MINUTES

Tuesday, September 8, 2026
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California

Closed Session Meeting

President Luz Gómez called to order the Regular Closed Session Meeting of the Board of Directors at 12:12 p.m. in the Administration Building William "Bill" Patterson Boardroom.

ROLL CALL

Directors April Chan, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith, Marguerite Young, and President Luz Gómez were present at roll call.

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

PUBLIC COMMENT

There was no public comment.

Regular Business Meeting

At 1:08 p.m. the General Manager notified the Secretary of the District that due to an extended Closed Session meeting, the Regular Business meeting would start at 1:30 p.m. At 1:29 p.m. the General Manager notified the Secretary of the District that due to an extended Closed Session meeting, the Regular Business meeting would start at 1:45 p.m.

President Luz Gómez called to order the Regular Business Meeting of the Board of Directors at 1:47 p.m. in the Administration Building William "Bill" Patterson Boardroom.

ROLL CALL

Directors Valerie D. Lewis, Jim Oddie, Joey D. Smith, Marguerite Young, and President Luz Gómez were present at roll call. Director Andy Katz arrived at 1:48 p.m. Director April Chan was absent and excused.

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 Gómez led the Pledge of Allegiance.

Recognizing Latin Heritage Month and the Fuerza Latina Affinity Group

President Gómez announced that the Fuerza Latina Affinity Group is proudly celebrating its 30th anniversary. Founded in 1996, Fuerza Latina was established to celebrate and promote Latin culture, increase cultural awareness and visibility, and educate District staff through art, food, music, crafts, and history. In honor of Latin Heritage Month, which is observed annually from September 15 to October 15, Fuerza Latina will be hosting events to highlight different aspects of the Latin culture and the theme "Community Connections & Origin Stories". She highlighted the activities planned for the month which will kick off with an opening ceremony luncheon on September 16. On behalf of the Board of Directors, President Gómez invited everyone to join Fuerza Latina to celebrate 30 years and requested a moment of silence in remembrance of the lives lost and those affected by the recent earthquakes in Colombia and Venezuela.

Recognizing National Disability Employment Awareness Month and the Disability Advocacy and Rights Team Affinity Group

Director Young announced the Disability Advocacy and Rights Team, also known as DART, was founded in 2022 to provide a community for employees with disabilities, caretakers of disabled people, and employees who want to learn more about disability. DART also supports the District's efforts to promote the hiring of qualified individuals with disabilities. Each October, the United States Department of Labor recognizes National Disability Employment Awareness Month, also known as NDEAM, which commemorates the many contributions of people with disabilities to America's workplaces and economy. DART will host a variety of activities throughout October around the NDEAM 2026 theme "Celebrating Value and Talent" starting with a kickoff celebration email on October 1. On behalf of the Board of Directors, Director Young thanked DART and encouraged all staff to participate in NDEAM activities and in celebrating the value and talent that people with disabilities bring to our community and workplace.

PRESENTATION

President Gómez announced the District's Art Committee was established in 1993 and hosts six to seven exhibitions per year, featuring works by local emerging to mid-career artists. EBMUD showcases works by these artists in the Administration Building 2nd floor art gallery. She introduced artist Mario Navasero to highlight his exhibit *De Manera Amorosa/In a Loving Way* which is currently on display in the 2nd floor gallery through October 16. An artist reception open to employees and the public will be held on Friday, September 18 starting at 4:30 p.m. in the 2nd floor lobby. Mario shared information about the exhibit and the inspiration behind this body of work.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT:

- Addressing the Board was Joseph Grcar who commented on EBMUD's historical data on water rates, production, and revenue. He asked the District to publish more historical financial and rate data online to improve transparency regarding rate increases.

COMMITTEE REPORTS

- Filed with the Board were the Minutes for the August 11, 2026 Planning and Finance/Administration Committee meetings.

- Director Lewis reported the Planning Committee met this morning and received the Water Quality Program Semi-Annual Update and the Fiscal Year 2026 Pipeline Rebuild Program Annual Update.

- Director Smith reported the Legislative/Human Resources Committee met this morning and received an update on the EBMUD 2026 Economic Impact Report.

- Director Oddie reported the Finance/Administration Committee met this morning and received updates on the Monthly Investment Transactions Report; Fiscal Year 2027 Insurance Summary; Fiscal Year 2026 Key Performance Indicators Report; Greenhouse Gas Reduction Options; Annual Internal Audit Report; and Policy 4.29 – Use of Artificial Intelligence.

CONSENT CALENDAR

- Item 15 was pulled from the Consent Calendar for separate discussion.

- Motion by Director Smith, seconded by Director Young to approve Items 1-14 and 16-17 on the Consent Calendar carried (6-0) by the following voice vote: AYES (Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (Chan).

1. **Motion No. 143-26** – Approved the Regular Meeting Minutes of August 11, 2026, Special Meeting Minutes of August 18, 2026, and Special Meeting Minutes of August 21, 2026.

2. The following correspondence was filed with the Board: **1)** Speakers' Bureau and Outreach Record CY26, dated September 8, 2026; and **2)** Handout titled, Monthly Cost of Water Service ©2026 Joseph Grcar.

3. **Motion No. 144-26** – Awarded a contract beginning on or after September 8, 2026 to the lowest responsive/responsible bidder, Agilent Technologies, Inc., to furnish, install, test, and validate one new bench top Inductively Coupled Plasma Mass Spectrometer with autosampler to the District's SD-1 Laboratory for a total cost, after the addition of taxes, not to exceed $258,768 under Request for Quotation No. 2616.

4. **Motion No. 145-26** – Awarded a contract beginning on or after September 8, 2026 to the lowest responsive/responsible bidder, WECO Industries, LLC, for supplying one high pressure water jetting trailer - US Jetting 6018, with Freight On Board to the District's Main Wastewater Treatment Plant, for a total cost, after the addition of taxes, not to exceed $185,239 under Request for Quotation No. 2703.

5. **Motion No. 146-26** – Authorized an agreement beginning on or after September 8, 2026 with Arthur J. Gallagher Risk Management Services, LLC for three years with two options to renew for additional two-year periods for a total amount, including option years, not to exceed $1,052,308 for specialized risk management and commercial brokerage services.

6. **Motion No. 147-26** – Authorized an agreement beginning on or after September 8, 2026 with Brown and Caldwell in an amount not to exceed $276,120 for Mokelumne Aqueduct No. 3 Flow Meter Calibration.

7. **Motion No. 148-26** – Authorized an agreement beginning on or after September 8, 2026, with Carollo Engineers, Inc., in an amount not to exceed $9,216,911 for owner advisor services for the Central Reservoir Replacement Project.

8. **Motion No. 149-26** – Authorized an agreement beginning on or after September 8, 2026 with RTI International in an amount not to exceed $480,261 for consultant services associated with the Upper San Leandro and Chabot Dams Site-Specific Probable Maximum Precipitation and Probabilistic Flood Hazard Analysis Project.

9. **Motion No. 150-26** – Authorized an agreement beginning on or after September 8, 2026 with Sentry Equipment Corp., in an amount not to exceed $479,000 for engineering, manufacturing and installation services to replace two clarifier drives at the Sobrante Water Treatment Plant.

10. **Motion No. 151-26** – Authorized a 20-year agreement with Amador Water Agency (AWA) regarding AWA's use of certain pre-1914 water supply, which provides for annual payments to AWA and preservation of the District's Mokelumne River water supplies for a term of 20 years.

11. **Motion No. 152-26** – Authorized the purchase of log management and analysis software licensing and support beginning on or after September 8, 2026 from NuSpective, Inc., for two years, for a total amount not to exceed $448,108. This purchase will be made under State of California contracts available for use by local governments.

12. **Motion No. 153-26** – Approved the assignment of the agreement originally authorized under Board Motion No. 169-25 from TruePoint Solutions, LLC to TrueBill Solutions, LLC for implementation of backflow prevention system software and ongoing support.

13. **Motion No. 154-26** – Approved the July 2026 Monthly Investment Transactions Report.

14. **Motion No. 155-26** – Authorized amendments to the agreements originally authorized under Board Motion No. 197-25 with Arrowhead Concrete Construction; Integrated Concrete Construction; Solid Ground Masonry & Concrete, Inc.; Sonnikson dba Sonnikson and Stordahl Construction; and Spaulding Concrete, LLC to increase the aggregate amount of those agreements by $2,300,000 to a total aggregate amount not to exceed $4,300,000 and extend the terms of the agreements to September 15, 2027 for concrete repair services; and authorized additional agreements for concrete repair services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 8, 2026, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

15. **Authorize amendments to the agreements originally authorized under Board Motion No. 184-25 with Channa Trucking, Inc.; CIA Trucking, Inc.; Curbside Trucking, LLC; Darrah Trucking & Excavating, Inc.; E.M. Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking, Inc.; Gloria Washington Trucking, Inc.; Haver Trans Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Paul K Transport, LLC; Royal Trucking/Maintenance; Sabie Trucking, Inc.; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; TGI Freight, LLC; and Tri Valley Water Trucks, Inc. to increase the aggregate amount of those agreements by $7,800,000 to a total aggregate amount not to exceed $13,900,000 and extend the terms of the agreements to September 15, 2027 for dump truck services; and authorize additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 8, 2026, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.**

Director Oddie requested the item be pulled for discussion.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented the union objects to the proposed $1 million increase in funding for dump truck services for direct hauling of trench soils as this is bargaining unit work. He asked the Board to amend the motion to reduce the award to $6.3 million to allow Local 444 to meet and confer with the District regarding direct hauling of trench soils.

Director Oddie expressed concern about the increase in costs and commented on previous requests for a workshop or discussion on fully maintained and operated (FM&O) contracting policies and practices. General Manager Clifford C. Chan discussed the District's use of dump truck services, noting that combined FM&O and off-hauling agreements costs decreased by nearly $6 million from FY 2024 to FY 2026 and are projected to remain near FY 2026 levels in FY 2027. He also highlighted the increase in

Pipeline Rebuild costs between FY 2020 and FY 2026 and that 57 positions were added to support the program during that period. As part of the upcoming budget process, the District will evaluate District staffing and FM&O costs and meet with the Unions regarding the budget and staffing considerations. He also noted staff presented an update on FM&O contracting to the Planning Committee in February 2026. There was considerable Board discussion regarding the proposed cost increase for dump truck services, direct haul operations and associated costs, the District's contracting process, and Local 444's request to reduce the award amount. Director of Maintenance and Construction/Water Operations Crystal J. Yezman provided additional clarification regarding direct haul operations, contracting practices, and associated costs. There was additional Board discussion about amending the agreements; developing a process before the next budget cycle to evaluate the need for District forces to ensure staff is fully utilized consistent with the Municipal Utility District Act, and determine whether there is excess contracting for services; which crews are affected by the use of dump truck services; using cost as the rationale for contracting for work that may continue in perpetuity; whether the proposed increase would maintain current direct-haul levels or increase direct haul; and the four-hour minimum reporting requirement for contracted dump truck services.

- Motion by Director Young, seconded by Director Smith, to amend the motion for Item 15 to authorize an increase in the aggregate amount of the agreements by $6,800,000 instead of the $7,800,000 requested, and to pend the discussion regarding the additional $1 million requested.

There was additional discussion on establishing criteria for contracting for dump truck services. Director Young requested an additional amendment to the motion that specific criteria for contracting dump truck services be established and presented to the Planning Committee for review and to the Board of Directors for approval prior to any further authorization for these services. Director Smith accepted the additional amendment to the motion. Staff was asked to confirm provisions for the four-hour minimum reporting requirement for dump truck services; develop criteria for contracting dump truck services to present to the Planning Committee and the Board; and to include the cost of performing work with District forces compared to the cost of contracting in future staff reports.

- Motion by Director Young, seconded by Director Smith to approve Item 15, as amended carried (5-1) by the following voice vote: AYES (Katz, Oddie, Smith, Young, and Gómez); NOES (Lewis) ABSTAIN (None); ABSENT (Chan).

Motion No. 158-26 – Authorized amendments to the agreements originally authorized under Board Motion No. 184-25 with Channa Trucking, Inc.; CIA Trucking, Inc.; Curbside Trucking, LLC; Darrah Trucking & Excavating, Inc.; E.M. Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking, Inc.; Gloria Washington Trucking, Inc.; Haver Trans Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Paul K Transport, LLC; Royal Trucking/Maintenance; Sabie Trucking, Inc.; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; TGI Freight, LLC; and Tri Valley Water Trucks, Inc. to increase the aggregate amount of those agreements by $6,800,000 to a total aggregate amount not to exceed $12,900,000 and extend the terms of

the agreements to September 15, 2027 for dump truck services; and authorized additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 8, 2026, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report. Any additional funding for dump truck services is subject to staff presenting proposed criteria for contracting dump truck services to the Planning Committee for review and to the Board of Directors for approval.

16. **Motion No. 156-26** – Authorize amendments to the agreements originally authorized under Board Motion No. 210-25 with City Rise Safety, LLC; CMC Traffic Control Specialists Inc.; Escano & Associates Inc.; National Trench Safety dba National Trench Safety Traffic Solutions; Statewide Traffic Safety and Signs Inc. dba AWP Safety; and Traffic Control Pros to increase the aggregate amount of those agreements by $3,600,000 to a total aggregate amount not to exceed $6,304,000 and extend the terms of the agreements to September 15, 2027 for flagging services; and authorized additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 8, 2026, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

17. **Motion No. 157-26** – Authorized agreements beginning on or after September 8, 2026 with Agile Occupational Medicine; Occupational Health Centers of California, a medical corporation, dba Concentra Medical Centers; Examinetics; Occu-Med, Ltd; and Professional Health Services, Inc, for five years with two options to renew for additional one-year periods for an aggregate amount, including option years, not to exceed $650,000 for providing medical evaluations and assessments required by federal and state regulations; and authorized additional agreements for providing medical evaluations and assessments required by federal and state regulations, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 8, 2026 with medical facilities that meet the federal and state regulations, and District standards and offer pricing at or below the range in the proposed agreements with the consultants above to increase flexibility to ensure consultants availability. The Board of Directors will be notified of additional qualified consultants by means of the General Manager's monthly report.

DETERMINATION AND DISCUSSION

18. **Adopt a resolution to declare October 7, 2026, to be "California Clean Air Day" at the District and to encourage all employees to participate in California Clean Air Day.**

Director of Operations and Maintenance David A. Briggs presented the annual resolution declaring October 7 as California Clean Air Day. He stated that statewide recognition

supports the District's commitment to environmental stewardship, employee health and safety, improved air quality, and reducing emissions. Mr. Briggs highlighted the District's ongoing clean-air and sustainability efforts, including activities led by the staff Sustainability Committee, Bike to Work initiatives, employee awareness and training, and participation in the California Clean Air Day pledge. He encouraged employees to take the pledge and commit to actions that positively contribute to improving air quality throughout the state.

- Motion by Director Katz, seconded by Director Young to approve Item 18 carried (6-0) by the following voice vote: AYES (Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (Chan).

Resolution No. 35508-26 – Resolution Supporting Declaration Of California Clean Air Day.

19. **Adopt a resolution approving the adoption of the updated Board of Directors Governance Manual.**

General Counsel Derek T. McDonald reported the Board of Directors Governance Manual has been presented to various Committees and the Board for review as noted in the staff report. At the August 11, 2026 Board meeting, the Board requested minor grammatical revisions to Section 3.04, Role of Board Officers, and Section 4.03, Conduct at Board Meetings. The requested revisions were incorporated in the redlined version of the manual included with the staff report. Director Katz commented on rendering issues and bookmark errors in the electronic, redlined version of the manual included with the staff report. Mr. McDonald noted these items will be corrected in the final version. President Gómez commented on receiving a printed copy of the agreements listed in Section 4.02, Conduct Between Board Members.

Motion by Director Oddie, seconded by Director Young to approve Item 19 carried (6-0) by the following voice vote: AYES (Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (Chan).

Resolution No. 35509-26 – Adopting The Updated East Bay Municipal Utility District Board of Directors Governance Manual.

20. **General Manager's Report.**

Monthly Report – August 2026

General Manager Clifford C. Chan announced that the August 2026 Monthly Report had been provided in the agenda materials and the Speakers' Bureau and Outreach Record CY26 was at Board places. As noted in the Monthly Report, he reported water production for July and August was lower than the same period last year.

DIRECTOR COMMENTS

21. **Other Items for Future Consideration.**

- Present EBMUD 2026 Economic Impact Report at a future Board meeting

22. **Director Comments.**

- Director Katz reported attending the Alameda Labor Council's 2026 Unionist of the Year Dinner in Oakland on August 28.

- Director Lewis reported attending the FRWA Board meeting in Oakland on August 13.

- Director Oddie reported attending the FRWA Board meeting in Oakland on August 13; Oakland Chinatown Chamber Festival on August 22; and the WateReuse Conference in San Francisco from August 24–26.

- Director Smith reported participating in the Oakland Pride parade on August 16; East Bay Leadership Council 2026 Installation Awards in Pleasant Hill on August 18; WateReuse Conference in San Francisco from August 24–26; and the 17th Annual Spirit and Soul Festival in Richmond on August 29.

- Director Young reported visiting the Walnut Creek Water Treatment Plant on August 15; attending the Contra Costa Mayors' Conference in Moraga on September 3; and Representative Mark DeSaulnier's visit to Siesta Valley. Director Young recognized a day of remembrance for the 5,000 people missing and 1,500 people that died in the Nepal disaster in August.

- President Gómez reported participating in a KTVU Channel 2 interview on August 17; the WateReuse Conference in San Francisco from August 24–26; Ad Hoc Committee meeting to discuss amendments to the General Manager and General Counsel employment agreements on August 27; virtual East Bay Leadership Council Infrastructure Task Force meeting on September 1; and attending the Contra Costa Mayors' Conference in Moraga and presenting to the Lafayette Rotary on September 3.

- Director Chan had no report.

ADJOURNMENT

President Gómez adjourned the Regular Meeting at 2:55 p.m.

SUBMITTED BY:

Rischa S. Cole

Rischa S. Cole, Secretary of the District

APPROVED: October 13, 2026

Luz Gómez

Luz Gómez, President of the Board