

MINUTES

**Tuesday, October 31, 2023
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Special Closed Session Meeting

President Andy Katz called to order the Special Closed Session Meeting of the Board of Directors at 11:06 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, John A. Coleman, Doug A. Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young and President Andy Katz were present at roll call.

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Eric Larsen, President, AFSCME Local 444 commented on security and worker safety concerns, security for crews working at night, and allowing solo workers to pair up; 2) Tony Martin, Vice President, AFSCME Local 444 commented on security and worker safety concerns, vandalism and theft at the Oakport facility, and security for crews working at night; 3) Joey Smith, President, AFSCME Local 2019 commented on employee safety and previous requests for phones for staff and hand-sanitizing stations as safety measures; and 4) Ivette Rivera commented on the remarks by the union leaders, documents she will provide to the Board, and the Pierce/Bland case.

Director Coleman asked about an analysis to determine the District's cost if an employee is injured due to criminality. General Manager Clifford C. Chan stated he has met with District union leaders to discuss these issues and the additional work being done regarding security and worker safety. He highlighted other improvements being made at District facilities to address worker safety and said he participated in a meeting with other businesses organized by the Oakland Chamber of Commerce to discuss safety concerns. He reported the Board will be asked to consider approving additional funds for the District's existing security contract at its meeting on November 14, 2023. President Katz thanked the employees and union leaders for their comments and said he informed the Mayor of Oakland about District safety concerns; the Mayor has included the District and the General Manager in safety discussions. Staff was asked to provide information on actions being taken to address employee security concerns including safety training for staff and the capabilities of the District's contract security officers.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Katz announced the closed session agenda and the Board convened to Administration Building Conference Room 8 for discussion.

Special Business Meeting

President Andy Katz called to order the Special Business Meeting of the Board of Directors at 12:57 p.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, John A. Coleman, Doug A. Linney, Lesa R. McIntosh, Marguerite Young, and President Andy Katz were present at roll call. Director William B. Patterson arrived at 12:59 p.m.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

President Katz announced the Board of Directors approved the Ad Hoc Committee's recommendation. After a review of the entire record, the Ad Hoc Committee found each allegation by Lonna Coleman against General Manager Clifford C. Chan and General Counsel Derek T. McDonald to be unfounded. The Board found that no further investigation is warranted, and the investigation is closed. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to Board members during the closed session public comment period, documents she provided to Director Chan, the upcoming Zafra hearing, the Pierce/Bland case, her request for documents from the General Counsel, and being retaliated against.

CONSENT CALENDAR

Item 1 was pulled from the Consent Calendar for separate discussion.

- Motion by Director Linney, seconded by Director McIntosh, to approve the recommended actions for Items 2-9 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

1. Approve the Regular Meeting Minutes of October 10, 2023.

Ivette Rivera asked the Board to have the meeting minutes revised to reflect that she was reporting retaliation and was being forced to participate in mediation. Secretary of the District Rischa S. Cole commented that similar to a previous request for revisions to meeting minutes, Ivette Rivera's request to revise the minutes would be included in today's meeting minutes. Secretary Cole asked the Board to consider approving the October 10 minutes as written.

- Motion by Director Linney, seconded by Vice President McIntosh, to approve the recommended actions for Item 1 carried (6-1) by the following voice vote: (Chan, Linney, McIntosh, Patterson, Young and Katz); NOES (Coleman); ABSTAIN (None); ABSENT (None).

Motion No. 177-23 – Approved the Regular Meeting Minutes of October 10, 2023.

2. The following correspondence was filed with the Board: 1) Speakers' Bureau and Outreach Record CY23 dated October 23, 2023; and 2) Document dated October 31, 2023 to Board of Directors regarding Public Records from Ivette Rivera.
3. **Motion No. 171-23** – Authorized an agreement beginning on or after October 31, 2023 with EETS, Inc. in an amount not to exceed \$525,130.82 for design services for the Pardee Dam Powerline Safety Improvements Project.
4. **Motion No. 172-23** – Authorized agreements beginning on or after October 31, 2023 with Chris Gatewood Industries dba CentriTEK; Centrifuge Systems, LLC dba Centrisys; and Flottweg Separation Technology, Inc. for three years with two options to renew for additional oneyear periods, in an aggregate amount, including option years, not to exceed \$900,000 for dewatering centrifuge overhaul and rehabilitation; and authorized additional agreements for dewatering centrifuge overhaul and rehabilitation, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 31, 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.
5. **Motion No. 173-23** – Authorized the Employee Bicycle Loan Program to allow employees to purchase a bicycle including bicycle components/accessories through an interest-free loan program.
6. **Motion No. 174-23** – Authorized an amendment to the agreement previously authorized under the General Manager's authority with Merrill Morris Partners to increase the agreement amount by \$24,930 to a total amount not to exceed \$104,930 and extend the agreement term to December 31, 2027 for landscape architecture services during construction for the Upper San Leandro Water Treatment Plant Maintenance and Reliability Improvements Project under Specification 2128.
- 7a. – **Motion No. 175-23** – Ratified the extension of the agreement previously authorized under Board
- 7b. **Motion No. 083-11** with Bentley Systems, Inc. and the payment of \$58,017.07 for supplying MicroStation CAD software during the period August 1, 2023 through October 31, 2023; and authorize an amendment to extend the agreement previously authorized under Board Motion No. 083-11 with Bentley Systems, Inc. through July 31, 2025, and to increase the agreement amount by \$506,396.40, which incorporates the ratified amount from the action above, for a total amount not to exceed \$2,528,396.40 for supplying MicroStation CAD software.
8. **Motion No. 176-23** – Approved the September 2023 Monthly Investment Transactions Report.
9. **Resolution No. 35369-23**– Amending Resolution No. 35353-23 To Add A New Job Classification Titled Senior Business Systems Analyst.

DETERMINATION AND DISCUSSION

10. General Manager's Report.

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY23 had been provided at Board places.

REPORTS AND DIRECTOR COMMENTS

11. Committee Reports.

- Filed with the Board were the Minutes for the October 10, 2023 Planning and Legislative/Human Resources Committee meetings.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day and received updates on the Monthly Investment Transaction Report; Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended September 30, 2023, and Quarterly Investment Report – September 30, 2023; the Voluntary Agreement Funding Agreement; Fiscal Year 2023 Key Performance Indicators Report; Fiscal Year Audit Preliminary Findings; and the Applicant Process Improvements Update.

12. Other Items for Future Consideration.

None.

13. Director Comments.

- Director Coleman expressed disappointment in the decision that came out of closed session. He also reported on plans to attend the ACWA fall conference in Indian Wells November 28–November 30.
- Director Patterson reported attending the Congressional Black Caucus Foundation's annual legislative conference in Washington D.C. September 20-23 and provided thoughts on the current state of violence in our society. He commented on the recent passing of his godson and said he would attend the memorial services during the lunch hour of the Board retreat on Friday, November 3, 2023. He also thanked everyone for their words of encouragement while he was out ill.
- Director Chan commented that Director Patterson is the conscious of the Board.
- Director Linney stated he is proud to serve on the Board with Director Patterson.
- Director Young reported participating in the Ward 3 briefing at San Pablo Reservoir on October 19. Approximately 50 people participated and there were lots of questions and interaction from the attendees. She thanked staff for their work. She also reported attending the District's Water Walk at the Mountain View Cemetery in Oakland on October 28. Approximately 35 people participated, and General Manager Clifford C. Chan provided an overview of the people buried at the cemetery and their connection to EBMUD.
- Director McIntosh and President Katz had no reports.

ADJOURNMENT

President Katz adjourned the meeting at 1:18 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: November 14, 2023



Andy Katz, President of the Board

