



**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, September 26, 2023**  
**11:00 a.m.**  
**Boardroom**  
**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, et al.*  
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
  - b. *Woodbridge Irrigation District v. East Bay Municipal Utility District*  
Court of Appeal, Third Appellate District, Case No. C094234  
(Sacramento County Superior Court, Case No. 34-2018-0023142-CU-CO-GDS)
  - c. *East Bay Municipal Utility District v. Contra Costa County, et al.*  
Contra Costa County Superior Court, Case No. N21-1274
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Ivette Rivera  
Claim No.: 2022-L-219
  - b. Ivette Rivera  
Claim No.: 2023-L-134

***(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\*\*\***

**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 10 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of September 12, 2023.
2. File correspondence with the Board.
3. Award a contract beginning on or after September 26, 2023 to the lowest responsive/responsible bidder, Brinkmann Instruments, Inc., dba Metrohm USA Inc., for supplying one Ion Chromatography Tandem Mass Spectrometry instrument for the District's SD-1 Laboratory for a total cost, after the addition of taxes, not to exceed \$385,289.71 under Request for Quotation No. 2316.
4. Award contracts to Pape D.W., Inc. dba Ditch Witch West; Oregon Tool Inc.; Pape Machinery, Inc.; Peterson Tractor Co.; Sonsray Machinery, Inc.; and Volvo Construction Equipment and Services for supplying construction equipment for the District Fleet, beginning on or after September 26, 2023 for three years, with two options to renew for additional one-year periods in an aggregate amount, after the addition of taxes, not to exceed \$13,805,728 under Request for Quotation Nos. 2314 and No. 2317.
5. Authorize an agreement beginning on or after September 26, 2023 with Stillwater Sciences in an amount not to exceed \$2,139,771 for the Briones Reservoir Water Quality Study and Mokelumne Watershed Wildfire Response Plan.
6. Authorize the purchase of asphalt from Antioch Building Materials; Argent Materials; County Quarry Products LLC; The Dutra Group; Gallagher & Burk, Inc.; Granite Construction Company; and Calmart Co. dba Vulcan Materials Co. on the open market in the estimated annual amount, after the addition of taxes, not to exceed \$5,000,000 per year for a five-year period beginning September 27, 2023 and ending September 26, 2028 for a total cost of \$25,000,000.

**CONSENT CALENDAR:** (Continued)

7. Authorize the purchase of security vulnerability scanning software, support, and training beginning on or after September 26, 2023 from NuSpective, Inc. for three years, for a total amount not to exceed \$213,706. These purchases will be made under State of California contracts available for use by local governments.
8. Approve the assignment of the agreement previously authorized under Board Motion No. 027-23, from 4th of July Backflow Testing to 4th of July Backflow LLC for inspecting and testing residential backflow devices.
9. Approve the August 2023 Monthly Investment Transactions Report.
10. Approve revisions to the following District policies: Policy 4.06 – Intellectual Property; Policy 6.04 – Ethics of the EBMUD Board of Directors; Policy 6.10 – Prevailing Wage Provisions in Contract Agreements; Policy 7.07 – Energy; Policy 7.11 – Use of District Bay Area Facilities; Policy 7.15 – Climate Action; and Policy 9.01 Fire Control and Fuels Management on Watershed Lands. (Resolution)

**DETERMINATION AND DISCUSSION:**

11. Appoint Manager of Maintenance and Construction/Water Operations. (Resolution)
12. Adopt the proposed Financing Plan for Fiscal Year 2024.
13. Adopt a resolution to declare October 4, 2023 to be “Clean Air Day” at the District and to encourage all employees to participate in California Clean Air Day. (Resolution)
14. General Manager’s Report.

**REPORTS AND DIRECTOR COMMENTS:**

15. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
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, October 10, 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\09262023\_regular agenda.doc

## BOARD CALENDAR

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

Date	Meeting	Time/Location	Topics
Tuesday, September 26	Finance/Administration Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> <li>Monthly Investment Transactions Report</li> <li>Fiscal Year 2023 Annual Power Sales Report</li> <li>Revisions to District Policies</li> <li>Customer Assistance Program Initiative Update</li> <li>Los Vaqueros Reservoir Expansion Project Cost Update</li> <li>Proposed Fiscal Year 2024 Financing Plan</li> <li>Annual Internal Audit Report</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>
Tuesday, October 10	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	
Tuesday, October 24	Finance/Administration Committee	TBD Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Sustainability 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	Young {Chair}, Katz, Linney

**Closed Session and Regular Business Meetings  
Tuesday, September 26, 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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