

# 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, March 12, 2024 11:00 a.m. Boardroom 375 11<sup>th</sup> Street Oakland, CA 94607

\*\*\*Please see appendix for public participation instructions\*\*\*

#### **ROLL CALL:**

<u>PUBLIC COMMENT</u>: 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
- 2. Threat to public services or facilities pursuant to Government Code section 54957: Conference with David A. Briggs, Director of Operations & Maintenance, and David M. Cook, Manager of Security & Emergency Preparedness.
- 3. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.

(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:**

 Recognizing Women's History Month and EBMUD's Women Employees' Resource Opportunity Collaboration Community (WE ROCC) Affinity Group

### **ANNOUNCEMENTS FROM CLOSED SESSION:**

**<u>PUBLIC COMMENT</u>**: 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 6 recommendations, including 1 resolution.)

- 1. Approve the Regular Meeting Minutes of February 27, 2024.
- 2. File correspondence with the Board.
- 3. Award a sole source contract beginning on or after March 12, 2024 to Rexel USA, Inc. for supplying four 4kV breakers and one remote racking device for Camanche Powerhouse for a total cost, after the addition of taxes, not to exceed \$414,875.
- 4. Authorize an agreement beginning on or after March 12, 2024 with Panorama Environmental, Inc. in an amount not to exceed \$249,818 for preparation of California Environmental Quality Act documentation for the Miller Road Trench Soil Management Project.
- 5. Authorize the purchase of network firewall hardware and software licensing, maintenance and support, and implementation support beginning on or after March 12, 2024 from NuSpective, Inc. for five years for a total amount not to exceed \$701,866. This purchase will be made under State of California contracts available for use by local governments.
- 6. Adopt a resolution authorizing the District to execute a funding agreement and accept a grant from the U.S. Bureau of Reclamation WaterSMART Aquatic Ecosystem Restoration Program in an amount not to exceed \$650,000 to develop habitat improvements on the Lower Mokelumne River in support of the Bay-Delta Voluntary Agreements. (Resolution)

#### **DETERMINATION AND DISCUSSION:**

- 7. Legislative Update.
  - Receive Legislative Report No. 02-24 and consider a position on the following bill: SB 903 (Skinner) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances; and receive information on connection fee and capacity charge legislation.
  - Update on Legislative Issues of Interest
- 8. Consider a second reading of amendments to East Bay Municipal Utility District Campaign Finance Reform Ordinance No. 316. (Second Reading and Vote Ordinance No. 375-24)
- 9. Appoint an ad hoc committee comprised of members of the Board of Directors to advise staff on issues arising from the Bay-Delta Water Quality Control Plan update process, including the development and implementation of the proposed Voluntary Agreements and other alternatives under consideration by the State Water Resources Control Board.
- 10. Consider actions related to the lease of property at EBMUD's Oakport property in Oakland to K to College, d.b.a. SupplyBank.Org. (Resolution)
  - 10.1. Adopt findings and a Mitigation Monitoring Program, as a Responsible Agency under the California Environmental Quality Act, for the lease of 4.52 acres of property to K to College, d.b.a. SupplyBank.org (SBO) and associated actions at the District's Oakport property in Oakland.
  - 10.2. Authorize a 65-year lease with SBO for 4.52 acres of property, located at the District's Oakport property in Oakland, to allow SBO to develop an office building and a warehouse for its charitable organization and construct for the District a new warehouse and service yard at the District's Oakport property as consideration for the lease term.
- 11. General Manager's Report.
  - 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 February 2024

#### **REPORTS AND DIRECTOR COMMENTS:**

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

Regular Meeting of March 12, 2024 Page 4 of 5

#### **ADJOURNMENT**:

#### The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, March 26, 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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at <a href="https://www.ebmud.com">www.ebmud.com</a>.

 $W: \label{local-prop} W: \label{local-prop} W: \label{local-prop} Board of \ Directors - Meeting \ Related \ Docs \ Agendas \ 2024 \ 03122024 \ regular \ agenda. doc$ 

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, March 12	Planning Committee	9:00 a.m. Boardroom	<ul> <li>Follow-up Dam Safety         Program</li> <li>Water Quality Program         Annual Update – 2023</li> <li>Regulatory Compliance         Semi-Annual Report – July         1, 2023 through         December 31, 2023</li> <li>2023 Mokelumne Fishery         Update</li> <li>Los Vaqueros Reservoir         Expansion Project Update</li> </ul>
	Legislative/Human Resources Committee	10:30 a.m. Boardroom	Legislative Update
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul><li>Closed Session</li><li>Regular Meeting</li></ul>
Tuesday, March 26	Finance/Administration Committee	TBD Boardroom	
	2024 Recycled Water Strategic Plan Update Workshop	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul><li>Closed Session</li><li>Regular Meeting</li></ul>
Tuesday, April 9	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul><li>Closed Session</li><li>Regular Meeting</li></ul>
2024 Board Committee Members			
Legislative/Human Resources P Planning		Katz {Chair}, Chan, Patterson Patterson {Chair}, McIntosh, Young 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

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 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.

https://www.ebmud.com/about-us/board-directors/board-meetings/