



BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA
Wednesday, February 13, 2013

REGULAR CLOSED SESSION

11:00 a.m., Board Room

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(a):
 - a. *Ameron International Corporation v. Sundt Construction, Inc.*
San Joaquin County Superior Court, Case No. 39-2009-00226920,
consolidated with *FRWA / EBMUD v. S.J. Louis Construction, Inc.*
Sacramento County Superior Court, Case No. 34-2009-00066909
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b):
one matter.
3. Conference with Labor Negotiators Glen Berkheimer from the Industrial Employers Distributors Association (I.E.D.A.), Alexander R. Coate, Carol Nishita, Eric Sandler, Delores Turner, and Michael Rich pursuant to Government Code Section 54957.6: Employee Organizations International Federation of Professional and Technical Engineers AFL-CIO, Local 21; International Union of Operating Engineers, Local 39; and American Federation of State, County and Municipal Employees, Locals 444 and 2019.

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

REGULAR BUSINESS MEETING

1:15 p.m., Board Room

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 6 recommendations.)

1. Approve the Regular and Special Meeting Minutes of January 22, 2013.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in the amount of \$3,490,000 for construction of Danville No. 1 Pumping Plant Improvements under Specification 2054.
4. Authorize an amendment to the agreement with Official Payments Corporation for credit card, debit card, and e-check services to extend the expiration date of the agreement from April 22, 2013 to April 22, 2015.
5. Authorize a fourth amendment to an agreement with ICF Jones and Stokes an ICF International Company, in an amount not to exceed \$443,000, increasing the agreement value from \$980,000 to \$1,423,000 for specialized services in support of legal preparation for a water rights hearing before the State Water Resources Control Board.
6. Authorize the Office of General Counsel to continue the employment of the law firm Ellison, Schneider & Harris L.L.P. for services of special counsel related to electrical energy and water law.

DETERMINATION AND DISCUSSION:

7. Legislative Update:
 - Update on Legislative Issues of Interest to EBMUD
8. Ratify the General Manager's January 31, 2013 declaration of a District emergency in accordance with Policy 7.03 as a result of a leak on the 36-inch steel main serving the Dingee Pressure Zone. (Resolution)
9. Consider a resolution expressing support for a West Contra Costa Unified School District general waiver of the State of California statutory bonding capacity. (Resolution)
10. General Manager's Report:
 - Water Supply Update
 - Monthly Report - January 2013

REPORTS AND DIRECTOR COMMENTS:

11. Committee Reports:
 - Finance/Administration
12. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 26, 2013 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.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, February 12	Lincoln's Birthday Holiday		<ul style="list-style-type: none"> • Offices Closed
Wednesday, February 13	FY14-15 Budget & Strategic Plan Update Workshop Planning Committee Legislative/Human Resources Committee Board of Directors	8:30 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Cancelled • Cancelled • Closed Session • Regular Meeting
Monday, February 18	President's Day Holiday		<ul style="list-style-type: none"> • Offices Closed
Tuesday, February 26	Energy/Sustainability Committee Linney (Chair), Foulkes, Katz Finance/Administration Committee Coleman (chair), Linney, Patterson Board of Directors	TBD 10:00 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, March 12	Planning Committee Foulkes (Chair), Linney, McIntosh Legislative/Human Resources Committee McIntosh (Chair), Coleman, Mellon Board of Directors	9:15 a.m. Training Resource Center 10:15 p.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

MINUTES

Tuesday, January 22, 2013

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

Special Meeting

President Andy Katz called to order the Special Meeting of the Board of Directors at 9:37 a.m. in the Training Resource Center. The Board met in workshop session to receive an update on EBMUD's progress in addressing water supply needs identified in the Water Supply Management Program 2040.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Water and Natural Resources Richard G. Sykes, Manager of Water Conservation Richard Harris, Senior Civil Engineer Linda Hu, Senior Civil Engineer Jan R. Lee, Manager of Water Supply Improvements Michael T. Tognolini, and Secretary of the District Lynelle M. Lewis.

PUBLIC COMMENT

There was no public comment.

DISCUSSION

- Filed with the Board were the following documents: 1) Presentation entitled "Water Supply Management Program Board of Directors' Workshop," dated January 22, 2013; 2) Pamphlet entitled "East Bay Water, A Status Report on Local Water Use & Water Supplies;" and 3) Pamphlet entitled "WaterSmart Home Survey Kit."

General Manager Coate announced that the workshop was a future water supply update, and noted that two water supply items were scheduled for Board consideration later in the day. One was for an agreement with Yuba County Water Agency and the other Contra Costa Water District. Director of Water and Natural Resources Richard G. Sykes provided an overview of the agenda that includes updates on water conservation, recycled water, and supplemental supplies. Mr. Sykes also provided a refresher on the Water Supply Management Program 2040 which was adopted by the Board in April 2012.

Manager of Water Conservation Richard Harris presented a status update on various components of the Water Conservation Program. He highlighted water demand and savings, master plan trends and strategies, regulations and legislation, current and planned conservation incentive programs, and key research and development projects.

He pointed out that average customer demand has continued to decline since 2005. Mr. Harris reported that beginning in early 2013, the District plans to offer all customers a new bundled outdoor conservation rebate program that combines a total of six existing residential and commercial conservation rebates into a single offer. He said that going forward staff would monitor demand and accelerate master plan measures as needed to meet targets and move toward additional customer water management services in lieu of conservation incentives programs.

Senior Civil Engineer Linda Hu presented a status update on the Recycled Water Program. She highlighted existing operating projects, projects under construction or to be completed, and potential future projects. She said staff continues to pursue funding opportunities for ongoing and future recycled water projects. Future activities include working with a number of agencies to update the Bay Area Integrated Regional Water Management Plan, participating in research efforts that focus on potable reuse, pursuing funding opportunities, and continuing to track recycling opportunities identified in WSMP 2040.

Senior Civil Engineer Jan R. Lee presented a status update on water transfer opportunities that include utilizing Freeport facilities and partnering with other agencies on water purchases. She said staff has identified Placer County Water Agency and Yuba County Water Agency (YCWA) as potential partners. She reviewed a recommended action for the Board to authorize agreements with the YCWA to (1) cost-share on environmental and technical work needed to support implementation of the Yuba Accord - Freeport Point of Rediversion Project and (2) establish a framework under which EBMUD and YCWA would negotiate a future agreement for EBMUD to purchase transfer water from YCWA in dry years.

Manager of Water Supply Improvements Michael T. Tognolini presented updates on supplemental supply efforts. He highlighted staff's progress with water transfers, regional desalination projects, water supply partnerships, and conjunctive use projects. He reviewed a recommended action for the Board to authorize agreements between EBMUD and Contra Costa Water District (CCWD) to cooperate on opportunities to improve water supply reliability by sharing available capacity in existing facilities including Los Vaqueros Reservoir and the Freeport Regional Water Project. Board consideration on this agreement also is scheduled for the regular meeting later in the day. Director of Water and Natural Resources Richard G. Sykes noted that the CCWD Board approved the principles on January 17, 2013.

During the workshop, the Board identified the following areas for further follow up:

- Identify possible economic drivers recent low water demands
- Notify the Board when sending out letters on the Blackhawk Advanced Metering Infrastructure Pilot Project to participants
- Provide more information on the bundled outdoor conservation rebate program
- Utilize recycled water for outdoor trees at the Administration Building.

ADJOURNMENT

President Katz adjourned the special meeting at 11:05 a.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 13, 2013

Andy Katz, President of the Board

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MINUTES

Tuesday, January 22, 2013

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

Regular Closed Session Meeting

President Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:09 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Wastewater David R. Williams (Item 1a), Attorney Derek T. McDonald (Item 1a and 1b), Assistant General Counsel Craig S. Spencer (Item 1b), Director of Finance Eric L. Sandler (Item 1b), Attorney Karen L. Donovan (Item 2), Attorney Lourdes Matthew (Item 3), Director of Administration Carol Y. Nishita (Item 3), Manager of Human Resources Delores A. Turner (Item 3), Manager of Employee Relations Michael K. Rich (Item 3), and I.D.E.A. Representative Glenn Berkheimer (Item 3).

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Mark Foley, President, AFSCME Local 2019, commented on upcoming negotiations and pointed out that in 2011 the unions agreed to a contract roll-over to assist with EBMUD budgetary constraints, employees gave up cost of living increases for 2010 and 2011, departments have endured a hiring freeze, and rates have been held down as a result; and 2) Antonio Martinez, President, IFPTE Local 21, thanked Board members for listening to the union's positions on various issues and said that the unions were not interested in concessionary bargaining and anticipate expeditious negotiations.

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:05 p.m. in the Administration Center Board Room.

ROLL CALL

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

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

President Katz presented Director Coleman with a plaque in recognition of his service as President of the Board in 2011 and 2012. He highlighted Director Coleman's accomplishments during his tenure including guiding EBMUD through a challenging financial period, helping the Board find common ground on difficult issues, advancing EBMUD programs, addressing complex legislative and regulatory issues, and developing strong partnerships that are essential to the District's success. Director Coleman thanked the Board and staff for the recognition.

Next, President Katz presented General Manager Alexander R. Coate with his 20-year service award. President Katz highlighted General Manager Coate's career at EBMUD noting his work on water recycling projects, water supply issues, establishing the District's Regulatory Compliance Office, and his tenure as General Manager. General Manager Coate thanked the Board and staff for the recognition.

Appointment of Board Committees

President Katz presented the 2013 Board Committee assignments.

- Motion by Director McIntosh, seconded by Director Coleman, to ratify the 2013 Board Committee assignments, carried (7-0) by voice vote.

Motion No. 009-12 -- Approved the following 2013 Board Committee assignments:

Planning

Director Foulkes, Chair
Director Linney
Director McIntosh

2nd Tuesday of the month at 9:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Legislative/Human Resources

Director McIntosh, Chair
Director Coleman
Director Mellon

2nd Tuesday of the month at 10:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Coleman, Chair
Director Linney
Director Patterson

4th Tuesday of the month at 10:00 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Linney, Chair
Director Foulkes
President Katz

Meets quarterly on 4th Tuesday

**DSRSD/EBMUD Recycled
Water Authority (DERWA)**

Director Coleman
Director Mellon
Director Foulkes, Alternate

4th Monday of even calendar months at 6:00 p.m.
Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Director Coleman
Director Foulkes
Director Patterson, Alternate

*2nd Thursday at 10:00 a.m. on a quarterly basis,
with locations to be announced*

Retirement Board

Director Mellon
Director Patterson

3rd Thursday odd numbered months at 8:30 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

**Upper Mokelumne River Watershed
Authority**

Director Coleman
Director Foulkes
President Katz, Alternate
Director Patterson, Alternate

4th Friday, quarterly at 1:00 p.m.
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Patterson, Chair
Director McIntosh
Director Mellon

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Linney
Director Patterson
Director Coleman, Alternate
Director Mellon, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Patterson
Director Linney, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Mellon
Director Foulkes, Alternate

Special Districts Association of Contra Costa County

Director McIntosh
Director Mellon, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Jim Heinzer, commented on the connection fees for new construction project and requested consideration for reduced water meter fees for a small unit on an existing lot. Following discussion, the Board asked staff to provide information outlining the financial implications for reduced water meter fees for small subdivisions such as in-law units; and 2) Mark Foley, President, AFSCME Local 2019, expressed concerns regarding unresolved issues with the heating and air conditioning system at the Mokelumne Watershed Headquarters and its impacts on working conditions for employees. President Katz asked staff to provide the Board with information on this issue.

CONSENT CALENDAR

- Item 8 was removed from the Consent Calendar for discussion.
 - Motion by Director Linney, seconded by Director Foulkes, to approve Items 1-7 and 9 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 010-13** -- Approved the Regular Meeting Minutes of January 8, 2013.
 2. The following correspondence was filed with the Board: 1) Memorandum dated January 22, 2013, to Board of Directors from Andy Katz, President, regarding 2013 Committee Assignment Preferences; 2) Letter dated January 19, 2013, to EBMUD Board of Directors from Jay Lifson, Executive Director, Lafayette Chamber of Commerce regarding approving actions relating to the Diablo Vista Pumping Plant Replacement Project; 3) Presentation entitled “39th Avenue Reservoir Replacement Project,” dated January 22, 2013; 4) Presentation entitled “Diablo Vista Pumping Plant Replacement MND and Land Exchange Agreement,” dated January 22, 2013; 5) Presentation entitled “Retirement Board Update,” dated January 22, 2013; and 6) Presentation entitled “Water Supply Board Briefing,” dated January 22, 2013.
 3. **Motion No. 011-13** -- Authorized an amendment to the agreement with Bay Systems Consulting, Inc. in an amount not to exceed \$120,000 for specialized biodiesel research assistance services. These funds will be fully reimbursed by the California Energy Commission.
 4. **Motion No. 012-13** -- Approved the Water Supply Assessment requested by the City of Oakland for the Broadway/Valdez District Specific Plan pursuant to California Water Code, Sections 10910-10915.
 5. **Motion No. 013-13** -- Approved the Water Supply Assessment requested by the City of Oakland for the Lake Merritt Station Area Plan pursuant to California Water Code, Sections 10910-10915.

6. **Motion No. 014-13** -- Authorized the Office of General Counsel to continue the employment of the law firm of Best, Best & Krieger, LLP in an additional amount not to exceed \$75,000 for specialized legal services related to federal water law, rates, charges, taxes, liens, and litigation involving such matters.
7. **Motion No. 015-13** -- Authorized agreements with the Yuba County Water Agency (YCWA) to (1) cost-share on environmental and technical work needed to support implementation of the Yuba Accord - Freeport Point of Rediversion Project, including a commitment for the District to reimburse YCWA up to \$160,000 for consulting services and \$8,000 for processing fees and (2) establish a framework under which EBMUD and YCWA would negotiate a future agreement for EBMUD to purchase transfer water from YCWA in dry years.
8. **Motion No. 016-13** -- Accepted the Principles of Agreement between East Bay Municipal Utility District and Contra Costa Water District to cooperate on opportunities to improve water supply reliability by sharing available capacity in existing facilities including Los Vaqueros Reservoir and the Freeport Regional Water Project.
 - Item pulled by John Coleman to comment on the progress that has been made between the two agencies and to congratulate staff and the Board for their work to bring this agreement to fruition.
 - Motion by Director Coleman, seconded by Director Mellon, to approve recommended action for Item 8, carried (7-0) by voice vote.
9. **Resolution No. 33911-13** -- Authorizing Submission Of Application To The California Department Of Water Resources To Obtain A Stormwater Flood Management Grant To Fund The Chabot Dam Seismic Upgrade Project.

DETERMINATION AND DISCUSSION

10. Legislative Update.

Special Assistant to the General Manager Marlaigne K. Dumaine reported that Assemblymember Rob Bonta has agreed to author a District sponsored bill to amend the MUD Act to expressly allow the appointment of members to the EBMUD Board of Directors in uncontested ward elections. She said the bill should be in print by the end of February and staff will keep the Board apprised of its progress. There was some discussion about the structure of the bill and Ms. Dumaine said that the primary objective was to provide cost savings to EBMUD when board seats were uncontested. Next, she reported that Governor Brown released the state budget and to date it appears that the state will have a balanced budget. In concluding Ms. Dumaine highlighted the coalition letter sent to federal and state officials advocating the careful analysis of a new alternative in the Bay Delta Conservation Plan process. General Manager Coate noted that the letter presented a detailed conceptual alternative including a smaller conveyance (3,000 cfs), south of Delta storage, Delta levee improvements, habitat restoration, water efficiency and increased regional coordination on developing new water supplies.

11a. Adopt The Mitigated Negative Declaration For The Diablo Vista Pumping Plant Replacement Project, Adopt The Mitigation Monitoring And Reporting Program In Accordance With The California Environmental Quality Act, And Approve The Diablo Vista Pumping Plant Replacement Project.

Senior Civil Engineer David Rehnstrom presented an overview of the project, the environmental review process, and the public outreach efforts. He reported that the District conducted three public outreach efforts and also presented the project to the City of Lafayette's Design Review Commission. Key concerns included architectural and landscape design elements of the new pumping plant, parking and access to local businesses on Mt. Diablo Court, maintaining visibility of local businesses during and after construction, and construction-related noise and traffic. Mr. Rehnstrom said that public review of the Mitigated Negative Declaration (MND) started on November 16, 2012 and ended on December 17, 2012 and staff received no comments on the project. Design will begin in 2013 and construction will start in 2014 and take approximately two years.

- Addressing the Board was Larry Blodgett, owner of Blodgett Floors, who commended the work by staff but expressed concern about construction impacts. He presented a letter from Jay Lifson, Executive Director, Lafayette Chamber of Commerce, supporting actions related to the project.
- Motion by Director Foulkes, seconded by Director Patterson, to approve the recommended action for Item 11a, carried (7-0) by voice vote.

Resolution No. 33912-13 -- Adopting The Mitigated Negative Declaration For The Diablo Vista Pumping Plant Replacement Project, Adopting The Mitigation Monitoring And Reporting Program, And Approving The Project.

11b. Approve A Property Exchange Agreement With The City Of Lafayette For The Purchase Of A 9,461 Square Foot Parcel At The Southwest Corner Of Mt. Diablo Boulevard And Mt. Diablo Court, Lafayette And The Eventual Conveyance Of The District's Existing 5,663 Square Foot Diablo Vista Pumping Plant Property At 3305 Mt. Diablo Boulevard, Lafayette.

- Motion by Director Foulkes, seconded by Director Patterson, to approve the recommended action for Item 11b, carried (7-0) by voice vote.

Resolution No. 33913-13 -- Approving An Agreement For The Conveyance Of The Existing 5,663 Square Feet Diablo Vista Pumping Plant Property To The City Of Lafayette In Exchange For 9,461 Square Feet Of Property On Mt. Diablo Boulevard For The Diablo Vista Pumping Plant Replacement Project.

12. Adopt The Mitigated Negative Declaration For The 39th Avenue Reservoir Replacement Project, Adopt The Mitigation Monitoring And Reporting Program In Accordance With The California Environmental Quality Act, And Approve The 39th Avenue Reservoir Replacement Project.

Associate Civil Engineer Bill Jeng presented an overview of the project, the environmental review process, and the public outreach efforts. He reported that the current reservoir roof needs structural upgrades and doesn't meet current seismic codes. Additionally, the current storage capacity is too large for the area it serves, which leads to water quality operational challenges. Mr. Jeng said staff conducted two public outreach meetings on the project and solicited input regarding three different architectural concepts for the tank and site layout. Construction-related concerns focused on noise, dust, and neighborhood traffic impacts as well as preserving the existing open space and landscaping to the extent feasible. The public review period started on September 27, 2012 and ended on October 29, 2012 and staff received no comments. Project design is scheduled to start in 2018. Construction is scheduled to start in 2019 and take approximately two years.

- Motion by Director Foulkes, seconded by Director Patterson, to approve the recommended actions for Item 12, carried (7-0) by voice vote.

Resolution No. 33914-13 -- Adopting The Mitigated Negative Declaration For The 39th Avenue Reservoir Replacement Project, Adopting The Mitigation Monitoring And Reporting Program, And Approving The Project.

13. General Manager's Report.

Operations and Maintenance Department Manager Eileen M. White presented the water supply briefing. She reported on local and statewide water supply, water supply forecasts, precipitation and snow reports, and reservoir storage. She noted that despite two weeks of no rainfall, cumulative precipitation is 110% of average and reservoir storage is 79% of capacity. Ms White said that water supply runoff is forecasted to be approximately 510,000 acre feet which would leave EBMUD's water supply in good condition.

Next, Treasury Manager Wanda Hendrix presented an update from the Retirement Board. She highlighted administrative activities, recent pension reform impacts, investment performance, and liability management. She reported that the District has taken actions to ensure compliance with the recently adopted California Public Employees' Pension Reform Act. She also reported that the Governmental Accounting Standards Board approved two new standards that will revise the accounting and financial reporting of public employee pensions by state and local governments. Ms. Hendrix also summarized changes to the pension policy based on updated actuarial valuations.

General Manager Coate reported that 2012 Interdepartmental Committees annual reports were provided in the Board packets. In concluding, Mr. Coate reminded the Board of the retirement event planned for Director of Wastewater David R. Williams at the Treatment Plant directly after the Board meeting.

REPORTS AND DIRECTOR COMMENTS

14. Committee Reports

- Filed with the Board were the Minutes of the January 8, 2013 Planning and Legislative/ Human Resources Committees.

15. Director Comments.

- Director Coleman reported attending/participating in the following events: Retirement party for Walnut Creek Councilmember Gary Skrel on January 8 in Walnut Creek; Freeport Regional Water Authority teleconference call on January 10; EDAB 18th Annual Legislative Reception on January 10 in Hayward; Contra Costa County Mayors' Conference on January 10 in Lafayette; ACWA Finance Task Force January 14 in San Francisco; ACWA Executive Committee teleconference call on January 15, and ACWA Executive teleconference on January 22. He reported on plans to attend/participate in the following upcoming events: ACWA California H2O Task Force meeting on January 23 in Sacramento; ACWA Workshop on January 24 in Sacramento; ACWA Executive Committee and Board meeting on January 25 in Sacramento; UMRWA Board meeting on January 25 at Pardee; ACWA/JPIA Executive Committee teleconference on January 29; ACWA Executive Committee teleconference call on February 5; presentation to Walnut Creek City Council on February 5; and ACWA Executive Committee teleconference call on February 11.
- Director Foulkes reported attending the EDAB 18th Annual Legislative Reception on January 10 in Hayward and meeting with members of Local 21 on January 15.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon reported attending the following events: EDAB 18th Annual Legislative Reception on January 10 in Hayward; Planning and Conservation League 2013 Symposium event on January 12 at UC Davis School of Law; and Retirement Board meeting on January 17.
- Director Patterson reported attending the Retirement Board meeting on January 17.
- President Katz reported the he would be attending the City of Emeryville "State of the City" luncheon on January 23.

ADJOURNMENT

The meeting was adjourned at 2:37 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 13, 2013

Andy Katz, President of the Board

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AGENDA NO.
MEETING DATE

3.
February 13, 2013

TITLE DANVILLE NO. 1 PUMPING PLANT IMPROVEMENTS

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in the amount of \$3,490,000 for construction of Danville No. 1 Pumping Plant Improvements under Specification 2054.

SUMMARY

Work includes replacement of the 2400V and 4160V electrical systems; one 500 hp motor and one 1000 hp motor, one medium voltage transformer, motor starter and controls, valves, and other related installation and repair work.

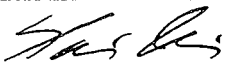
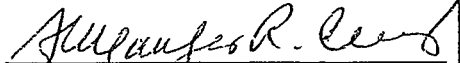
DISCUSSION

Danville No. 1 Pumping Plant is the largest pumping plant in the District's distribution system. Because it has a vital role in providing water to the Walnut Creek-San Ramon Valley region, it has been identified as the highest priority pumping plant rehabilitation project. Rehabilitation work is needed in order to restore a safe working environment for maintenance staff and to ensure reliable operation of the facility. Construction will be phased over two consecutive winters due to limited time periods when the facility can be placed out of service. See attached map for location.

BID RESULTS

Bids Received:	7
Documents Issued:	86
Range of Bids:	\$3,490,000 - \$4,517,777
Engineer's Estimate:	\$2,976,978

The District sent bid documents to 33 resource organizations and to 49 potential bidders. The contractor's bid was \$513,022 higher than the engineer's estimate. Major reasons for the difference are higher actual costs for mechanical equipment; higher electrical subcontract quotes; and a higher contingency in the contractor's bid to account for unforeseen conditions in performing demolition and construction within an existing facility. See attached Bid Summary for additional information.

Funds Available: FY12-13; CIP #001252; Page 2.4-40		Budget Code: WSC\570\7999\5561\2007163:25
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY12-13 Capital Improvement Program for Pumping Plant Rehabilitation Project under the Pumping Plant Rehabilitation Program.

PREVAILING WAGE

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

UNION NOTIFICATION

Local 444 AFSCME was notified of this contract on April 25, 2012. Local 444 AFSCME did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

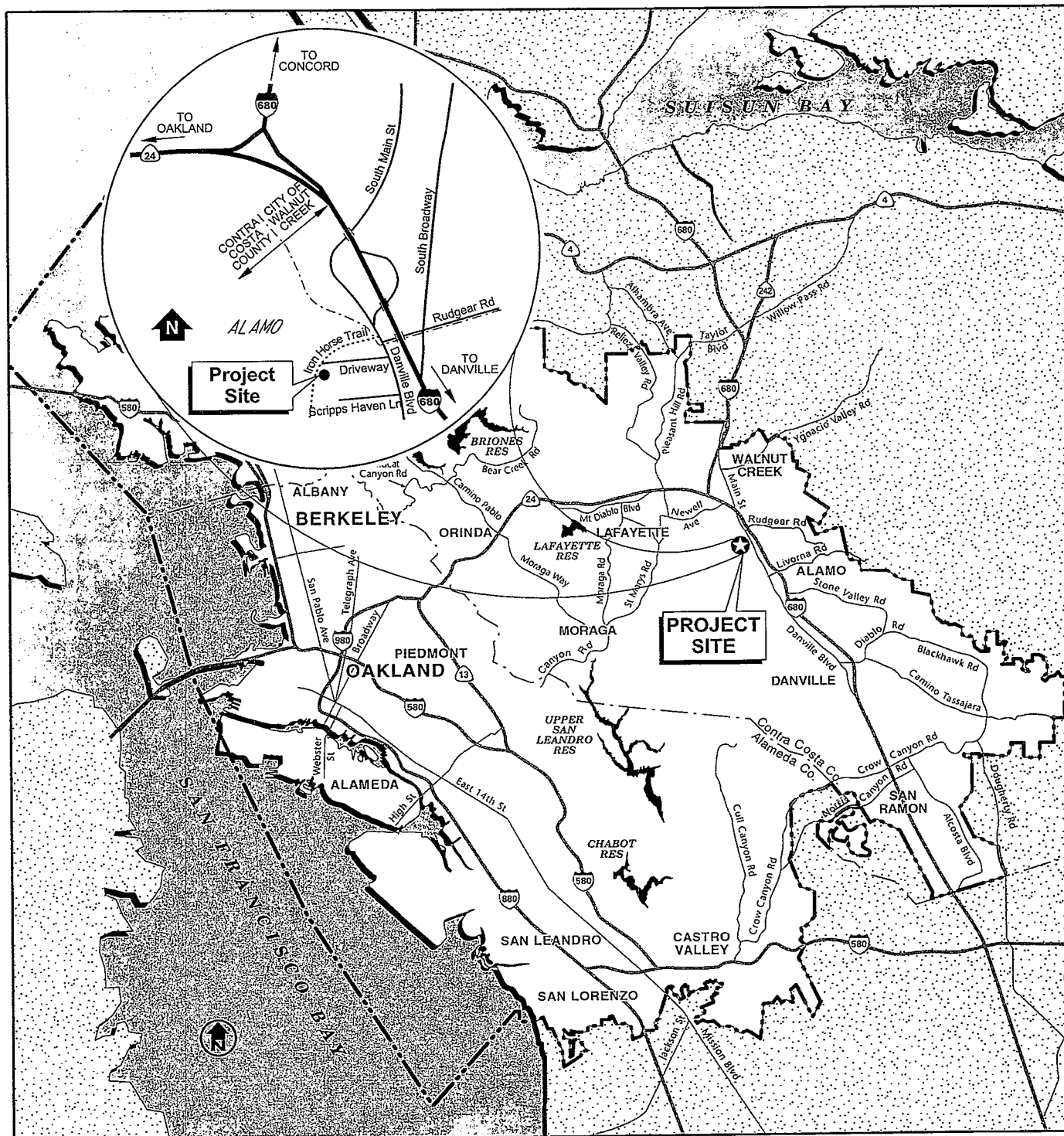
A Notice of Exemption was posted with the Contra Costa County Clerk on May 21, 2012.

ALTERNATIVES

Do not award this contract. This alternative is not recommended because of the hazardous and deteriorating condition of the electrical systems and leaking valves.

Perform the work with District forces. This alternative is not recommended because District staff does not possess the resources and expertise to perform a project of this scale.

Attachments: Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**DANVILLE NO. 1
PUMPING PLANT IMPROVEMENTS**

SPECIFICATION 2054

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2054
DANVILLE NO. 1 PUMPING PLANT IMPROVEMENTS
Bids Opened January 16, 2013

	BIDDER	TOTAL AMOUNT BID
1.	Mountain Cascade, Inc. 555 Exchange Court Livermore, CA 94550 (925) 373-8370	\$3,490,000
2.	Disney Construction, Inc. (SBE) 875 Mahler Road, Suite 188 Burlingame, CA 94010 (650) 259-9545	\$3,689,000
3.	Monterey Mechanical Co. 8275 San Leandro Street Oakland, CA 94621 (510) 632-3173	\$3,757,000
4.	Blocka Construction, Inc. 4455 Enterprise Street Fremont, CA 94538 (510) 657-3686	\$3,885,200
5.	Aztec Consultants, Inc. (SBE) 2021 Omega Road, Suite 200 San Ramon, CA 94583 (925) 837-1050	\$4,050,000
6.	Agbayani Construction Corp. 88 Dixon Court Daly City CA 94014 (650) 994-9380	\$4,337,183
7.	Proven Management, Inc. 712 Sansome Street San Francisco, CA 94111 (415) 421-9500	\$4,517,777

SBE – Small Business Enterprise

Engineer's Estimate: \$2,976,978



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE SPECIFICATION NO.: 2054 Danville No. 1 Pumping Plant Improvements					DATE: January 22, 2013						
CONTRACTOR: Mountain Cascade, Inc. Livermore, CA					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		92.6%		
		Ethnicity		Gender	White Women		9%		0.0%		
\$3,490,000		White		Men	Ethnic Minorities		25%		3.1%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Mountain Cascade, Inc.	\$1,026,580	White	X		29.4%	---	---	---	---	---	
SUBS:											
Con J. Franke Electric, Inc.	\$1,632,700	White	X		46.8%	---	---	---	---	---	
Frank A. Olsen Company	\$400,000	White	X		11.5%	---	---	---	---	---	
Hyundai Idea/Electric Co.	\$150,000	Foreign			---	---	---	---	---	4.3%	
California Pipe Fabricators	\$87,700	White	X		2.5%	---	---	---	---	---	
Allied Crane, Inc.	\$84,925	White	X		2.4%	---	---	---	---	---	
G2 Metal Fab	\$70,000	Hispanic	X		---	---	2.0%	---	---	---	
Mason Painting	\$38,095	Hispanic	X		---	---	1.1%	---	---	---	
TOTAL					\$3,490,000	92.6%	0.0%	3.1%	0.0%	0.0%	4.3%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		97		13		77		187			
Percent of Total Employees:		51.9%		7.0%		41.2%					
MSA Labor Market %:		28.0%		24.2%		47.8%					
MSA Labor Market Location:		Oakland									
COMMENTS											
Contract Equity Participation - 92.6% White Men participation and 3.1% Ethnic Minority participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Danville No. 1 Pumping Plant Improvements			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2054		DATE: 1/22/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM - LBE	Company Wide	9	67	-	1	77	41.2%	47.8%
Mountain Cascade, Inc. Michael L. Fuller 555 Exchange Court Livermore, CA 94551 925-373-8370		Manager/Prof	1	1	-	-	2	7.4%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	8	66	-	1	75	50.7%	
		Bay Area	9	67	-	1	77	41.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		8/21/2012		
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		187		Bay Area: 187
S	WM - LBE	Company Wide	3	19	3	2	27	32.1%	47.4%
Con J. Franke Electric, Inc. Barry A. Frain 317 N. Grant St. Stockton, CA 95202 209-462-0717		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	3	19	3	2	27	32.5%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	3	19	3	2	27	32.1%	39.9%
		Co. Wide MSA:	Stockton-Lodi		# Employees-Co. Wide:		84		Bay Area: 84
S	WM - L/SBE	Company Wide	-	-	-	-	0	0.0%	47.8%
Frank Olson Company Dennis Winslow 286 Rickenbacker Circle Livermore, CA 94551 925-961-8888		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		14		Bay Area: 14
S	Foreign-Owned	Company Wide	13	-	15	-	28	10.3%	27.3%
Hyundai Ideal Electric Company Dave Rigenbach, PE 330 E. 1st Street Mansfield, OH 44902 419-520-3205		Manager/Prof	-	-	13	-	13	22.0%	
		Technical/Sales	1	-	2	-	3	8.6%	
		Clerical/Skilled	12	-	-	-	12	26.1%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		273		Bay Area: NA
S	WM	Company Wide	-	11	-	-	11	50.0%	37.3%
California Pipe Fabricators Dennis Rinearson 7277 Chevron Way Dixon, CA 95620 707-678-3069		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	9	-	-	9	64.3%	
		Semi/Unskilled	-	2	-	-	2	66.7%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Sacramento County		# Employees-Co. Wide:		22		Bay Area: 0
S	WM - L/SBE	Company Wide	3	1	1	-	5	16.7%	38.5%
Allied Crane, Inc. Dave Costa 855 No. Parkside Drive Pittsburg, CA 94565 925-427-9200		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	1	-	1	50.0%	
		Clerical/Skilled	3	1	-	-	4	21.1%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	3	1	1	-	5	16.7%	39.9%
		Co. Wide MSA:	Contra Costa County		# Employees-Co. Wide:		30		Bay Area: 30

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
Danville No. 1 Pumping Plant Improvements			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
Spec. No.: 2054	DATE: 1/22/2013	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	EMM:H - L/SBE	Company Wide	1	6	3	1	11	68.8%	47.8%
G2 Metal Fab Orlando Gutierrez 6954 Preston Avenue Livermore, CA 94551 925-443-7903		Manager/Prof	-	3	-	-	3	60.0%	
		Technical/Sales	-	1	1	-	2	66.7%	
		Clerical/Skilled	-	1	2	-	3	100.0%	
		Semi/Unskilled	1	1	-	1	3	60.0%	
		Bay Area	1	6	3	1	11	68.8%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		16	Bay Area:	16
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
P	WM - SBE	Company Wide	-	23	-	-	23	45.1%	39.9%
Disney Construction, Inc. Richard Disney 875 Mahler Road, Suite 188 Burlingame, CA 94010 650-259-9545		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	10	-	-	10	58.8%	
		Semi/Unskilled	-	13	-	-	13	68.4%	
		Bay Area	-	18	-	-	18	41.9%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		51	Bay Area:	43
P	WM - LBE	Company Wide	5	22	6	1	34	21.1%	47.8%
Monterey Mechanical Company Richard Hamilton 8275 San Leandro Street Oakland, CA 94621 510-632-3173		Manager/Prof	-	2	2	1	5	19.2%	
		Technical/Sales	-	0	1	-	1	25.0%	
		Clerical/Skilled	5	15	3	-	23	19.5%	
		Semi/Unskilled	-	5	-	-	5	38.5%	
		Bay Area	5	22	6	1	34	21.1%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		161	Bay Area:	161
P	WW - LBE	Company Wide	2	7	6	-	15	27.3%	39.9%
Blocka Construction, Inc. Robert A. Blocka 4455 Enterprise Street Fremont, CA 94538 510-657-3686		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	2	6	6	-	14	32.6%	
		Semi/Unskilled	-	1	-	-	1	50.0%	
		Bay Area	2	7	6	-	15	29.4%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		55	Bay Area:	51
P	EMM:H - L/SBE	Company Wide	1	9	-	-	10	47.6%	46.2%
Aztec Consultants, Inc. Edward Duarte 2021 Omega Road, Suite 200 San Ramon, CA 94583 925-837-1050		Manager/Prof	1	2	-	-	3	37.5%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	1	-	-	1	50.0%	
		Semi/Unskilled	-	6	-	-	6	54.5%	
		Bay Area	1	5	-	-	6	35.3%	39.9%
		Co. Wide MSA:	Alameda/CC Counties		# Employees-Co. Wide:		21	Bay Area:	17

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
Danville No. 1 Pumping Plant Improvements Spec. No.: 2054 DATE: 1/22/2013				B	H	A/PI	AI/AN	TOTAL	
		National		10.5	10.7	3.7	0.7	27.3	
		9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	EMM:A/PI	Company Wide	1	3	21	-	25	58.1%	39.9%
Agbayani Construction Corporation Vincent D. Agbayani 88 Dixon Court Daly City, CA 94014 650-994-9380		Manager/Prof	-	1	12	-	13	61.9%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	1	2	6	-	9	50.0%	
		Semi/Unskilled	-	-	3	-	3	75.0%	
		Bay Area	Information Not Provided Correctly						
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 43		Bay Area: NA		
P	EMM:H	Company Wide	2	31	4	-	37	69.8%	39.9%
Proven Management, Inc. Alan Varela 712 Sansome Street San Francisco, CA 94111-1704 415-421-9500		Manager/Prof	-	1	-	-	1	14.3%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	2	30	4	-	36	78.3%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	2	31	4	-	37	69.8%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 53		Bay Area: 53		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.
MEETING DATE

4
February 13, 2013

**TITLE AMENDMENT TO EXTEND AGREEMENT WITH OFFICIAL PAYMENT
CORPORATION FOR CREDIT/DEBIT CARD & E-CHECK SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to the agreement with Official Payments Corporation for credit card, debit card, and e-check services to extend the expiration date of the agreement from April 22, 2013 to April 22, 2015.

SUMMARY

Since 1999, customers have been offered the option of paying water bills with credit cards, debit cards, and e-checks. The service has been provided by Official Payments Corporation (OPC) since 2008 at no cost to the District under Board Motion No. 058-08. The customer using the service pays a \$2.75 service fee per transaction. Recently, OPC agreed to provide the same payment options to the District's trucked waste customers for a service fee charged to the customer of 2.5% of the payment amount or a minimum of \$3.95, whichever is greater.

DISCUSSION

The District has received 638,000 debit card, credit card and e-check payments processed by OPC since 2008. Customer use of this service has increased at an average annual rate of 14% in the past five years, collecting 170,000 or 8% of the total water bill payments (\$34,000,000 in revenues) in 2012. Of the customers that choose this payment option, approximately 73% pay by phone while the remaining 27% pay on the web. Customers call the vendor's toll-free number and navigate a voice-prompted system with a touch-tone phone, or go to the OPC website and follow the prompts.

The existing agreement with OPC expires on April 22, 2013. The extension for two years allows the customers to continue to use the service as staff develops new ways for customers to make electronic payments directly on the District's website.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Customer & Community Services	DEPARTMENT MANAGER or DIRECTOR Carol Nishita	APPROVED General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

There is no fiscal impact associated with the contract extension as there is no cost to the District for OPC's services.


ALTERNATIVE

Discontinue offering District customers the option to pay by credit and debit cards and e-checks.

This is not recommended. The service is receiving substantial customer use and has reduced operating costs for the District.

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Amendment to General Services Agreement Amendment to Extend Agreement with Official Payment Corporation for Credit/Debit Card & E-Check Services - 2 One-Year Renewal Options										DATE: January 31, 2013		
CONTRACTOR: Official Payments Corporation Norcross, GA					PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: NA					FIRM'S OWNERSHIP		Availability Group		Contracting Objectives		Participation	
					Ethnicity	Gender	White Men	25%	0.0%			
Publicly Held Corp.					NA		White Women	6%	0.0%			
NA					Publicly Held Corp.		Ethnic Minorities	25%	0.0%			
CONTRACTING PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		White Men	White Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Official Payments Corporation		NA	Publicly Held Corp.	M	W	---	---	---	---	100.0%	---	---
SUBS: None						---	---	---	---	---	---	---
TOTAL		NA				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From IP-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		157		79		91		327				
Percent of Total Employees:		48.0%		24.2%		27.8%						
MSA Labor Market %:		39.0%		33.7%		27.2%						
MSA Labor Market Location:		USA										
COMMENTS												
Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation and no subcontract opportunities exist.												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Amendment to Extend Agreement with Official Payment Corporation for Credit/Debit Card & E-Check Services - 2 One-Year Renewal Options		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
General Services Agreement		DATE:	1/31/2013						
R=Recmmnd P=Prime S=Sub		Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	Publicly Held Corporation	Company Wide	39	21	31	-	91	27.8%	27.2%
Official Payments Corporation Adam Bellet 3550 Engineering Drive, Suite 400 Norcross, GA 30092 866-580-7479		Manager/Prof	15	7	28	-	50	31.6%	
		Technical/Sales	1	1	1	-	3	37.5%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	23	13	2	-	38	23.6%	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		5/1/2008		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		327 Bay Area: NA		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

AGENDA NO. 5.MEETING DATE February 13, 2013**TITLE FOURTH AMENDMENT TO AN AGREEMENT WITH ICF JONES AND STOKES AN
ICF INTERNATIONAL COMPANY, IN SUPPORT OF LEGAL PREPARATION FOR
WATER RIGHTS HEARING**☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Authorize a fourth amendment to an agreement with ICF Jones and Stokes an ICF International Company (ICF), in an amount not to exceed \$443,000, increasing the agreement value from \$980,000 to \$1,423,000 for specialized services in support of legal preparation for a water rights hearing before the State Water Resources Control Board.

DISCUSSION

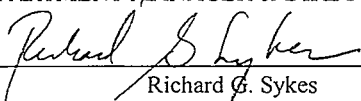
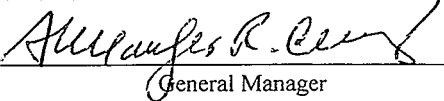
The District is continuing to prepare its case for a water rights hearing before the State Water Resources Control Board (SWRCB) to support its petition to extend the Camanche/Pardee Reservoir water rights permit to the year 2040. Staff initiated work on the environmental documentation for the permit extension in 2007 and experienced several delays due to changes in both the SWRCB's and District's approach on how to proceed. An agreement was reached last year on the process for moving forward and the District is now nearing completion of the Draft Environmental Impact Report (EIR) which is expected to be circulated for public comment this spring. The proposed fourth amendment to the ICF agreement would fund completion of the Draft and Final EIRs and related hearings.

In December 2007, the District executed the initial contract with ICF for \$450,000. In September of 2008, the contract was amended to increase funding by an additional \$530,000 and extend the expiration date to December 31, 2010. A second amendment was executed in December 2010 to make the end date ongoing. Staff executed a third amendment in May 2011 which allowed ICF to expend up to the full contract amount of \$980,000.

The recommended action will provide \$443,000 in additional funding to continue the specialized services of ICF in support of the District's legal efforts in this proceeding. The reasons for and the need for the additional funds are described in a separate confidential memorandum from the Office of the General Counsel to the Board of Directors.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

Funds Available: FY 2013 & 2014		Budget Code: WSO 443 4015 5231
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

FISCAL IMPACT

Sufficient funds for this work are available in the Water and Natural Resources budget.

UNION NOTIFICATION

The nature of the work to be provided by ICF is specialized services that are not performed by represented employees; and therefore, union notification is not required.

ALTERNATIVE

Do not amend the agreement and retain other consultants to perform this work. This alternative is not recommended as ICF has performed well and major work products are nearing completion. Use of another consultant would delay the project and increase costs.

ATTACHMENTS

P-035 Contract Equity Program Summary
P-061 Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Amendment to Professional Services Agreement In Support of Legal Preparation for Water Rights Hearing				DATE: January 25, 2013							
CONTRACTOR: ICF International (formally Jones & Stokes Associates, Inc.) Sacramento, CA			PERCENTAGE OF CONTRACT DOLLARS								
				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE: \$423,000	FIRM'S OWNERSHIP		White Men		25%	100.0%					
	Ethnicity	Gender	White Women		6%	0.0%					
	White	Men	Ethnic Minorities		25%	0.0%					
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: ICF International (formally Jones & Stokes Associates, Inc.) SUBS:	\$423,000	White	X		100.0%	---	---	---	---	---	---
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TOTAL					100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:	186		181		79		446				
Percent of Total Employees:	41.7%		40.6%		17.7%						
MSA Labor Market %:	39.0%		33.7%		27.2%						
MSA Labor Market Location:	USA										
COMMENTS											
Contract Equity Participation - 100% White Men participation											
Overall Contract Equity Participation - 93.8% White Men participation and 6.2% White Women participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title: In Support of Legal Preparation for Water Rights Hearing		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		DATE: 1/25/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	9	30	40	-	79	17.7%	27.2%
ICF International (formally Jones & Stokes Associates, Inc.) Harlan Glines 630 K Street, Suite 400 Sacramento, CA 95814 916-737-3000		Manager/Prof	7	26	39	-	72	17.2%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	2	4	1	-	7	25.9%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	1	12	-	13	15.9%	39.9%
		AA Plan on File: NA	Date of last contract with District: 12/1/2010	Co. Wide MSA: USA	# Employees-Co. Wide: 446	Bay Area: 82			
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:	Bay Area:					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:	Bay Area:					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:	Bay Area:					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:	Bay Area:					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:	Bay Area:					

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.
MEETING DATE

6.
February 13, 2013

**TITLE AUTHORIZE CONTINUED EMPLOYMENT OF ELLISON, SCHNEIDER &
 HARRIS L.L.P. AS SPECIAL COUNSEL**

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue the employment of the law firm Ellison, Schneider & Harris L.L.P. for services of special counsel related to electrical energy and water law, in an additional amount not to exceed \$150,000.

DISCUSSION

The law firm of Ellison, Schneider & Harris L.L.P. specializes in water and energy law. Robert E. Donlan is an expert in water rights, groundwater law and adjudications, and currently provides the District with specialized legal assistance on institutional and water rights issues, including issues relevant to the District's petition for the extension of water rights Permit 10478 and other issues related to EBMUD's Mokelumne Project operations. His partner, Chris Ellison, has specialized in electric power issues since 1978 and currently provides assistance with legal issues affecting the options and cost-effectiveness of the District's energy services, as well as the District's interests in various energy initiatives and proceedings before the California Public Utilities Commission. Further detail on the nature of services provided by Ellison, Schneider & Harris is set forth in a separate confidential attorney-client memo to the Board.

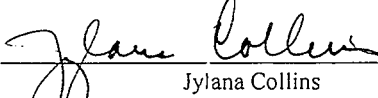
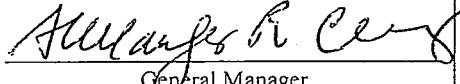
CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Sufficient monies have been budgeted in the Office of General Counsel's budget for fiscal year 2013 for this request for specialized legal assistance.

Attachment

Funds Available: 2013		Budget Code: WSO 130 8511 5231
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR  Jylana Collins	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Amendment to Professional Services Agreement Authorize Continued Employment of Ellison, Schneider & Harris, LLP as Special Counsel					DATE: January 25, 2013					
CONTRACTOR: Ellison, Schneider & Harris, LLP Sacramento, CA					PERCENTAGE OF CONTRACT DOLLARS					
Small Business					Availability Group	Contracting Objectives		Participation		
BID/PROPOSER'S PRICE: \$150,000		FIRM'S OWNERSHIP			White Men	25%		100.0%		
		Ethnicity	Gender		White Women	6%		0.0%		
		White	Men		Ethnic Minorities	25%		0.0%		
CONTRACT EQUITY PARTICIPATION										
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Ellison, Schneider & Harris, LLP	\$150,000	White			100.0%	---	---	---	---	---
SUBS: None					---	---	---	---	---	---
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TOTAL	\$150,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)										
	White Men	White Women	Ethnic Minorities		Total Employees					
No. of Employees:	16	12	2		30					
Percent of Total Employees:	53.3%	40.0%	6.7%							
MSA Labor Market %:	28.0%	23.6%	48.4%							
MSA Labor Market Location:	California									
COMMENTS										
Contract Equity Participation - 100% White Men participation. Although Ellison, Schneider & Harris LLP's Affirmative Action profile continues to be less than 50% workforce diversity based on their applicable MSA, their total workforce has not changed since their last contract award. The District will continue to urge greater implementation efforts. An Affirmative Action Plan is on file.										
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended		
ON FILE					NA					



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Authorize Continued Employment of Ellison, Schneider & Harris, LLP as Special Counsel		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		DATE: 1/25/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	
								MSA %	
RP	WM - SBE	Company Wide	-	1	1	-	2	6.7%	48.4%
Ellison, Schneider & Harris, LLP Christopher T. Ellison 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 916-447-2166		Manager/Prof	-	-	1	-	1	5.3%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	1	-	-	1	9.1%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		AA Plan on File: 5/20/2005	Date of last contract with District: 5/29/2012						
		Co. Wide MSA: California	# Employees-Co. Wide: 30		Bay Area: 3				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.

8.

MEETING DATE

February 13, 2013

TITLE DINGEE PIPELINE BREAK DECLARATION OF EMERGENCY☐ MOTION ☒ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Ratify the General Manager's January 31, 2013 declaration of a District emergency in accordance with Policy 7.03 as a result of a leak on the 36-inch steel main serving the Dingee Pressure Zone.

SUMMARY

On Tuesday, January 29, 2013, the 36-inch steel main serving the Dingee Pressure Zone experienced a leak. The leak is located somewhere under Highway 24. This transmission pipeline is the primary source of water to approximately 13,500 services in the Dingee Pressure Zone and the pressure zones above, which includes parts of the cities of Piedmont and Oakland. Repairing the pipe will require an extended shutdown that will impact customers unless it is done prior to demands increasing in March.

On January 31st, in order to repair the leak as quickly as possible and to ensure that customers in the affected area were not impacted, the General Manager, in consultation with the Board President, declared a "District Emergency" in accordance with Policy 7.03, Emergency Preparedness/Business Continuity. The Policy authorizes suspension of the competitive bid process and allows the award of contracts not to exceed \$350,000 and further requires that the General Manager report expenditures and contracts awarded under \$350,000, made under the emergency declaration, to the Board of Directors.

DISCUSSION

As a result of the leak, a complete shutdown of the main is required to repair the pipeline. Water service to customers in these pressure zones can be maintained through a secondary source; however, this source has limited capacity and can only meet customer demands through the end of March when water demand typically begins to increase.

The repair plan includes inserting a smaller, 26-inch high density polyethylene (HDPE) pipeline inside the existing 36-inch steel main and connecting the HDPE pipeline to existing pipes on each side of the break.

Funds Available FY:		Budget Code:
DEPARTMENT SUBMITTING Operations and Maintenance	DEPARTMENT MANAGER or DIRECTOR Michael J. Wallis	APPROVED General Manager

I:\SEC\02-13-13 Agenda Items\OMD_02-13-13_Dingee Pipeline Break Emergency Resolution

Contact the Office of the District Secretary with questions about completing or submitting this form.

break. To complete this work, specialty contractors for the shoring, excavation, inspection, HDPE fusing, HDPE installation, and steel fabrication, are required.

Since the emergency declaration, MA McClish Excavating Incorporated was awarded a \$225,000 contract for the shoring, excavation, and backfilling work, and Jifco was awarded a \$50,000 contract for steel parts and fabrication required to repair the pipeline. MA McClish Excavating was selected because they have the specialized equipment, expertise, and experience needed to perform the work. Furthermore, in 2009, MA McClish was used to support the repair of a similar leak under Highway 24, which was also repaired under declaration of an emergency due to the same concerns about ensuring adequate water supply to the Dingee Pressure Zone. Excavation activities are anticipated to begin on February 13th.

FISCAL IMPACT

The repair costs are estimated at \$350,000 to \$500,000 and can be funded in the FY13 budget.

NEXT STEPS

District staff are working on contracts for the inspection, HDPE fusing and installation, and steel fabrication necessary to complete the repair. Updates on additional contracts awarded and progress on the repair will be made at subsequent Board meetings.

RESOLUTION NO. _____

RESOLUTION RATIFYING GENERAL MANAGER'S DECLARATION
OF THE EXISTENCE OF A DISTRICT EMERGENCY

Introduced by Director ; Seconded by Director

WHEREAS Resolution No. 32721 as amended by Policy 7.03, "Emergency Preparedness/Business Continuity" in Resolution No. 33904-12 empowers the General Manager, in consultation with the President of the Board of Directors, to declare a District emergency condition that necessitates immediate action to minimize damage and inconvenience and to enter into emergency contracts not to exceed \$350,000 per contract, without bids or notice after a District-declared emergency; and

WHEREAS on Tuesday, January 29, 2013, the 36-inch steel main serving the Dingee Pressure Zone experienced a leak located under Highway 24 near Chabot Road in Oakland; and

WHEREAS this transmission pipeline is the primary source of water to approximately 13,500 services in the Dingee Pressure Zone and the pressure zones above, which includes parts of the cities of Piedmont and Oakland; and

WHEREAS while the leak is not causing flooding, repairing the pipe without impacting customers will require an extended shutdown that only can be accomplished prior to demands increasing in March; and

WHEREAS on January 31, 2013 in order to repair the leak as quickly as possible and to ensure that customers in the affected area are not impacted, the General Manager, in consultation with the Board President, declared the existence of a District emergency within the Dingee Pressure Zone and the pressure zones above; and

WHEREAS Policy No. 7.03, "Emergency Preparedness/Business Continuity" provides that following the General Manager's declaration of a District emergency, the Board shall meet to ratify the General Manager's declaration as soon as possible after the declaration, but no later than 14 days following such declaration; and

WHEREAS the Board of Directors does hereby find that the aforesaid conditions did warrant and necessitate the proclamation of the existence of a District emergency; and

WHEREAS a report has been made to the Board of Directors summarizing all expenditures made and contracts executed in response to said emergency in compliance with Policy No. 7.03; and

WHEREAS periodic reports shall be generated at the direction of the Board of Directors until the emergency is concluded in compliance with Policy No. 7.03;

NOW, THEREFORE, BE IT RESOLVED that the declaration of a District emergency, as issued by the General Manager, is hereby ratified by the Board of Directors.

ADOPTED this 13th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel

W:\400 GOV-MGMT\410 EBMUD BOARD\410.01 Resolutions\Ratifying Emergency Declaration - Dingee Pipeline Break.doc



AGENDA NO.

9.

MEETING DATE

February 13, 2013

**TITLE CONSIDER A RESOLUTION EXPRESSING SUPPORT FOR A WEST CONTRA
COSTA UNIFIED SCHOOL DISTRICT GENERAL WAIVER OF THE STATE OF
CALIFORNIA STATUTORY BONDING CAPACITY**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

SUMMARY

The West Contra Costa Unified School District (WCCUSD) has asked that the EBMUD Board of Directors consider adopting a resolution supporting the school district's request to the California Board of Education to allow WCCUSD to exceed California's statutory bonding capacity for school districts. This matter has been placed on the agenda for the Board's consideration.

DISCUSSION

West Contra Costa Unified School District is seeking resolutions from public agencies supporting its request for a general waiver to exceed California's statutory bonding capacity for school districts. The support is being sought to address potential opposition to WCCUSD's request of a waiver allowing the school district to issue authorized debt over a 12-year period not to exceed 5.0% of the assessed value of property within the district. The California Education Code limits outstanding school district debt to 2.5% of assessed value within a district unless a waiver is approved. WCCUSD successfully sought a waiver in the past. Its outstanding debt is about 3.5% of the assessed value of property in its district.


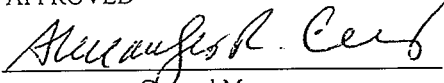
The following agencies have taken an action to our knowledge: Stege Sanitary District, West County Wastewater District, Alameda Contra Costa (AC) Transit, Kensington Police Protection and Community Services District, and the cities of El Cerrito, Pinole and Richmond. School districts are important to the community, the workforce and the local economy. The requested action would help WCCUSD demonstrate broad community and local government support for a debt limit waiver. The attached draft resolution for the Board's consideration was adapted from the resolution submitted by AC Transit.

FISCAL IMPACT

No fiscal impact is anticipated based on a general understanding of what the waiver allows.

ALTERNATIVE

Do not adopt a resolution and consider alternative means of support. Alternative means of expressing support include a letter of support or a proclamation signed by one or more Board members.

Funds Available FY:		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Office of the General Manager	 Cheryl A. Farr, Special Assistant to the GM	 General Manager

RESOLUTION NO. _____

EXPRESSING SUPPORT OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
GENERAL WAIVER REQUEST OF THE STATUTORY BONDING CAPACITY

Introduced by Director

; Seconded by Director

WHEREAS, the East Bay Municipal Utility District is a municipal utility district responsible for supplying water and providing wastewater treatment service to customers in portions of Alameda and Contra Costa Counties; and

WHEREAS, the West Contra Costa Unified School District (WCCUSD) serves to educate children who reside in certain cities and unincorporated areas of West Contra Costa County that are also served by EBMUD; and

WHEREAS, this area of West Contra Costa County requires quality schools capable of serving its children and their families; and

WHEREAS, the residents of this area of West Contra Costa County are beneficiaries of the WCCUSD's \$2 billion Facility Improvement Program (Program) that began in November 2000; and

WHEREAS, the purpose of the Program is to bring all WCCUSD facilities to a common standard with regard to seismic/structural safety, upgrades to building systems, new classrooms, technology upgrades, and safety/security; and

WHEREAS, the WCCUSD's bond program has broad community support as evidenced by the five successful bond elections that the WCCUSD has held since November 2000, including 2012 Measure E – a \$360 million bond authorization approved by 65% of West County votes in November 2012; and

WHEREAS, the California Education Code limits the amount of bonds that a unified school district can have outstanding to 2.5% of its then-current assessed valuation, but the State Board of Education has the authority to waive this limitation and has done so many times in the past; and

WHEREAS, the WCCUSD's financing plan indicates, assuming that a waiver is granted and that the WCCUSD can move forward under its proposed plan, the WCCUSD will be able to issue all \$360 million of 2012 Measure E bonds without causing tax rates to exceed the targeted maximums and the WCCUSD Board of Education will consider adjusting the pace and structure of the bond issues in order to meet these tax rate targets;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby express support of the West Contra Costa Unified School District's application to the State Board of Education for a waiver of the Statutory Bonding Capacity.

ADOPTED this 13th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 7, 2013

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Monthly Report – January 2013

HIGHLIGHTS

Data Center cooling and alarm system improvements. On January 24th, the District's Data Center servers shut down due to overheating in the server room. The overheating was caused by a failure of the main cooling water pump. The pump failure and subsequent rise in temperature went unnoticed due to sequential failure of several alarm systems. Staff was able to bring the servers back into service within several hours, and has begun work on design and installation of more robust cooling and alarm systems. The system changes should be complete by April 2013. In the meantime, added inspections and testing of the existing systems will be implemented.

The final 2012 Mokelumne River Chinook salmon run was 12,083 with 6,620 of the fish making it into the hatchery. This number leaves a natural run of 5,463 fish that produced 1,285 redds. The 2012 run is down from last year's run of 18,562 but included more of the larger three-year-old spawners. The fish hatchery collected 5.66 million eggs to meet both the mitigation and enhancement production goals.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

The Crow Canyon Country Club recycled water pipeline installation is complete. The District completed installation of 380 feet of 8-inch pipe. This site is expected to receive recycled water in the next phase of the San Ramon Valley Recycled Water Project.

Coordination with the SWRCB continues on the water rights permit extension. Staff continues to work with the SWRCB on water rights issues including environmental analysis associated with the permit and additional change petitions. Staff is preparing the environmental analysis and plans to publish the draft document in early 2013. Staff completed Chapters 1 and 2 of the administrative draft environmental report (ADEIR). Pertinent sections of the ADEIR will be provided to resource agencies prior to public issue of the document.

EBMUD and Contra Costa Water District (CCWD) to cooperate on water supply reliability. In January, both EBMUD and CCWD Board of Directors accepted a Principles of Agreement (POA) to investigate ways to use facilities (Los Vaqueros Reservoir and Freeport) to improve water supply reliability. The POA will serve as a guide for implementing pilot and full scale projects.

Precipitation. The East Bay precipitation for January was 0.44 inches (8% of average, 3rd driest January on record) and a season total of 14.98 inches (98% of average, 29th wettest season to-date). The January Mokelumne precipitation was 1.06 inches (12% of average, 3rd driest January on record) and a season total of 25.18 inches (97% of average, 38th wettest season to-date).

Releases from Camanche Reservoir. Average rate of Camanche Reservoir release for January was 344 cfs (313 cfs generation, 0 cfs sluice, and 31 cfs through the hatchery), and the average flow below Woodbridge Dam was 254 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" criteria for January 2013.

Mokelumne Reservoirs Storage. As of January 31, Pardee Reservoir level was at 556.3 feet or 99% of average, and the Camanche Reservoir level was at 220.9 feet or 121% of average. Combined Pardee and Camanche Reservoir storage was 488,000 acre-feet compared to 427,000 acre-feet last year.

Releases from East Bay Reservoirs. There are currently no East Bay reservoir releases.

East Bay Reservoirs Storage. As of January 31, USL Reservoir level was at 448.1 feet or 105% of average, San Pablo Reservoir was at 302.5 feet or 100% of average, and Briones Reservoir was at 570.0 feet or 100% of average. Total terminal reservoir storage is 128,000 acre-feet compared to 125,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. Average rate of Mokelumne Aqueduct draft for January 2013 was 101 MGD. Mokelumne Aqueduct Nos. 1 and 2 remained out of service to support construction work. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Below is the average rate of gross water production for January 2013.

	January 2013	January 2012	January 2011	Average of 2005-2007
East of Hills	27 MGD	35 MGD	26 MGD	28 MGD
West of Hills	110 MGD	118 MGD	112 MGD	125 MGD
Total	137 MGD	153 MGD	138 MGD	153 MGD
Max Day Production	149 MGD (01/17/2013)	171 MGD (01/13/2012)	150 MGD (01/26/2011)	

Note: Preliminary data subject to revision

CUSTOMER EVENTS AND PUBLIC OUTREACH

Pump Station H Rehabilitation receives Engineering Project of the Year award from the San Francisco Bay Section of California Water Environment Association. Pump Station H is the District's largest interceptor pump station and was originally constructed in the 1950s.

The 2013 USFWS midwinter bald eagle survey on Camanche, Pardee, Briones, San Pablo and Upper San Leandro Reservoirs was conducted January 11. Seven bald eagles and 16 raptors were observed on Camanche Reservoir while 2 bald eagles and 12 raptors were observed on Pardee Reservoir. One juvenile bald eagle was observed on San Pablo Reservoir.

Annual eagle tours conducted at Pardee and Camanche Reservoirs on January 12 and 26. Staff along with support volunteers guided 148 visitors in search of eagles, hawks, and various raptors over the course of the two days.

Contract Equity outreach events:

- **On January 10, staff attended the 2013 West Contra Costa Chambers Super Mixer in Richmond promoting the use of businesses from west county.** Staff disseminated Contract Equity Program information about upcoming contract opportunities and the District's small business incentives. Approximately 450 participants were in attendance.
- **On January 17-18, the California Association of Public Purchasing Officers hosted its 96th Annual CAPPO Conference & Vendor Expo in Napa to promote innovative ideas and management techniques on public procurement and legal requirements.** Staff disseminated information on the Contract Equity Program and upcoming contract opportunities. Approximately 254 California procurement officers and managers attended.
- **On January 25, Alameda County Public Works Agency hosted its monthly Building Opportunity for Business breakfast meeting in Hayward to promote upcoming construction contract opportunities for 2013.** Staff gave a presentation on EBMUD 2013 construction contract opportunities, discussed how to do business with EBMUD, and disseminated information on the Contract Equity Program. Approximately 100 local small business owners attended.

On January 30, District staff participated in the California Department of Water Resources SBX7-7 20x2020 Urban Stakeholder Committee (USC) meeting. The group reviewed the methodologies, process and schedule for developing a fourth and final target method option for water utilities to comply with SBX7-7, which requires a 20% reduction in urban per capita water use by 2020. DWR plans to complete the fourth methodology by the end of 2013 in order for water agencies to complete their analysis and report their targets in their 2015 Urban Water Management Plans. Approximately 50 representatives of USC members, water agencies, DWR staff and consultants attended.

CAPITAL IMPROVEMENT AND FACILITIES MAINTENANCE

During a routine inspection of the biogas turbine by Solar Turbines, more damaged fuel injector tips were found. The biogas turbine was taken out of service on January 15, 2013 to perform routine maintenance. Upon removing the injectors, four of the eight injectors were found to have damaged tips. An investigation of the first stage turbine wheel also showed some damage on one of the blades. The root cause of the injector failures is still unknown. Solar installed four District spare injectors and four Solar test injectors and returned the turbine to service on January 16. Solar is refurbishing six District injectors that were previously damaged (at no cost) for District use as spares. Prior to the shutdown, the turbine operated nearly 99% of the time since October 23, 2012, averaging 4.1 megawatts of renewable energy generation. The District and Solar Turbines are in negotiation for an Extended Service Agreement that will provide maintenance and overhaul services to the turbine for the next five years.

Americans with Disabilities Act (ADA) improvements completed at Camanche Hills Hunting Preserve. An Accessibility Study completed last year identified deficiencies in ADA accommodations at the clubhouse and adjoining facilities. All of the identified deficiencies have been addressed -- facility walkways, hand rails and elements to aid the visually-impaired were added to the wheelchair ramp at the clubhouse and ADA parking signage has been improved.

Access loop provides added options at Mokelumne River Day Use Area. Staff completed work on access improvements to the river's edge for vehicles with car top boat racks. A gravel loop has been installed adjacent to Parking Area 1, which will allow boaters closer access to the river bank to unload/load their watercraft. A gate prevents direct vehicle access into the river. This access improvement is expected to be popular during the summer months when dozens of rafters and tubers enjoy the river every weekend.

Pipeline projects update. Key projects that began in January included installation of 2,690 feet of eight-inch pipe on Los Palos Drive in Lafayette and installation of 1,200 feet of eight-inch pipe on Ocean Avenue in Emeryville on January 7th. Staff also completed an installation job on 32nd Street in Richmond on January 4th.

Alamo Reservoir Rehabilitation project was completed January 18. The project involved replacing the interior coating for this welded steel reservoir, repainting the exterior and replacing the roof access system, the corrosion control system and the water quality sampling system.

The Walnut Creek Pumping Plant Roof Replacement project was completed January 11. The project involved demolition and removal of approximately 23,000 square feet of existing built-up roofing, flashing and fascia; and furnishing and installing new rigid tapered insulation, built-up roofing with cap sheet, flashing, fascia, gutters and downspouts.

Field testing completed on asbestos cement pipe on January 17. Echologics, a firm specializing in non-destructive pipeline and leak detection using acoustic technology, assessed two miles of AC pipelines in the Castro Valley, Richmond, Walnut Creek, and San Ramon areas.

A total of 23 pipeline locations were tested and inspected as part of this pilot program. Echologics will provide test results that will be correlated to traditional assessment tests.

WATER AND WASTEWATER SYSTEM OPERATION

Dingee Pipeline Update. On Tuesday, January 29, 2013, the 36-inch steel main serving the Dingee Pressure Zone experienced a leak. Repairing the pipe would require an extended shutdown that will impact 13,500 customers unless it is done prior to demands increasing in March. On January 31st, in order to repair the leak as quickly as possible and to ensure that customers in the affected area were not impacted, the General Manager, in consultation with the Board President, declared a “District Emergency” in accordance with Policy 7.03, Emergency Preparedness/Business Continuity. Water service to customers whose service relies on this facility will be maintained through a secondary source while repairs, at an estimated cost of \$350,000 - \$500,000 are made.

A project to rehabilitate the Dingee Pipeline is currently in design and scheduled for construction within a few years. A geotechnical report completed in January concludes that the proposed pipeline construction with foundation supports is feasible from a geotechnical point of view. The recommendations were based on subsurface investigations, laboratory soil testing analyses and engineering evaluations. The results will be used in the ongoing project design, which includes replacing pipelines to avoid the Hayward Fault and landslide-susceptible areas, and replacing portions of several aqueducts.

An odor complaint was received on January 24th at the Main Wastewater Treatment Plant (MWWTP). A follow up investigation was not able to determine a specific source, however, emissions from out-of-service secondary reactors may have contributed to a higher than normal odor profile. In response to this complaint, the out-of-service reactors were drained.

All discharges from the MWWTP were in compliance with the permit limits for the month of January. This is the 161st consecutive month that the MWWTP has been in complete and continuous compliance with the plant’s NPDES permit. The Department is preparing its application for the National Association of Clean Water Agencies Platinum 13 award for 13 years of continuous compliance.

A wash down system pipe failed at the Oakport Wet Weather Facility on January 15, 2013 and resulted in the release of 560,000 gallons of potable water to San Leandro Bay. It is believed that the 3” buried pipe failed because of pipe stress caused by differential settlement. This release was reported to the RWQCB as well as CalEMA and will be included in our Annual Summary of Unplanned Potable Water Discharges submitted to the RWQCB.

On January 23, staff met with USEPA, US Department of Justice, the State and Regional Water Boards, NGOs, and the satellite agencies to begin formal negotiation of a consent decree to settle the litigation regarding the District’s Wet Weather Facilities. Meetings with

the satellites continue regarding joint proposals and negotiation strategies. The next negotiation session with all parties is scheduled for February 20.

Berryman South Reservoir Main Break. Berryman South Reservoir was taken out of service due to a four-foot long spiral split on the 30-inch water main that supplied the Reservoir. The reservoir was placed back into service after the broken section of pipe was replaced.

January main breaks. The attached table lists the main breaks that were repaired by staff in January, sorted by city and street. The associated map shows the locations of the breaks geographically.

ORGANIZATION EFFECTIVENESS AND EFFICIENCY

The East Bayshore Recycled Water Phase 1A Project is included in the regional grant funding application as part of the Bay Area Integrated Regional Water Management Plan (BAIRWMP) Prop 84 implementation. The application will be submitted to the California Department of Water Resources by the end of March 2013. One million dollars is included for the construction of the remaining segments of the I-80 transmission pipeline. Staff attended the kickoff meeting on January 10, 2013 and economic analysis workshop on January 15, 2013, and will participate in monthly plan update meetings as well as the coordination committee meetings.

Employment Information

	January 2013	FY13 Totals
Retirements*	14	66
Other Separations	3	28
Hires	17	70

**Includes Vested Employees who left District employment and retired at a later date.*

Tuition Reimbursement

	January 2013	FY13 Totals
# of Employees	12	93
# of Classes	18	154
Total Reimbursed	\$10,122	\$73,569

FINANCIAL NEWS

The Net Mokelumne Power Revenue for January was \$506,477 vs. the \$503,828 planned. Inflows into Pardee for January were 24% lower than expected and generation was 89% of plan. The average electricity price was a higher than plan at \$34/MWh. Renewable power and related Renewable Energy Credits (RECs) were sold to the Sacramento Municipal Utility District under the Power Purchase Agreement. REC revenue for January was \$72,235. Total net revenue through January is \$2,219,766 which is 38.9% of the annual budgeted revenue of \$5.7 million.

FY13	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
November	\$270,690	\$153,784	32,400	32,379
December	\$406,928	\$704,200	49,700	66,066
January	\$503,828	\$506,477	61,400	46,750
FY13 YTD Total	\$2,319,235	\$2,219.766	259,100	254,363

Bold items are estimated.

There were no contracts over \$70,000 and less than \$100,000 approved by the General Manager in January 2013.

Monthly yield on all investments including reserve funds and proceeds for the Water 2012A, Wastewater 2010B, and Wastewater 2012A bond issues was 0.76%, an increase of 0.02% from December 2012. New investments in January were at an average rate of 0.708%. The yield on 90-day Treasury bills on January 31, 2013 was 0.07%.

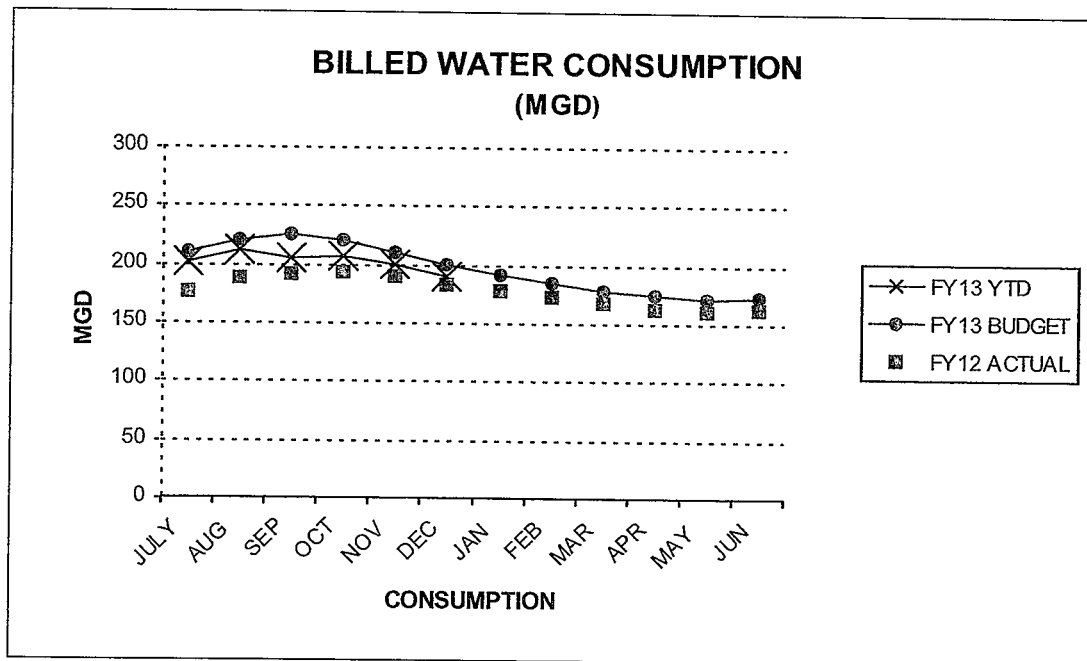
Average interest cost during the month of January on outstanding commercial paper issued for the Water System was 0.20%, a decrease of 0.03% from December 2012. The average interest cost for outstanding Wastewater System commercial paper in January was 0.23%, no change from December 2012.

Plant Book Activity for January 2013. 36 plant books were sold in January, 2013, which increased the total plant books sold to 33,457. January Plant Book revenues total \$1,108.20 increasing the total revenues to \$715,345.96. Total Revenues as a percentage of out-of-pocket book design and production cost equals 91%.

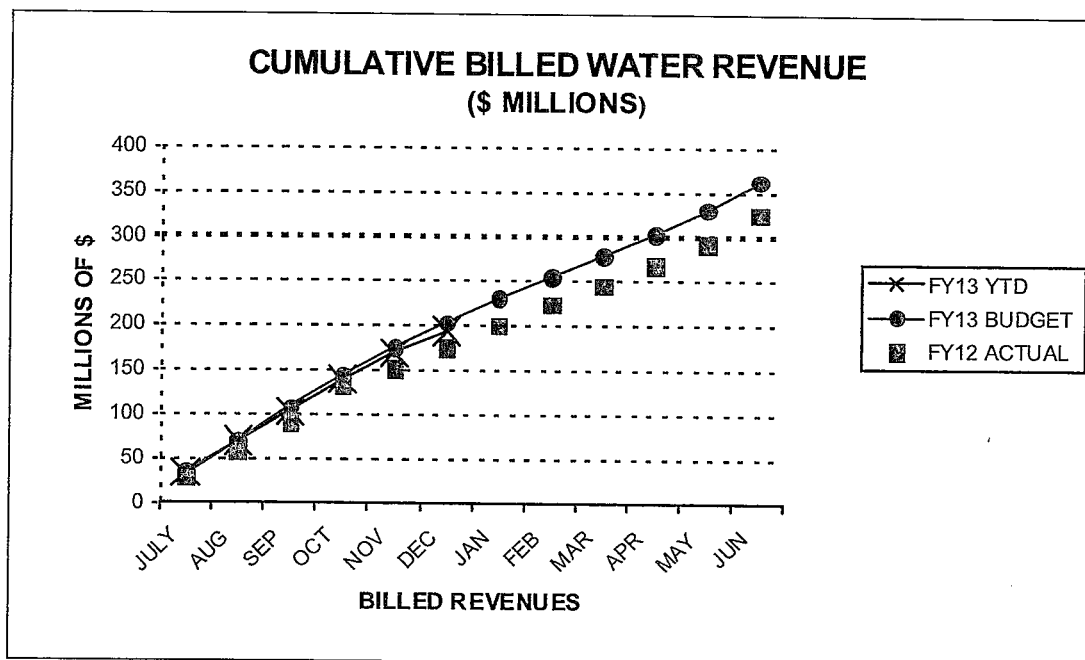
Fiscal year-to-date water consumption for water bills issued through December 2012 was 189.5 MGD, which is 3.8% more than billed consumption of 182.5 MGD at the same time last year and 4.9% less than budgeted consumption of 199.3 MGD.

Billed Water Consumption July 1, 2012 to December 31, 2012		
Usage Type	FY13	FY12
	MGD	MGD
Residential	115.4	111.1
Commercial	48.0	45.2
Industrial	17.4	18.1
Public Authority	8.7	8.1
Total Billed Water Consumption	189.5	182.5

Water revenues billed for the fiscal year-to-date were \$194.4 million, which is 10.8% more than the prior year actual revenue of \$175.5 million due to increased consumption and the 6% rate increase and is 4.4% less than the fiscal year-to-date budget of \$203.3 million.



Source: Customer Information System



Source: Customer Information System

JANUARY 2013 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
ALAMO	2720		MIRANDA	AVE	CAST IRON	6		900	01/09/13	01/09/13
ALBANY	1001		SAN PABLO	AVE	STEEL	8	1934	5,760	01/15/13	01/22/13
ALBANY	1185		SANTA FE	AVE	CAST IRON	6	1928	900	01/17/13	01/17/13
ALBANY			SANTA FE	AVE	CAST IRON	6		450	01/10/13	01/11/13
BERKELEY	1540		7TH	ST	CAST IRON	8	1934	45,000	01/15/13	01/16/13
BERKELEY	1601		ASHBY	AVE	CAST IRON	6	1925	450	01/17/13	01/17/13
BERKELEY	1601		ASHBY	AVE	CAST IRON	6	1925	5,760	01/18/13	01/21/13
BERKELEY	2201		BONAR	ST	ASBESTOS CEMENT	6	1958	2,700	01/21/13	01/21/13
BERKELEY	830		CAMELIA	ST	ASBESTOS CEMENT	6	1952	900	01/02/13	01/02/13
BERKELEY	2735		DURANT	AVE	CAST IRON	6	1939	1,350	01/24/13	01/24/13
BERKELEY	2324		DWIGHT	WAY	CAST IRON	6		1,350	01/03/13	01/04/13
BERKELEY	1124		HILLVIEW	RD	CAST IRON	4	1946	11,520	01/12/13	01/15/13
BERKELEY	1107		MILVIA	ST	CAST IRON	6	1926	1,800	01/15/13	01/15/13
BERKELEY	1001		SIERRA	ST	CAST IRON	6	1930	900	01/16/13	01/16/13
BERKELEY	1419		SUMMIT	RD	CAST IRON	6	1946	40,320	01/14/13	01/15/13
BERKELEY	921		THE ALAMEDA		CAST IRON	4	1935	900	01/24/13	01/24/13
CASTRO VALLEY	21525		KNOLL	WAY	CAST IRON	6	1955	2,700	01/24/13	01/24/13
CROCKETT	1245		POMONA	ST	CAST IRON	6		1,350	01/16/13	01/16/13
EL CERRITO	2554		ARLINGTON	BL	CAST IRON	8	1938	86,400	01/01/13	01/01/13
EL CERRITO	524		EVERETT	ST	CAST IRON	6	1925	450	01/28/13	01/28/13
EL CERRITO	7357		HOTCHKISS	AVE	CAST IRON	6	1953	450	01/16/13	01/16/13
EL CERRITO	1524		KEARNEY	ST	CAST IRON	4	1930	36,000	01/11/13	01/11/13
EL CERRITO	1428		SCOTT	ST	CAST IRON	6	1926	450	01/17/13	01/17/13
HAYWARD	1636		E	ST	CAST IRON	4	1933	6,300	01/22/13	01/23/13
HERCULES	355		LILAC	CIR	ASBESTOS CEMENT	6	1978	900	01/22/13	01/23/13
KENSINGTON	32		EDWIN	DR	CAST IRON	6	1949	5,760	01/08/13	01/18/13
KENSINGTON	6		HIGHGATE	RD	STEEL	6	1971	5,760	01/22/13	01/23/13
LAFAYETTE	3230		ALTA	LN	CAST IRON	4	1945	1,800	01/17/13	01/18/13

JANUARY 2013 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
LAFAYETTE	3280		FAIRHOLM	CT	CAST IRON	4	1950	1,350	01/14/13	01/14/13
LAFAYETTE			GLORIETTA	BL	STEEL	6	1964	28,800	01/14/13	01/15/13
LAFAYETTE	3470		LA CAMINITA		STEEL	6	1964	5,760	12/14/12	01/04/13
LAFAYETTE	700		LOS PALOS	DR	ASBESTOS CEMENT	6	1977	1,800	01/15/13	01/15/13
LAFAYETTE	3491		MT DIABLO	BL	ASBESTOS CEMENT	8	1959	36,000	01/26/13	01/26/13
LAFAYETTE	3524		OLIVER	CT	CAST IRON	2	1945	900	01/14/13	01/14/13
LAFAYETTE			STUART	ST	ASBESTOS CEMENT	6	1958	45,000	01/01/13	01/01/13
OAKLAND	1107		5TH	ST	CAST IRON	8	1908	5,760	01/15/13	01/15/13
OAKLAND	2258	E	17TH	ST	CAST IRON	6	1939	5,760	01/23/13	01/31/13
OAKLAND	2717		35TH	AVE	CAST IRON	12	1931	17,280	01/23/13	01/23/13
OAKLAND	859		37TH	ST	CAST IRON	6	1927	57,600	01/17/13	01/18/13
OAKLAND	2171		50TH	AVE	CAST IRON	4	1932	4,500	01/12/13	01/13/13
OAKLAND	2927		62ND	AVE	CAST IRON	6	1928	1,350	01/17/13	01/17/13
OAKLAND	1430		71ST	AVE	CAST IRON	4	1926	5,760	01/08/13	01/15/13
OAKLAND	2549		78TH	AVE	CAST IRON	4	1934	4,500	01/13/13	01/13/13
OAKLAND	1058		80TH	AVE	CAST IRON	6	1925	17,280	01/21/13	01/28/13
OAKLAND	1636		80TH	AVE	CAST IRON	6	1926	900	01/01/13	01/01/13
OAKLAND	2820		ABBEY	ST	CAST IRON	4	1928	630	01/09/13	01/10/13
OAKLAND	5677		AMY	DR	CAST IRON	6	1924	2,700	01/09/13	01/09/13
OAKLAND	3924		AQUA VISTA	ST	CAST IRON	6	1932	900	01/03/13	01/03/13
OAKLAND	1041		ASHMOUNT	AVE	CAST IRON	6	1925	28,800	01/14/13	01/17/13
OAKLAND	4260		ATLAS	AVE	CAST IRON	6	1939	11,520	12/27/12	01/03/13
OAKLAND	3900		BROOKDALE	AVE	CAST IRON	6	1932	11,520	12/26/12	01/02/13
OAKLAND	4144		BROOKDALE	AVE	CAST IRON	6	1932	2,250	01/16/13	01/16/13
OAKLAND	2340		BYWOOD	DR	CAST IRON	4	1935	5,760	01/11/13	01/17/13
OAKLAND	3462		CALANDRIA	AVE	CAST IRON	6	1928	4,500	01/15/13	01/15/13
OAKLAND	665		CHETWOOD	ST	CAST IRON	6	1944	1,800	01/22/13	01/22/13
OAKLAND	7283		CLAREMONT	AVE	STEEL	30	1957	115,200	01/03/13	01/10/13

JANUARY 2013 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
OAKLAND	1951		EMBARCADERO		CAST IRON	8	1925	900	01/14/13	01/15/13
OAKLAND	3882		FRUITVALE	AVE	CAST IRON	6	1927	1,080	01/03/13	01/03/13
OAKLAND	3656		GREENACRE	RD	CAST IRON	6	1923	9,000	01/13/13	01/13/13
OAKLAND	3968		GREENWOOD	AVE	CAST IRON	6	1929	900	01/16/13	01/16/13
OAKLAND	7616		HAMILTON	ST	CAST IRON	6	1924	1,350	01/02/13	01/03/13
OAKLAND	3139		HERRIOTT	AVE	CAST IRON	6	1951	9,000	01/18/13	01/18/13
OAKLAND	6432		HILLEGASS	AVE	CAST IRON	6	1938	1,800	01/16/13	01/16/13
OAKLAND	6115		HOLWAY	ST	CAST IRON	4	1938	6,750	01/17/13	01/17/13
OAKLAND	1961		HOOVER	AVE	CAST IRON	6	1929	28,800	01/01/13	01/04/13
OAKLAND	4215		LINCOLN	AVE	CAST IRON	6	1932	360	01/15/13	01/22/13
OAKLAND	4203		MACARTHUR	BL	CAST IRON	4	1915	57,600	01/24/13	01/24/13
OAKLAND	5679		MERRIEWOOD	DR	CAST IRON	6	1938	2,700	01/18/13	01/18/13
OAKLAND	7762		OUTLOOK	AVE	CAST IRON	4	1927	2,700	01/07/13	01/08/13
OAKLAND	6603		SAN LEANDRO	ST	CAST IRON	12	1933	1,350	01/19/13	01/19/13
OAKLAND	715		SANTA RAY	AVE	CAST IRON	6	1931	4,500	01/12/13	01/12/13
OAKLAND	10		STEPHENS	WAY	CAST IRON	6	1927	450	01/24/13	01/24/13
OAKLAND	3720		SUTER	ST	CAST IRON	6	1938	23,040	01/02/13	01/07/13
OAKLAND	4340		TURNER	AVE	CAST IRON	6	1948	900	01/12/13	01/12/13
OAKLAND	4032		VALE	AVE	CAST IRON	6	1928	28,800	01/02/13	01/07/13
OAKLAND			VICENTE	RD	STEEL	8	1966	9,000	01/20/13	01/20/13
OAKLAND	5727		WALNUT	ST	CAST IRON	2	1927	9,000	01/17/13	01/17/13
OAKLAND	1241		WEST VIEW	DR	CAST IRON	6	1953	810	01/02/13	01/02/13
ORINDA	2		DONNA MARIA	WAY	CAST IRON	6	1951	17,280	01/02/13	01/03/13
ORINDA	286		ORCHARD	RD	CAST IRON	6	1938	86,400	01/17/13	01/17/13
PLEASANT HILL	1064		GRAYSON	RD	CAST IRON	4	1941	4,500	01/10/13	01/10/13
PLEASANT HILL	741		SLATER	AVE	STEEL	8	1965	6,750	01/16/13	01/16/13
PLEASANT HILL	298		STRAND	AVE	CAST IRON	6	1946	1,350	01/21/13	01/21/13
RICHMOND	737		9TH	ST	CAST IRON	4	1939	11,520	01/17/13	01/24/13

JANUARY 2013 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
RICHMOND		S	58TH	ST	COPPER	6		28,800	01/14/13	01/16/13
RICHMOND	6200		BAYVIEW	AVE	CAST IRON	6	1941	5,760	01/15/13	01/15/13
RICHMOND	2499		GREENWOOD	CT	CAST IRON	6	1943	450	01/15/13	01/15/13
RICHMOND	3107		JETTY	DR	ASBESTOS CEMENT	12	1956	1,350	01/09/13	01/14/13
RICHMOND	1636		MENDOCINO	ST	CAST IRON	4	1949	900	01/15/13	01/15/13
RICHMOND	1211		WRIGHT	AVE	ASBESTOS CEMENT	8	1966	28,800	01/10/13	01/10/13
RICHMOND	1417		YORK	ST	CAST IRON	6	1945	11,520	01/25/13	01/25/13
SAN LEANDRO	1174		AVON	AVE	ASBESTOS CEMENT	6	1950	4,500	01/05/13	01/05/13
SAN LEANDRO	14975		CROSBY	ST	CAST IRON	6	1948	57,600	01/19/13	01/23/13
SAN LEANDRO	15024		DEWEY	ST	CAST IRON	4	1950	5,760	01/03/13	01/08/13
SAN LEANDRO	947		DURANT	AVE	ASBESTOS CEMENT	6	1955	5,760	01/11/13	01/14/13
SAN LEANDRO			FOOTHILL	BL	CAST IRON	4		90,000	01/19/13	01/20/13
SAN LEANDRO	934		HELEN	AVE	CAST IRON	6	1938	46,080	01/12/13	01/14/13
SAN LEANDRO	3873		MONTEREY	BL	ASBESTOS CEMENT	12	1954	5,760	01/02/13	01/07/13
SAN LEANDRO	14578		WAKE	AVE	CAST IRON	6	1945	46,080	01/11/13	01/14/13
SAN LEANDRO			WILLIAMS	ST	CAST IRON	8	1963	2,250	01/07/13	01/07/13
SAN LORENZO	15249		DERMODY	AVE	CAST IRON	6	1950	57,600	01/08/13	01/11/13
SAN PABLO	2000		18TH	ST	ASBESTOS CEMENT	6	1953	1,800	01/08/13	01/08/13
SAN PABLO	1811		23RD	ST	CAST IRON	8	1934	2,700	01/22/13	01/22/13
SAN PABLO			MORROW	DR	STEEL	6	1960	17,280	01/22/13	01/25/13
SAN PABLO	1238		YUBA	AVE	CAST IRON	6	1953	450	01/14/13	01/14/13
WALNUT CREEK	2195		OLYMPIC	BL	CAST IRON	4	1933	6,750	01/19/13	01/19/13
WALNUT CREEK	1868		SHUEY	AVE	CAST IRON	4	1953	23,040	01/03/13	01/07/13
TOTAL								1,474,740		

EAST BAY MUNICIPAL UTILITY DISTRICT

11.

DATE: February 7, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Finance/Administration Committee Minutes – January 22, 2013

Chair Andy Katz called to order the Finance/Administration Committee in the Training Resource Center at 9:05 a.m. Director William B. Patterson was present at roll call and Director Frank Mellon arrived at 9:10 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Wastewater David R. Williams, Director of Finance Eric L. Sandler, Senior Civil Engineer Alice E. Towey, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Update on Richmond Wastewater Services Project. Senior Civil Engineer Alice E. Towey presented an update on results of a joint study to evaluate the possibility of EBMUD taking over management of the City's wastewater treatment. She said that conclusions of the initial modeling results revealed that conveying the City's wastewater to the District's interceptor system near the Point Isabel Wet Weather Facility would result in significantly increased discharges from that facility and regulators may not approve of the projected increases. However, Ms. Towey said that District staff has identified two other alternatives that merit further consideration.

The first alternative would involve continued operation of the City's Water Pollution Control Plant (WPCP) as a full secondary treatment plant with solids pumped to the District's Main Wastewater Treatment Plant (MWWTP) in Oakland. The benefits of this alternative include removing a main cause of odors at the WPCP, reducing capital costs and converting solids into renewable energy at the MWWTP and not impacting the Point Isabel wet weather facility discharges. Under the second alternative, a pipeline would need to be constructed to convey the City's raw sewage to a point in the District's system downstream of Point Isabel. Further evaluation of these two alternatives would require a change in scope from the District's original contract with the City. General Manager Coate is scheduled to meet with City staff on January 29 to discuss the new alternatives. With City approval, EBMUD staff will use remaining funds in the original contract to further refine these alternatives.

Financial Quarterly Reports. Director of Finance Eric L. Sandler reported that the quarterly reports were filed in compliance with government statutes. The reports cover investment transactions along with quarterly payroll, disbursements and real estate summary reports covering the period October 1, 2012 through December 31, 2012. The Committee raised no questions.

Adjournment. Chair Katz adjourned the meeting at 9:30 a.m.

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