



**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, June 13, 2023**

**11:00 a.m.**

**Boardroom**

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

**Oakland, CA 94607**

*President Andy Katz will participate via teleconference from Markt 8, Bonn, 53111 Germany*

**\*\*\*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. *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
  - d. Applications of Pacific Gas and Electric Company for Approval to Transfer Certain Generation Assets to Pacific Generation LLC  
CPUC Application No. 22-09-018  
FERC Docket No. EC23-38-000
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 Conference Room 8.)***

**REGULAR BUSINESS MEETING**  
**1:15 p.m.**

*President Andy Katz will participate via teleconference from Markt 8, Bonn, 53111 Germany*

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PRESENTATIONS:**

- Western Region Minority Supplier Development Council Awards
  - 2023 Unsung Hero Award
  - Women's Business Enterprise Council Pacific – Agency Advocate of the Year Award 2021
  - Women's Business Enterprise Council Pacific – Agency Advocate Winner of the Year Award 2021
  - 2020 Local Corporation of the Year Award
- 2023 Alameda County Science Fair Winner

**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 Regular Meeting Minutes of May 23, 2023.
2. File correspondence with the Board.
3. Award a sole source contract beginning on or after June 13, 2023 to Honeywell International, Inc. dba Honeywell Process Solutions for supplying two distributed control systems Experion hardware and software packages for the Lafayette and Walnut Creek water treatment plants, and a three-year support services agreement for Lafayette WTP, for a total cost, after the addition of taxes, not to exceed \$3,654,074.11.
4. Authorize an agreement beginning on or after June 13, 2023, with Buhler Commercial in an amount not to exceed \$353,500 to install bridge abutments for the Two Dog Fish Passage Project.
5. Authorize an agreement beginning on or after July 1, 2023 with the City of Orinda in an amount not to exceed \$148,500 for restoring asphalt pavement on Miner Road as part of the Happy Valley and Sunnyside pumping plants and Happy Valley Pipeline Phase 2 Improvements Project under Specification 2120.

**CONSENT CALENDAR:** (Continued)

6. Authorize agreements with the cities of Oakland, Berkeley, Emeryville, San Leandro; Oro Loma Sanitary District and Dublin San Ramon Services District for the District to provide billing and collection services for sewer service charges for the period July 1, 2023 to June 30, 2033.
7. Authorize an agreement beginning on or after July 1, 2023 with Civicorps for one year for an amount not to exceed \$618,000 to provide vegetation control and related services at various District properties.
8. Authorize an agreement beginning on or after June 13, 2023 with Comprehensive Construction Services, Inc. in an amount not to exceed \$510,389 for materials and labor for renovating Pardee Center's hydropower crew quarters.

**PUBLIC HEARING:**

9. Conduct a public hearing to consider revisions to the water and wastewater system schedules of rates and charges, capacity charges and other fees recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Years 2024 and 2025.

**DETERMINATION AND DISCUSSION:**

10. Adopt rates, charges, fees, and regulations for Fiscal Years 2024 (FY 2024) and 2025 (FY 2025).
  - 10.1. Adopt the rates and charges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for FY 2024 and FY 2025 filed with the Board of Directors on May 9, 2023. (Resolution)
  - 10.2. Adopt the rates, charges, fees, and regulations not subject to Proposition 218 for FY 2024 recommended in the Biennial Report and Recommendation of the General Manager for FY 2024 and FY 2025 filed with the Board of Directors on May 9, 2023. (Resolution)
11. Adopt a resolution adopting operating, debt service, and capital budgets for the Water and Wastewater systems for FY 2024 and FY 2025 as recommended in the FY 2024 and FY 2025 Proposed Biennial Budget presented to the Board of Directors on March 28, 2023 with minor modifications thereto, establishing the terms and conditions for the payment of demands against the District, delegating authority for certain budget implementation actions, and expressing the District's intention to issue tax exempt debt obligations for reimbursement of expenditures for certain capital improvement projects. (Resolution)
12. Adopt the proposed position resolution for FY 2024 and FY 2025 to implement necessary staffing and classification changes. (Resolution)
13. File the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa counties' 2023-2024 Property Tax Rolls.

**DETERMINATION AND DISCUSSION:** (Continued)

14. Take actions related to the Final Mitigated Negative Declaration (MND) for the Wildcat Pumping Plant (PP) Project (Project). (Resolution)
  - 14.1. Adopt the Final MND for the Wildcat PP Project.
  - 14.2. Make findings in accordance with the California Environmental Quality Act (CEQA).
  - 14.3. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
  - 14.4. Adopt the Practices and Procedures Monitoring and Reporting Plan.
  - 14.5. Approve the Project.
15. Legislative Update.
  - Receive Legislative Report No. 05-23 and consider positions on the following bills: AB 388 (Connolly) Wildfire and Forest Resilience Action Plan: Implementation Strategies: Roadmap; AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights and Usage: Interim Relief: Procedures; AB 754 (Papan) Water Management Planning: Water Shortages; AB 755 (Papan) Water: Public Entity: Cost-Of-Service Analysis; AB 1337 (Wicks) State Water Resources Control Board: Water Diversion Curtailment; H.R. 2964 (McClain) Wastewater Infrastructure Pollution Prevention and Environmental Safety Act; and S. 1350 (Merkley) Wastewater Infrastructure Pollution Prevention and Environmental Safety Act
  - Update on Legislative Issues of Interest to EBMUD
16. General Manager's Report.
  - Monthly Report – May 2023

**REPORTS AND DIRECTOR COMMENTS:**

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

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 27, 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).*

W:\Board of Directors - Meeting Related Docs\Agendas 2023\06132023\_regular agenda.doc

## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
Tuesday, June 13	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> <li>Wildcat Pumping Plant Project Update and Final Mitigated Negative Declaration</li> <li>Trench Soils Management</li> </ul>
	Legislative/Human Resources Committee	10:15 a.m. Boardroom	<ul style="list-style-type: none"> <li>Legislative Update</li> </ul>
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Monday, June 19	Juneteenth Holiday observed		<i>Offices Closed</i>
Tuesday, June 27	Sustainability Committee	TBD Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, July 4	Independence Day observed		<i>Offices Closed</i>
Tuesday, July 12	Planning Committee	TBD Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Legislative/Human Resources 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, June 13, 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=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

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.

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

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