MINUTES

Tuesday, June 13, 2023
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 11:07 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors John A. Coleman, April Chan, Doug A. Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Andy Katz (remote) were present.

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

PUBLIC COMMENT

- Addressing the Board was the following: 1) Ivette Rivera commented on the Pierce/Bland lawsuit.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Katz announced the closed session agenda and the Board convened to the Administration Building Conference Room 8 for discussion.

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. in the Administration Building Boardroom.

ROLL CALL

Directors John A. Coleman, April Chan, Doug A. Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Andy Katz (remote) were present.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

President Katz announced Vice President Lesa R. McIntosh would chair the remainder of the meeting.

PRESENTATIONS

General Manager Clifford C. Chan announced the District is the recipient of several awards from the Western Region Minority Supplier Development Council (WRMSDC) and Women's Business Enterprise Council for the Pacific region. Cecil Plummer, President and Chief Executive Officer of WRMSDC announced three of the awards were awarded during the COVID-19 pandemic. He presented the District's Contract Equity Program with the 2020 WRMSDC Local Corporation of the Year Award and the 2021 Women's Business Enterprise Council Pacific 2021 Agency Advocate of the Year Award. He presented Contract Equity Administrator Beverly D. Johnson with the Women's Business Enterprise Council Pacific Agency Advocate Winner of the Year Award 2021 and the 2023 WRMSDC Unsung Hero Award. Director Linney accepted the awards on behalf of the District and thanked staff for their leadership and efforts in achieving these honors. Contract Equity Administrator Beverly D. Johnson thanked Mr. Plummer and WRMSDC for the recognition and acknowledged Contract Equity Program staff for their contributions.

Next, General Manager Chan introduced Serafin Slaga, one of the 2023 winners for the middle school category for the Alameda County Science and Engineering Fair. EBMUD is one of the annual sponsors for the fair which was held in March of this year. Serafin presented his award-winning science project "A Natural Method of Removing Microplastics". Director McIntosh congratulated Serafin on his achievements and presented him with a check and certificate of accomplishment on behalf of EBMUD and all the sponsors of the Alameda County Science and Engineering Fair. Director John A. Coleman offered congratulations and suggested Serafin contact him to explore presenting his project to the San Francisco Estuary Institute and other agencies that are working on managing microplastics.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Ivette Rivera commented on the Pierce/Bland lawsuit, the District's centennial video clip shown at the May 23, 2023 Board meeting, and played excerpts of verbal comments made by employees during the June 29, 2021 EBMUD Special Board meeting; 2) Kelly A. commented on the capacity of the District's three temporary trench soils stockpile sites in Orinda, Castro Valley, and San Ramon, and community concerns regarding the proposed trench soils removal project scheduled for the Miller Road site in Castro Valley; 3) Kyle Wells requested assistance or a reduction for the system capacity charges being assessed for the business he is opening in Walnut Creek; and 4) Mike Simms commented on his water bill and a leak on his water meter.

  Mr. Wells was referred to Director of Customer and Community Services Andrew L. Lee and Mr. Simms was referred to Director of Operations and Maintenance David A. Briggs. The Board asked for information regarding Mr. Simms' situation and on the District's regulations related to applicant projects and system capacity charge payments.

CONSENT CALENDAR

- Item 7 was pulled from the Consent Calendar for separate discussion.

- Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Items 1-6, and 8 on the Consent Calendar carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 096-23** – Approved the Regular Meeting Minutes of May 23, 2023.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Fiscal Years 2024 and 2025 Public Hearing, Rates & Charges, Biennial Budget, and Position Resolution," dated June 13, 2023; **2)** Presentation entitled "Wildcat Pumping Plant Project Final Mitigated Negative Declaration and Project Approval," dated June 13, 2023; **3)** Speakers' Bureau and Outreach Record for CY23 dated June 13, 2023; **4)** Corrected Draft resolution for Agenda Item 11 entitled, "Approving And Adopting The Budget Of The East Bay Municipal Utility District Water And Wastewater Systems For Fiscal Year 2024 And Fiscal Year 2025, Establishing The Terms And Conditions For The Payment Of Demands Against the District, Delegating Authority For Certain Budget Implementation Actions, And Expressing The District's Intention To Issue Tax Exempt Debt Obligations For Reimbursement Of Expenditures For Certain Capital Improvement Projects"; **5)** Letter from Anne Cawood to the President and Members of the Board of Directors dated June 13, 2023 regarding Public comment Expense on Use of Trench Soils at the Quarry Site; **6)** Letter from Kat Wellman, Chair of the Save Lake Chabot Road Coalition to President Katz and Members of the Board of Directors dated June 13, 2023 regarding Public Comment on Budget Items Related to Quarry Site Project; **7)** Written comments from Sheila Bryant dated June 13, 2023; **8)** Written comments from Kevin Holden dated June 13, 2023; **9)** Written comments from Sai Muktevi dated June 13, 2023; **10)** Written comments from Sandra Toscano dated June 13, 2023; **11)** Written comments from Mauricio Chavez dated June 13, 2023; and **12)** Written comments from Jamila W. dated June 13, 2023.

3. **Motion No. 097-23** – Awarded a sole source contract beginning on or after June 13, 2023 to Honeywell International, Inc. dba Honeywell Process Solutions for supplying two distributed control systems Experion hardware and software packages for the Lafayette and Walnut Creek water treatment plants, and a three-year support services agreement for Lafayette WTP, for a total cost, after the addition of taxes, not to exceed $3,654,074.11.

4. **Motion No. 098-23** – Authorized an agreement beginning on or after June 13, 2023, with Buhler Commercial in an amount not to exceed $353,500 to install bridge abutments for the Two Dog Fish Passage Project.

5. **Motion No. 099-23** – Authorized an agreement beginning on or after July 1, 2023 with the City of Orinda in an amount not to exceed $148,500 for restoring asphalt pavement on Miner Road as part of the Happy Valley and Sunnyside pumping plants and Happy Valley Pipeline Phase 2 Improvements Project under Specification 2120.

6. **Motion No. 100-23** – Authorized agreements with the cities of Oakland, Berkeley, Emeryville, San Leandro; Oro Loma Sanitary District and Dublin San Ramon Services District for the District to provide billing and collection services for sewer service charges for the period July 1, 2023 to June 30, 2033.

7. **Authorize an agreement beginning on or after July 1, 2023 with Civicorps for one year for an amount not to exceed $618,000 to provide vegetation control and related services at various District properties.**

   Steven Addison, Conservation Program Manager highlighted services provided by Civicorps and Civicorps' ability to mentor and train young adults in the community because of the long-term relationship and agreements with EBMUD; and 2) Amari Allen, Civicorps Crew Leader commented on the skills and training he has received and thanked the District for partnering with Civicorps. Director Young thanked Civicorps for helping the District manage fuels in EBMUD's watershed.

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

   Motion No. 102-23 – Authorized an agreement beginning on or after July 1, 2023 with Civicorps for one year for an amount not to exceed $618,000 to provide vegetation control and related services at various District properties.

8. **Motion No. 101-23** – Authorized an agreement beginning on or after June 13, 2023 with Comprehensive Construction Services, Inc. in an amount not to exceed $510,389 for materials and labor for renovating Pardee Center's hydropower crew quarters.

9. **Conducted a Public Hearing to consider revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges and other Fees recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Years 2024 and 2025.**

   Vice President McIntosh opened the Public Hearing at 2:02 p.m. and announced the process for the public to lodge a written protest for the purposes of determining whether a majority protest exists under Proposition 218.

   Director of Finance Sophia D. Skoda presented the staff recommended actions for revisions to the Water and Wastewater System Schedules of rates and charges, capacity charges and other fees for Fiscal Years 2024 (FY 2024) and 2025 (FY 2025). She noted the District is celebrating 100 years of service and continues to provide 24/7 service to its customers 365 days per year, while using the budget and rates to fund people, pipes, plants, and other critical community assets. She reviewed the calendar of activities that occurred during the budget and rates development process and said staff is recommending the Board adopt the Proposition 218 rates and charges and the non-Proposition 218 rates, charges, fees and regulations outlined in the Biennial Report and Recommendation of the General Manager for FY 2024 and FY 2025 filed with the Board on May 9, 2023; adopt the FY 2024 and FY 2025 biennial operating and capital budgets for the Water and Wastewater Systems; and adopt the position resolution. The water and wastewater rates were developed based on Cost of Service studies conducted by an

independent rate consultant in 2015 and 2019. In 2023, the Board held two budget workshops (January 24 and March 28), and between February and June, staff and Board members participated in multiple public meetings and webinars to discuss the proposed budget and rates. Proposition 218 notices were mailed in April for today's hearing. Ms. Skoda reported the proposed rate increase for the Water System is an overall 8.5 percent for FY 2024 and an additional overall 8.5 percent for FY 2025. The proposed rate increase for the Wastewater System is an overall 8.5 percent for FY 2024 and an additional overall 8.5 percent for FY 2025. She highlighted how water and wastewater rate dollars are used; current and proposed monthly billing impacts to the average single-family residential customer and other customer classes; the current and proposed Wet Weather Facilities Charge; an agency comparison of water and wastewater rates and charges for single-family residential customers; proposed revisions to water and wastewater fees, charges, regulations and other fees not subject to Proposition 218; the FY 2024 and FY 2025 biennial operating and capital budget including budget priorities and challenges; the five-year Capital Improvement Program; and proposed investments for the Water and Wastewater Systems' infrastructure over the next five years.

Director of Human Resources Cindy R. Charan reviewed the position resolution which reflects staffing and classification changes requiring Board approval that are requested in the FY 2024 and FY 2025 operating and capital budget. Proposed staffing for FY 2024 is 2,229.75 full-time equivalents (FTE), a net increase of 70.5 FTE from FY2023. The additional positions support capital projects, the customer support program, operations support, wastewater emerging concerns, and wastewater facility control systems. Proposed staffing for FY 2025 is 2,230.75 FTEs, an increase of one FTE from FY 2024. Special Assistant to the General Manager Kelly A. Zito responded to questions regarding the Community Affairs Representative III position proposed for the FY 2024 budget and explained the position would be responsible for the strategy and structure of the District's overall education program.

Ms. Skoda reviewed Proposition 218 protest provisions which state if written protests are received by a majority of the affected parcel owners and tenants directly liable for the payment of the water and wastewater charges then the proposed rate changes cannot be implemented. She noted staff confirmed the number of parcels within the District's service area is 337,192 instead of the 340,223 listed in presentation slide 36. She highlighted the District's Customer Assistance Program and Director of Customer and Community Services Andrew L. Lee responded to questions regarding eligibility requirements for the program.

- Director Chan left the meeting at 2:26 p.m. and returned at 2:29 p.m.
- Director Patterson left the meeting at 2:46 p.m. and returned at 2:50 p.m.

Vice President McIntosh called for public comment.

- Addressing the Board were the following: 1) Eve Longuele, Service Worker Project for Affordable Utilities and Water (SWPAUW), read comments from SWPAUW member Kevin Holden, expressed opposition to the proposed rate increase, and asked for a permanent moratorium on disconnection of water service for any customer whose income is at or below the federal poverty level; 2) Sai Muktevi, SWPAUW, expressed opposition to the proposed rate increase and asked for reasonable accommodations for payment plans for any customer whose income is at or below 200% of the federal poverty level; 3) Sandra Toscano, SWPAUW, commented on her water being turned off and asked that arrears be cancelled for ratepayers

below 300% of the poverty line; 4) Mauricio Chavez (with a translator) commented on his past due water bill, asked the Board to not pass the rate increase, and asked for payment plans for arrears accounts to extend to 24 months; 5) Jamila Woods, Vice President, SWPAUW commented on COVID-19 relief funds, asked the Board to not pass the rate increase, and asked that rate adjustments be made so that household water costs do not exceed 2% of household income, per federal standards for customers who are at or below 200% of the federal poverty level; and 6) Shirley Anderson, SWPAUW asked the Board to not pass the rate increase.

Director of Customer and Community Services Andrew L. Lee and General Manager Clifford C. Chan responded to questions regarding the District's payment plans and explained the federal Low Income Household Water Assistance Program can assist eligible households that are in arrears with their water or wastewater bills. Mr. Chan provided the income limits and water use for a single person to qualify for the District's Customer Assistance Program. Secretary of the District Rischa S. Cole read from written comments submitted by Kat Wellman, Chair of Save Lake Chabot Road Coalition regarding budget items related to Quarry Site Project and by Anne Cawood regarding expense on use of trench soils at the Quarry Site. Director of Finance Sophia D. Skoda thanked the speakers and responded to comments by clarifying the District is not shutting off water service at this time and will continue working to decrease the level of debt funding for capital projects. The proposed budget includes a Grant Administrator position to assist with obtaining funding from state, federal and other sources to assist with these efforts. Ms. Skoda also pointed out that section 12 in the draft resolution for Agenda Item 11 had been corrected and an updated version had been provided at Board places.

- Director Chan left the meeting at 3:19 p.m. and returned at 3:23 p.m.

Vice President McIntosh closed the Public Hearing at 3:20 p.m. and announced the District received 103 presumptively valid written protests from the owners of record of parcels upon which the water or wastewater service rates and charges are proposed to be imposed, or from tenants directly liable for the payment of the proposed water or wastewater service rates and charges. Based on this number, a majority protest does not exist with respect to the adoption of the proposed water and wastewater service rates and charges. Accordingly, the proposed rates and charges may be adopted and implemented by the District upon approval by the Board.

There was Board discussion regarding the public comments and information presented. Staff responded to Board questions regarding the District's current service shutoff policy and confirmed there have been no shutoffs for non-payment since the start of the COVID-19 pandemic in March 2020. Staff clarified the District does not charge a fee to respond to a customer's request to check water quality and why the District issues bonds to fund capital projects. Staff was asked to investigate increasing the Customer Assistance Program discount for wastewater charges from 35 percent to 50 percent and to provide an update on other program initiatives. Board members thanked SWPAUW members for their comments and expressed their support for the proposed rate increases. Director Coleman commented he would be voting no on Items 10.1 and 10.2.

DETERMINATION AND DISCUSSION

10.1. **Adopt the rates and charges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Years 2024 and 2025 filed with the Board of Directors on May 9, 2023.**

- Motion by Director Linney, seconded by Director Young, to approve the recommended actions for Item 10.1 carried (6-1) by the following roll call vote: (Chan, Linney, McIntosh, Patterson, Young, and Katz); NOES (Coleman); ABSTAIN (None); ABSENT (None).

Resolution No. 35350-23 – Adopting Water System Schedule Of Rates And Charges And Wastewater System Schedule Of Rates And Charges Subject To Proposition 218 For Fiscal Year 2024 And Fiscal Year 2025, Confirming The Exemption Determination Under The California Environmental Quality Act, And Directing Staff To File A Notice Of Exemption.

10.2. **Adopt the rates, charges, fees, and regulations not subject to Proposition 218 for Fiscal Year 2024 recommended in the Biennial Report and Recommendation of the General Manager for FY 2024 and FY 2025 filed with the Board of Directors on May 9, 2023.**

- Motion by Director Patterson, seconded by Director Linney, to approve the recommended actions for Item 10.2 carried (6-1) by the following roll call vote: (Chan, Linney, McIntosh, Patterson, Young, and Katz); NOES (Coleman); ABSTAIN (None); ABSENT (None).

Resolution No. 35351-23 –Adopting Revised Regulations And Revised Water And Wastewater Systems Schedules Of Rates, Charges, And Fees Not Subject To Proposition 218 For Fiscal Year 2024, Including System Capacity Charge, Standard Participation Charge, Wastewater Capacity Fee, Recreation Use Fees, Public Records Act Fees, Real Property Use Application Fees, And Other Rates, Fees, And Charges; Confirming The Exemption Determination Under The California Environmental Quality Act; And Directing Staff To File A Notice Of Exemption.

11. **Adopt a resolution adopting operating, debt service, and capital budgets for the Water and Wastewater systems for Fiscal Years 2024 (FY 2024) and 2025 (FY 2025) as recommended in the FY 2024 and FY 2025 Proposed Biennial Budget presented to the Board of Directors on March 28, 2023 with minor modifications thereto, establishing the terms and conditions for the payment of demands against the District, delegating authority for certain budget implementation actions, and expressing the District's intention to issue tax exempt debt obligations for reimbursement of expenditures for certain capital improvement projects.**

Director Young recognized staff's efforts in developing a budget that funds Board priorities to increase work on diversity, equity and inclusion initiatives, pipeline work, workforce development and community affairs. Director Chan commented on funding for Board member training, ongoing professional development, and retreats. General Manager Clifford C. Chan said funding for these items could be accommodated in the budget being considered by the Board.

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

Resolution No. 35352-23 – Approving And Adopting The Budget Of The East Bay Municipal Utility District Water And Wastewater Systems For Fiscal Year 2024 And Fiscal Year 2025, Establishing The Terms And Conditions For The Payment Of Demands Against The District, Delegating Authority For Certain Budget Implementation Actions, And Expressing The District's Intention To Issue Tax Exempt Debt Obligations For Reimbursement Of Expenditures For Certain Capital Improvement Projects.

12. **Adopt the proposed position resolution for Fiscal Years (FY) 2024 and FY 2025 to implement necessary staffing and classification changes.**

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 12 carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35353-23 – Authorizing The Number And Character Of Positions And Authorizing the General Manager To Take Action In Connection Therewith.

13. **File the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa counties' 2023-2024 Property Tax Rolls.**

- Motion by Director Patterson, seconded by Director Coleman, to approve the recommended actions for Item 13 carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 103-23 – Filed the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa counties' 2023-2024 Property Tax Rolls.

14.1-14.5 **Adopt the Final Mitigated Negative Declaration for the Wildcat Pumping Plant Project (Project); make findings in accordance with the California Environmental Quality Act (CEQA); adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA; adopt the Practices and Procedures Monitoring and Reporting Plan; and approve the Project.**

General Manager Clifford C. Chan said staff presented the project to the Planning Committee earlier in the day and the Committee supported the staff recommendations. Planning Committee Chair Doug A. Linney confirmed the Committee unanimously supported the staff recommendations for the project.

- Motion by Director McIntosh, seconded by Director Young, to approve the recommended actions for Items 14.1-14.5 carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35354-23 – Adopting The Mitigated Negative Declaration For The Wildcat Pumping Plant Project, Making Findings, Adopting The Mitigation Monitoring And Reporting Plan And Practices And Procedures Monitoring And Reporting Plan, And Approving The Project.

15. **Legislative Update.**

Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 05-23. AB 388 (Connolly) Wildfire and Forest Resilience Action Plan: Implementation Strategies: Roadmap, as amended on May 18, 2023, would require the Department of Conservation (DOC), in consultation with the Wildfire and Forest Resilience Task Force (Task Force), and its member agencies, to develop guidelines for funding the implementation of regional priority strategies developed pursuant to the Regional Forest and Fire Capacity Program. The bill also requires the DOC and Task Force to establish regional investment strategies to identify and align federal, state, local, tribal, and private sector resources that support implementation of regional priority strategies. Staff recommends District support for AB 388. Next, she reviewed H.R. 2964 (McClain) Wastewater Infrastructure Pollution Prevention and Environmental Safety Act, and S. 1350 (Merkley) Wastewater Infrastructure Pollution Prevention and Environmental Safety Act which are identical companion measures known as the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES Act). These measures are substantially like H.R. 4602 (Lowenthal) and S. 3956 (Merkley), on which the Board adopted "support" positions in 2022. The WIPPES Act is intended to address the problem of non-flushable wipes being flushed into, and creating obstructions in, sewer and wastewater systems. Staff is recommending District support for these bills. Staff continues working to address concerns with the language in both AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights and Usage: Interim Relief: Procedures and AB 1337 (Wicks) State Water Resources Control Board: Water Diversion Curtailment. Staff is still in discussions with the authors' offices about amending the bills to address the District's concerns. At this time, staff is recommending the District oppose the bills unless they are amended to address the District's concerns. AB 754 (Papan) Water Management Planning: Water Shortages as amended on May 18, 2023, would make changes to the "Making Conservation a California Way of Life" legislative package (AB 1668 and SB 606) that was approved by the legislature and signed into law in 2018, and supported by EBMUD. She reviewed mandates in the bill that raise policy issues and potential operational and financial concerns for the District. At this time, staff is recommending the District oppose AB 754 unless it is amended to address the District's concerns. AB 755 (Papan) Water: Public Entity: Cost-Of-Services Analysis as amended on May 18, 2023, is intended to provide a method to determine how highwater users are driving up water system costs. She reviewed aspects of the bill and issues of concern for the District. At this time, staff is also recommending the District oppose AB 755 unless it is amended to address the District's concerns. Ms. Viatella responded to Board questions on how the District will be listed in legislative committee reports if the Board votes to oppose AB 460 and AB 1337 unless they are amended, and clarified that during her testimony before the committee conducting the analysis of the bills she would state the District's position on the bills. The Board commented on taking a position to oppose measures unless they are amended to address the District's concerns, and Ms. Viatella explained taking this position gives staff the ability to continue discussing the District's concerns with bill authors and their staff and seek amendments. Regarding AB 754 and AB 755, staff was asked to reach out to the California Coastkeeper Alliance to discuss District operations and facilities.

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended position for AB 388 (Connolly) carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended positions for H.R. 2964 (McClain) and S. 1350 (Merkley) carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended positions for AB 460 (Bauer-Kahan) and AB 1337 (Wicks) carried (7-0) by the following roll call vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

  - Director McIntosh left the meeting at 4:15 p.m. and returned at 4:17 p.m.
  - Director Chan left the meeting at 4:23 p.m. and returned at 4:28 p.m.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended positions for AB 754 (Papan) and AB 755 (Papan) carried (6-0) by the following roll call vote: (Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (Chan).

Motion No. 104-23 Received Legislative Report No. 05-23 and approved positions on the following bills: SUPPORT AB 388 (Connolly) Wildfire And Forest Resilience Action Plan: Implementation Strategies: Roadmap; OPPOSE UNLESS AMENDED AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights And Usage: Interim Relief: Procedures; OPPOSE UNLESS AMENDED AB 754 (Papan) Water Management Planning: Water Shortages; OPPOSE UNLESS AMENDED AB 755 (Papan) Water: Public Entity: Cost-Of-Services Analysis; OPPOSE UNLESS AMENDED AB 1337 (Wicks) State Water Resources Control Board: Water Diversion Curtailment; SUPPORT H.R. 2964 (McClain) Wastewater Infrastructure Pollution Prevention and Environmental Safety Act; and SUPPORT S. 1350 (Merkley) Wastewater Infrastructure Pollution Prevention And Environmental Safety Act.

16. **General Manager's Report.**

Monthly Report – May 2023

General Manager Clifford C. Chan announced he is available to respond to questions regarding the report and that the most recent Speakers' Bureau and Outreach Record was at Board places.

REPORTS AND DIRECTOR COMMENTS

17. **Committee Reports.**

- Filed with the Board were the Minutes for the May 23, 2023 Finance/Administration Committee meeting.

- Planning Committee Chair Doug A. Linney reported the Committee met earlier in the day and received updates on the Wildcat Pumping Plant Project and Final Mitigated Negative Declaration and Trench Soils Management.

- Legislative/Human Resources Committee Chair Lesa R. McIntosh reported the Committee met earlier in the day and received an update on Legislative Report No. 05-23.

18. **Other Items for Future Consideration.**

None.

19. **Director Comments.**

- Director Coleman reported speaking on climate change and shoreline resilience in a meeting with Stanford University (remote) on May 25; and presenting on the proposed Lafayette Reservoir tower retrofit at the Lafayette City Council meeting in Lafayette and attending the East Bay Leadership Council Board meeting in Martinez on June 12. He reported on plans to attend the East Bay Leadership Council Reception in Walnut Creek on June 20; the USACE Change of Command ceremony in Tiburon on June 23; a meeting with Sunset Gate regarding a Lafayette issue in Orinda on June 26; and a presentation to the San Ramon City Council in San Ramon on June 27.

- Director Patterson commented on the Oakland Post and Richmond Post newspaper articles regarding the District's Time Capsule media event at the Adeline Maintenance Center on May 22 and Turner Construction Company's contract to perform work for the Oakland Unified School District.

- Directors Chan, Linney, McIntosh, and Young and President Katz had no reports.

ADJOURNMENT

President Katz adjourned the meeting at 4:32 p.m.

SUBMITTED BY:

Rischa S. Cole

Rischa S. Cole, Secretary of the District

APPROVED: June 27, 2023

Andy Katz

Andy Katz, President of the Board