



**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, February 13, 2024

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
 - a. *Jaynie Campana v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG21115040
 - b. Protest of East Bay Municipal Utility District to Water Rights Application
by Orinda Country Club
State Water Resources Control Board, Application No. A033345

(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:

- Update 2024 Board Assignments for Committees, Joint Powers Authorities and Associations

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 7 recommendations)

1. Approve the Regular Meeting Minutes of January 9, 2024, and the Special Meeting Minutes and Regular Meeting Minutes of January 23, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Certified Coatings Company, in an amount not to exceed \$15,281,498 for the construction of the Recoat Mokelumne Aqueduct No. 1 Phase 13 – Gully Crossings Project under Specification 2156.
4. Authorize the purchase of Jira software and Service Management software beginning on or after February 13, 2024 from Carahsoft for one year for a total amount not to exceed \$146,000. This purchase will be made under State of California contracts available for use by local governments.
5. Authorize the Office of General Counsel to continue the employment of the law firm of Best, Best & Krieger, LLP, for specialized legal services related to federal and state water law, rates, charges, fees, taxes, liens, real estate and bankruptcy, and litigation involving such matters in an additional amount not to exceed \$100,000.
6. Authorize actions related to the agreement with Government.Jobs.com dba NEOGOV (NEOGO) for the continuous work of providing online recruitment and onboarding services.
 - 6.1. Ratify the extension of the agreement with NEOGOV authorized under Board Motion No. 041-18 to February 12, 2024 and the total payment of \$45,750 to NEOGOV for the continuous work of providing online recruitment and onboarding services rendered between April 11, 2023 and February 12, 2024.
 - 6.2. Authorize an agreement beginning on or after February 13, 2024 with NEOGOV through June 30, 2026 in an amount not to exceed \$154,155 for online recruitment and onboarding services.

CONSENT CALENDAR: (Continued)

7. Authorize actions related to the agreement with DataBank IMX LLC (Databank) for software maintenance services and for annual maintenance, service, and software upgrades to OnBase by Hyland software.
 - 7.1. Ratify the extension of the agreement with DataBank authorized under Board Motion No. 014-15 to February 12, 2024 and the total payment of \$42,947 to Databank for the continuous work of providing software maintenance services to OnBase by Hyland Software (OnBase) rendered between January 1, 2020 and February 12, 2024.
 - 7.2. Authorize an agreement beginning on or after February 13, 2024 with DataBank through December 31, 2028, in an amount not to exceed \$85,000 for annual maintenance services, file scanning, staff training, and software upgrades to OnBase software.

DETERMINATION AND DISCUSSION:

8. Legislative Update.
 - Receive Legislative Report No. 01-24 and consider positions on the following bill:
S. (TBD) (Padilla) The Low-Income Household Water Assistance Program (LIHWAP) Establishment Act
 - Update on Legislative Issues of Interest to EBMUD
9. Discuss options outlined in the Municipal Utility District Act for the Board of Directors to fill a vacant Board seat. The discussion will include an option to appoint an Ad Hoc Committee of the Board to facilitate an appointment process.
10. Adopt a resolution in observance of the life and public service of former Richmond Mayor Irma Anderson.
11. General Manager's Report.
 - Credit Ratings of Water and Wastewater System Revenue Bonds
 - Water Supply Update - Water production; precipitation to date; reservoir storage; and forecasted supply conditions for the remainder of water year 2024
 - General Manager's Monthly Report – January 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

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

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, February 13	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> • Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line
	Legislative/Human Resources Committee	10:00 a.m. Boardroom	<ul style="list-style-type: none"> • Campaign Finance Reform Ordinance • Diversity, Equity, and Inclusion Strategic Plan Update • Legislative Update
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, February 19	Presidents Day Holiday Observed		<ul style="list-style-type: none"> • Offices Closed
Tuesday, February 27	Finance/Administration 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
Tuesday, March 12	Planning Committee	TBD Boardroom	
	Legislative/Human Resources 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

2024 Board Committee Members

Finance/Administration	Katz {Chair}, Chan, Patterson
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, Chan, Linney
Sustainability	Linney {Chair}, Katz, Young

Closed Session and Regular Business Meetings 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

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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 line 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/>
