



**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, May 23, 2023

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

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

*Director Doug A. Linney will participate by teleconference from
Via Catullo 11, Napoli, 80122, Italy*

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. *Susan Lozada v. East Bay Municipal Utility District*
WCAB Case No: Unassigned
 - b. *Saji Pierce, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT

(The Board will discuss Closed Session agenda items in Conference Room 8.)

REGULAR BUSINESS MEETING

1:15 p.m.

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

*Director Doug A. Linney will participate by teleconference from
Via Catullo 11, Napoli, 80122, Italy*

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PRESENTATION:

- Commemorating East Bay Municipal Utility District's centennial.

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 10 recommendations including 2 resolutions.)

1. Approve the Regular Meeting Minutes of May 9, 2023.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Koffler Electrical Mechanical Apparatus Repair, Inc., for supplying four 1500 horsepower air compressor motors for the District's Main Wastewater Treatment Plant, beginning on or after May 23, 2023 for a total cost, after the addition of taxes, not to exceed \$1,637,433 under Request for Quotation No. 2312.
4. Award a sole source contract to Emerson Process Management, Power & Water Solutions, Inc. for supplying distributed control system equipment, software, and a four-year contract for programming services for the Main Wastewater Treatment Plant and remote wastewater facilities beginning on or after May 23, 2023 with one option to renew for an additional one-year period for a total cost, after the addition of taxes, including option year, not to exceed \$6,900,000.
5. Authorize an agreement beginning on or after May 23, 2023, with Brown and Caldwell in an amount not to exceed \$499,400 for preparation of the Recycled Water Strategic Plan Update 2024.
6. Authorize the Office of General Counsel to continue the employment of the law firm of Olson Remcho, LLP for specialized legal services related to elections and conflicts of interest in an additional amount not to exceed \$50,000.
7. Approve the Water Supply Assessment requested by the City of Berkeley for the Gilman Gateway Rezone Project pursuant to California Water Code sections 10910-10915.
8. Approve the April 2023 Monthly Investment Transactions Report.
9. Approve revisions to Policy 4.07 – Investments and renew existing delegation of authority for the management of investments on behalf of the District and Joint Powers Authorities to the Director of Finance, as the Treasurer of the District. (Resolution)
10. Adopt a resolution recognizing the District's centennial. (Resolution)

DETERMINATION AND DISCUSSION:

11. Appointment to the position of Assistant Attorney. (Resolution)
12. Adopt a resolution authorizing the General Manager or the General Manager's designee to execute agreements, permits, and other documents that include provisions to defend, indemnify, or hold harmless, to the extent the General Manager or the General Manager's designee otherwise has authority to execute the agreement, permit, or other document. (Resolution)
13. General Manager's Report.

REPORTS AND DIRECTOR COMMENTS:

14. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration
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, June 13, 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, May 23	Finance/Administration Committee	9:45 a.m. Boardroom	<ul style="list-style-type: none">• Monthly Investment Transactions Report• Los Vaqueros Reservoir Expansion Project Funding• Annual Investment Policy Review• Sewer Agency Billing and Collection Services
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none">• Closed Session• Regular Meeting
Monday, May 29	Memorial Day Holiday		Offices closed
Tuesday, June 13	Planning Committee	TBD Boardroom	<ul style="list-style-type: none">• Closed Session• Regular Meeting
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, June 27	Sustainability Committee	TBD Boardroom	<ul style="list-style-type: none">• Closed Session• Regular Meeting
	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
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, May 23, 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
- 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.

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

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