

MINUTES

Tuesday, August 11, 2015

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

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Risk Manager Karen K. Curry (Item 1a), Attorney Xanthe M. Berry (Item 1a), Manager of Human Resources Laura A. Brunson (Item 1b), Attorney Lourdes Matthew (Item 1b), Manager of Customer and Community Services Sherri A. Hong (Item 2), Director of Operations and Maintenance Michael J. Wallis (Item 3), and Manager of Security and Emergency Steven G. Frew (Item 3).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Frank Mellon called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Building Board Room.

ROLL CALL

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

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

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

The Board in closed session, by a unanimous vote of the directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants, and other particulars will be disclosed, upon inquiry, once the action is formally commenced.

There were no other announcements from closed session.

PUBLIC COMMENT

Addressing the Board was Michael Mejia, Open Space Liaison for the Bicycle Trails Council of the East Bay, who appealed to the Board to consider mountain bike access on EBMUD trails as part of the East Bay Watershed Master Plan update.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-9 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 148-15** – Approved the Regular Meeting Minutes of July 28, 2015.
 2. The following correspondence was filed with the Board: 1) Letter dated August 10, 2015 to EBMUD (Attn: Director Frank Mellon), from Michael Mejia, Open Space Liaison for the Bicycle Trails Council of the East Bay, along with a publication entitled “Bay Nature” (July-September 2015) which address the organization’s appeal for access to EBMUD trails as part of the East Bay Watershed Master Plan update; 2) Presentation entitled “Drought Operations” dated August 11, 2015; and 3) Memorandum dated August 11, 2015 to Board of Directors, from Cheryl A. Farr, Special Assistant to the General Manager, regarding Speaker Notes on Water Taste and Smell Changes Due to Drought.
 3. **Motion No. 149-15** – Awarded a contract to the lowest responsive/responsible bidder Sharper Technology, Inc. in an amount, after the addition of taxes, not to exceed \$197,946 for supplying Check Point firewall equipment and support, beginning on or after August 11, 2015 under Request for Quotation No. 1532.
 4. **Motion No. 150-15** – Authorized a direct award contract to Ford Construction in the estimated total amount of \$325,000 for supplying on-site sorting, supply, transport, and placement of gravel and construction of floodplain habitat in the lower Mokelumne River for spawning and rearing habitat enhancement during the period August 17, 2015 through July 1, 2017.

5. **Motion No. 151-15** – Authorized execution of an amendment to the Lease Agreement between EBMUD and Viridis Fuels, LLC to reconfigure the boundaries of the two parcels leased under the Lease Agreement in order to allow for necessary improvements to Engineers Road and adjust monthly compensation under the Lease Agreement to account for the new parcel boundary reconfiguration.
6. **Motion No. 152-15** – Authorized use of the State of California agreements with AT&T, Sprint and Verizon on or after October 1, 2015 to synchronize and provide wireless telephone and wireless broadband Internet service to District devices in an estimated annual amount of \$575,000 through June 30, 2016, with three additional one-year periods for a total cost of \$3,164,000 through June 30, 2019 (includes six percent cumulative increases in years 2, 3 and 4).
7. **Resolution No. 34048-15** – Authorizing Amendment To General Counsel Employment Agreement.
8. **Resolution No. 34049-15** – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Adopting A Plan For Implementing A Labor Compliance Program For The Camanche Area Regional Water Supply Plan.
9. **Resolution No. 34050-15** – Fixing The Rate Of Tax For East Bay Municipal Utility District Special District No.1.

DETERMINATION AND DISCUSSION

10. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the recommended positions in Legislative Report No. 08-15. Legislative/Human Resources Committee Chair John A. Coleman reported that the Committee met earlier in the day and supported all of the staff recommended positions. There was discussion and the Board concurred that if SB7 (Wolk) becomes law, staff would schedule a presentation to a Board committee regarding implementation issues.

- Motion by Director Coleman, seconded by Director Linney, to approve the staff recommended positions in Legislative Report No. 08-15 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 153-15 – Accepted Legislative Report No. 08-15 and approved positions on the following bills: SUPPORT AB 723 (Rendon) – Rental Property: Plumbing Fixtures: Replacement; SUPPORT SB 7 (Wolk) Housing: Water Meters: Multiunit Structures; SUPPORT SB 32 (Pavley) California Global Warming Solutions Act of 2006: Emissions Limit; and SUPPORT SB 551 (Wolk) State Water Policy: Water and Energy Efficiency.

Next, Manager of Legislative Affairs Marlaine K. Dumaine reported that Senators Dianne Feinstein and Barbara Boxer introduced the California Emergency Drought Relief Act, a bill with provisions designed to help communities cope with the ongoing drought. She reported that staff will be reviewing the legislation and providing an update to the Board in September.

11. General Manager's Report.

Manager of Water Operations Eileen M. White presented an update on the District's current water supply, Water Year (WY) 15 drought operations, drought operations planning, and future water supply. She reported that total reservoir storage is at 365,000 acre-feet or 48 percent of capacity and staff projects total system storage on September 30, 2015 to be 330 total acre-feet (TAF) with Central Valley Project water and transfers. The current drought operation relies solely on delivering supplemental supplies to the Upper San Leandro (USL) and San Pablo Reservoirs for treatment at the USL and Sobrante Water Treatment Plants (WTPs). This operation has been subject to several constraints including taste and smell complaints, facility interruptions, and down-time for scheduled maintenance. With the Board's declaration of a Stage 4 Critical Drought, staff developed a plan to increase supplemental supply annual delivery capacity from a maximum of 65 TAF to 100 TAF. The District is completing several projects to implement the operating plan to deliver 100 TAF of supplemental supply. Additionally, staff is making operational adjustments to address taste and odor issues. Staff will keep the Board updated on the District's current water supply, drought operations, and the plans for meeting dry-year water needs. The Board requested that staff continue to report throughout the fall and winter on the impacts of curtailment on the cold water pool and fisheries.

General Manager Coate announced that a memorandum providing an update on recent activities related to the 2015 Critical Drought Action Plan and the Monthly Report for July 2015 was included in the Board's packet. He reminded the Board of the upcoming Cal Shakes event on August 13.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- Filed with the Board were the meeting Minutes of the June 25, 2015 EBMUD/EBRPD Liaison Committee in addition to the July 28, 2015 Sustainability/Energy and the Finance/Administration Committees.

13. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA Executive Committee teleconference meeting on July 29 in Oakland; ACWA Board of Directors workshop meeting on July 30 in Sacramento; ACWA Executive Committee and Board of Directors meetings on July 31 in Sacramento; and EBMUD/ACWA radio

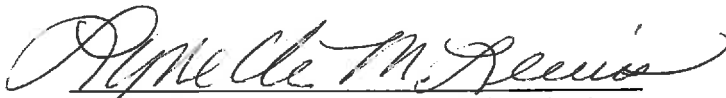
interview Talk Radio 910 with host Ed Baxter on July 31. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee teleconference meetings on August 12 in Oakland; ACWA Executive Committee teleconference meeting on August 17 in Arnold; Alameda County Escrow Association presentation on EBMUD issues on August 19 in Dublin; ACWA Executive Committee and Board of Directors teleconference meetings on August 24 in Oakland; DERWA Board of Directors meeting on August 24 in Dublin; ACWA Executive Committee teleconference meeting on August 31 in Oakland; and East Bay Economic Development Alliance Legislative Committee meetings on September 3 in Oakland.

- Director Katz had no report.
- Director Linney thanked staff for coordinating his Ward 5 event on July 29 in Oakland. He reported that the event was very successful with a good turnout.
- Director McIntosh had no report.
- Director Patterson reported attending/participating in the following events: Planning meeting for his Ward 6 event on August 4 in Oakland; meeting of Oakland Youth First on August 5 in Oakland; birthday celebration for Shiloh Church founder Dr. Violet Kiteley and 54th wedding anniversary celebration for Mr. & Mrs. Patterson on August 6 in Oakland. He reported on plans to participate in the planning meeting for an event to recognize Andreas Cluver of Alameda County Building and Trades Council on August 13.
- Director Young reported attending/participating in the following events: Meeting of the Bay Chapter Sierra Club Trail Group on the EBMUD Watershed Master Plan update on June 23; meeting with Darci Luce and Judy Kelly regarding the Bay Stewardship resolution on June 25; EBRPD Liaison Committee meeting on June 25 in Oakland; guest speaker at EBMUD LGBT Heritage Month barbeque on June 30; panelist for Climate One (Almonds and Lawns) at the Commonwealth Club to discuss the impact of the drought on urban and agricultural users on June 30 (aired on KQED the week of August 5); meeting with the Bicycle Trails Council of the East Bay and EBMUD staff on the Watershed Master Plan update on July 7; Oakland City Council District 1 Town Hall meeting regarding the drought on July 18; and the Contra Costa County Special Districts Association meeting on July 20 in Martinez.
- President Mellon reported attending/participating in the following events: Meeting with San Ramon Mayor Bill Clarkson to provide an update on drought issues on August 5 in San Ramon; meeting with East Bay Regional Park District Director Dennis Waespi and Assistant General Manager of Operations Jim O'Connor to receive an update on Redwood Canyon Public Golf Course (formerly known as Willow Park Golf Course) on August 6 in Oakland; and the Contra Costa County Mayors' Conference on August 6 in Hercules.

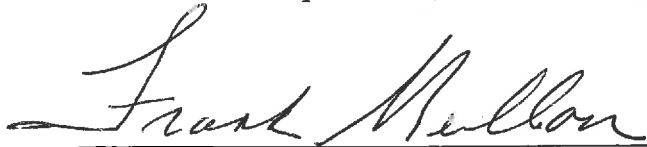
ADJOURNMENT

President Mellon adjourned the meeting at 2:34 p.m.

SUBMITTED BY:


Lynelle M. Lewis, Secretary of the District

APPROVED: September 8, 2015


Frank Mellon, President of the Board