



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, April 26, 2016**

**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. *Federal Insurance Company as subrogee for Divco West Real Estate Services v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No: RG15791996
 - b. *Raul Gutierrez v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG15767981
 - c. 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
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
one matter.

(The Board will hold Closed Session in Conference Room 8A/B)

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance.

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 11 recommendations, including 3 resolutions.)

1. Approve the Regular Meeting Minutes of April 12, 2016.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Air Liquide in an annual amount, after the addition of taxes not to exceed \$50,000 for supplying liquid oxygen and maintenance and repair services for the Hypolimnetic Oxygenation Systems at the District's Upper San Leandro Reservoir for three years beginning on or after April 27, 2016 with two options to renew for an additional one-year period for a total cost of \$250,000 under Request for Quotation No. 1608.
4. Authorize an agreement beginning on or after April 27, 2016 with Construx Software Builders, Inc. in an amount not to exceed \$90,000 for requirements and project management training for staff.
5. Authorize an agreement with Microdesk, Inc. in an amount not to exceed \$164,824 to provide Building Information Management software support services for the design of the Happy Valley and Sunnyside Pumping Plants Project.
6. Authorize an agreement with RMC Water and Environment in an amount not to exceed \$1,076,812 to prepare an Environmental Impact Report for the Leland Reservoir Replacement Project pursuant to the California Environmental Quality Act.
7. Authorize an amendment to the agreement with Renne Sloan Holtzman Sakai, LLP, to increase the agreement ceiling by \$21,000 from \$60,000 to an amount not to exceed \$81,000 for Equal Employment Opportunity discrimination investigation services.
8. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider & Harris, LLP, for specialized legal services related to electrical energy and water law and litigation matters.
9. Adopt a resolution fixing the ward boundaries from which the East Bay Municipal Utility District Directors are elected for the November 8, 2016 General Election. (Resolution)
10. Review and approve Investment Policy 4.07, which contains proposed changes to the current policy that was last revised on March 26, 2013, and affirm existing delegation of authority for the management of investments on behalf of the District to the Director of Finance, who is also acting as the Treasurer of the District. (Resolution)
11. Approve revisions to the following District policies: Policy 1.13 – Identity Theft Prevention Program; Policy 2.04 – Contractual Agreements with Former Employees; Policy 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary; Policy 3.07 – Responsibility to Serve Water Customers; Policy 4.13 – Establishing Water Rates; Policy 4.20 – Use of District Technology Resources; Policy 9.01 – Fire Control and Fuels Management on Watershed Lands; Policy 9.03 – Water Supply Availability and Deficiency; and Policy 9.04 – Watershed Management and Use. (Resolution)

DETERMINATION AND DISCUSSION:

12. Legislative Update:
 - Receive Legislative Report No. 06-16 and consider positions on the following bills: SB 1262 (Pavley) Water Supply Planning; SB 1263 (Wieckowski) Public Water System: Permits; H.R. 4653 (Tonko) Assistance, Quality, and Affordability Act of 2016; and S. 2588 (Cardin) Get The Lead Out Act of 2016
 - Update on Legislative Issues of Interest to EBMUD
13. Approve actions relating to the District's Water Supply.
 - 13a. File the Water Supply Availability and Deficiency Report in conformance with District Policy 9.03, and declare that the District's water supply is sufficient for meeting customer demands in 2016.
 - 13b. Defer taking anticipated drought-related actions until the State Water Resources Control Board takes action on May 18.
14. Authorize suspending the implementation of the Excessive Water Use Penalty Ordinance effective May 3, 2016 as a result of the District's improved water supply conditions.

(Resolution)
15. General Manager's Report:
 - Water Supply Update
 - 2016 Critical Drought Action Plan Update

REPORTS AND DIRECTOR COMMENTS:

16. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Sustainability/Energy
 - Finance/Administration
17. Other Items for Future Consideration.
18. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 10, 2016 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
Tuesday, April 26	Sustainability/Energy Committee Katz {Chair}; Linney; and Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Port of Oakland Power Purchase Agreement Update • Compressed Renewable Natural Gas Project Update • Evaluating the Triple Bottom Line in BD1 Memos
	Finance/Administration Committee Coleman {Chair}, Katz, Patterson	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> • Review of Revisions to District Policies • Investment Policy Annual Review • Financial Quarterly Reports • Water Revenue Consumption Audit
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, May 10	Planning Committee Linney {Chair}, McIntosh, Young		<i>Cancelled</i>
	Legislative/Human Resources Committee Patterson {Chair}, Coleman, Young	9:00 a.m. Training Resource Center	
	Water Conservation Workshop	9:30 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, May 24	Finance/Administration Committee Coleman {Chair}, Katz, Patterson	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Board of Directors	11:00 a.m. 1:15 p.m.	
Monday, May 30	Memorial Day Holiday		<i>District Offices Closed</i>