

MINUTES

**Tuesday, January 23, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:21 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, John A. Coleman, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young (remote) and President Lesa R. McIntosh 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) Justin Young read a quote by John W. McFarland from “Its Name Was MUD”; and 2) Ivette Rivera commented on the document she submitted to the Board related to an EEOC charge filed against EBMUD and a Public Records Act request for litigation records.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:18 p.m. in the Administration Building Boardroom.

ROLL CALL

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

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 McIntosh led the Pledge of Allegiance.

Director Coleman announced he had been offered an unexpected career opportunity as Manager of Natural Resources with Calaveras County Water District and said he would be resigning from the EBMUD Board of Directors and as CEO of Bay Planning Coalition. His resignation from the Board of Directors is to be

effective in late February or early March 2024. He recounted his many years representing the District in State water and wastewater communities, and his involvement with establishing the Freeport Regional Water Authority, Dublin-San Ramon Services District/EBMUD Recycled Water Authority, and the Upper Mokelumne River Watershed Authority. He expressed gratitude and appreciation for his 33 years with the District and offered thanks to all who have supported him during his tenure.

Committee Assignments

President McIntosh announced the proposed 2024 assignments for Board committees, joint powers authorities, and associations were up for consideration and asked if the decision to approve the assignments could be deferred to a later meeting. Director Linney put forth a recommendation for the Board to vote on the proposed assignments; otherwise, President McIntosh would remain on committees to which she was assigned in 2023. There was additional discussion regarding committee assignments and Director Linney announced he would move the item.

- Motion by Director Linney, seconded by Director Katz, to approve the 2024 assignments for Board committees, joint powers authorities, and associations, carried (7-0) by the following roll call vote: AYES (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 016-24 – Approved the following 2024 Board Committee assignments:

Planning

Director Young, Chair
Director Chan
Director Linney

2nd Tuesday of the month at 9:15 a.m.
Administration Center Building

Legislative/Human Resources

Director Coleman, Chair
President McIntosh
Director Patterson

2nd Tuesday of the month at 10:15 a.m.
Administration Center Building

Finance/Administration

Director Katz, Chair
Director Chan
Director Patterson

4th Tuesday of the month at 10:00 a.m.
Administration Center Building

Sustainability/Energy

Director Linney, Chair
Director Katz
Director Young

4th Tuesday, quarterly, time to be determined
Administration Center Building

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Chan
Director Coleman
Director Young, Alternate

*1st Monday in Feb.;
3rd Monday in May;
4th Monday in March, July, Sept.,
and Nov. meets at 6:00 p.m.*

**Freeport Regional Water
Authority**

Director Coleman
Director Patterson
Director Katz, Alternate

*2nd Thursday, quarterly at 10:00 a.m.,
location to be announced*

**Los Vaqueros Reservoir Joint
Powers Authority**

Director of Water and Natural
Resources Tognolini
Director Linney, Alternate

*2nd Wednesday of the month at
9:30 a.m., location to be determined*

Retirement Board

Director Chan
Director Young

*3rd Thursday odd numbered months at 8:30 a.m.
Administration Center Building*

**Upper Mokelumne River Watershed
Authority**

Director Coleman
Director Katz, Alternate
Director Patterson, Alternate

*4th Friday, quarterly at 1:30 p.m.
McLean Hall, Pardee Center*

Business Forum (Ad Hoc)

Director Linney
President McIntosh
Director Patterson

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Katz
Director Chan
Director Young, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Linney
Director Patterson, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Chan, Member
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director Young, Member
Director Coleman, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh said there were no announcements required from closed session. Prior to the meeting being adjourned, General Manager Derek T. McDonald announced the Board met in closed session this morning and approved by a unanimous roll call vote of all Board members present the initiation of

litigation against one party. The particulars and parties shall be disclosed once the action is commenced, upon request of any party. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Butch Carter, Chairman of the Camanche Mobile Home Parks homeowners association, commented on the 12.5 percent annual rent increase for mobile home park residents, the impact the increase would have on the residents, and asked the Board to consider authorizing an amendment to the formula for calculating the rent increases to cap the annual increase at 5 percent to be effective January 2024; and 2) Ivette Rivera congratulated Director Coleman and commented on the EEOC charge that she filed and plans to comment on the contract for litigation services on the Consent Calendar.

There was considerable Board discussion and questions regarding Mr. Carter's request and concerns. The Board asked if the 12.5 percent annual rent increase could be deferred until the matter could be discussed at a future Finance/Administration Committee meeting and Board meeting. General Manager Clifford C. Chan reported the Board had received an information memo last week regarding this matter and that the increase is part of the fees included in the Fiscal Years 2024/2025 budget adopted by the Board. Mr. Chan explained staff would typically present this type of information during the mid-cycle budget update to the Board in May. There was additional discussion by the Board about calendaring this topic for an upcoming committee meeting and Mr. Chan said the item would be included on the February 27, 2024 Finance/Administration Committee agenda. Staff confirmed that until the Board met to discuss this matter, the 12.5 percent annual rent increase would go into effect on February 1, 2024.

CONSENT CALENDAR

- Items 3, 5, 6, 8 and 10 were pulled from the Consent Calendar for separate discussion.
 - Motion by Director Katz, seconded by Director Linney to approve the recommended actions for Items 1-2, 4, 7, 9, and 11-12 on the Consent Calendar carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. The following correspondence was filed with the Board: 1) Presentation entitled, "Water System Revenue Bonds, Series 2024A and 2024B; Wastewater System Revenue Bonds, Series 2024A," dated January 23, 2024; 2) Presentation entitled, "Water Supply Update," dated January 23, 2024; 3) Presentation entitled, "Wastewater Nutrient Compliance Update," dated January 23, 2024; 4) Presentation entitled, "Walnut Creek Water Treatment Plant Pretreatment Project: Contract for Pre-Design Services," dated January 23, 2024; 5) Memo dated January 23, 2024 to Board of Directors from Lesa R. McIntosh, Board President regarding Proposed 2024 Assignments for Committees, Joint Power Authorities and Associations; 6) Speakers' Bureau and Outreach Record CY24 dated January 23, 2024; 7) Email dated January 23, 2024 to Board of Directors and General Manager from Justin Young titled Quote from Its Name Was MUD - Public Forum; 8) Document titled Collier vs. EBMUD Case No. RG 10497512 dated January 13, 2012; 9) Email with attachments dated January 22, 2024 to Board of Directors et al from Ivette Rivera titled Rivera EEOC 555-2023-02181-EEOC Charge; 10) Email with attachments dated January 13, 2024 to Board of Directors et al from Ivette Rivera regarding Mediation Services; 11) Email dated February 27, 2023 to Board of Directors from Ivette Rivera titled Please take immediate correction action to ensure David Carlson and Tony Montano cease retaliation against me; and 12) Presentation entitled, "Service Award Recipients (October 2023 – December 2023),"

dated January 23, 2024.

2. **Motion No. 017-24** – Awarded a contract beginning on or after January 23, 2024 to the lowest responsive/responsible bidder, Carbon Supply Inc., for supplying activated carbon for the District's Main Wastewater Treatment Plant for one year, with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$569,751 under Request for Quotation No. 2401.
3. **Award a sole source contract beginning on or after January 23, 2024 to G3 Engineering Inc., for supplying one Morris replacement pump for the Main Wastewater Treatment Plant Returned Activated Sludge system for a total cost, after the addition of taxes, not to exceed \$295,000.**
 - Addressing the Board was Ivette Rivera who voiced a general objection to any kind of contracting out at the District.
 - Motion by Director Linney, seconded by President McIntosh, to approve the recommended actions for Item 3 carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 022-24 – Awarded a sole source contract beginning on or after January 23, 2024 to G3 Engineering Inc., for supplying one Morris replacement pump for the Main Wastewater Treatment Plant Returned Activated Sludge system for a total cost, after the addition of taxes, not to exceed \$295,000.
4. **Motion No. 018-24** – Awarded a sole source contract beginning on or after January 23, 2024 to MISCO Water for supplying a fixed acid feed system for the Camanche South Shore Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$141,741.
5. **Authorize an agreement beginning on or after January 23, 2024 with Carollo Engineers, Inc. in an amount not to exceed \$11,215,126 for pre-design services for the Walnut Creek Water Treatment Plant Pretreatment Project.**
 - Addressing the Committee was Justin Young, EBMUD Associate Electrical Engineer and 1st Vice-President, AFSCME Local 2019 who commented on meeting with the Director of Engineering and Construction and Director of Human Resources regarding capital improvement projects and contracting out services, expressed concerns with the District contracting out work for water treatment plants, and commented on a third-party audit to compare the cost for staff to complete a project versus contracting out. Director Linney remarked Mr. Young also commented on this project at the Planning Committee meeting earlier in the day. Director of Engineering and Construction Olujimi O. Yoloye provided a presentation on the project and explained staff's approach to the planning and design process for design contracts and how staff evaluates and ranks projects. Mr. Yoyoye discussed projects where consultants who specialize in specific areas are needed and the planned, phased approach for the Walnut Creek Water Treatment Plant Pretreatment Project. The Board asked questions about the option to complete aspects of the project using a combination of staff and consultants; staff's role in the first phase of the project; language in the project work plan that clarifies the project elements to be completed by staff; costs for preliminary design of the project and how much of the preliminary design will be completed by staff; adequate staffing to support District projects that are currently

in progress; the resource loading model used by Engineering and Construction staff to determine resources needed to complete projects; balancing work between District staff along with consultant support; and scheduling work on interrelated District projects. There was additional Board discussion and staff was asked to discuss the resource loading model used when planning Capital Improvement Program with the Unions and to include support staff when analyzing resource allocations.

- Motion by Director Linney, seconded by Director Young, to approve the recommended actions for Item 5 carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 023-24 – Authorized an agreement beginning on or after January 23, 2024 with Carollo Engineers, Inc. in an amount not to exceed \$11,215,126 for pre-design services for the Walnut Creek Water Treatment Plant Pretreatment Project.

6. **Authorize an agreement beginning on or after January 23, 2024 with Peralta Colleges Foundation for \$465,000 for three years, with one option to renew for an additional two-year period for a total amount, including option years, not to exceed \$775,000 to cover administrative costs and provide stipends to District interns participating in a variety of internship programs as guided by the long-term workforce development strategy.**
 - Addressing the Board was Ivette Rivera who commented on previous, similar programs at the District, career ladders, and District support for promotional opportunities.
 - Director Coleman left the meeting at 2:28 p.m. and returned at 2:30 p.m.
- Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Item 6 carried (6-0) by the following roll call vote: (Chan, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Coleman).
- Motion No. 024-24** – Authorized an agreement beginning on or after January 23, 2024 with Peralta Colleges Foundation for \$465,000 for three years, with one option to renew for an additional two-year period for a total amount, including option years, not to exceed \$775,000 to cover administrative costs and provide stipends to District interns participating in a variety of internship programs as guided by the long-term workforce development strategy.
7. **Motion No. 019-24** – Authorized an 87-month lease with Senator Seagate, LP, commencing on March 1, 2024, for a 2,183 square foot office suite in the Senator Building located at 1121 L St Suite 809, Sacramento, CA 95814. The term of the lease is March 1, 2024, through May 31, 2031. The base monthly rent is \$7,968 with an annual three percent increase beginning one year after the lease commences.
8. **Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment law and litigation matters in an additional amount not to exceed \$75,000.**
 - Addressing the Board was Ivette Rivera who commented on a request she made for invoices for all litigation covering issues she has raised and the District's hiring of outside counsel. Ms. Rivera asked the Board to consider holding off on approving the contract.

The Board requested a response from the General Counsel. General Counsel Derek T. McDonald responded the Office of General Counsel and the District have a duty to defend the District against claims. He explained claims are evaluated to determine if they have merit and the options for resolving a claim. Mr. McDonald said the Board was being asked to approve the agreement as the firm provides employment law support for various matters in the Office of General Counsel. The Board requested a list of contracts and associated costs for legal services from the last four years. Staff was also asked to include the costs the District has incurred on the legal cases regarding Director Coleman.

- Motion by Director Linney, seconded by Director Young, to approve the recommended actions for Item 8 carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 025-24 – Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment law and litigation matters in an additional amount not to exceed \$75,000.

9. **Motion No. 020-24** – Authorized an amendment to the contract previously awarded under Board Motion No. 066-23 with Fluid Conservation Systems Inc. to increase the contract amount by \$281,535 to a total amount not to exceed \$428,177 for supplying handheld leak detection equipment.
 10. **Authorize an amendment to the agreement previously authorized under Board Motion No. 059-23 with Cupertino Electric, Inc. to increase the total amount of the agreement by \$250,000 for a total amount not to exceed \$600,000 for as-needed electrical maintenance for wastewater facilities.**
 - Addressing the Board was Eric Larsen, President, AFSCME Local 444 who said the union objected to contracting out wastewater electrical maintenance work. He commented on understaffing in the Wastewater Department, previous requests to flexibly staff Local 444 positions to address understaffing, and the delay in the recruitment process to hire staff to perform electrical maintenance. Director of Wastewater Amit K. Mutsuddy discussed the status of the recruitment and said the District's goal is to fill the vacant positions by spring. He noted the amended agreement is needed to complete a backlog of work until new staff is hired.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 10 carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
- Motion No. 026-24** – Authorized an amendment to the agreement previously authorized under Board Motion No. 059-23 with Cupertino Electric, Inc. to increase the total amount of the agreement by \$250,000 for a total amount not to exceed \$600,000 for as-needed electrical maintenance for wastewater facilities.
11. **Motion No. 021-24** – Approved the November and December 2023 Monthly Investment Transactions Reports.
 12. **Resolution No. 35380-24** – Authorizing And Approving East Bay Municipal Utility District's Application To Modify The Contractor's Service Area Described In Its Central Valley Project

Repayment Contract With The United States Bureau Of Reclamation To Include The Annexation Of The 4949 Happy Valley Road Parcels Approved By The Contra Costa County Local Agency Formation Commission.

DETERMINATION AND DISCUSSION

13. Adopt a resolution to confirm Standby Officers for the East Bay Municipal Utility District Board of Directors for Calendar Year 2024.

President McIntosh asked Board members to inform the Secretary of potential candidates to fill vacant Standby Officer positions in their wards. President McIntosh noted she informed the Secretary's Office of a candidate for Standby Officer No. 1 in Ward 1. Secretary of the District Rischia S. Cole commented the District needs to receive information to review and confirm the candidate's eligibility to serve as a Standby Officer. Director Young commented on challenges finding people willing to serve as a Standby Officer in Ward No. 3 and asked for a discussion at a future Planning Committee meeting on the requirement to have three Standby Officers per ward.

- Motion by Director Katz, seconded by Director Coleman, to approve the recommended actions for Item 13 carried (7-0) by the following roll call vote: (Chan, Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35381-24 – Confirming Appointment Of Standby Officers For The Board Of Directors Under The Emergency Succession Plan For The Board Of Directors.

14.1. Authorize And Approve The Issuance Of Not To Exceed \$525 million Aggregate Principal Amount Of East Bay Municipal Utility District Water System Revenue Bonds, Series 2024A And Water System Revenue Refunding Bonds, Series 2024B; Approve The Form, And Authorize The Execution, Of Certain Documents In Connection With The Issuance, Securing And Sale Of Such Bonds; And Approve Certain Actions Relating Thereto.

General Manager Clifford C. Chan announced the Finance/Administration Committee met earlier and unanimously voted to support the recommended action. Treasury Manager Robert L. Hannay provided the presentation regarding the proposed actions for Agenda Items 14.1 and 14.2. The proposed Water System Revenue Bonds, Series 2024A and the proposed Wastewater System Revenue Bonds, Series 2024A would provide funding for the District's Capital Improvement Program. The District is planning to issue these bonds as "Green Bonds" based on the District's Guidance for Issuing Green Bonds approved by the Board in March 2022. The Water System Revenue Refunding Bonds, Series 2024B (together with the 2024A Bonds) are being proposed to refund all or a portion of the District's \$213 million in outstanding, callable Water System Series 2014A, 2014B and 2014C bonds. The District will only refund these bonds if net present value savings is at least 3 percent of the refunded par. Based on current market conditions, the full amount of the callable 2014 Bonds meets that savings threshold. Bond proceeds will be used to pay the cost of issuance of the 2024 Water System and Wastewater System Revenue Bonds. The total amount of Water System Revenue Bonds issued under Series 2024A and 2024B is expected not to exceed \$525 million, with \$275 million of this amount representing funding for new capital. The total amount of Wastewater System Revenue Bonds planned for issuance is not to exceed \$30 million with \$25 million of this amount representing funding for capital projects. The final maturity for both issuances would be not later than June 1, 2054 and at a true interest cost to the District of not more than 5.75 percent per annum. Mr. Hannay discussed proposed amendments to the Bond Indentures under which the District's Water System and Wastewater

System Revenue Bonds are issued and said the Board is being asked to consider authorizing and approving the bond issuance and execution of the related bond documents.

– Director Chan left the meeting at 2:50 p.m. and returned at 2:56 p.m.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 14.1 carried (6-0) by the following roll call vote: (Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Chan).

Resolution No. 35382-24 – Authorize And Approve The Issuance Of Not To Exceed \$525 million Aggregate Principal Amount Of East Bay Municipal Utility District Water System Revenue Bonds, Series 2024A And Water System Revenue Refunding Bonds, Series 2024B; Approve The Form, And Authorize The Execution, Of Certain Documents In Connection With The Issuance, Securing And Sale Of Such Bonds; And Approve Certain Actions Relating Thereto.

- 14.2. **Authorize And Approve The Issuance Of Not To Exceed \$30,000,000 Aggregate Principal Amount Of East Bay Municipal Utility District Wastewater System Revenue Bonds, Series 2024A; Approve The Form And Authorize The Execution Of Certain Documents In Connection With The Issuance, Securing And Sale Of Such Bonds; And Approve Certain Actions Relating Thereto.**

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 14.2 carried (6-0) by the following roll call vote: (Coleman, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (Chan).

Resolution No. 35383-24 – Authorize And Approve The Issuance Of Not To Exceed \$30,000,000 Aggregate Principal Amount Of East Bay Municipal Utility District Wastewater System Revenue Bonds, Series 2024A; Approve The Form And Authorize The Execution Of Certain Documents In Connection With The Issuance, Securing And Sale Of Such Bonds; And Approve Certain Actions Relating Thereto.

15. **General Manager's Report.**

Water Supply Update – Water production; precipitation to date; reservoir storage; and forecasted supply conditions for the remainder of the water year 2024

Director of Operations and Maintenance David A. Briggs provided an update on the District's current water supply, the State's water supply, and water supply projections. He highlighted the following data which had been updated after the January 17 data depicted in the presentation: gross water production; precipitation in the East Bay (9 inches) and in the Mokelumne (18.6 inches); the snow depth (46 inches) and snow water content at Caples Lake; and the District's total system storage (621 thousand acre-feet). He reviewed snowpack levels and snow water equivalent in the Sierras as of January 18 and water supply data for northern California reservoirs

as of January 17. Staff was asked to share Advanced Quantitative Precipitation Information data as part of the next update.

– President McIntosh left the meeting at 2:56 p.m. and returned at 2:59 p.m.

Nutrient Discharge Compliance Update

Manager of Wastewater Technical and Emerging Issues Donald M. Gray provided the presentation. Currently, Publicly Owned Treatment Works (POTWs) discharge about two-thirds of annual nitrogen loads to the San Francisco Bay. The San Francisco Regional Water Quality Control Board (RWQCB) is expected to impose stringent nitrogen discharge limits on POTWs in its next nutrient watershed permit, effective July 1, 2024. Mr. Gray discussed funding spent to date by members of Bay Area Clean Water Agencies on the scientific study of nutrients; how nitrogen discharges from wastewater treatment plants are regulated; how the severity of the August 2022 harmful algal bloom (HAB) that spread throughout the San Francisco Bay (SF Bay) and caused a massive fish kill was attributed to nitrogen discharged from wastewater treatment plants; costs to either build a mainstream nitrogen removal facility at the Main Wastewater Treatment Plant (MWWTP) or update current sidestream treatment processes; and the results of the in-house biological nitrogen removal (BNR) treatment process that could remove nitrogen at a significantly lower cost than the over \$2 billion cost of the MWWTP Master Plan-recommended mainstream nitrogen removal facility. Staff began investigating options to address nitrogen loads in 2018-2019, testing the BNR process in 2020, and by 2021, was able to control the BNR process to remove both ammonia and nitrite/nitrate to achieve up to 73 percent total inorganic nitrogen (TIN = ammonia + nitrite + nitrate) removal. In summer 2023, staff operated the District's BNR process to treat 50 percent of the District's wastewater flow and removed about 60-65 percent TIN in the BNR battery. The result was the District's lowest TIN discharge since monitoring for TIN began in 2012. The impact from this dramatic reduction of TIN from District discharges can eliminate the need to build a new mainstream nitrogen removal facility. Staff plans to treat 75 percent of MWWTP flow with the District BNR process this summer, and 100 percent of the MWWTP flow next year, potentially reducing 65 percent of the District's TIN discharge to the SF Bay. Staff will continue working with the RWQCB to adopt fair nitrogen limits, studying algae responsible for the 2022 HAB, and evaluating near-term alternatives to control HABs. Board members commended staff for this work and Mr. Gray confirmed the BNR process can be replicated by others. In response to questions from the Board, Mr. Gray acknowledged upgrades are needed at the MWWTP, some of which are not currently included in the District's Capital Improvement Program and explained how vendors are disposing of blood waste previously processed at the MWWTP.

Service Award Recipients – October through December 2023

Manager of Employee and Organizational Development Chad R. Thigpen presented an overview of the District's Employee Recognition Program under which staff receives service awards for every five years of service. The Board congratulated the following service award recipients in attendance: Willie Wells, Water Distribution Plumber III, 35 years; David Carlson, Maintenance Superintendent, 25 years; Juan Valencia, Gardener Foreman, 25 years; Michelle Workman, Manager of Fisheries and Wildlife, 25 years; and Dave Gonzalez, Assistant Maintenance and Construction Superintendent, 25 years. Mr. Thigpen highlighted the years of service of staff depicted in the presentation.

2023 Interdepartmental Committees Annual Reports

General Manager Clifford C. Chan announced the 2023 Interdepartmental Committees Annual Reports were provided in the agenda materials. These standing District committees report their accomplishments for the past year and plans for the upcoming year.

REPORTS AND DIRECTOR COMMENTS

16. Committee Reports.

- Filed with the Board were the Minutes for the January 9, 2024 Planning and Legislative/Human Resources Committees.
- President Lesa R. McIntosh reported the Board met earlier in the day for the Climate Action Plan workshop where staff reviewed updates to the District's Climate Action Plan and provide a presentation on the state of the science related to climate change, relevant regulations and laws, and specific actions the District is taking to achieve carbon neutrality and adapt to climate change.
- Finance/Administration Committee Chair William B. Patterson reported Director Coleman chaired the Committee meeting earlier in the day which received updates on the Monthly Investment Transactions Reports; Quarterly Payroll, Disbursement and Real Estate Summary, and Investment Reports for the Water and Wastewater Systems for the Quarter Ended December 31, 2023; and EBMUD Series 2024A and 2024B Water System Revenue Bonds and EBMUD Series 2024A Wastewater System Revenue Bonds.
 - Director Young left the meeting at 3:30 p.m.

17. Other Items for Future Consideration.

None.

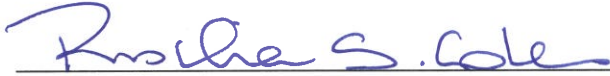
18. Director Comments.

- Director Chan congratulated Director Coleman and said he will be missed.
- Director Coleman reported plans to attend the East Bay Leadership Group dinner in Concord on January 25; UMRWA Board meeting at Pardee on January 26; DERWA Board meeting in Dublin on February 5; and the East Bay Leadership Group Board meeting (remote) on February 16.
- Director Linney congratulated President McIntosh on presiding over her first full meeting.
- Director Patterson announced the recent passing of his oldest sister, recounted her background and some of her accomplishments, and thanked those who called or sent cards of condolence.
- Directors Katz, Young, and President McIntosh had no reports.

ADJOURNMENT

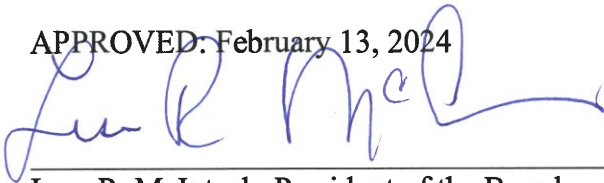
President McIntosh adjourned the meeting at 3:38 p.m.

SUBMITTED BY:

A handwritten signature in blue ink, appearing to read "Rischa S. Cole", written over a horizontal line.

Rischa S. Cole, Secretary of the District

APPROVED: February 13, 2024

A handwritten signature in blue ink, appearing to read "Lesa R. McIntosh", written over a horizontal line.

Lesa R. McIntosh, President of the Board