



**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, April 23, 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. *Elizabeth McKnight v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court Case No. MSC21-01085
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Eva Rodriguez
Claim No. 2023-L-219
3. Conference with Labor Negotiators Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; Lisa R. Sorani, Manager of Employee Services; and Robert L. Hannay, Treasury Manager, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.

(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:

- Pledge of Allegiance
- Recognizing Asian American and Pacific Islander Heritage Month and EBMUD's Asian Pacific Employee Association Affinity Group
- 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 14 recommendations.)

1. Approve the Regular Meeting Minutes of April 9, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, CR Fence Company dba Humboldt Fence Company, for supplying and installing security fencing for the Bixler Service Yard, for a total cost after the addition of taxes, not to exceed \$206,598 under Request for Quotation No. 2402.
4. Award a contract beginning on or after April 23, 2024 to the lowest responsive/responsible bidder, D&L Precision Rebuilding, for supplying a press brake and a metal shear for the Central Machine Shop, for a total cost after the addition of taxes, not to exceed \$395,212 under Request for Quotation No. 2407.
5. Authorize an agreement beginning on or after April 23, 2024 with Plummerbuilt Incorporated in the amount of \$109,860 for repairing a portion of the Camanche South Shore Maintenance Shop roof.

CONSENT CALENDAR: (Continued)

6. Award sole source contracts related to the Water Quality Research Facility Project.
 - 6.1. Award a sole source contract beginning on or after April 23, 2024 to Intuitech, Inc. for supplying pilot-scale carbon dioxide, ozone, and filter systems for the Water Quality Research Facility for a total cost, after the addition of taxes, not to exceed \$2,593,320.
 - 6.2. Award a sole source contract beginning on or after April 23, 2024 to Veolia Water Technologies, Inc., for supplying a pilot-scale ballasted flocculation system for the Water Quality Research Facility WQRF for a total cost, after the addition of taxes, not to exceed \$884,816.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 225-20 with Trussell Technologies, Inc. to increase the agreement amount by \$1,332,619 to a total amount not to exceed \$2,777,935 for the design of the Water Quality Research Facility Project.
8. Authorize an agreement beginning on or after April 23, 2024 with Sterry Architecture in an amount not to exceed \$254,490 for design engineering services for Pardee Center buildings improvements.
9. Authorize a seven-year agreement beginning on or after April 23, 2024, with Kleinschmidt Associates, Inc. in an amount not to exceed \$4,526,294 for professional services to provide strategic guidance in managing the Lower Mokelumne River Project relicensing process, assist with public outreach, and facilitate focus group meetings.
10. Authorize agreements for industrial hygiene and environmental sampling and related services.
 - 10a. Authorize agreements beginning on or after April 23, 2024 with Terraphase Engineering, Inc.; MECA Consulting, Inc. dba Millenium Consulting Associates; TRC Solutions, Inc.; and Forensic Analytical Consulting Services, Inc. in an aggregate amount of \$500,000 annually for three years, with two options to renew for additional one-year periods for the total amount, including option years, not to exceed \$2,500,000 for industrial hygiene and environmental sampling and related services.
 - 10b. Authorize additional agreements for industrial hygiene and environmental sampling and related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on April 23, 2024, with consultants that meet District standards and offer pricing at or below the range in the proposed agreements with the consultants above to increase flexibility and ensure consultant availability. The Board of Directors will be notified of additional qualified consultants by means of the General Manager's monthly report.

CONSENT CALENDAR: (Continued)

11. Authorize actions related to the LCPTracker, Inc. electronic certified payroll reporting and prevailing wage monitoring software.
 - 11.1. Ratify the extension of the agreement with LCPTracker, Inc., authorized under Board Motion No. 204-16 to April 30, 2024 and the total payment of \$75,680 for electronic certified payroll reporting and prevailing wage monitoring software rendered between February 1, 2023 and April 30, 2024.
 - 11.2. Authorize an agreement beginning on or after May 1, 2024 with LCPTracker, Inc. for three years, with two options to renew for additional one-year periods, for a total amount, including option years, not to exceed \$376,856 for an electronic certified payroll reporting and prevailing wage monitoring software.
12. Authorize actions related to the user licenses and agreement with Cornerstone OnDemand, Inc. for the District's online learning management services.
 - 12.1. Ratify the payment of \$43,360 to Cornerstone OnDemand, Inc. for an increase in user licenses for the online learning management system services for the current agreement year ending January 10, 2025.
 - 12.2. Authorize an amendment to extend the agreement previously authorized under Board Motion No. 007-22 with Cornerstone OnDemand, Inc. for three additional one-year option periods through January 10, 2028, and to increase the agreement amount by \$344,062, which incorporates the ratified amount from the action above, for a total amount not to exceed \$488,365 for providing online learning management system services for 2,100 user licenses.
13. Authorize the Office of General Counsel to employ the law firm of Spiegel & McDiarmid LLP, for specialized legal services related to the relicensing of the Lower Mokelumne River Project, Federal Energy Regulatory Commission License No. 2916, in an amount not to exceed \$150,000.
14. Approve the March 2024 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION:

15. Adopt a resolution to approve modifications to the following District Regulations Governing Water Service: Section 1: Explanation of Terms; Section 2: Applying for Service; Section 3: Standard Service; Section 18: Location of Service; Section 23: District Equipment on Customer Property; and Section 31: Water Efficiency Requirements. (Resolution)
16. File the 2024 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declare the District's water supply is sufficient for meeting customer demands in 2024.
17. General Manager's Report.
 - Service Award Recipients - January through March 2024

REPORTS AND DIRECTOR COMMENTS:

18. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration
19. Other Items for Future Consideration.
20. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 14, 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, April 23	Finance/Administration Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> Monthly Investment Transactions Report Quarterly Financial Reports – Investment, and Payroll/Disbursement/Real Estate
	Cost of Service Study 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
Tuesday, May 14	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
<u>2024 Board Committee Members</u>			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, McIntosh, Young	
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=eUdZSGh5SG82akZiRDZlUDg2b0lYUT09>

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.

To view the livestream of Board meetings, please visit:
<https://www.ebmud.com/about-us/board-directors/board-meetings/>

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