



**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, October 10, 2023

11:00 a.m.

Boardroom

375 11th 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

(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:

PRESENTATION:

- American Society of Civil Engineers San Francisco Section Awards for Outstanding Projects of the Year (Flood Management; Water; New Technology; Water/Wastewater Treatment) and Lifetime Achievement Award

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 September 26, 2023.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after October 10, 2023, with Consolidated Engineering, Inc. in an amount not to exceed \$713,087 for road safety improvements and paving services.
4. Authorize an agreement beginning on or after October 10, 2023 with NRG Business Marketing LLC for the sale of Resource Adequacy capacity from the Pardee hydropower facility for calendar year 2024.
5. Authorize an agreement beginning on or after October 10, 2023, with Richard Heath & Associates Inc. in an amount not to exceed \$400,000 to conduct a pilot program to replace inefficient plumbing fixtures and repair private plumbing leaks for Customer Assistance Program participants.
6. Authorize an amendment to the agreement previously authorized under Board Motion No. 057-18 with Panorama Environmental, Inc. to increase the agreement amount by \$298,847 to a total amount not to exceed \$924,926 and extend the agreement term until June 30, 2031 for maintenance, monitoring, and reporting of two environmental mitigation measures for the Duffel Photovoltaic Renewable Energy Project.

CONSENT CALENDAR: (Continued)

7. Amend agreements for hydro/air-vacuum excavation services.
 - 7a. Authorize amendments to the agreements previously authorized under Board Motion No. 051-23, with AIMS/PVIC CA, LLC dba AIMS Companies; Badger Daylighting Corp.; Bradley Tanks, Inc.; Hydro-X Services, Inc.; Pipe and Plant Solutions, Inc.; and Presidio Systems, Inc. to increase the aggregate amount of those agreements by \$1,100,000 to a total aggregate amount not to exceed \$2,980,000 and extend the agreement terms to October 10, 2024 for hydro/air-vacuum excavation services.
 - 7b. Authorize additional agreements for hydro/air-vacuum excavation services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 10, 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:

8. Appoint Senior Community Affairs Representative. (Resolution)
9. Authorize the issuance of special military pay and benefits for employees who are National Guard members and Military Reservists called to active duty by order of the President of the United States or Governor of California and authorize the General Manager to establish additional identical temporary or limited-term replacement classes and positions for regular full-time employees recalled to active military duty. (Resolution)
10. General Manager's Report.
 - Understanding Pension System Reciprocity
 - Monthly Report – September 2023

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 24, 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.

W:\Board of Directors - Meeting Related Docs\Agendas 2023\10102023_regular agenda.doc

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, October 10	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> Los Vaqueros Reservoir Expansion Project Update Water Quality Program Semi-Annual Update - 2023
	Legislative/Human Resources Committee	10:00 a.m. Boardroom	<ul style="list-style-type: none"> Employee Bicycle Loan Program Diversity, Equity, and Inclusion Strategic Plan Update
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, October 24	Finance/Administration Committee	TBD Boardroom	
	Sustainability Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Friday, November 10th	Veterans Day Observed		<i>Offices Closed</i>

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, October 10, 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
- 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/>
