



**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, May 14, 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. Conference with Labor Negotiators Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; and Adam Smyer, Manager of Employee Relations, 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.
2. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *United States of America, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C09-00186-RS
 - b. *Ivette Rivera, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C24-02491-AGT

(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

PRESENTATION:

- Contra Costa Science and Engineering Fair Award Winners
- Government Finance Officers Association Distinguished Budget Presentation Award and Operating Budget Excellence Award

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 10 recommendations, including 1 resolution.)

1. Approve the Regular Meeting and Special Meeting Minutes of April 23, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after May 14, 2024 to the lowest responsive/responsible bidder, Airgas USA LLC, for supplying liquid oxygen and maintenance and repair services for the District's Sobrante and Upper San Leandro water treatment plants for two years, with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$1,578,615 under Request for Quotation No. 2408.

CONSENT CALENDAR: (Continued)

4. Award contracts relating to rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms.
 - 4a. Award contracts beginning on or after May 14, 2024 to American Portables; Lance Soares Inc. dba Clean Site Service; Foothill Portable Toilets, Inc.; Northwest Cascade, Inc. dba Honey Bucket; SOS Portable Toilets; and United Site Services of California, Inc. to provide rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations for two years with three options to renew for additional one-year periods in an aggregate amount, after the addition of taxes, including option years, not to exceed \$7,876,075 under Request for Quotation No. 2404.
 - 4b. Award additional contracts for rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations, on an as-needed basis and subject to the total aggregate amount awarded by the Board for such services on May 14, 2024, with vendors that meet District standards and offer pricing at or below the range described in the current proposed contracts with vendors above to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
5. Authorize an agreement beginning on or after May 14, 2024 with Diède Construction, Inc. DDC, Inc. in an amount not to exceed \$576,000 for materials and labor for landscaping and site improvements at Pardee Center.
6. Authorize an agreement beginning on or after May 14, 2024, with Simpson Gumpertz & Heger Inc. in an amount not to exceed \$2,988,873 for specialized engineering design services for seismic and heating, ventilation, and air conditioning systems improvements for the Main Wastewater Treatment Plant Administration and Laboratory Building.
7. Authorize agreements related to replacement of private sewer lateral software.
 - 7.1. Authorize an agreement beginning on or after May 14, 2024 with Accela, Inc. for \$257,829.45 for five years, with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$562,825.61 for Accela Software subscriptions and support to replace the software used to schedule, manage, and track compliance with the District's Private Sewer Lateral Program.
 - 7.2. Authorize an agreement beginning on or after May 14, 2024 with RedMark Technologies, LLC in an amount not to exceed \$697,600 to configure Accela Software to meet District business processes, implement interfaces with other systems, and migrate existing Private Sewer Lateral program data.

CONSENT CALENDAR: (Continued)

8. Authorize agreements relating to vehicle/equipment repair and other related services.
 - 8a. Authorize agreements beginning on or after May 14, 2024 with Crash Champions; Walnut Creek Ford; Got Power Inc. dba CD & Power; Doc Bailey Construction Equipment, Inc.; FH Dailey Chevrolet; Fleetworks, Inc.; Golden Gate Truck Center; Grand Collision Center, Inc.; Kelly's Truck Repair; Maz Glass; Nixon Egli Equipment Co., Inc.; Oakland Chevrolet; Owen Equipment Sales; Pape Machinery, Inc.; Peterson Power Systems, Inc.; Stewarts Body Shop Inc.; Unlimited Tool Repair & Fabrication, Inc.; and Uptown Ford of Oakland for one year in an aggregate amount not to exceed \$830,000 for vehicle/equipment repair and other related services.
 - 8b. Authorize additional agreements for vehicle/equipment repair and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on May 14, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
9. Authorize the purchase of wireless telephone and broadband Internet services beginning on or after July 1, 2024 from AT&T Mobility National Accounts LLC and Cellco Partnership dba Verizon Wireless, for District devices for five years for a total aggregate amount not to exceed \$5,855,048. This purchase will be made through the National Association of State Procurement Officials contracts.
10. Adopt a resolution designating each territory newly annexed to the East Bay Municipal Utility District service area since September 2022 to a District ward in anticipation of electing Directors during the November 5, 2024 general election. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update.
 - Receive Legislative Report No. 03-24 and consider positions on the following bills: AB 1798 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters; AB 1827 (Papan) Local government: fees and charges: water: higher consumptive water parcels; AB 2257 (Wilson) Local government: property-related water and sewer fees and assessments: remedies; AB 3023 (Papan) Wildfire and Forest Resilience Task Force: interagency funding strategy: state watershed restoration plans: forest resilience plans: grant program guidelines; and SB 1515, SB 1516, SB 1517 (Committee on Local Government) Validations; and receive information on connection fee and capacity charge legislation
 - Update on Legislative Issues of Interest to EBMUD

DETERMINATION AND DISCUSSION: (Continued)

12. Take actions relating to amendments to Retirement Ordinance No. 40 pertaining to pension benefits of future Board members.
 - 12.1. Vote on an option to amend the Retirement Ordinance as to pension benefits conferred on future Board Members.
 - 12.2. Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 reflecting the selected option to amend the ordinance.
(Introduction and First Reading – Ordinance No. 376-24)
13. File a report and set a Public Hearing for the Water and Wastewater Systems' Schedule of Rates and Charges, Capacity Charges, Other Fees, and Regulations.
 - 13.1. File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations.
 - 13.2. Set a Public Hearing for Tuesday, June 11, 2024, during the Board's regular meeting, to consider the Report and Recommendation.
14. General Manager's Report.
 - Monthly Report – April 2024

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
16. Other Items for Future Consideration.
17. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 28, 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, May 14	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> New Central Area Service Center Project Update Board of Directors Standby Officers
	Legislative/Human Resources Committee	9:30 a.m. Boardroom	<ul style="list-style-type: none"> 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, May 27	Memorial Day Holiday Observed		Offices closed
Tuesday, May 28	Finance/Administration Committee	TBD Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Mid-Cycle Budget Update Workshop	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
<u>2024 Board Committee Members</u>			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, Gómez, McIntosh	
Planning		Young {Chair}, Chan, Linney	
Sustainability		Linney {Chair}, Katz, Young	



APPENDIX

**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=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

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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