

MINUTES

Tuesday, May 8, 2012

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

Regular Closed Session Meeting

Vice-President Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:00 a.m. in the Administration Center Board Room.

ROLL CALL

Directors Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and Vice-President Andy Katz were present at roll call. President John A. Coleman was absent (excused) to attend the ACWA Spring Conference in Monterey, California.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Assistant General Counsel Craig S. Spencer (Items 1a&b); Manager of Wastewater Engineering Edward H. McCormick (Item 1a); Attorney Derek T. McDonald (Item 1a); Director of Finance Eric L. Sandler (Item 1b); and Treasury Manager Wanda B. Hendrix (Item 1b).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

Vice-President Katz announced the Closed Session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

Vice-President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Center Board Room.

ROLL CALL

Directors Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and Vice-President Andy Katz were present at roll call. President John A. Coleman was absent (excused) to attend the ACWA Spring Conference in Monterey, California.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins and Acting Secretary of the District Rema Randle-Jones.

BOARD OF DIRECTORS

Vice-President Andy Katz 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:

Vice-President Katz announced that Item 6 was removed from the Consent Calendar.

- Motion by Director Mellon, seconded by Director Foulkes, to approve Items 1-5 on the Consent Calendar, carried (6-0) by voice vote. President John A. Coleman was absent (excused).
 - 1. **Motion No. 051-12** -- Approved the Regular Meeting Minutes of April 24, 2012.
 - 2. No correspondence was filed with the Board.
 - 3. **Motion No. 052-12** -- Awarded a contract to the lowest responsive/responsible bidder, Stoloski & Gonzalez, Inc., in the amount of \$368,300 for construction of a portion of the East Bayshore Recycled Water Pipeline, and consented to withdrawal of the low bid of D. R. Lemings Construction, under Specification 2051.
 - 4. **Motion No. 053-12** -- Awarded a contract to Entisys Solutions, Inc., in an estimated amount of \$114,000 annually for maintenance and support of District HP data storage systems during the period July 1, 2012 through June 30, 2013 with an option to extend for two additional one year periods.
 - 5. **Motion No. 054-12** -- Authorized an extension agreement with Oracle Corporation for database software license and support services in an amount not to exceed \$267,000 for a one-year period beginning July 1, 2012.
 - 6. Supporting Nomination Of Frank Mellon To The California Special Districts Association Board Of Directors Representing Region 3.
- Item 6 was removed from the Consent Calendar and no action was taken.

DETERMINATION AND DISCUSSION

7. **Legislative Update.**

Legislative/Human Resources Committee Chair Lesa R. McIntosh reported that the Committee unanimously supported the staff recommendations in Legislative Report No. 06-12.

- Motion by Director McIntosh, seconded by Director Foulkes, to approve the recommended positions in Legislative Report No. 06-12, carried (6-0) by voice vote. President John A. Coleman was absent (excused).

Motion No. 055-12 -- Approved the following positions in Legislative Report No. 06-12: SUPPORT AB 1783 (Perea) – Public Contracts: Small Business Preferences; SUPPORT SB 1066 (Lieu) – Coastal Resources: Climate Change; SUPPORT SB 1122 (Rubio) – Energy: Renewable Biomass and Biogas Projects; and SUPPORT SB 1251 (Evans) – Ocean Protection Council: Aquatic Invasive Species Working Group.

Special Assistant to the General Manager Marlaigine Dumaine reported that the state legislature's pension reform bills are continuing in discussions through an interim study with the state's conference committee.

8. **Filed the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees, and System Capacity Charges.**

General Manager Coate noted that the report and recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees, and System Capacity Charges, was included in the Board's packet, and announced that a public hearing is scheduled for Tuesday, May 22, 2012 during the Board's regular meeting to consider the report and recommendation.

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended action for Item 8, carried (6-0) by voice vote. President John A. Coleman was absent (excused).

Motion No. 056-12 -- Filed the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees, and System Capacity Charges. A Public Hearing has been scheduled for Tuesday, May 22, 2012 during the Board's regular meeting to consider the report and recommendation and comply with Municipal Utility District Act requirements. The proposed revisions do not fall underneath the Proposition 218 requirements.

9. **General Manager's Report.**

General Manager Coate noted that the Monthly Report for April 2012 was provided in the Board's packet.

Director Mellon inquired about the Walnut Creek Raw Water pumping plant electrical repairs and asked if PG&E had reviewed the facility before operation of the pumping plant started again. General Manager Coate stated that the District worked closely with PG&E to ensure that all repairs were done correctly, and that he had visited the facility himself to review the repairs and noted that major improvements have been made.

REPORTS AND DIRECTOR COMMENTS

10. Committee Reports.

- Filed with the Board were the Minutes of the April 24, 2012 Finance/Administration Committee.

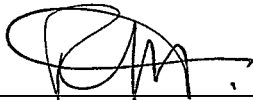
11. Director Comments.

- Director Foulkes reported participating in the FRWA Board meeting teleconference call on May 3.
- Director Katz had no comment.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon reported attending the Castro Valley Earth Day Clean-up on April 28 in Castro Valley; the San Leandro Chamber fundraiser on April 28 in San Leandro; the League of Women Voters luncheon on May 2 in Oakland; and the Contra Costa Mayors' Conference on May 3 in Danville.
- Director Patterson had no comment.
- President Coleman reported attending the following: Marin Municipal Water District 100th Year Anniversary on April 25 in Corte Madera; Lafayette stage dedication ceremony on April 25 at Lafayette Reservoir; UMRWA Board meeting on April 27 at Pardee; ACWA Board workshop from April 30 - May 1 in Sacramento; agenda review meeting with General Manager Coate on May 2 in Oakland; and the FRWA Board meeting teleconference call on May 3.

ADJOURNMENT

Vice-President Katz adjourned the meeting at 1:25 p.m.

SUBMITTED BY:



Rema Randle-Jones, Acting Secretary of the District

APPROVED: May 22, 2012



John A. Coleman, President of the Board