



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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***Notice of Location Change***

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, June 14, 2022  
*\*\*Virtual\*\****

In accordance with Government Code section 54953(e), the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only**. A physical location will not be provided for these meetings.

Dated: June 9, 2022



Rischa S. Cole  
Secretary of the District

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**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
REGULAR CLOSED SESSION**

**Tuesday, June 14, 2022**

**11:00 a.m.**

*Virtual*

**Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

**\*\*\*Please see appendix for public participation instructions\*\*\***

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *United States of America, et al. v. East Bay Municipal Utility District, et al.*  
USDC, N.D. Cal., Case No. CV 09-0186 RS
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):  
one matter.

*(The Board will discuss Closed Session agenda items in the Training Resource Center)*

## **REGULAR BUSINESS MEETING**

**1:15 p.m.**

*Virtual*

### **Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only**. A physical location will not be provided for this meeting.

**\*\*\*Please see appendix for public participation instructions\*\*\***

### **ROLL CALL:**

#### **BOARD OF DIRECTORS:**

- Pledge of Allegiance

### **ANNOUNCEMENTS FROM CLOSED SESSION:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**CONSENT CALENDAR:** (Single motion and vote approving 20 recommendations, including 3 resolutions.)

1. Approve the Special and Regular Meeting Minutes of May 24, 2022.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$7,000,000 for construction of the Main Wastewater Treatment Plant Power Generation Station Reliability Improvements Phase 3 Project under Specification SD-413.
4. Award a contract to the lowest responsive/responsible bidder, OBS Engineering, Inc., in an amount not to exceed \$662,000 for construction of the Main Wastewater Treatment Plant Site Enhancements Project under Specification SD-420.
5. Authorize an agreement beginning on or after July 1, 2022 with Amador County for three years with an option to renew for an additional three-year period for a total amount, including option years, not to exceed \$1,444,000 for law enforcement services at District Recreation Areas and on adjacent District watershed lands.
6. Authorize an agreement beginning on July 1, 2022 with Athens Insurance Service, Inc., dba Athens Administrators, for \$1,833,061 for three years with two options to renew for additional two-year periods for a total amount, including option years, not to exceed \$4,554,497 for serving as the District's Third Party Administrator and providing claims administration and benefits to injured workers in support of the District's workers' compensation program.
7. Authorize an agreement beginning on or after July 1, 2022 with Civicorps in an amount not to exceed \$599,000 to provide vegetation control and related services at various District properties.

**CONSENT CALENDAR:** (Continued)

8. Authorize an agreement with ENS Resources, Inc. for continued legislative and regulatory information-gathering, analysis, representation, and liaison services in Washington, D.C. for one year, beginning on July 1, 2022, with two options to renew for additional one-year periods for a total cost, not to exceed \$430,000.
9. Authorize an agreement beginning on or after June 14, 2022 with GEI Consultants, Inc. in an amount not to exceed \$250,000 for consultant services to perform safety inspections and safety evaluation reports that are required under the District's license with the Federal Energy Regulatory Commission for Camanche and Pardee Dams.
10. Authorize an agreement beginning on or after June 14, 2022, between the Lower Mokelumne River Partnership and the University of California Santa Cruz in an amount not to exceed \$99,658 to be paid from the Lower Mokelumne River Partnership Fund for genetic research on Mokelumne River Fish Hatchery steelhead.
11. Authorize an agreement beginning on or after June 14, 2022 with NJB Soft, LLC for five years with one option to renew for an additional five-year period for a total amount, including option year, not to exceed \$422,846 for software development, service and support.
12. Authorize an agreement beginning on or after June 14, 2022 with Sequoia Ecological Consulting, Inc. in an amount not to exceed \$399,000 for the biological reconnaissance and monitoring of Oakland Inner Harbor Pipeline Crossing and Wildcat Pipeline Improvement, El Cerrito.
13. Authorize a two-year agreement with Terraphase Engineering, Inc. in an amount not to exceed \$105,038 to provide groundwater monitoring services for select wells as required in the East Bay Plain Subbasin Groundwater Sustainability Plan previously adopted under Board Resolution No. 35269-21.
14. Authorize agreements in support of the District's centennial activities.
  - 14.1. Authorize an agreement beginning on or after June 14, 2022 with Moore Iacofano Goltsman, Inc. in an amount not to exceed \$105,000 to develop and support implementation of the District's centennial marketing campaign and social media plans and media buys.
  - 14.2. Authorize an agreement beginning on or after June 14, 2022 with Stop Global Yawning, Inc. dba WHM Creative in an amount not to exceed \$259,000 for production of the District's centennial video, logo, templates, and historical flipbook.

**CONSENT CALENDAR:** (Continued)

15. Authorize agreements for utility locating and vacuum excavation potholing services.
  - 15a. Authorize agreements with the following service providers for utility locating and vacuum excavation potholing services beginning on or after July 1, 2022 for three years with two options to renew for an additional one-year periods, in an aggregate amount, including options years, not to exceed \$2,500,000: Badger Daylighting Corp.; Bess Test Lab Inc.; EXARO Technologies Corporation; Pipe and Plant Solutions, Inc.; and Subtronic Corporation.
  - 15b. Authorize additional agreements for utility locating and vacuum excavation potholing services, on an as-needed basis, 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.
16. Authorize agreements for paving and other related services.
  - 16a. Authorize agreements with the following service providers for paving and other related services beginning on or after June 14, 2022 for one year in an aggregate amount not to exceed \$5,000,000: American Asphalt Repair & Resurfacing Co, Inc.; Carone & Company, Inc.; J. V. Lucas Paving, Inc.; J. J. Perez Paving Inc.; MCK Services, Inc.; and Public Agencies.
  - 16b. Authorize additional agreements for paving and other related services on an as-needed basis, 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. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Wiss, Janney, Elstner Associates, Inc. to increase the agreement amount by \$80,000 to a total amount not to exceed \$160,000 for contractor design assessment services for the Digester Upgrade Phase 3 Project.
18. Authorize the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett, LLP, for specialized legal services related to construction, public contracts and procurement, claims, intellectual property and technology matters, tax, public pension law, labor and employment, and litigation matters.
19. File the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda County 2022-2023 Property Tax Roll.

**CONSENT CALENDAR:** (Continued)

20. Adopt resolutions related to calling, consolidating, and ordering an election of four Directors of the East Bay Municipal Utility District (EBMUD).
  - 20.1. Adopt a resolution calling and ordering the election of four Directors of EBMUD on November 8, 2022, and consolidating the election with the November 8, 2022 statewide General Election. (Resolution)
  - 20.2. Adopt a resolution requesting the Board of Supervisors in Alameda and Contra Costa counties consolidate EBMUD's election for the office of Director with the November 8, 2022 statewide General Election. (Resolution)
  - 20.3. Adopt a resolution establishing the criteria for publication of candidates' statements and authorizing the Secretary to bill candidates for certain costs. (Resolution)

**PUBLIC HEARING:**

21. Conduct a public hearing to consider revisions to the water and wastewater system schedules for rates and charges, capacity charges and other fees recommended in the "Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2023," submitted to the Board on May 10, 2022.

**DETERMINATION AND DISCUSSION:**

22. Adopt the water and wastewater systems rates and charges, Real Property Use Application fees, Public Records Act fees, Recreation Use fees and regulations recommended in the "Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2023," submitted to the Board on May 10, 2022. (Resolution)
23. Affirm and amend, in accordance with the provisions of the Municipal Utility District Act, the Fiscal Year 2023 (FY23) Operating and Capital Budgets for the Water and Wastewater Systems as recommended in the Fiscal Year 2022 and 2023 Mid-Cycle Budget Update submitted to the Board of Directors on May 24, 2022. The FY23 baseline Operating and Capital Budgets are unchanged from the amounts adopted by the Board on June 8, 2021; the recommended amendment would add appropriations for Drought Contingency expenses. (Resolution)
24. Approve the Mid-Cycle Position Resolution for Fiscal Year 2023 to implement necessary classification changes as recommended in the Fiscal Year 2022 and 2023 Mid-Cycle Budget Update submitted to the Board of Directors on May 24, 2022. (Resolution)
25. Make requisite findings and adopt a Resolution to hold meetings of the Board of Directors via teleconference under Government Code section 54953(e) until the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person. (Resolution)

**DETERMINATION AND DISCUSSION:** (Continued)

26. Legislative Update:
  - Receive Legislative Report No. 04-22 and consider positions on the following bills: AB 2142 (Gabriel) Income Taxes: Exclusion: Turf Replacement Water Conservation Program; S. 4231 (Feinstein) Support To Rehydrate the Environment, Agriculture, and Municipalities Act; and S. 4279 (Padilla) Water Efficiency, Conservation, and Sustainability Act of 2022
  - Update on Legislative Issues of Interest to EBMUD
27. General Manager's Report:
  - Drought Plan Update
  - EBMUD Strategic Communications Plan
  - Monthly Report – May 2022

**REPORTS AND DIRECTOR COMMENTS:**

28. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
29. Other Items for Future Consideration.
30. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 28, 2022.***

**Disability Notice**

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*

**Document Availability**

*Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
<b>Tuesday, June 14</b>	<b>Planning Committee</b>	9:00 a.m. Virtual	<ul style="list-style-type: none"> <li>• Private Sewer Lateral Program Update</li> <li>• Education Program Update</li> <li>• Paving and Other Related Services</li> </ul>
	<b>Legislative/Human Resources Committee</b>	10:00 a.m. Virtual	<ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Diversity, Equity, and Inclusion Strategic Plan Update</li> <li>• Fiscal Year 2022 Equal Employment Opportunity/Affirmative Action Program Report</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Monday, June 20</b>	<b>Juneteenth Holiday observed</b>		<i>District Offices Closed</i>
<b>Tuesday, June 28</b>	<b>Finance/Administration Committee</b>	TBD	
	<b>Board of Directors</b>	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, July 12</b>	<b>Planning Committee</b>	TBD	
	<b>Legislative/Human Resources Committee</b>	TBD	
	<b>Board of Directors</b>	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>

### 2022 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	McIntosh {Chair}, Coleman, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon



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**Closed Session and Regular Business Meetings**  
**Tuesday, June 14, 2022**  
**11:00 a.m. and 1:15 p.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Please note that Board meetings are recorded, live-streamed, and posted on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

**Providing public comment**

The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment  
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
  - If you participate by phone, press \*9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when the allotted time has concluded

**Submitting written comments or materials**

- Email written comments or other materials for the Board of Directors to [SecOffice@ebmud.com](mailto:SecOffice@ebmud.com)
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

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**To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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