



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
REGULAR CLOSED SESSION**

Tuesday, January 24, 2023

11:00 a.m.

Boardroom, 2nd Floor

375 11th Street

Oakland, CA 94607

*****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. *Saji Pierce, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
 - b. *Waste Management of Alameda County, Inc. v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG21094336
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): two matters.
3. Threat to public services or facilities pursuant to Government Code section 54957: Conference with David A. Briggs, Director of Operations & Maintenance; Amit Mutsuddy, Director of Wastewater; Orlando W. Leon, Chief Information Officer; Tony J. Montano, Manager of Facilities Maintenance & Construction; Andrew Szeto, Information Services Supervisor; and Hendrik W. Scholten, Senior Electrical Engineer.
4. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *John A. Coleman & Lonna Coleman v. East Bay Municipal Utility District; East Bay Municipal Utility District Retirement Board*
Alameda County Superior Court, Case No: 22-CV-005462

The Board of Directors will meet in closed session on this matter jointly with the Board of the EBMUD Employees' Retirement System.

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

REGULAR BUSINESS MEETING
1:15 p.m.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- 2023 Board Assignments to Committees, Joint Powers Authorities and Associations

PRESENTATION:

- Certificate of Achievement for Excellence in Financial Reporting

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 11 recommendations, including 2 resolutions.)

1. File correspondence with the Board.
2. Award a contract to the lowest responsive/responsible bidder, Crayon Software Experts LLC, for supplying Microsoft Enterprise Agreement for Microsoft Office 365, Enterprise Mobility and Security, Endpoint Operating Systems, and management software required to manage the District's workstation fleet for three years, beginning on or after January 24, 2023 for a total cost, after the addition of taxes, not to exceed \$2,234,554.
3. Authorize an agreement beginning on or after January 24, 2023 with Blue Sky Environmental, Inc. for two years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$235,780 for air emissions source testing.
4. Authorize an agreement beginning on or after January 24, 2023 with Lee + RO, Inc. in an amount not to exceed \$2,780,000 for engineering services for the Main Wastewater Treatment Plant Grit Dewatering Equipment Replacement and Reactor Drain Improvements Project under SD-432 and the Process Water (3W) System, Gallery and Vault Drain Improvements, and Wet Weather Storage Basin Concrete Rehabilitation Project under SD-439.
5. Authorize an agreement beginning on or after January 31, 2023 with The Tharpe Company, Inc. dba Engage2Excel for one year, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$270,000 for the provision of employee service and retirement awards and an online peer recognition platform per the District's Employee Recognition and Service Awards Program.

CONSENT CALENDAR: (Continued)

6. Authorize an additional amount of \$500,000 to a total amount not to exceed \$2,300,000 to the agreement previously authorized under Board Resolution No. 35171-20 with Axiom Medical Consulting, LLC for COVID-19 contact tracing services, employee interviews, return to work clearance, and recordkeeping for COVID-19 positive employees.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 197-17 with Sensus USA, Inc. to increase the amount by \$650,000 to a total amount not to exceed \$2,665,496 and to extend the agreement terms for five years to continue providing Advanced Metering Infrastructure services and equipment.
8. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters.
9. Approve the November and December 2022 Monthly Investment Transactions Reports.
10. Adopt a resolution to confirm the following individuals as Standby Officers for the East Bay Municipal Utility District Board of Directors for Calendar Year 2023 as outlined in the Director's Emergency Succession Plan. (Resolution)

Ward No. 1 – 1) Celia S. McCoy; 2) Linda Jackson-Whitmore; 3) Lynelle Lewis
Ward No. 2 – 1) Dennis Diemer; 2) Carol June Rowley; 3) Robert Dean
Ward No. 3 – 1) Vacant; 2) Vacant; 3) Alexander R. Coate
Ward No. 4 – 1) Margo Schueler; 2) Xanthe M. Berry; 3) Helen Burke
Ward No. 5 – 1) Heinrich Albert; 2) James C. Prola; 3) Ronald Stork
Ward No. 6 – 1) Robert Harris; 2) Jose Guzman; 3) Vacant
Ward No. 7 – 1) Vacant; 2) Vacant; 3) Gregory Chan

11. Approve revisions to the following District policies: Policy 1.14 – Customer Assistance; Policy 4.12 – Purchasing and Materials Management; Policy 4.23 – Interest Rate Swap Policy; Policy 4.26 – Municipal Securities Disclosure; Policy 4.28 – Cybersecurity; Policy 6.08 – Contract Equity Program; Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity; and Policy 6.11 – Performance Management. (Resolution)

DETERMINATION AND DISCUSSION:

12. Consider and approve an adjustment of the Board of Directors' annual salary by an amount not to exceed 5 percent each year since 2020, effective February 1, 2023.
13. Appoint a Centennial Celebration Ad Hoc Committee to provide perspective and support for staff in planning and implementing centennial celebration activities.

DETERMINATION AND DISCUSSION: (Continued)

14. General Manager's Report:

- Wet Weather Update – Regional storm flows, wastewater system operations, and discharges
- Water Supply Update – Water production, precipitation, reservoir storage and release levels, and water year forecasts
- 2023 Drought Update – District operations, Water Shortage Emergency Action Plan implementation including a summary of conservation activities, the Excessive Water Use Penalty Ordinance including the excessive user list, and media coverage
- Service Award Recipients – October through December 2022

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:

- Finance/Administration

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, February 14, 2023.

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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, January 24	Finance/Administration Committee	8:30 a.m. Boardroom	<ul style="list-style-type: none"> Monthly Investment Transactions Reports Quarterly Financial Reports Revisions to District Policies
	Fiscal Years 2024 & 2025 Budget Workshop No. 1	9:00 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Monday, February 13	Lincoln's Birthday		<i>District Offices Closed</i>
Tuesday, February 14	Planning Committee	TBD	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee	TBD	
	Customer Assistance Program Workshop	TBD	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Monday, February 20	Washington's Birthday		<i>District Offices Closed</i>
Tuesday, February 28	Finance/Administration Committee	TBD	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Long-Term Water Supply Workshop	TBD	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	

2022 Board Committee Members

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

Closed Session and Regular Business Meetings

Tuesday, January 24, 2023

11:00 a.m. and 1:15 p.m.

*EBMUD public Board meetings will be conducted in person in the Boardroom and via Zoom.
These meetings are recorded, live-streamed, and posted on the District's website.*

In Person

In accordance with District safety protocols, masks are required while in the building and Boardroom regardless of vaccination status.

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>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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.*

- 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 track time and inform each speaker when the allotted time has concluded
- 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
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the foyer of the Boardroom

Via Zoom

- 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

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to 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.

To view the livestream of meetings of the Board, please visit:
<https://www.ebmud.com/about-us/board-directors/board-meetings/>
