



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, December 13, 2016**

**REGULAR CLOSED SESSION
11:30 a.m., Board Room**

(Director Lesa R. McIntosh will participate by phone from 801 Commodore Drive, Richmond, California 94804)

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. *Jill Adri and Sadi Adri v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01975
 - b. *James Reno, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC15-01227 consolidated with
State Farm General Insurance Company v. East Bay Municipal Utility District
Contra Costa County Superior Court, Case No. MSC15-02077 consolidated with
SAFECO Insurance Company of Illinois v. East Bay Municipal Utility District
Contra Costa County Superior Court, Case No. MSC16-00277
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Edward and Mariane Wenger
Claim No. 2015-L-158-1
 - b. One matter.
3. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(4):
two matters.
4. Conference with Labor Negotiators Bruce Heid and Glenn Berkheimer from the Industrial Employers Distributors Association (I.E.D.A.), Alexander R. Coate, Sophia Skoda, and Laura Brunson pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

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

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

(Director Lesa R. McIntosh will participate by phone from 801 Commodore Drive, Richmond, California 94804)

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 10 recommendations, including 2 resolutions.)

1. Approve the Regular and Special Meeting Minutes of November 22, 2016.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Jifco, Inc., in the total amount of \$157,512, after the addition of taxes, for supplying two 30-foot segments of 66-inch outside diameter pipe for the Bixler Maintenance Center Yard under Request for Quotation No. 1701.
4. Award a contract to the lowest responsive/responsible bidder Ferguson Waterworks in an amount, after the addition of taxes, not to exceed \$143,000 for supplying 5,700 feet of restrained joint ductile iron pipe and fittings for a pilot pipeline replacement project beginning on or after December 13, 2016 under Request for Quotation No. 1707.
5. Authorize an agreement beginning on or after December 15, 2016 with LCPtracker, Inc., for a cloud-based, prevailing wage and local workforce compliance and management software for three years, with two options to renew for an additional one year period for a total cost of \$150,000.
6. Authorize execution of an agreement with San Joaquin County and North San Joaquin Water Conservation District to amend the existing Protest Dismissal Agreement (PDA) between the District and five San Joaquin County parties to extend the deadline from December 31, 2016 to June 30, 2017 regarding San Joaquin County's issuance of the export permit under Section 5.e. of the PDA.
7. Authorize a Power Purchase Agreement with SolarCity that provides for the purchase of approximately 380 kilowatts of photovoltaic-generated electricity at the Camanche Dam at a fixed purchase price of \$0.101 per kilowatt hour. The agreement has an initial term of 15 years with three five-year options to renew for up to an additional 15 years.

CONSENT CALENDAR: (Continued)

8. Authorize the District to discontinue participation in the Statewide Community Infrastructure Program after completion of the work being done to accommodate the current applicant.
9. Approve a resolution declaring the results of the election held on November 8, 2016 for the Director in Ward 1 and reaffirming the appointment of Directors in Wards 5 and 6 of the East Bay Municipal Utility District. (Resolution)
10. Appoint Manager of Distribution Maintenance and Construction. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update:
 - State Legislative Initiatives for 2017 Legislative Year
 - Update on Legislative Issues of Interest to EBMUD
12. Approve actions related to the Alameda-North Bay Farm Island Pipeline Crossings Project Final Environmental Impact Report. (Resolution)
 - 12.1. Certify the Final Environmental Impact Report for the Alameda-North Bay Farm Island Pipeline Crossings Project.
 - 12.2. Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
 - 12.3. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
 - 12.4. Approve the Project.
13. Consider a request from Viridis Fuels, LLC (Viridis), to defer for a period not to exceed six months the monthly “Additional Value” payment of \$21,666.67 due under the Lease Agreement between Viridis and the District for a portion of the District’s West End property.
14. General Manager’s Report:
 - State of California Framework for Long-term Urban Water Conservation Policy – Executive Order B-37-16
 - Update on East Bay Watershed Master Plan
 - Water Supply Update
 - Six Month Forecast of Board Committee and Workshop Agenda Topics and Summary of 2016 Committee and Workshop Topics
 - Monthly Report – November 2016

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 10, 2017 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, December 13	Planning Committee Linney {Chair}, McIntosh, Young	8:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Revised Principles for Use by Other Parties of Unassigned EBMUD Capacity in Freeport Project Facilities • Customer Assistance Programs Update • Alameda-North Bay Farm Island Pipeline Crossings Project Update and Final Environmental Impact Report
	Legislative/Human Resources Committee Patterson {Chair}, Coleman, Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • State Legislative Initiatives for 2017 Legislative Year • Fiscal Year 2016 Contract Equity Program Annual Report
	Long-Term Financial Stability Workshop	10:00 a.m. Training Resource Center	
	Board of Directors	11:30 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, December 26	Christmas Holiday – observed		<i>District offices closed</i>
Tuesday, December 27	Finance/Administration Committee Coleman {Chair}, Katz, Patterson		<i>Cancelled</i>
	Board of Directors		<i>Cancelled</i>
Monday, January 2	New Year’s Day Holiday – observed		<i>District offices closed</i>
Tuesday, January 10	Planning Committee Linney {Chair}, McIntosh, Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee Patterson {Chair}, Coleman, Young	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Monday, January 16	Martin Luther King, Jr. Day Holiday – observed		<i>District offices closed</i>