

## **MINUTES**

**Tuesday, November 10, 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, Andy Katz, Doug Linney, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call. Director Lesa R. McIntosh was absent.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Xanthe M. Berry (Item 1a), Risk Manager Karen K. Curry (Item 1a), and Attorney Derek T. McDonald (Item 1b).

### **PUBLIC COMMENT**

- Addressing the Board was John Briceno, representing AFSCME Local 444, who announced the recent passing of Water Distribution Crew Foreman Tobias Light and Truck Driver II Eric Franklin. He asked that the Board close today's meeting with a moment of silence in memory of these two employees.

### **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 Mellon called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. in the Administration Center Board Room.

### **ROLL CALL**

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

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.

## **PRESENTATIONS**

General Manager Alexander R. Coate announced that the Association of Metropolitan Water Agencies presented EBMUD with the 2015 Platinum Award for Utility Excellence. This award recognizes the extraordinary performance of water agencies where management vision and employee commitment create a sustainable utility producing ample supplies of clean, safe drinking water. On behalf of the Board, Vice-President Patterson presented the award to the following employees: Manager of Operations and Maintenance Planning Hilary S. Anderson, Principal Management Analyst Jill S. Gaskins, Engineering Manager Serge V. Terentieff, Manager of Fishery and Wildlife Jose D. Setka, Principal Management Analyst Dari Barzel, Manager of Budget Jeanne M. Chase, Manager of Employee Services Lisa A. Sorani, Customer Services Manager Thomas F. Fox, and Senior Public Information Representative Abby J. Figueroa. The Board applauded staff on this achievement.

Next, General Manager Alexander R. Coate announced that today marks the District's 6<sup>th</sup> annual WaterSmart Business Certification awards. He said that this year, twenty-one (21) businesses are being newly certified for achieving outstanding water efficiency at their respective sites. Additionally, nine (9) businesses are being re-certified for a second three-year period for continuing their water-efficiency practices. For today's event, 19 businesses were present to receive their awards and two were unable to be in attendance (Eaton Cooper Lighting in Richmond and Torchio's Auto Repair in Oakland). President Mellon acknowledged the following customers: Alpha Delta Pi Sorority, Cactus Taqueria, CIM Oakland (1333 Broadway), CIM Oakland Center 21, LP Alameda City Hall, Alameda Free Library, Alameda Public Works Department (Maintenance Service Center), Alameda Recreation and Park Department, City of Berkeley for their Public Library Branches (Claremont Branch, South Branch, North Branch, and West Branch), Congregation Netivot Shalom, Escuela Bilingue Internacional, Evergreen Printing, K/P Corporation, Lafayette Car Wash And Detail Center, Litho Process, and Peerless Coffee & Tea Company. The following nine (9) recertified businesses were acknowledge for their continued commitment to water conservation: Athenian School, Bancroft Middle School, Berkeley Bob's (Bob's Volvoland), Cereske Electrical Cable, City of Oakland Fire Station 18, kW Engineering, Oakland Pallet Company, Inc., Rockridge Homes, and StopWaste.org.

Additionally, as part of the District's own efforts to conserve water, this year five (5) EBMUD facilities are in the final inspection phase to receive internal recognition for achieving equivalent water-efficiency practices and conservation for WaterSmart Certification. The five facilities are: Adeline Maintenance Center, Administration Building, Lafayette Reservoir Recreation Area, Natural Resources Watershed Headquarters, and North Yard Service Area. The Board thanked and applauded the successful businesses for their efforts to conserve water.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

- Addressing the Board were the following persons: 1) Mike Vukelich, El Sobrante resident, commented that the District has wasted 20 billion gallons of Pardee Dam water by transferring it to Camanche Dam and said this water could have been used for customers. He also said EBMUD illegally published private customer information and fined customers for the excessive water use penalty; and 2) Ahimsa Correrri, representing the Healing Arts Center of El Cerrito, commented on odor control.

### **CONSENT CALENDAR**

- Item 1 was removed from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 2-5 on the Consent Calendar, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (McIntosh).
1. **Motion No. 189-15** – Approved the Regular Meeting Minutes of October 27, 2015 (as amended).
    - President Mellon pulled Item 1 to request a correction to the Minutes to reflect that his wedding date was October 25, 2015 instead of October 24, 2015 as shown in the Minutes.
    - Motion by Director Mellon, seconded by Director Patterson, to approve the Regular Meeting Minutes of October 27, 2015 as amended, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (McIntosh).
  2. The following correspondence was filed with the Board: 1) Written comments presented by Mike Vukelich, entitled “EBMUD DIRECTORS NOVEMBER 10, 2015;” 2) Presentation entitled “Delta Update” dated November 10, 2015; 3) Presentation entitled “San Francisco Bay Stewardship” dated November 10, 2015; 4) Presentation entitled “Butte Fire Response Update” dated November 10, 2015; and 5) Presentation entitled “Long-term Water Supply Recent Activities” dated November 10, 2015.
  3. **Motion No. 186-15** – Awarded a contract to the lowest responsive/responsible bidder, Hydro Engineering, Inc., of Salt Lake City, UT, in the total amount, after the addition of taxes, not to exceed \$185,813 for supplying one watercraft decontamination system for cleaning vessels at risk of harboring invasive aquatic species prior to launching on District reservoirs, as specified in Request for Quotation No. 1601.

4. **Motion No. 187-15** – Authorized an agreement with HDR Engineering, Inc. in an amount not to exceed \$98,510 to prepare environmental documentation for a potential 2016 Yuba County Water Agency water transfer.
5. **Motion No. 188-15** – Authorized an amendment to an agreement with Calaveras Mi-Wuk Cultural & Historic Preservation Consultants, LLC to increase the agreement value by \$3,268.10 to \$73,268.10 for archaeological services in support of exhumation, repatriation and documentation for a Native American burial area.

#### **DETERMINATION AND DISCUSSION**

6. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine reported that the Office of Intergovernmental Affairs is proposing the following three legislative initiatives for the 2016 state legislative year: (1) Protect EBMUD's interests in any efforts to impose a statewide surcharge or public goods charge on water; (2) Protect EBMUD's interests, including its water rights and water supply, as the administration and legislature continue to consider water supply and reliability issues; and (3) Protect EBMUD's interests in any efforts to compel provision of service outside EBMUD's service area. She noted that these initiatives represent priority focus areas for EBMUD and may include specific proposals for EBMUD-sponsored legislation as well as high priority policy areas that have the potential to directly affect EBMUD operations and which are likely to be considered by the legislature in the coming year. In addition to these legislative initiatives, staff will continue to assess all introduced and amended legislation for a nexus to EBMUD operations and policy objectives and bring relevant bills to the Board for consideration of a formal position, as appropriate.

Legislative/Human Resources Committee Chair Coleman announced that the Committee concurred with the staff recommendations. He said that the Committee also discussed concerns about the possible initiative to compel water service to Tassajara Valley which is outside the District's ultimate service boundary. Director Young commented that Initiative #3 is actually to address issues in several disadvantaged communities in our state and said it behooves us to support efforts to address the basic human right to water in those communities. Ms. Dumaine pointed out that Initiative #3 was very specific to the Tassajara situation and that the District would not interfere with the state's effort to help disadvantaged communities.

Director Young proposed future consideration of a fourth state initiative to address watershed health given the recent fires. Following Board comments, General Manager Coate said staff would conduct research on watershed health initiatives and report back to the Board. Director Coleman asked staff to agendize this topic for discussion at the December and January Upper Mokelumne River Water Authority Board meetings. Following discussion, the Board gave direction to staff to report back to the Board on its findings about the need for a legislative solution for watershed restoration efforts before the bill introduction deadline in February.

- Motion by Director Coleman, seconded by Director Linney, to approve the three recommended legislative initiatives, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (McIntosh).

**Motion No. 190-15** – Approved the following legislative initiatives: (1) Protect EBMUD's interests in any efforts to impose a statewide surcharge or public goods charge on water; (2) Protect EBMUD's interests, including its water rights and water supply, as the administration and legislature continue to consider water supply and reliability issues; and (3) Protect EBMUD's interests in any efforts to compel provision of service outside EBMUD's service area.

Ms. Dumaine reported that staff would be presenting proposed federal initiatives in January. These typically focus on funding opportunities for the District and on water rights and water supply issues. The Board recommended researching initiatives to assist agencies with watershed restoration efforts and funding options for forest management plans.

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

Associate Civil Engineer Paul B. Gilbert-Snyder presented a status update on recent activities related to the Bay Delta Conservation Plan (BDCP) and the Delta Stewardship Council. He provided an overview of the recently filed change petition for the preferred BDCP project, alternative 4A, which adds new points of diversion on the Sacramento River. Staff submitted a comment letter to address the District's concerns on the environmental documents and also plans to file a protest with the State Water Resources Control Board. The public comment period on the recirculated documents closed on October 30, 2015. A pre-hearing conference is expected in late January or early February 2016, and a hearing on key issues will begin in April 2016.

Next, Mr. Gilbert-Snyder provided an update on the Delta Stewardship Council (DSC) activity and the possible impacts to short-term water transfers. He reported on efforts to develop a "decision support tool" for assessing levee risks and allocating resources in the Delta. The tool will be utilized in the Delta Protection Commission's "Delta Flood Risk Management Assessment District Feasibility Study" to identify possible financing mechanisms to fund levee maintenance and improvements. Staff is monitoring these issues and will keep the Board updated.

Director of Wastewater Bennett K. Horenstein presented highlights from a newly released report from the San Francisco Estuary. The report indicates that the overall health of the San Francisco Bay (Bay) is much improved over the past decades. Much of the improvement is attributed to less toxic pollutants discharged to the Bay due to the high-level of treatment of wastewater and pollution prevention programs. However, the study has found that the microplastic pollution is present in the Bay in concentrations several times higher than other major U.S. bodies of water. The small size of microplastics has drawn increasing environmental concern because it makes them bioavailable to thousands of species across nearly all levels of the food chain.

Manager of Fishery and Wildlife Jose D. Setka presented an update on the Butte Fire response activities which have included post-fire recovery plans and stabilization efforts, water quality sampling, and work with private land owners and the Bureau of Land Management. He highlighted the successful volunteer events that have taken place to assist with the recovery efforts. Next, he reported on the Bureau of Land Management post-fire recovery plans and said that staff would be working with them to provide information on potential grant funding efforts. Additionally, staff is working with Calaveras County who is applying for a FEMA hazard mitigation grant to do work in that area. The Board requested that staff continue to provide the Board with information regarding upcoming volunteer events.

Manager of Water Supply Improvements Michael T. Tognolini presented an update on recent long-term water supply developments. The topics included the U.S. Bureau of Reclamation Municipal and Industrial Water Shortage Policy, expansion of Los Vaqueros Reservoir, and recent developments related to potable reuse. He said that a comprehensive update on all long-term water supply development activities will be presented at the annual Board Workshop in early 2016.

General Manager Coate commented that staff provided the Board with a 2015 Critical Drought Action Plan Update and the October 2015 Monthly Report. The Board asked about recent rainfall totals, and General Manager Coate said that staff will begin providing a comprehensive water supply report in January.

#### **REPORTS AND DIRECTOR COMMENTS**

**8. Committee Reports.**

- Filed with the Board were the meeting Minutes of the October 27, 2015 Sustainability/Energy and Finance/Administration Committees.

**9. Other Items for Future Consideration.**

- Update on watershed health legislation
- Report on the San Francisco Bay Stewardship to a future Sustainability/Energy Committee.

**10. Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA teleconference meeting on October 27 in Oakland; Bay Area Council Dinner on October 28 in San Francisco; ACWA Executive Committee teleconference meeting on November 2; speaking engagement to SIRS on behalf of EBMUD on November 4 in Moraga; ACWA California Water Symposium on November 5 in Santa Fe Springs; and ACWA Executive Committee teleconference meeting on November 9 in Oakland.

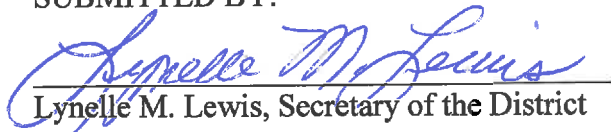
- Director Katz reported attending/participating in the following events: Assembly Member Tony Thurmond's environmental town hall meeting on October 29; retirement event at Alameda County Supervisor Keith Carson's Office on November 4 in Oakland; and the Alameda County East Bay Community Energy Steering Committee meeting on November 4 in Castro Valley.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Patterson announced the passing of Kirk T. Hermon who provided key assistance in promoting the District's legislative issues in Washington, D.C.
- Director Young had no comment.
- President Mellon reported attending/participating in the following events: East Bay Economic Development Alliance's 25<sup>th</sup> Anniversary Celebration on October 15 in Oakland; meeting with City of San Leandro Mayor Pauline Cutter and Council Member Deborah Cox regarding Chabot Dam Seismic Improvement Project update on October 19; East Bay Rental Association presentation on October 20; WCX-Stanford Water P3 Training 2015 presented by Stanford Global Projects Center on October 28 in Palo Alto; and Oakland Civic Pride 2015 Youth Ambassador Scholarship and Civic Awards Gala which recognized former EBMUD Board Member Katy Foulkes on October 29 in Oakland.

### **ADJOURNMENT**

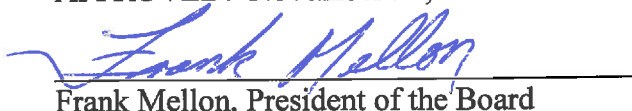
President Mellon announced the passing of Water Distribution Crew Foreman Tobias Light and Truck Driver II Eric Franklin. He pointed out that all District employees who have passed away will be remembered at the annual recognition event in May.

The meeting was adjourned at 3:43 p.m.

SUBMITTED BY:

  
Lynelle M. Lewis, Secretary of the District

APPROVED: November 24, 2015

  
Frank Mellon, President of the Board

