

MINUTES

Tuesday, June 25, 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 11:15 a.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz (via teleconference), Doug Linney (via teleconference), 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, Attorney Lourdes Matthew (Item 1a), Director of Engineering and Construction Xavier J. Irias (Item 1a), Manager of Human Resources Laura A. Acosta (Item 1a), Assistant General Counsel Xanthe M. Berry (Items 1b, 2a and 2b), Attorney Derek T. McDonald (Items 1b, 2a and 2b), and Engineering Manager Elizabeth Z. Bialek (Items 1b, 2a and 2b).

PUBLIC COMMENT

- Addressing the Board were the following: 1) Kasie Evans, Chief Steward, AFSCME Local 2019, commented on the status of the desk audit for the Wastewater Construction Inspector position; 2) Scott B. Johnson, EBMUD Construction Inspector, commented on the status of the desk audit for the Wastewater Construction Inspector position and challenges with his position being reclassified to a Senior Construction Inspector; and 3) Robert Fuller, EBMUD Construction Inspector, commented on the status of the desk audit and reclassification efforts for the Wastewater Construction Inspector position.

The Board requested additional information from staff on this topic.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

Director Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz (via teleconference), Doug Linney (via teleconference), Lesa R. McIntosh, Frank Mellon, and William B. Patterson were present at roll call. President Marguerite Young arrived at 1:18 p.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Secretary of the District Rischa S. Cole, and Assistant to the General Manager Janetta M. Johnson.

BOARD OF DIRECTORS

Director Lesa McIntosh led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the celebration of the District's first cohort certificate program graduates. The District has a strategic goal of creating an environment that attracts, retains, and engages a high performing diverse workforce in support of the District's mission. An element of that goal is to "grow our own" through educational support and programming. In 2017, the District and Peralta Community College District partnered on a pilot program to bring college courses to the District. Twenty District employees completed the inaugural cohort certificate program. The students attended one to two nights of classes each week for the last two years. They are to be admired for their dedication to education and perseverance throughout the program while working full time, and having families and other commitments. They were congratulated for their hard work and accomplishment. Next, the class valedictorian, Jason McCluney shared some remarks. On behalf of the Board of Directors, Director Patterson presented certificates to the following graduates in attendance: Theodore Atkinson, William Baker, Michael Brown, Rafael Carmona, Jessica Deplazes, Nicole Douglas, Leobardo Gonzales, Willis Hargrove, Wendy Ibarra, Delorean Johnson, Daniel Kilker, Gil Loreda, Joseph Lyster, Jaswan Mahabali, Jason McCluney, Paul Victor, Gistand Williams Jr., and Bryan Wolverton.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Elizabeth Stage, North Hills Community Association, who thanked the Board for planning for public safety power shutoffs.

CONSENT CALENDAR

- Item 5 was removed from the Consent Calendar for separate discussion.
- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended actions for Items 1-4 and 6-9 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 100-19** – Approved the Regular Meeting Minutes of June 11, 2019.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, “Public Safety Power Shutoff,” dated June 25, 2019; 2) Presentation entitled, “Bay-Delta Water Quality Control Plan Update Voluntary Agreement,” dated June 25, 2019; 3) Presentation entitled, “Water Outage Map,” dated June 25, 2019; and 4) Speakers’ Bureau and Outreach Record CY19, dated June 25, 2019.
 3. **Motion No. 101-19** – Authorized an agreement beginning on or after July 1, 2019 with Larry Walker Associates, Inc., in an amount not to exceed \$435,480 for groundwater consulting services.
 4. **Motion No. 102-19** – Authorized an agreement beginning on or after June 25, 2019 with Philadelphia Mixing Solutions Limited starting at \$250,000 in the first year and increasing annually at a rate of six percent for three years for the inspection, diagnosis, and repair of Reactor Deck mixer gearboxes at the Main Wastewater Treatment Plant with two options to renew for additional one-year periods for a total cost of \$1,400,000.
 5. **Motion No. 107-19** – Authorized an agreement beginning on or after July 1, 2019 with S.R. Bray, LLC, dba Power Plus in an amount not to exceed \$408,732 for rental of 29 portable generators including delivery services.
- Director Coleman pulled Item 5 to request a staff presentation on the District’s response plan to PG&E’s Public Safety Power Shutoff events. Engineering Manager Brett Kawakami provided an update on the potential impacts of PG&E’s Public Safety Power Shutoffs (PSPS) on District operations, coordination efforts with PG&E and participation in regulatory processes. A PSPS event occurs when PG&E preemptively de-energizes power lines under high-risk fire conditions such as low humidity, sustained high winds, high temperatures, and dry vegetation. The District has been a party to the California Public Utilities Commission’s rulemaking process and is a “Public Safety Partner.” As a Public Safety Partner, the District will receive priority notification, access to situational awareness information, and enhanced coordination during a PSPS event. PG&E’s power restoration process requires inspection of their power lines in affected areas before power can be restored which means a PSPS event could last from two to five days. PG&E’s Tier 2-Elevated Risk and Tier 3-Extreme Risk fire threat areas subject to a PSPS event could affect over 200 District facilities serving the East Bay and upcountry. The District currently has backup power available at most of its facilities; however, additional backup power is needed to maintain sufficient water levels in reservoirs during a PSPS event. The District has a communication plan in place for customers in the event water service is interrupted due to a PSPS event. There was Board discussion regarding the District’s customer notification plans. The Board asked staff to include information regarding discretionary watering during a PSPS event in public outreach materials to all customers; to reach out to rental housing and homeowners associations; to provide additional information about the District’s emergency operations plans in the event of a PSPS event; to explore cleaner burning portable generators and filtration properties for next year’s fire season; and to explore cost recovery opportunities.

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended action for Item 5, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
6. **Motion No. 103-19** – Authorized an amendment to the contract with Sedaru (formerly known as IDModeling, Inc.) awarded under Board Motion No. 050-18 on April 24, 2018 to increase the amount by \$30,000 annually to provide unlimited Sedaru software viewer licenses for one year with three options to renew for additional one-year periods for a total amount not to exceed \$1,853,900.
- 7a.-7b. **Motion No. 104-19** – Authorized an amendment to the agreements awarded under Board Motion No. 094-18 dated June 26, 2018 to increase the combined amount by \$3,000,000 to a total amount not to exceed \$6,800,000 and extend the term to June 25, 2020 for fully maintained and operated (FM&O) dump truck services with the following vendors: A.I.P. Trucking; Adam Moreno & Sons, Inc.; Allied Materials, Inc.; CB Roadways, Inc.; Channa Trucking; Curbside Trucking; Darrah Trucking & Excavating, Inc.; E. M. Blair Trucking; Gloria Washington Trucking, Inc.; Haver Transport dba Haver Transport; Hill Trucking; Ibarra Trucking; Inder Trucking; Jackson Transportation; JD Trucking Co., Inc.; Mae Trucking; Mann Logistics, Inc.; Northbay Logistics Group, LLC; RC Camease Transportation; Royal Trucking/Maintenance; S&L Enterprises; S&L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam’s Trucking; Sunny Motors Transport, Inc.; Tom Aikens General Engineering Cont.; Tri Valley Water Trucks, Inc.; Uris D. Kemp Trucking; and V. Dolan Trucking, Inc.; and authorized additional agreements for FM&O dump truck services, on an as-needed basis, with vendors that meet District standards and offer pricing at or below the range in the proposed agreements above. These agreements will increase flexibility and ensure vendor availability to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager’s monthly report.
8. **Motion No. 105-19** – Approved the May 2019 Monthly Investment Transactions Report.
9. **Motion No. 106-19** – Filed the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to the 2019-2020 Property Tax Rolls.

DETERMINATION AND DISCUSSION

10. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine summarized the bills and recommended actions contained in Legislative Report No. 04-19 with updated information on Assembly Bill 74 and Assembly Bill 100. She noted staff is monitoring Senate Bill 101, which was introduced on June 21, 2019. If the bill activity has not concluded, she said staff will bring an update to the Board for consideration at its next meeting. The Board asked questions related to funding for impacted and merged agencies; LAFCO language in Senate Bill 101; and EBMUD’s role in legislative activities related to PSPS.

- Motion by President Young, seconded by Director Coleman, to approve the recommended actions for Item 10, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 108-19 – Received Legislative Report No. 04-19 and approved positions on the following bills: SUPPORT AB 74 (Committee on Budget) Budget Act of 2019; and SUPPORT AB 100 (Committee on Budget) Public Resources: Drinking Water: Greenhouse Gases.

11. **Approve a resolution supporting the District’s participation in the voluntary agreement negotiation process for the Mokelumne River and Bay-Delta, declaring the District’s significant contributions to the vitality and sustainability of the Mokelumne River and Bay-Delta fishery ecosystem resources, and making related findings and determinations.**

Manager of Fisheries and Wildlife Jose D. Setka presented an update on the District’s proposed Mokelumne Voluntary Agreement (VA) and the Bay-Delta Water Quality Control Plan. The District intends to urge State Water Resources Control Board (SWRCB) to incorporate the proposed Mokelumne VA as an alternate proposal for consideration during the Phase 2 update of the Bay-Delta Plan. The VA provides a comprehensive suite of flow and non-flow measures for the Mokelumne River watershed to help achieve the SWRCB’s water quality objectives to benefit fish and wildlife resources while protecting reliable water supplies for agriculture, drinking water and other beneficial uses. The proposed VA provides additional flow releases above minimum requirements of up to 45,000 acre-feet (AF) in Normal and Above Normal year types, up to 20,000 AF in Below Normal and up to 10,000 AF in Dry years. In addition, the proposed VA includes a suite of non-flow measures including spawning habitat improvement and maintenance, floodplain habitat creation, screening diversions and hatchery infrastructure and operational improvements. The Board raised questions related to other tributaries referenced in the Water Quality Control Plan, regulatory agencies’ responses, and the length of the voluntary agreement. The Board asked staff to brief stakeholders on District efforts to support the health of the Bay and the Delta.

- Addressing the Board was Sonia Diermayer, Sierra Club, who thanked the Board for its efforts on the Mokelumne fisheries, water recycling, and to reduce water use. She noted the SWRCB’s 2017 Scientific Basis Report stated 75 percent of unimpaired flow is needed to protect the ecosystems on tributaries. She asked the Board to support an increase of overall flow amounts on the Mokelumne River.
- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 11 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35146-19 – Supporting The Mokelumne River Voluntary Agreement In Regard To The Bay-Delta Water Quality Control Plan Update.

12. **General Manager’s Report.**

Manager of Operations and Maintenance Planning Hilary S. Anderson presented information and demonstrated the new water outage map that will be available on the District’s website beginning June 26. The map will show locations of unplanned maintenance that result in a water outage. Information will include impacted streets, the number of customers affected, traffic impacts, as well as the estimated time to restore water service. Future updates to the map will include all outages (unplanned and planned), traffic communication with applications like

Waze, and the ability to notify customers via phone, email, or text. The Board asked questions about potential District liability for listing customer addresses on the water outage map.

- Director Patterson left the room at 2:37 p.m. and returned at 2:38 p.m. Director Patterson left the meeting at 2:39 p.m.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Planning Committee Minutes of June 11, 2019.

Planning Committee Member John A. Coleman reported the Committee met at 10:15 a.m. and received updates on the Monthly Transactions Report for May 2019, the Employees' Retirement System, and PG&E Public Safety Power Shutoffs.

14. Other Items for Future Consideration.

None.

15. Director Comments.

- Director Coleman reported attending/participating in the following events: the following events: EBMUD Sexual Harassment Training on June 12 in Oakland; Pleasant Hill City Council meeting presentation on June 17 in Pleasant Hill; East Bay Leadership Council Water Task Force meeting on June 18 in Walnut Creek; and East Bay Leadership Council Board of Directors meeting on June 21 in Walnut Creek. He reported on plans to attend a meeting with constituent Lana Sindler on June 26 in Walnut Creek; Oakland Chamber of Commerce Luncheon on June 26 in Oakland; and Foothill Conservancy event on June 29 in Plymouth.
- Director Mellon reported attending the ACWA Region 5 Spring Event on June 13 in Santa Barbara.
- Director Patterson reported attending the EBMUD Audit Planning Committee meeting on June 3 in Oakland; funeral services for Dr. Joel Tolbert, Sr., on June 3 in Oakland; and AFSCME General Membership meeting and installation of Officers on June 18 in Oakland.
- Directors Katz, Linney, McIntosh, and President Young had no report.

ADJOURNMENT

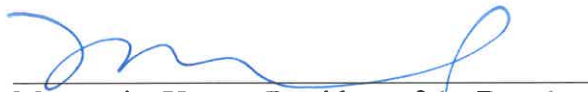
President Young adjourned the meeting at 2:44 p.m.

SUBMITTED BY:



Janetta M. Johnson, Assistant to the General Manager

APPROVED: July 9, 2019



Marguerite Young, President of the Board

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