

## MINUTES

Tuesday, September 13, 2016

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

### Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:07 a.m. in the Administration Center Board Room.

### ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call. Director Andy Katz was absent at roll call but arrived in Conference Room 8 at 11:10 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Item 1a); Attorney Brooke N. Barnum (Item 1a); Director of Operations and Maintenance Michael J. Wallis (Items 1a and 2); Manager of Human Resources Laura A. Brunson (Item 1a); and Attorney Jonathan Salmon (Item 2).

### PUBLIC COMMENT

There was no public comment.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

### Regular Business Meeting

President Mellon called to order the Regular Business Meeting of the Board of Directors at 1:18 p.m. in the Administration Center Board Room.

### ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

### BOARD OF DIRECTORS

President Mellon 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 persons: 1) Olivia Rodriguez, volunteer advocate with the Service Workers Project for Affordable Water and Utilities (SWPAWU), made the following requests: make safe, clean, affordable and accessible water a right to all customers; stop all water rate increases and repeal the 2013 and 2014 rate increases; implement a moratorium on water shutoffs for low-income customers; repeal the requirement to pay a deposit for water service reconnections; implement a moratorium on disconnection and reconnection fees; and repeal the penalty and fines for water theft; 2) Stanley Brown, representing SWPAWU, commented that low-income customers are impacted by rates, fees, and penalties and that water is a right of all citizens; 3) Kevin Holden, representing SWPAWU, commented that the process for applying for the Customer Assistance Program is cumbersome and inefficient and said that EBMUD staff needs training on the program; 4) Fletcher Cole, representing SWPAWU, commented that water is a right of all citizens, urged repeal of rate increases and the water theft penalty, a moratorium on water shutoffs and reconnection fees, and suggested developing payment plans for low-income customers; 5) Albert M. Kueffner, representing Alameda Interfaith Climate Action Network, commented that the Customer Assistance Program should be broadened to include multi-family residences where many low-income residents reside; 6) Kevin Jordan, representing SWPAWU, commented that the rates and charges are not affordable and that customers need help navigating the Customer Assistance Program process; 7) Jennifer Lovewell, representing SWPAWU, commented that the water theft penalty and reconnection deposits are unfairly used against low-income customers who experience water service shutoffs; and 8) Juan Calderon, Jr., representing SWPAWU, commented that EBMUD has created a water crisis for low-income residents as a result of the high rates and excessive penalties.

## CONSENT CALENDAR

- Items 15 and 16 were removed from Consent Calendar for discussion.
  - Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-14 and 17 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 148-16** – Approved the Regular Meeting Minutes of August 9, 2016 and the Special Meeting Minutes of August 23, 2016.
  2. The following correspondence was filed with the Board: 1) Document entitled “Olivia Rodriguez, RN Speech to EBMUD Water Board Meeting 9/13/16;” 2) Document entitled “Kevin Holden Speech to EBMUD Water Board Meeting 9/13/16;” and 3) Document entitled “Stanley Brown Speech to EBMUD Water Board Meeting 9/13/16.”

3. **Motion No. 149-16** – Authorized an agreement beginning on or after September 13, 2016 with Cummins Pacific, LLC, in an amount not to exceed \$1,115,000, to supply one 1500 kW portable diesel generator under Request for Quotation No. 1603.
4. **Motion No. 150-16** – Awarded a contract to the lowest responsive/responsible bidder, Chemtrade Chemicals US, LLC, in the estimated annual amount of \$172,500, for supplying liquid polyaluminum chloride to various District water treatment plants for three years, beginning on or after September 30, 2016 with two options to renew for an additional one-year period for a total cost of \$862,500 under Request for Quotation No. 1613.
5. **Motion No. 151-16** – Awarded a contract to the lowest responsive/responsible bidder, Pacific Office Automation, in the total amount after the addition of taxes of \$286,527, for the purchase and one year of maintenance of production equipment for the District's Print Shop under Request for Quotation No. 1628.
6. **Motion No. 152-16** – Awarded a contract to the lowest responsive/responsible bidder, Pape Machinery, Inc., in the total amount of \$118,589 after the addition of taxes, for supplying one tractor loader to the District under Request for Quotation No. 1631.
7. **Motion No. 153-16** – Authorized an agreement beginning on or after September 13, 2016 with EMC Research, Inc., in an amount not to exceed \$96,150 for statistical opinion and customer outreach research to be completed within a one-year period.
8. **Motion No. 154-16** – Authorized an agreement beginning on January 1, 2017 with Marin Clean Energy for the sale of Resource Adequacy capacity from the District's Camanche and Pardee hydropower facilities for one year with eight options to extend for one additional year each.
9. **Motion No. 155-16** – Authorized the award of a contract under State of California Participating Addendum Nos. 7-16-99-26-01 and 7-16-99-26-02 to VWR International, LLC, and Fisher Scientific Company, LLC, respectively, in an annual amount after the addition of taxes not to exceed \$170,000, for laboratory equipment and supplies for three years beginning on or after September 15, 2016, with two options to renew for an additional one-year period for a total cost of \$850,000.
10. **Motion No. 156-16** – Authorized an amendment to the Value Purchasing Agreement with Emerson Process Management, Power & Water Solutions, Inc., in the amount of \$400,000, for a total amount not to exceed \$5,911,642, for the purchase of distributed control system equipment and programming services at the Main Wastewater Treatment Plant and remote wastewater facilities through August 14, 2017.
11. **Motion No. 157-16** – Authorized an amendment to the existing agreement with Carollo Engineers, Inc., to increase the agreement value by \$77,698 to \$367,009 for additional field sampling and odor analyses at the Main Wastewater Treatment Plant.

12. **Motion No. 158-16** – Authorized amendment of agreements with Montague DeRose and Associates, LLC, in an amount of \$300,000 annually for financial advisory services for one year with two options to renew for an additional one-year period for a total cost not to exceed \$900,000; and Backstrom McCarley Berry & Co., LLC, in an amount of \$80,000 annually for financial advisory services for one year with two options to renew for an additional one-year period for a total cost not to exceed \$240,000.
13. **Motion No. 159-16** – Amended the Pardee Reservoir Recreation Area Concession Management Contract with Pardee Lake Recreation, Inc., to extend the contract by an additional year to November 30, 2017.
14. **Motion No. 160-16** – Approved the assignment of all contracts previously awarded to Nexus IS, Inc., under Board Motion No. 027-15 to Dimension Data North America, Inc.
15. **Resolution No. 35004-16** – Authorizing Acceptance Of A Grant Awarded By The United States Bureau Of Reclamation (USBR) For The Preparation Of An Advanced Metering Infrastructure (AMI) Study.
  - Item 15 was pulled by Director Coleman to ask questions of staff about placement of the meters.
  - Motion by Director Coleman, seconded by Director Young, to approve the recommended action for Item 15, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
16. **Resolution No. 35005-16** – Authorizing The Sale Of The Seneca Reservoir Property To The Roman Catholic Welfare Corporation Of Oakland.
  - Item 16 was pulled by Director Coleman to ask questions of staff about demolition costs.
  - Motion by Director Coleman, seconded by Director Linney, to approve the recommended action for Item 16, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
17. **Resolution No. 35003-16** – Amending Resolution No. 34090-16 To Increase The Salary Range For Housekeeper Class.

#### **DETERMINATION AND DISCUSSION**

18. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine reported that the California Legislature's biennial session ended on August 31 and that approximately 800 bills were forwarded to Governor Brown for review. She highlighted several EBMUD supported bills

and said that she would provide a full report on the status of bills in October. Ms. Dumaine also reported that the Little Hoover Commission is conducting hearings on special districts on October 27 and that General Manager Coate has been invited to testify. The Board requested a copy of the General Manager's testimony prior to the hearing.

**19. General Manager's Report.**

General Manager Coate provided highlights from the August 2016 Monthly Report. He reported that on August 3, 2016, the State Water Resources Control Board (SWRCB) approved a Time Extension and Change Petitions for the Camanche Water Right. After almost 16 years since the initial filing of the time extension petition, the District received the Order approving the extension and other changes (place of use and purpose of use). Staff will continue to work with the SWRCB to fully comply with the new permit. The Board applauded staff on this accomplishment. Next, General Manager Coate reported that staff completed a comprehensive report to plan for the Orinda Water Treatment Plant outage scheduled to start in November 2016. In concluding, he reported that staff removed a 2-mile illegally constructed, unauthorized bicycle trail on District property. There was discussion about enforcement authority on bike trails. The Board recommended exploring the option of posting notices about unauthorized bike trails and also exploring a process for monitoring bicycle users.

**REPORTS AND DIRECTOR COMMENTS**

**20. Committee Reports.**

- Filed with the Board were the Planning Committee and Legislative/Human Resources Committee Minutes of August 9, 2016.

**21. Other Items for Future Consideration.**

- The Board requested an update to the Planning Committee in November on the Customer Assistance Program, water theft penalty distribution, water bill components, and deposit requirements.

**22. Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA teleconference meeting on August 8 in Oakland; EBMUD meeting on recycled water on August 11 at the Diablo Country Club; ACWA weekly teleconference meetings on August 15 and 22 in Oakland; Contra Costa Leadership teleconference on August 19; EBMUD Special Board of Directors meeting on August 23; Freeport Regional Water Authority meeting on August 26 in Oakland; ACWA teleconference meetings on August 29 and September 6 in Oakland; and water supply update to the Walnut Creek City Council on September 6 in Walnut Creek. He reported on plans to attend/participate in the following upcoming events: ACWA teleconference meetings on September 14, 19, and 26 in Oakland; water supply presentation on September 15 in Danville; Leland Reservoir public hearing on


September 15 in Lafayette; Lafayette Art and Wine Festival booth participant on September 18 in Lafayette; and East Bay Regional Park District lunch at Tidewater Park on September 22 in Oakland.

- Director Katz reported attending/participating in the following events: Californians Against Waste reception on August 10 in Sacramento; Community Choice Aggregation Steering Committee on September 7 in Castro Valley; Sierra Club David Brower Dinner on September 8 in San Francisco; and the Oakland Pride Parade and Festival on September 11 in Oakland.
- Director Linney had no report.
- Director McIntosh reported that she attended the memorial service for retired Senior Administrative Clerk Marge Louis on August 27 in Berkeley.
- Director Patterson had no report.
- Director Young reported attending/participating in the following events: East Bay Watershed Master Plan public hearing on August 15; Ward 3 briefing on September 8 in Oakland; Sierra Club Bay Chapter dinner on September 8 in San Francisco; and the Oakland Pride Parade and Festival with EBMUD contingent on September 11 in Oakland. She also reported that she would be participating in the 21<sup>st</sup> Annual Kaiser Permanente Northern California Dragon Boat Festival on September 17 and 18 at Lake Merritt in Oakland.
- President Mellon reported attending/participating in the following events: memorial service for former EBMUD Board Member Mary Warren on August 13; memorial service for retired Senior Administrative Clerk Marge Louis on August 27 in Berkeley; and meeting with the Director of the Hayward Area Recreation District Rick Hatcher on September 9 in Hayward.


### ADJOURNMENT

President Mellon adjourned the meeting at 2:33 p.m.

SUBMITTED BY:

  
Lynelle M. Lewis, Secretary of the District

APPROVED: September 27, 2016

  
Frank Mellon, President of the Board