



**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 26, 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
 - b. *Tapscott Project, LLC v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. 23CV039879
 - c. *Top Solutions, LLC v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. MSC20-01851

(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 President Lesa R. McIntosh for 25 Years of Service

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 6 recommendations.)

1. Approve the Regular Meeting Minutes of March 12, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after March 26, 2024 to the lowest responsive/responsible bidder, Kenneally Optics, Inc. dba Prestige Lens Lab, for supplying prescription safety glasses and optician-supervised fitting services for the District for three years, 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 \$136,727 under Request for Quotation No. 2405.
4. Award a sole source contract beginning on or after March 26, 2024 to A/C Service and Repair, Inc., for supplying one rebuilt Allis Chalmers cone valve for Wastewater Pump Station H for a total cost, after the addition of taxes, not to exceed \$110,000.
5. Authorize the Office of General Counsel to employ the law firm of Complex Appellate Litigation Group LLP, for services of special counsel related to providing representation in the appeal in the *Pierce, et al. v. East Bay Municipal Utility District, et al.* matter.
6. Approve the February 2024 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION:

7. Authorize the execution of (i) a Second Amendment to the Sumitomo Mitsui Banking Corporation Standby Letter of Credit and Reimbursement Agreement and a related Fee Agreement to extend its expiration date for a term of five years at an annual cost of 0.32 percent based on the District's current credit ratings for the Commercial Paper Notes (Water Series), Tax-Exempt Subseries A-1 and (ii) a Third Amendment to the Bank of America, N.A. Revolving Credit Agreement and a related Fee Agreement to extend its expiration date for a term of four years at an annual cost of 0.32 percent based on the District's current credit ratings for the Commercial Paper Notes (Water Series), Tax-Exempt Subseries A-2. (Resolution)

DETERMINATION AND DISCUSSION: (Continued)

8. Authorize actions related to the fourth-year general salary increase. (Resolution)
 - 8a. Approve implementation of the fourth year general salary increase of 3.4% in accordance with the 2021-2025 Memoranda of Understanding between the District and the American Federation of State, County and Municipal Employees Locals 2019 and 444, International Union of Operating Engineers Local 39 and International Federation of Professional and Technical Engineers Local 21.
 - 8b. Authorize a 3.4% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Resolution No. 35269-22. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Director of Customer and Community Services, Director of Human Resources, Special Assistant III (Office of Diversity, Equity, and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).
9. Approve the candidate evaluation criteria and interview questions approved by the Ad Hoc Committee appointed by the Board of Directors for filling the vacant Board seat in East Bay Municipal Utility District Ward 2.
10. Conduct a continued second reading of amendments to East Bay Municipal Utility District Campaign Finance Reform Ordinance No. 316 (CFRO) and adopt an Ordinance to amend the CFRO, entitled “An Ordinance Amending Ordinance No. 316 Entitled ‘East Bay Municipal Utility District Campaign Finance Reform Ordinance’”.
(Continued Second Reading and Vote – Ordinance No. 375-24)
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

REPORTS AND DIRECTOR COMMENTS:

12. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration
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, April 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.

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BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, March 26	Finance/Administration Committee	8:30 a.m. Boardroom	<ul style="list-style-type: none"> Monthly Investment Transactions Report Extend Liquidity Agreements for Commercial Paper Notes (Water Series) Subseries A-1 and Subseries A-2 Applicant Project Process Improvements Update
	2024 Recycled Water Strategic Plan Workshop	9:30 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Monday, April 1	Cesar Chavez Day Observed		<ul style="list-style-type: none"> <i>Offices Closed</i>
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 style="list-style-type: none"> Closed Session Regular Meeting
2024 Board Committee Members			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, McIntosh, Young	
Planning		Young {Chair}, Chan, Linney	
Sustainability		Linney {Chair}, Katz, Young	