



**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, February 14, 2023**

**11:00 a.m.**

**Boardroom, 2<sup>nd</sup> Floor**

**375 11<sup>th</sup> 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. *East Bay Municipal Utility District v. Union Pacific Railroad Company*  
Alameda County Superior Court, Case No. RG20065313
  - b. *Jaynie Campana and John Evilsizor v. East Bay Municipal Utility District*  
Court of Appeal, First Appellate District, Division 4, Case No. A163054
  - c. *Jaynie Campana v. East Bay Municipal Utility District*  
Alameda County Superior Court, Case No. RG21115040
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.

***(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
- Election of 2023 Officers
- 2023 Board Assignment Preferences for Committees, Joint Powers Authorities and Associations

**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 7 recommendations.)

1. Approve the Regular Meeting Minutes of January 24, 2023.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after February 14, 2023 with 4th of July Backflow Testing for \$130,000 for a term of five years for a total amount not to exceed \$650,000 for inspecting and testing residential backflow devices.
4. Authorize an agreement beginning on or after February 14, 2023, with Jacobs Engineering Group Inc. in an amount not to exceed \$1,949,813 for engineering services for the Influent Pump Station Resiliency Project.
5. Authorize an agreement beginning on or after February 14, 2023 with KBM Office Equipment dba KBM-Hogue in an amount not to exceed \$120,000 to furnish and install upholstered fixed audience seating units in the Administration Building Board Room.
6. Authorize an agreement beginning on or after February 14, 2023, with Simpson Gumpertz & Heger Inc. in an amount not to exceed \$1,119,291 for engineering and design services for the Main Wastewater Treatment Plant Support Facilities Seismic Retrofit Project under SD-433.
7. Authorize an amendment to the contract previously awarded under Board Motion No. 039-20, with Western Area Power Administration to extend the contract termination date from December 31, 2024, to December 31, 2029 for electricity purchases at select District facilities.

**DETERMINATION AND DISCUSSION:**

8. Legislative Update:
  - Receive Legislative Report No. 01-23 and consider a position on the following bill: ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval; and receive information about Governor Newsom's Proposed 2023-24 State Budget
  - Update on Legislative Issues of Interest to EBMUD

**DETERMINATION AND DISCUSSION:** (Continued)

9. Award contracts and authorize agreements for construction, engineering services during construction (ESDC), and materials for the projects at the Upper San Leandro (USL) and Sobrante water treatment plants (WTP), and as-needed design and ESDC services for other treatment facilities.
  - 9.1. Award a contract to the lowest responsive/responsible bidder, Flatiron West, Inc., in an amount not to exceed \$237,332,710 for construction of the USL WTP Maintenance and Reliability and USL and Sobrante WTPs Chemical Systems Safety Improvements projects (CSSIP), under Specification 2128.
  - 9.2. Award a sole-source contract to Honeywell International Inc. for purchase of two remote input/output control system cabinets and associated hardware for the temporary chemical systems at the USL and Sobrante WTPs, for a total cost, after the addition of taxes, not to exceed \$175,000.
  - 9.3. Authorize an agreement beginning on or after February 14, 2023, with Stantec Consulting Services, Inc. in an amount not to exceed \$8,263,665 for ESDC for the USL and Sobrante WTPs CSSIP and for as-needed chemical system improvements design services and ESDC for other raw water treatment facilities.
  - 9.4. Authorize an agreement beginning on or after February 14, 2023, with Jacobs Associates, Inc. dba Delve Underground in an amount not to exceed \$427,724 for specialized shoring ESDC for the USL WTP Maintenance and Reliability Project under Specification 2128.
10. File the Preliminary Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency.
11. Adopt a resolution making certain findings regarding current water supply conditions and determining and directing appropriate responsive actions. (Resolution)
  - 11.1. Rescind the April 26, 2022 declaration of a water shortage emergency within the District’s service area.
  - 11.2. Declare a Stage 1 drought and declare a voluntary District-wide water use reduction goal of 10 percent.
  - 11.3. Rescind Section 28, “Water Use During Water Shortage Emergency Condition” of the District’s Regulations Governing Water Service to Customers.
  - 11.4. Suspend implementation and enforcement of the District’s Excessive Water Use Penalty Ordinance (Ordinance No. 373-21).
  - 11.5. Direct the General Manager to implement the above-described actions 30 days after the rescission, expiration, or material modification of California Code of Regulations, title 23, section 996(c)(1), which currently mandates the implementation of certain demand reduction actions.
12. Suspend implementation of the Stage 2 Drought Surcharge effective March 1, 2023.

**DETERMINATION AND DISCUSSION:** (Continued)

13. General Manager's Report:

- Centennial Celebration Ad Hoc Committee Meeting – January 30, 2023: update on Ad Hoc Committee meeting to review planning efforts for the District's centennial
- Monthly Report – January 2023

**REPORTS AND DIRECTOR COMMENTS:**

14. Committee Reports:

- Finance/Administration
- Planning

15. Other Items for Future Consideration.

16. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 28, 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 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, February 14	Planning Committee	8:30 a.m. Boardroom	<ul style="list-style-type: none"> <li>Update on the GreenGen Pumped Storage Project</li> <li>Regulatory Compliance Semi-Annual Report – July 2022 through December 2022</li> <li>Fiscal Year 2022 Annual Readiness Report</li> </ul>
	Legislative/Human Resources Committee	Cancelled	
	Customer Assistance Program Workshop	9:15 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Monday, February 20	Washington's Birthday		District Offices Closed
Tuesday, February 28	Finance/Administration Committee	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Long-Term Water Supply Workshop	TBD	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, March 14	Planning Committee	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	

### 2023 Board Committee Members

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

**Closed Session and Regular Business Meetings  
Tuesday, February 14, 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.*

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/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

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

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