Leandro Reservoir originally awarded under Board Motion No. 070-16 on April 26, 2016, from Air Liquide, to Airgas USA, LLC.
6. **Resolution No. 35029-17** – Adopting Revised Policy 2.25, Equal Employment Opportunity (EEO); And Revised Policy 2.26, Prevention Of Sexual Harassment In The Workplace.
7. **Resolution No. 35030-17** – Appointing Rischa S. Cole As Secretary Of The District (*effective April 3, 2017*).
  - Director Mellon pulled Item 7 to welcome Ms. Cole and to congratulate her on her appointment. Ms. Cole thanked the Board for the opportunity to serve in her new capacity and thanked her family and District team members for their support.
  - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 7, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

#### **DETERMINATION AND DISCUSSION**

#### **8. Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the bills and recommended actions contained in Legislative Report No. 04-17.

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended positions in Legislative Report No. 04-17, 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. 049-17** – Received Legislative Report No. 04-17 and approved positions on the following bills: OPPOSE AB 594 (Irwin) Water Supply Planning: California Environmental Quality Act: Photovoltaic or Wind Energy Generation Facility and SUPPORT IN CONCEPT SB 49 (De Leon) California Environmental, Public Health and Workers Defense Act of 2017.

#### **9. General Manager's Report.**

Manager of Water Operations Eileen M. White provided an update on District storm operations. She noted that the season-to-date precipitation in the Mokelumne watershed is 72.03 inches (186 percent of average). The snow depth at Caples Lake has increased to 112 inches (159 percent of average), and the Caples Lake snow water content has increased to 52.8 inches (191 percent of average). The season-to-date cumulative runoff in the Mokelumne watershed is 944,000 acre-feet, which is the highest on record through March 21. The District has been making the maximum allowable release of 5,000 cubic feet per second from Camanche for over 68 days and plans on decreasing the releases in April. The plan will be reassessed on a weekly basis, or more frequently as conditions change. Planned releases and storage projections are shared daily with the U.S. Army Corps of Engineers.

The East Bay rainfall to date in March is 2.26 inches (85 percent of average) and the cumulative season to date precipitation is 36.60 inches (162 percent of average). Below is the status of local reservoirs:

- Briones Reservoir is about 6.2 feet from spill.
- Lafayette Reservoir is about 1.9 feet from spill.
- San Pablo Reservoir is about 4.4 feet from spill.
- Upper San Leandro (USL) Reservoir is about 3.9 feet from spill.

There was a question regarding whether the excess hydropower being generated by state dams can be used by gas powered plants in lieu of gas. Staff advised that they will check into this and report back to the Board.

In conclusion, General Manager Coate pointed out that the latest Speakers Bureau and Outreach Record for CY17 was at Board places. He also reminded the Board of the March 23, 2017 information memo they received which included responses to questions raised at the March 14, 2017 Budget Workshop.

#### **REPORTS AND DIRECTOR COMMENTS**

##### **10. Committee Reports.**

- Filed with the Board were the Planning Committee Minutes of March 14, 2017.

##### **11. Other Items for Future Consideration.**

None.

##### **12. Director Comments.**

- Director Coleman reported attending/participating in the following events: East Bay Leadership Council meeting on March 21 in Walnut Creek; Meeting with EBMUD constituent Christina Haslund on March 23 in Lafayette; Lafayette Sunrise Rotary Club presentation on March 24 in Lafayette; Association of California Water Agencies (ACWA) teleconference meeting on March 27 in Oakland; and Lafayette City Council meeting on March 27 in Lafayette. He reported on plans to attend/participate in the following upcoming events: San Ramon City Council meeting on March 28 in San Ramon; ACWA Executive Committee teleconference meeting on March 31 in Oakland; ACWA Excellence in Water Leadership teleconference meeting on April 3 in Oakland; ACWA teleconference meeting on April 3 in Oakland; Contra Costa County Mayors' Conference on April 6 in Orinda; and ACWA teleconference meeting on April 10 in Oakland.
- Director Katz had no comment.
- Director Linney had no comment.

- Director Mellon reported attending/participating in the following events: interview panel for Secretary of the District on March 13 at EBMUD's Administration Building in Oakland; EBMUD Retirement Board Meeting on March 16 at EBMUD's Administration Building in Oakland; Alameda County Chapter of the California Special Districts Association's Annual Dinner Meeting at Redwood Canyon Golf Course on March 23 in Castro Valley; and the Mayor's State of the City Address for San Leandro on March 27 in San Leandro.
- Director Patterson reported attending the retirement celebration for Donald R. White - Alameda County Treasurer and Tax Collector on March 24 in Berkeley. He also provided an update on his wife's recent medical incident.
- Director Young commented on the apartment fire that occurred on March 27 in West Oakland, and requested that the meeting be adjourned in memory of those who lost their lives.
- President McIntosh reported attending/participating in the following events: West County Mayors' and Supervisors' Association meeting on March 23 in Hercules and Rodeo Municipal Advisory Council meeting on March 23 in Rodeo.

#### **ADJOURNMENT**

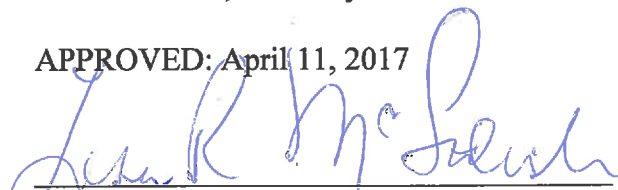
President McIntosh adjourned the meeting in memory of those that lost their lives in the apartment fire that occurred on March 27, 2017 in West Oakland.

The meeting was adjourned at 1:58 p.m.

SUBMITTED BY:

  
Rischa S. Cole, Secretary of the District

APPROVED: April 11, 2017

  
Lesa R. McIntosh, President of the Board