

MINUTES

Tuesday, April 14, 2020

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:03 a.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted via teleconference only. In compliance with said orders, a physical location will not be provided for this meeting.

ROLL CALL

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

Staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1a, 1b, 2a, 2b, and 3) Director of Engineering and Construction Olujimi Yoloye (Items 1b, 2a, and 2b) Engineering Manager Elizabeth Z. Bialek ((Items 1b, 2a, and 2b) Attorney Lourdes Matthew (Item 3), Director of Operations and Maintenance Clifford C. Chan (Item 3), Director of Wastewater Eileen M. White (Item 3), and Manager of Human Resources Laura A. Acosta (Item 3).

PUBLIC COMMENT

The following persons addressed the Board: 1) Eric Larsen, President, AFSCME Local 444 (telephonically), commented on the District's response to the union's request to expand its Family Medical Leave Act provisions for employees impacted by COVID-19.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened for discussion (via teleconference).

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted via teleconference only. In compliance with said orders, a physical location will not be provided for this meeting.

ROLL CALL

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

Staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the District received the National Association of Clean Water Agencies' 2019 National Environmental Achievement Award for the East Bay Regional Wet Weather Collaboration to Significantly Reduce Infiltration and Inflow (I&I). The District and its seven Satellite collection system agencies have been working together to reduce I&I and minimize the use of EBMUD's three wet weather facilities under the framework of a collaboratively-negotiated Consent Decree with the United States Environmental Protection Agency, the Regional Water Quality Control Board, and two local non-governmental organizations. The following staff, representing the Wastewater team were acknowledged for their work: Kristina Zuniga, Associate Civil Engineer; Christopher Dinsmore, Senior Civil Engineer; Phoebe Grow, Supervising Wastewater Control Representative; Angelee Strawder, Wastewater Control Representative; Daniel Siu, Senior Wastewater Control Inspector; Rebecca Overacre, Associate Civil Engineer; Paula Truong, Laboratory Technician III; Sue Berg, Senior Chemist; and Alicia Chakrabarti, Manager of Wastewater Environmental Services. The Board applauded and thanked staff for their work.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-10 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 056-20** – Approved the Regular Meeting Minutes of March 24, 2020.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Coronavirus Update,” dated April 14, 2020; **2)** Presentation entitled, “Water Supply Update,” dated April 14, 2020; **3)** Presentation entitled, “Amendment to EBMUD Retirement System Ordinance (No. 40) – Section 5(d) First Reading,” dated April 14, 2020; and **4)** Speakers’ Bureau and Outreach Record CY20, dated April 13, 2020.
3. **Motion No. 057-20** – Authorized an agreement beginning on or after April 14, 2020 with AdMail Express, Inc. to fulfill customer orders from the District’s online store, provide warehousing services, and fulfill on-demand special large volume District mailings for three years with two options to renew for additional one-year periods, for a total amount not to exceed \$225,000.
4. **Motion No. 058-20** – Authorized an agreement beginning on or after April 14, 2020 with Blocka Construction, Inc., in an amount not to exceed \$426,740 for the removal and replacement of the Makeup Air Units at Upper San Leandro and Sobrante Water Treatment Plants.
- 5a.-5b. **Motion No. 059-20** – Authorized agreements with AJW Construction, Bruce Enterprises, Cornerstone Paving Co., Pacific General Engineering, Ransome Company and Sonnikson and Stordahl Construction in an amount not to exceed \$1,980,000 for Fully Maintained and Operated (FM&O) concrete repair services beginning on or after April 14, 2020 for one year; and authorized additional agreements for FM&O concrete repair services with vendors that meet District standards and offer pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of concrete repair services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager’s monthly report.
- 6.1. **Motion No. 060-20** – Adopted the Fiscal Year 2020 Diversity and Inclusion Program.
- 6.2. **Motion No. 061-20** – Authorized an agreement beginning on or after April 14, 2020 with The Winters Group, Inc., in an amount not to exceed \$275,000 for the development of a Diversity and Inclusion Master Plan.
7. **Motion No. 062-20** – Authorized an amendment to the agreement awarded under Board Motion No. 107-19 with S.R. Bray, LLC, dba Power Plus to increase the amount by \$697,599 to a total amount not to exceed \$1,106,331 for rental of portable generators including delivery services through December 31, 2020.
8. **Motion No. 063-20** – Authorized an extension of the agreements awarded under Board Motion Nos. 065-15 and 127-17 with Bentley Systems, Inc. to increase the agreement amount by \$1,013,250 to a total not to exceed \$2,022,000 for providing Microstation and ProjectWise Construction Management software licenses and maintenance through August 1, 2023.
9. **Resolution No. 35172-20** – Authorizing Designation of Agents to State Office of Emergency Services for Disaster Reimbursement.
10. **Resolution No. 35173-20** – Fixing the Boundaries of the Wards for the Purpose of Electing Directors Therefrom.

DETERMINATION AND DISCUSSION

11. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine reviewed the three bills in Legislative Report No. 02-20. The bills, known as the Validating Acts, retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties and special districts may make inadvertently. Legislative/Human Resources Committee Chair John A. Coleman announced the Committee met earlier (via teleconference) and supported the staff recommendation for Legislative Report No. 02-20. Next, Ms. Dumaine provided an overview of key state and federal actions taken in response to the Coronavirus pandemic. She responded to Board questions regarding stimulus package legislation and how utilities are being classified in low-income rate assistance discussions in the legislature. The Board requested information on District infrastructure projects that would qualify for federal funding under any federal Coronavirus infrastructure stimulus package that may be enacted within the next few months.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 11, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 060-20 – Received Legislative Report No. 02-20 and approved positions on the following bills: Support SB 928 (Committee on Governance and Finance) Validations; Support SB 929 (Committee on Governance and Finance) Validations; and Support SB 930 (Committee on Governance and Finance) Validations; and received information on State and Federal Government actions related to the Coronavirus Disease 2019 (COVID-19).

12. **Consider the introduction and first reading of an ordinance to amend the EBMUD Employees' Retirement System Ordinance (Retirement Ordinance) to update Section 5(d) of the Retirement Ordinance to allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System.**

Manager of Employee Services Lisa A. Sorani presented an overview of the proposed amendment to the ordinance. Section 5(d) of the Retirement Ordinance excludes an appointee to the General Manager position, who is not a member at the time of appointment, from becoming a member of the Retirement System. The Retirement Ordinance must be amended to remove this exclusion to allow an appointee to the General Manager position, who was not previously a member of the Retirement System, to become a member upon appointment and be eligible to receive pension benefits provided by the Retirement Ordinance. The second reading and vote on the ordinance is scheduled for the April 28, 2020 Board of Directors meeting. The amendments would take effect 30 days after the amended ordinance's passage, and the Municipal Utility District Act requires the amendments be published once a week for two successive weeks in a newspaper of general circulation published in the District. The Board raised no questions.

Ordinance No. 371-20 – An Ordinance Amending Section 5(d), "Membership In Retirement System," [of] Ordinance No. 40, Which is the Employees' Retirement System Ordinance. (*Introduction and First Reading*).

13. General Manager's Report.

Director of Operations and Maintenance Clifford C. Chan provided an update on the District's response to the Coronavirus. He reported on the status of disinfection supplies and personal, protective equipment available to staff. The District is managing its supply of N95 masks and procuring bandanas for staff that do not need to wear N95 masks to perform their work, to make cloth face coverings. He discussed customer water service statistics noting that in March, staff reported an increase in Customer Assistance Program applications. He reviewed customer water demand since the shelter in place order has been in effect and water consumption by customer class. Staff is monitoring the budget and projections indicate that while Fiscal Year 2020 net financial performance will remain above budget, the Fiscal Year 2021 budget will be impacted due to the Coronavirus' impact on the regional economy. Mr. Chan said additional updates on the financial impacts of the Coronavirus will be provided at the April 28 Finance/Administration Committee meeting and the May 26 Financial Stability Workshop.

Manager of Maintenance and Construction/Water Operations David A. Briggs presented the Water Supply Update. He reported on the District's and California's current water supply; gross water production; and the snow depth and snow water content at Caples Lake. He noted that through April 9, 2020, precipitation in the East Bay was 45% of average and 72% of average in the Mokelumne. As of April 9, the District's total system storage was 599,400 acre feet, which is 95% of average and 78% of capacity. He discussed projected 2020 total system storage through the end of Water Year 2020 and said the District remains prepared for all possible water supply scenarios.

General Manager Alexander R. Coate announced staff would provide additional information on the District's water supply during the Water Supply Availability and Deficiency Report to the Board on April 28. He pointed out the Board had received the March 2020 Monthly Report in their agenda materials and that he was available for questions.

REPORTS AND DIRECTOR COMMENTS

14. Committee Reports.

- Filed with the Board were the March 24, 2020 Finance/Administration Committee Meeting Minutes.
- Planning Committee Chair Doug Linney reported the Committee met earlier in the day (via teleconference) and received updates on the following: 2019 Mokelumne Fall-run Chinook Salmon and Steelhead Returns; Water Quality Program Annual Update – 2019; and the Regulatory Compliance Semi-Annual Report –September 2019 through March 2020.
- Legislative/Human Resources Committee Chair John A. Coleman reported the Committee met earlier in the day (via teleconference) and received updates on the following: Diversity and Inclusion Master Plan Agreement; Fiscal Year 2020 Diversity and Inclusion Program; Electrical Engineer Recruitment Efforts and Honeywell Staffing Update; and Legislative Report 02-20 and other legislative issues of interest to the District.

15. **Other Items for Future Consideration.**

None.

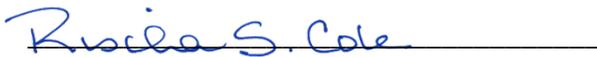
16. **Director Comments.**

- Director Coleman reported participating in a FRWA Board meeting (via teleconference) on April 9 and plans to participate in the following events (via teleconference): meeting with Acalanes High School students regarding water and environmental issues on April 16; EBMUD General Manager Recruitment meetings on April 17 and April 20; and an UMRWA Board meeting on April 24.
- Directors Katz, Linney, McIntosh, Mellon and Patterson, and President Young had no report.

ADJOURNMENT

President Young adjourned the meeting at 2:22 p.m.

SUBMITTED BY:


Rischa S. Cole, Secretary of the District

APPROVED: April 28, 2020


Marguerite Young, President of the Board