MINUTES

Tuesday, March 26, 2019

East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:32 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, and President Marguerite Young were present at roll call. Directors Andy Katz and Frank Mellon arrived at 11:33 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Jonathan Salmon (Item 1a), Attorney Anna P. Gunderson (Item 1a), and Director of Wastewater Eileen M. White (Item 1a).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:16 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.
BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

President Young recognized Special Assistant to the General Manager Douglas I. Wallace on his upcoming retirement and on behalf of the Board, thanked him for 25 years of service. Mr. Wallace thanked the Board and expressed appreciation for the support he received from staff while managing the Public Affairs Office.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera, EBMUD Gardener Foreman, who commented on documents she provided to the Board regarding licensing for EBMUD employees that apply pesticides throughout Alameda and Contra Costa counties.

CONSENT CALENDAR

Item 6 was removed from the Consent Calendar for comment.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 1-5 and 7-8 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 052-19** – Approved the Special and Regular Meeting Minutes of March 12, 2019.

2. The following correspondence was filed with the Board: 1) Letter from Ivette Rivera to EBMUD Board of Directors John Coleman, Doug Linney, Lesa McIntosh, Andy Katz, William Patterson, Marguerite Young and Frank Mellon, dated March 26, 2019 regarding Continuation of my February 26, 2019 Board Comments regarding the licensing of EBMUD Employees that apply Pesticides throughout Alameda and Contra Costa County; and 2) Speakers’ Bureau and Outreach Record CY19, dated March 25, 2019.

3. **Motion No. 053-19** – Awarded a contract to the lowest responsive/responsible bidder Cozad Trailer Sales, LLC, in an amount, after the addition of taxes, not to exceed $111,944.76 for the purchase of one transport trailer under Request for Quotation No. 1912.

4. **Motion No. 054-19** – Awarded a contract to the lowest responsive/responsible bidder, Kiewit Infrastructure West Co., in the amount of $4,787,350 for construction of Main Wastewater Treatment Plant Aerated Grit Tanks and Gallery Improvements under Specification SD-399.

5. **Motion No. 055-19** – Authorized an agreement beginning on or after March 27, 2019 with Lance, Soll & Lunghard, LLP, in an amount not to exceed $253,155 for professional auditing services for three years, with two options to renew for additional two-year periods for a total amount not to exceed $607,920.
6. **Motion No. 057-19** – Authorized a direct award contract to United States Pipe and Foundry Company, LLC, in an amount not to exceed $163,606 to purchase earthquake resistant ductile iron pipe and appurtenances for a District pilot project.

   Director Coleman pulled Item 6 to ask about alternative funding sources (i.e. Federal Emergency Management Agency funds) to offset costs since the pipe will be used in a pilot project to proactively assess future use in areas with seismic hazards and landslides. General Manager Alexander R. Coate advised staff researched but did not identify opportunities for alternative funding for this project at this time; however, he said staff will research opportunities for alternative funding for future projects with similar goals.

   • Motion by Director Coleman, seconded by Director Patterson, to approve the recommended action for Item 6, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

7. **Motion No. 056-19** – Authorized an amendment to the contract awarded under Board Motion No. 113-18 with PPI America, Inc., for an additional amount of $385,925 increasing the total amount not to exceed to $564,822 including taxes for the sole source purchase of 25,000 feet of 6-inch diameter and 15,000 feet of 8-inch diameter structurally enhanced polyvinyl chloride (PVC) pipe called iPVC.

8. **Adopt the amended and restated District 401(a), 401(k), and 457 Tax Deferred Compensation Plans. The amendments are technical and administrative clarifications and became effective January 1, 2019.**

   **Resolution No. 35133-19** – Amending And Restating The East Bay Municipal Utility District 401(a) Plan.

   **Resolution No. 35134-19** – Amending And Restating The East Bay Municipal Utility District 401(k) TaxDeferred Savings Plan.

   **Resolution No. 35135-19** – Amending And Restating The East Bay Municipal Utility District 457 Tax Deferred Savings Plan.

**DETERMINATION AND DISCUSSION**

9. **General Manager’s Report.**

   General Manager Alexander R. Coate announced that as part of the District’s ongoing commitment to transparency and increased public access to its decision-making processes, staff will conduct a pilot to post video recordings of Regular Board meeting proceedings online. Secretary of the District Rischa S. Cole presented a clip of the test recording from the March 12 Regular meeting. Ms. Cole explained that staff will record the March 26, April 9 and April 23 Regular meetings, assess the resources required to process video files, and post the recordings online by early May. Ms. Cole responded to Board questions regarding posting recordings on local government channels, bookmarking video files, enhancing video sound quality, and closed captioning options for video files.
REPORTS AND DIRECTOR COMMENTS

10. Committee Reports.

- Filed with the Board were the Legislative/Human Resources Committee Minutes of March 12, 2019.

11. Other Items for Future Consideration.

None.

12. Director Comments.

- Director Coleman reported attending/participating in the following events: DERWA Board Meeting on March 25 in Dublin; Retirement event for EBMUD Special Assistant to the General Manager Doug Wallace on March 28 in Oakland; East Bay Economic Development Alliance Foundation's Innovation Awards event on March 28 in Oakland; and plans to attend the Lafayette City Council meeting on April 8 in Lafayette.

- Director Patterson commented that the joint ward event for him, Director Linney and President Young scheduled for April 11, coincides with the League of Women Voters Annual Luncheon event. General Manager Coate said staff would check the event schedules.

- Directors Katz, Linney, McIntosh, Mellon and President Young had no comment.

ADJOURNMENT

President Young adjourned the meeting at 1:43 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: April 9, 2019

Marguerite Young, President of the Board