

## MINUTES

**Tuesday, August 14, 2018**

**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 11:02 a.m. in the Administration Center Boardroom.

### ROLL CALL

Directors John A. Coleman, Doug Linney, Frank Mellon, William B. Patterson, and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:17 a.m. (late arrival) and Director Marguerite Young was absent (excused).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a, 2a, 2b and 2c), Attorney Derek McDonald (Items 1a, 2a and 2b), Engineering Manager Elizabeth Z. Bialek (Items 1a, 2a and 2b), Attorney Rachel Jones (Item 2d – first matter), Engineering Manager David J. Rehnstrom (Item 2d – first matter), Attorney Jonathan D. Salmon (Item 2d – second matter), and Director of Water and Natural Resources Richard G. Sykes (Item 2d – second matter).

### PUBLIC COMMENT

There was no public comment.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

President 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 1:15 p.m. in the Administration Center Boardroom.

### ROLL CALL

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

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 McIntosh led the Pledge of Allegiance.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Item 8 was pulled from the Consent Calendar for comment.
  - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-7 on the Consent Calendar, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Young).
1. **Motion No. 117-18** – Approved the Special and Regular Meeting Minutes of July 24, 2018.
  2. The following correspondence was filed with the Board: 1) Speakers’ Bureau and Outreach Record CY18, dated August 14, 2018; and 2) Affidavit of Posting dated August 7, 2018 for the Notice of Public Hearing on “The Collection By East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Accounts and Filing of Report.”
  3. **Motion No. 118-18** – Awarded a contract to the lowest responsive/responsible bidder, Farwest Corrosion Control Company, in the amount of \$395,000 for construction of the Mokelumne Aqueducts Cathodic Protection Improvements under Specification 2131.
  4. **Motion No. 119-18** – Authorized a contract beginning on January 1, 2019 with Sutter Health for health insurance coverage through the Sutter Health Plus HMO insurance plan, based on an estimated first year cost of \$2,648,992 to automatically renew each year subject to modification of rates and benefits.
  5. **Motion No. 120-18** – Authorized the execution of a Memorandum of Understanding between the Port of Oakland and the District to specify the manner in which the District will provide domestic water and fire water service within the Seaport Area owned and operated by the Port.
  6. **Motion No. 121-18** – Authorized a two-year extension to current agreements awarded under Board Motion No. 078-13, which authorized a total of \$3,000,000 from June 11, 2013 to August 14, 2018 for the disposal and recycling of District asphalt, asphalt grindings, concrete and petromat trench spoils, to July 31, 2020. No additional funds are required.

7. **Resolution No. 35108-18** – Approve Amendment to the 2017-2021 Memorandum of Understanding with International Federation of Professional and Technical Engineers, Local 21.
8. **Resolution No. 35109-18** – Appointing David M. Woodard as Manager of Regulatory Compliance.
  - Director Mellon pulled Item 8 to congratulate Mr. Woodard on his appointment. Mr. Woodard thanked the Board for the opportunity to continue serving the District in his new capacity.
  - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 8, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Young).

### **DETERMINATION AND DISCUSSION**

#### 9. **Legislative Update.**

Legislative/Human Resources Committee Chair John A. Coleman reported that the Committee met this morning and approved the staff recommended positions in Legislative Report No. 08-18. In regards to AB 1884, Director Coleman requested the District send a letter to the bill author urging him to continue working to address the issue of single-use plastic straw pollution. Ms. Dumaine advised if approved, staff will send a letter informing the author of the District's support of the bill and include the request to continue working on the issue. Next, Ms. Dumaine reviewed the provisions of Proposition 3, an \$8.9 billion general obligation bond that has qualified as an initiative on the November 2018 ballot, and explained why staff is recommending that the Board not take a position on the bond. There was discussion regarding the staff recommendation and the cost/benefit analysis completed on the bond. General Manager Coate stated that based on Director Coleman's request at the Legislative/Human Resources Committee, staff will perform a similar analysis on all future legislation being presented for Board consideration to outline the potential positive and/or negative financial impacts to ratepayers.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for AB 1884, AB 2370, and AB 2470, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Young).

Next, Ms. Dumaine discussed the provisions of SB 998 which is intended to assist low-income water customers avoid discontinuation of water service for nonpayment by creating new statewide procedural safeguards. She noted the bill's objective is consistent with the MUD Act, the District's Customer Assistance Policy, and District efforts to assist customers avoid discontinuation of service. Staff worked with the bill author so that the current version of the bill contains language from sections of the MUD Act pertaining to delinquent accounts and termination of residential service. The Board thanked staff for their work and Ms. Dumaine acknowledged Customer and Community Services Department staff that assisted with this effort.

- Motion by Director Linney, seconded by Director Katz, to approve the recommended action for SB 998, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Young).

**Motion No. 122-18** – Received Legislative Report No. 08-18 and approved positions on the following bills: SUPPORT AB 1884 (Calderon) Food Facilities: Single-Use Plastic Straws; SUPPORT AB 2370 (Holden): Lead Exposure: Child Day Care Facilities: Family Day Care Homes; SUPPORT AB 2470 (Grayson) Invasive Species Council of California: California Invasive Species Advisory Committee; SUPPORT AND AMEND SB 998 (Dodd) Discontinuation of Residential Water Service: Urban and Community Water Systems; and received information on Proposition 3 “The Water Supply and Water Quality Act of 2018”.

10. **General Manager’s Report.**

General Manager Coate announced he was available to answer questions on the July Monthly Report and that the latest version of the Speakers’ Bureau and Outreach Record for CY18 was at Board places.

**REPORTS AND DIRECTOR COMMENTS**

11. **Committee Reports.**

- Filed with the Board were the Finance/Administration Committee Minutes of July 24, 2018.

12. **Other Items for Future Consideration.**

- Provide information on residential house line insurance at a future Committee meeting.

13. **Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA Executive Committee and Board meetings on July 27 in Sacramento; UMRWA Board meeting on July 27 in Pardee; San Ramon/Danville Realtor Marketing Association and Contra Costa Mayors’ Conference meetings in Danville on August 2; and a Lafayette City Council meeting on August 13 in Lafayette. He reported on plans to attend/participate in the following events: EBMUD Special Board meeting on August 21 in Oakland and a meeting with representatives from Central Contra Costa Sanitary District, Dublin-San Ramon Services District and DERWA on September 4 in Martinez.
- Director Mellon reported attending/participating in the following events: San Ramon Mayor’s monthly meeting on July 27 in San Ramon and a Hayward Homeless Program charity golf tournament in Hayward on August 10.
- Director Patterson reported attending the Oakland A’s African American Heritage Night and Oakland African American Chamber of Commerce mixer events on August 7 in Oakland. Mr. Patterson commented on the events’ success and Major League Baseball’s revised planned approach on how to encourage more African American players to become a part of the league.
- Directors Katz, Linney, Young and President McIntosh had no comment.

**ADJOURNMENT**

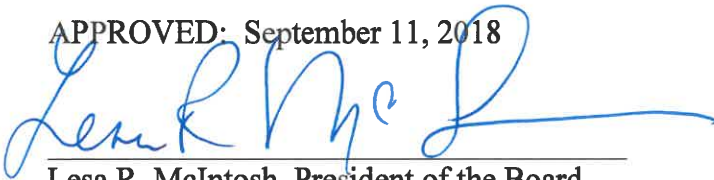
President McIntosh adjourned the meeting at 1:54 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: September 11, 2018



Lesla R. McIntosh, President of the Board

