

## **MINUTES**

**Tuesday, September 8, 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 11:10 a.m. in the Administration Center Board Room.

### **ROLL CALL**

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call. Director Andy Katz was not present at roll call but arrived in Conference Room 8a/b.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1 and 2), and Customer Services Manager Thomas F. Fox (Item 2).

### **PUBLIC COMMENT**

Addressing the Board was Ruben Rodriquez, Local 444, who commented that Local 444 members are leery about the Values Study assessment because the outcomes are tied to performance appraisals and could negatively impact their members.

### **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**

President Mellon announced that the Board, in closed session this morning, 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 required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 1-5 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. 154-15** – Approved the Regular Meeting Minutes of August 11, 2015.
  2. No correspondence was filed with the Board.
  3. **Motion No. 155-15** – Authorized an agreement beginning on or after October 1, 2015 with SN Sands Corp. dba S & S Trucking in an amount not to exceed \$275,420 annually for hauling and disposal of wastewater treatment residuals (grit, screenings, and skimmings) for three years with two options to renew for an additional one-year period to include annual CPI increases for a total cost of \$1,514,810 under RFQ 1521.
  4. **Motion No. 156-15** – Authorized an agreement beginning on or after September 9, 2015, with Pacific Water Resources in an amount not to exceed \$90,000, after the addition of taxes, for the repair of the Clay Station Raw Water Pumping Plant Unit 3 pump.
  5. **Motion No. 157-15** – Authorized an amendment to an agreement with the Schnur Consulting Group in the amount of \$75,000 increasing the total amount of the agreement to \$197,300, for services related to implementation of District values and organizational improvements strategies beginning September 8, 2015.

## **DETERMINATION AND DISCUSSION**

### **6. Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted information on EBMUD's sponsored bills SB 188 (Hancock), AB 142 (Bigelow), and SB 20 (Pavley). She presented background information and the recommended positions on S. 1837 (Boxer) and S. 1984 (Feinstein, Boxer). Legislative/ Human Resources Committee Chair John A. Coleman reported that due to time constraints at the morning meeting, the Committee was unable to receive an overview of the Legislative Report No. 09-15. There was discussion about the funding for AB 142 and the Board suggested that staff approach the Foothill Conservancy and other non-governmental organizations about providing financial support for the AB 142 study. Staff will keep the Board apprised on its progress.

- Motion by Director Coleman, seconded by Director McIntosh, to approve the staff recommended positions in Legislative Report No. 09-15 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. 158-15** – Received Legislative Report No. 09-15 that included information on the following bills: INFORMATION SB 188 (Hancock) Municipal Utility District: Utility Charges: Delinquencies; INFORMATION AB 142 (Bigelow) Wild and Scenic Rivers: Mokelumne River; INFORMATION SB 20 (Pavley) California Water Resiliency Investment Act; and approved the recommended positions on the following bills: SUPPORT S. 1837 (Boxer) Drought Recovery and Resilience Act of 2015; and SUPPORT S. 1894 (Feinstein, Boxer) California Emergency Drought Relief Act of 2015.

### **7. General Manager's Report.**

General Manager Coate announced that an update on recent activities related to the 2015 Critical Drought Action Plan and the Monthly Report for August 2015 had been provided in the Board's packet. He pointed out that on August 30, the District completed delivering 33,250 acre-feet of Central Valley Project water and began delivering transfer water. Mr. Coate also announced that on September 1 letters went out to 9,500 customers regarding excessive use penalties.

## **REPORTS AND DIRECTOR COMMENTS**

### **8. Committee Reports.**

- Filed with the Board were the meeting Minutes of the August 11, 2015 Planning and Legislative/Human Resources Committees.

### **9. Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA Region Chair webinar on August 12 in Oakland; ACWA Executive Committee teleconference

meeting on August 12 in Oakland; ACWA Executive Committee teleconference meeting on August 17 in Arnold; Lafayette Community Foundation on August 18 in Oakland; Alameda County Escrow Association presentation on EBMUD issues on August 19 in Dublin; Public Hearing on the East Bay Watershed Master Plan Update on August 20 in Oakland; ACWA Executive Committee teleconference meeting on August 24 in Oakland; meeting with Director Marguerite Young to discuss policy issues on August 25 in Oakland; ACWA Executive Committee teleconference meeting on September 1 in Oakland; meeting with Mike Connor, General Manager of the East Bay Dischargers Authority, on September 1 in Oakland; East Bay Economic Development Association Legislative Committee meeting on September 3 in Oakland; ACWA Smart H2O Summit teleconference meeting on September 4 in Oakland; meeting with Andreas Cluver, Building and Construction Trades Council of Alameda County, regarding Project Labor Agreement issues on September 4 in Oakland; ACWA Executive Committee teleconference meeting on September 8 in Oakland; and discussion on water policy on September 8 in Emeryville. He reported on plans to attend/participate in the following upcoming events: Ron Owen Talk Radio Show on September 9 in San Francisco; ACWA Continuing Legal Education Workshop for Professionals on September 10 in Oakland; Covillo 3<sup>rd</sup> Annual Customer Appreciation party on September 10 in Walnut Creek; ACWA Executive Committee teleconference meeting on September 14 in Arnold; presentation to Contra Costa County Realtors Association on September 17 in San Ramon; Lafayette Art and Wine Festival on September 19 in Lafayette; ACWA Executive Committee teleconference meeting on September 21 in Oakland; and San Ramon Rotary Club presentation on September 22 in Danville.

- Director Katz had no report.
- Director Linney had no report
- Director McIntosh had no report.
- Director Patterson reported that he participated in the St. Louis Cardinals Hall of Fame Induction Ceremony for Curt Flood on August 15, 2015 in St. Louis, MO and the 50<sup>th</sup> Anniversary of Shiloh Church of Oakland on September 4–6, 2015.
- Director Young reported attending/participating in the following events: Meeting with General Manager Alexander R. Coate and Director of Wastewater Bennett K. Horenstein regarding Harvest Power negotiations on August 18; attended the East Bay Watershed Master Plan Update public hearing on August 20 in Oakland; teleconference meeting with Michelle Myers of the Sierra Club Bay Chapter regarding the East Bay Watershed Master Plan Update on August 26; met with representatives of the Gateway Settlement Fund and presentation to the Orinda City Council on September 1; Contra Costa Mayor's Conference meeting on September 3 in Orinda; and Labor Day picnics on September 7 in Martinez and Alameda. She reported on plans to attend/participate in the following upcoming events: 6<sup>th</sup> Annual Oakland Pride Parade and Festival on September 13 and the 25<sup>th</sup> Anniversary of Clean Water Action on September 20.

- President Mellon announced that the Castro Valley Fall Festival would take place September 12 and 13. He reported that he attended/participated in the following events: DERWA's Recycled Water Expansion event on August 12 in Dublin; PG&E new control center opening on August 20 in Concord; and Contra Costa Mayors' Conference meeting on September 3 in Orinda.

### **ADJOURNMENT**

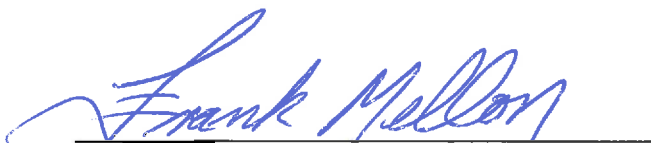
President Mellon closed the meeting in recognition of the contributions of the labor movement to the District and to the country.

President Mellon adjourned the meeting at 1:53 p.m.

SUBMITTED BY:

  
Lynelle M. Lewis, Secretary of the District

APPROVED: September 22, 2015

  
Frank Mellon, President of the Board