



**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, December 12, 2023

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

*President Andy Katz will participate via teleconference
from Dwc Peripheral Rd. 1001, Dubai, UAE*

*****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. *Lonna Coleman v. East Bay Municipal Utility District, et al.*
California Court of Appeal, First Appellate District, Case No. A167094
The Board of Directors will meet jointly in closed session with the Board of the EBMUD Employees' Retirement System on matter 1.a.
 - b. *Karen Gabrielson and Roger Gabrielson v. Sposeto Engineering, Inc., et al.*
Alameda County Superior Court, Case No. 22CV018343
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one matter.
3. Conference with Board designated representatives President Andy Katz, Vice-President Lesa R. McIntosh, and Director Doug A. Linney regarding employment contracts of the General Manager and General Counsel pursuant to Government Code section 54957.6.

(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 Dwc Peripheral Rd. 1001, Dubai, UAE*

*****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 13 recommendations, including 3 resolutions)

1. Approve the Regular Meeting Minutes of November 28, 2023.
2. File correspondence with the Board.
3. Authorize a direct award contract beginning on or after December 12, 2023 to Lotek Wireless, for supplying acoustic telemetry equipment for Mokelumne River fisheries monitoring for two years, with one option to renew for an additional two-year period for a total cost, after the addition of taxes, not to exceed \$712,000.
4. Award a contract to the lowest responsive/responsible bidder, Pacific Infrastructure, in an amount not to exceed \$1,946,000 for the construction of the Oakport Wet Weather Facility Sodium Hypochlorite Tanks Replacement Project, under SD-442.
5. Authorize an agreement beginning on or after December 12, 2023 with GeoMorph Design Group in an amount not to exceed \$140,990 for a second phase of hydrologic data collection along Moraga Creek.
6. Authorize an agreement beginning on or after December 12, 2023 with Info-Tech Research Group, Inc. dba McLean & Company for three years in an amount not to exceed \$143,512.41 for online human resource and diversity and inclusion advisory services.
7. Authorize an agreement beginning on or after December 12, 2023 with Pyro-Comm Systems Inc. for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$199,880 for fire alarm system inspection and testing at the District's Administration Building and Adeline Maintenance Center complex.
8. Authorize an agreement beginning on or after December 12, 2023 with WinSource Group for \$225,000 for three years, with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$295,000 for an Employee Feedback Program.

CONSENT CALENDAR: (Continued)

9. Authorize an amendment to the sole source contract previously awarded under Board Motion No. 197-20 with Environmental Systems Research Institute to increase the contract amount by \$2,080,000 to a total amount not to exceed \$3,646,000, and extend the contract term to November 30, 2026, for supplying enterprise Geographic Information System software.
10. Authorize an amendment to the agreement previously authorized under Board Motion No. 042-21, with Keller Canyon Landfill Company to increase the agreement amount by \$1,500,000 to a total amount not to exceed \$3,000,000 for non-hazardous trench soils disposal without change to the March 18, 2026 expiration date.
11. Authorize amendments to agreements for the Digester Upgrade Phase 3 Project.
 - 11.1 Authorize an amendment to the agreement previously authorized under Board Motion No. 177-17 with Brown and Caldwell to increase the agreement amount by \$1,900,000 to a total amount not to exceed \$7,165,000 for design and construction support services for the Digester Upgrade Phase 3 Project.
 - 11.2 Authorize an amendment to the agreement previously authorized under Board Motion No. 118-22 with Wiss, Janney, Elstner Associates, Inc. to increase the agreement amount by \$300,000 to a total amount not to exceed \$530,000 for structural design services during construction for the Digester Upgrade Phase 3 Project.
12. Authorize the Office of General Counsel to continue the employment of the law firm of Meyers Nave for specialized legal services related to labor and employment matters in an additional amount not to exceed \$100,000.
13. Authorize the amendments in the Restated District 401(a), 401(k), and 457(b) tax deferred savings plan documents. (Resolutions)

DETERMINATION AND DISCUSSION:

14. Authorize an agreement beginning on or after December 12, 2023 with Stantec Consulting Services, Inc. in an amount not to exceed \$336,636 to conduct a Water and Wastewater Cost of Service Study plus \$13,364 in optional services to review System Capacity Charges and Wastewater Capacity Fees for a total amount not to exceed \$350,000.
15. General Manager's Report.
 - Centennial Campaign Update Presentation
 - East Bay Creek Habitat Restoration Projects Presentation
 - General Manager's Monthly Report – November 2023

REPORTS AND DIRECTOR COMMENTS:

16. Committee Reports:
 - Finance/Administration
 - Planning
 - Legislative/Human Resources

REPORTS AND DIRECTOR COMMENTS: (Continued)

17. Other Items for Future Consideration.
18. Director Comments.

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 9, 2024.

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

Date	Meeting	Time/Location	Topics
Tuesday, December 12	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> • Update on Recycled Water Feasibility Evaluation with Central Contra Costa Sanitary District (Central San) • Employee Housing Feasibility Study
	Legislative/Human Resources Committee	10:00 a.m. Boardroom	<ul style="list-style-type: none"> • Diversity, Equity, and Inclusion Strategic Plan Update • Employee Feedback Program
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, December 25 & Tuesday, December 26	Christmas Holiday		<ul style="list-style-type: none"> • <i>Offices closed</i>
Tuesday, December 26	Board of Directors		<ul style="list-style-type: none"> • <i>Meetings cancelled</i>
Tuesday, January 9	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 a.m. Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

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, December 12, 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/j/97065086667>

*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/>
