



**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, April 11, 2023**

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

**Training Resource Center, 2<sup>nd</sup> Floor**

**375 11<sup>th</sup> Street**

**Oakland, CA 94607**

The Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., will be held in the Administration Building Training Resource Center at 375 11<sup>th</sup> Street, Oakland, California due to Board Room renovations.

Dated: April 6, 2023



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, April 11, 2023**  
**11:00 a.m.**  
**Training Resource Center, 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. *Saji Pierce, et al. v. East Bay Municipal Utility District*  
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
  - b. *Erica Skone-Rees, et al. v. Robert Garcia, et al.*  
Alameda County Superior Court, Case No. RG21110737
  - c. *Contra Costa Transportation Authority v. East Bay Municipal Utility District*  
Contra Costa County Superior Court, Case No. MSC20-00719
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.**

**\*\*\*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.)

1. Approve the Special Meeting Minutes and the Regular Meeting Minutes of March 28, 2023.
2. File correspondence with the Board.
3. Award contracts to Chemtrade Chemicals US LLC; Hill Brothers Chemical Company; Kemira Water Solutions, Inc.; Pioneer Americas LLC; Thatcher Company of California, Inc.; and Univar Solutions USA Inc. for supplying bulk water and wastewater (WW) treatment chemicals for various District sites, beginning on or after April 11, 2023 for three years with two options to renew for additional one-year periods in an aggregate amount, after the addition of taxes, including option years, not to exceed \$153,646,020 under Request for Quotation No. 2309.
4. Award a contract to the lowest responsive/responsible bidder, Marinship Development Interest LLC, in an amount not to exceed \$2,455,000 for the construction of the Main Wastewater Treatment Plant (MWWTP) Dechlorination Facility Improvements Phase 3 under Specification SD-431.
5. Authorize agreements beginning on or after April 11, 2023 with Cupertino Electric, Inc., Blocka Construction, Inc., and Telstar Instruments for one year, in an aggregate amount not to exceed \$350,000 for electrical maintenance services for wastewater facilities.
6. Authorize an agreement beginning on or after April 11, 2023 with Woodard & Curran, Inc. in an amount not to exceed \$212,827 for preparation of a feasibility evaluation of recycled water partnership opportunities between the District and Central Contra Costa Sanitary District.
7. Authorize two agreements beginning on or after April 11, 2023 with Plummerbuilt Inc.: (1) in an amount not to exceed \$1,739,355 for design and construction of a photovoltaic (PV) system at the Oakport Storage Facility; and (2) in an amount not to exceed \$520,400 for design and construction of a PV system at the Stockton Maintenance Yard. The total amount for the two agreements shall not to exceed \$2,259,755.
8. Authorize actions related to pavement striping services.
  - 8a. Authorize agreements beginning on or after April 11, 2023 with Bruce Enterprises, Diablo Striping, and Chrisp Company for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$750,000 for pavement striping services.
  - 8b. Authorize additional agreements for pavement striping services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on April 11, 2023, 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.

**DETERMINATION AND DISCUSSION:**

9. Appoint Manager of Distribution Maintenance and Construction. (Resolution)
10. Legislative Update:
  - Receive Legislative Update No. 03-23 and consider positions on the following bills:  
AB 30 (Ward) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program;  
AB 727 (Weber) Product Safety: Cleaning Products: Perfluoroalkyl and Polyfluoroalkyl Substances; and SB 361 (Dodd) Water Resources: Stream Gages
  - Update on Legislative Issues of Interest to EBMUD
11. Authorize actions related to the third-year general salary increase. (Resolution)
  - 11a. Approve implementation of the third year general salary increase of 5.4% in accordance with the 2021-2025 Memoranda of Understanding (MOUs) between the District and the American Federation of State, County and Municipal Employees Locals 2019 and 444, International Union of Operating Engineers Local 39, and International Federation of Professional and Technical Engineers Local 21.
  - 11b. Authorize a 5.4% general salary increase for Senior Management Team (SMT) members, Managers, Confidential employees and other Non-Represented employees in accordance with Resolution No. 35269-22. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Director of Customer and Community Services, Director of Human Resources, Special Assistant III (Office of Diversity, Equity, and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).
12. General Manager's Report:
  - Water Supply Update
  - Monthly Report – March 2023

**REPORTS AND DIRECTOR COMMENTS:**

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

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 25, 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, April 11	<b>Planning Committee</b>	9:00 a.m. Training Resource Center	<ul style="list-style-type: none"> <li>• 2022 Mokelumne Fishery Update</li> <li>• Water Quality Regulatory Update</li> <li>• Annual Recreation Report - 2022</li> <li>• Legislative Update</li> </ul>
	<b>Legislative/Human Resources Committee</b>	10:30 a.m. Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. Training Resource Center 1:15 p.m. Training Resource Center	
Tuesday, April 25	<b>Finance/Administration Committee</b>	TBD Training Resource Center	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Long-Term Water Supply Workshop No. 2</b>	TBD Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. Training Resource Center 1:15 p.m. Training Resource Center	
Tuesday, May 9	<b>Planning Committee</b>	TBD Training Resource Center	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Legislative/Human Resources Committee</b>	TBD Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. Training Resource Center 1:15 p.m. Training Resource Center	

### 2023 Board Committee Members

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

**Closed Session and Regular Business Meetings**  
**Tuesday, April 11, 2023**  
**11:00 a.m. and 1:15 p.m.**

*EBMUD public Board meetings will be conducted in person and accessible 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/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 meeting room

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 topic 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.