



**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, July 12, 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: July 7, 2022

A handwritten signature in blue ink that reads "Rischa S. Cole".

Rischa S. Cole  
Secretary of the District

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

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Office of the Secretary: (510) 287-0440

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**AGENDA  
REGULAR CLOSED SESSION**

**Tuesday, July 12, 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. *Constantin Enachescu v. East Bay Municipal Utility District*  
WCAB Case Nos. ADJ10812616; ADJ1452114
  - b. *Coleman, et al. v. East Bay Municipal Utility District, et al.*  
Alameda County Superior Court, Case No. 22-CV-005462
2. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluations: General Manager and General Counsel

***(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 8 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of June 28, 2022.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after July 12, 2022 with Mott MacDonald Group, Inc. in an amount not to exceed \$3,162,061 for geotechnical engineering, environmental permitting, and trenchless design and construction inspection services for the San Leandro Channel Pipeline Crossing.
4. Authorize an agreement beginning on or after July 12, 2022 with Network Environmental Systems, Inc. in an amount not to exceed \$174,982 for Mokelumne Aqueduct No. 1 coating characterization services.
5. Authorize actions related to asphaltic cement and concrete saw cutting services.
  - 5a. Authorize amendments to the agreements previously authorized under Board Motion No. 116-21, with Bay Line Cutting & Coring, Inc., Concrete Demo Works, Inc., Concrete Wall Sawing Co., Inc., Fine Line Sawing and Drilling, Inc., and Penhall Company to increase the aggregate amount of those agreements by \$765,000 to a total aggregate amount not to exceed \$1,615,000 and extend the term of the agreements to July 12, 2023 for asphaltic cement and concrete saw cutting services.
  - 5b. Authorize additional agreements for asphaltic cement and concrete saw cutting 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.

**CONSENT CALENDAR:** (Continued)

6. Approve the assignment of an agreement previously authorized under Board Motion No. 148-20 from Innovyze Inc. to Innovyze LLC, a subsidiary of Autodesk, Inc., for hydraulic modeling software maintenance and support.
7. Adopt a resolution authorizing the District to submit an application to U.S. Bureau of Reclamation under the WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2023 program for Expanded Advanced Metering Infrastructure Deployment, and to commit to meet deadlines for entering into a grant agreement in the event the grant is awarded. (Resolution)
8. Approve revisions to District Policy 6.04, Ethics of the EBMUD Board of Directors. (Resolution)

**PUBLIC HEARING:**

9. Take actions related to the transfer of delinquent EBMUD charges to the Alameda County 2022-2023 Property Tax Roll. (Resolution)
  - 9.1. Conduct a public hearing to consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda County 2022-2023 Property Tax Roll.
  - 9.2. Adopt the General Manager's report dated June 14, 2022 and authorize the General Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before August 10, 2022, the date in which the report will be sent to Alameda County.

**PUBLIC HEARING:**

10. Take actions related to the collection of the Wet Weather Facility Charge (WWFC) on Alameda and Contra Costa counties' 2022-2023 Property Tax Rolls. (Resolution)
  - 10.1. Conduct a public hearing to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the WWFC and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' 2022-2023 Property Tax Rolls.
  - 10.2a. Adopt the Report by at least two-thirds of the members of the Board (i.e., five Board members).
  - 10.2b. Authorize the District to collect the FY 2023 WWFC on the property tax rolls of Alameda and Contra Costa counties.
  - 10.2c. Authorize District staff to adjust the FY 2023 WWFC for any affected parcels as new information is provided by the counties.
  - 10.2d. Direct the Secretary of the District to file a copy of the Report on or before August 10, 2022, with the Alameda County Auditor and the Contra Costa County Auditor.

**DETERMINATION AND DISCUSSION:**

11. Legislative Update:
  - Receive Legislative Report No. 05-22 and consider positions on the following bills: SB 222 (Dodd) Water Rate Assistance Program and SB 1063 (Skinner) Energy: Appliance Standards and Cost-Effective Measures
  - Update on Legislative Issues of Interest to EBMUD
12. Make requisite findings and adopt a resolution to continue to hold meetings of the Board of Directors (Board) 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)
13. Appoint Board members to serve on an ad hoc committee to negotiate amendments to the employment agreements with the General Manager and the General Counsel.
14. General Manager's Report:
  - Monthly Report – June 2022

**REPORTS AND DIRECTOR COMMENTS:**

15. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
16. Other Items for Future Consideration.
17. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 9, 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
Tuesday, July 12	Planning Committee	9:00 a.m. Virtual	<ul style="list-style-type: none"> <li>Pipeline Rebuild Program Update</li> <li>Lead Sampling in Schools Update</li> <li>Regulatory Compliance Semi-Annual Report – January through June 2022</li> </ul>
	Legislative/Human Resources Committee	10:15 a.m. Virtual	<ul style="list-style-type: none"> <li>Legislative Update</li> <li>Diversity, Equity, and Inclusion Strategic Plan Update</li> </ul>
	Board of Directors	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>
Tuesday, July 26	Finance/Administration Committee		<ul style="list-style-type: none"> <li><i>Canceled</i></li> </ul>
	Board of Directors		<ul style="list-style-type: none"> <li><i>Canceled</i></li> </ul>
Tuesday, August 9	Planning Committee	TBD	
	Legislative/Human Resources Committee	TBD	
	Board of Directors	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>
Tuesday, August 23	Finance/Administration Committee	TBD	
	Board of Directors	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, July 12, 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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