

## **MINUTES**

**Tuesday, April 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 11:05 a.m. in the Administration Building Boardroom.

### **ROLL CALL**

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young, 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 was Ivette Rivera who welcomed Director Gómez and commented on documents she provided to the Board and the Pierce/Bland case.

### **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 1:28 p.m. in the Administration Building Boardroom.

### **ROLL CALL**

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young, 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 Lesa R. McIntosh led the Pledge of Allegiance.

### **Recognizing the Asian Pacific Employee Association (APEA) and Asian Pacific Heritage Month**

Director April Chan announced the APEA Affinity Group was founded in 1998 to promote, educate, and provide information to enhance the visibility, value, and advancement of District employees at EBMUD

and within the surrounding communities. The APEA also supports the District's mission and goals of serving the public. In honor of Asian Pacific Heritage Month, the APEA will hold an event each week in May to highlight different realms of the Asian Pacific diaspora. On behalf of the Board, Director Chan encouraged support of the APEA and Asian Pacific Heritage Month.

### **Updated Committee Assignments**

President McIntosh announced the updated 2024 assignments for Board committees, joint powers authorities, and associations were up for consideration and reflect assignments for newly appointed Director Luz Gómez.

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

**Motion No. 063-24** – Approved the following updated 2024 Board Committee assignments:

#### **Planning**

Director Young, Chair  
Director Chan  
Director Linney

*2<sup>nd</sup> Tuesday of the month at 9:15 a.m.*  
Administration Center Building

#### **Legislative/Human Resources**

Director Patterson, Chair  
Director Gómez  
President McIntosh

*2<sup>nd</sup> Tuesday of the month at 10:15 a.m.*  
Administration Center Building

#### **Finance/Administration**

Director Katz, Chair  
Director Chan  
Director Patterson

*4<sup>th</sup> Tuesday of the month at 10:00 a.m.*  
Administration Center Building

#### **Sustainability**

Director Linney, Chair  
Director Katz  
Director Young

*4<sup>th</sup> Tuesday, quarterly, time to be determined*  
Administration Center Building

#### **DSRSD/EBMUD Recycled Water Authority (DERWA)**

Director Chan  
Director Gómez  
Director Young, Alternate

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

#### **Freeport Regional Water Authority**

Director Patterson  
Director Gómez  
Director Katz, Alternate

*2<sup>nd</sup> 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

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

**Retirement Board**  
Director Chan  
Director Young

*3<sup>rd</sup> Thursday odd numbered months at 9:00 a.m.  
Administration Center Building*

**Upper Mokelumne River Watershed Authority**  
Director Patterson  
Director Gómez  
Director Katz, Alternate

*4<sup>th</sup> Friday of January, April, and October; and  
third Friday of August, at 10:00 a.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 Gómez, Alternate

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board, results from the Retirement Board's Health Insurance Benefit survey, and the Pierce/Bland case.

## **CONSENT CALENDAR**

- Item 7 was pulled from the Consent Calendar for separate discussion.
  - Motion by Director Chan, seconded by Director Patterson to approve the recommended actions for Items 1-6, and 8-14 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 064-24** – Approved the Regular Meeting Minutes of April 9, 2024.
  2. The following correspondence was filed with the Board: 1) Presentation entitled, “Applicant Project Process Improvement (Affected Regulations),” dated April 23, 2024; 2) Presentation entitled, “2024 Water Supply Availability & Deficiency Report,” dated April 23, 2024; 3) Speakers’ Bureau and Outreach Record CY24, dated April 23, 2024; 4) Document titled 2023 Performance Pay Program - Management Salary Plan; 5) Document titled EBMUD Pensions – 2022; 6) Document untitled related to employee Health Insurance Benefits; and 7) Document titled Case 3:21-cv-04325-ACT Document 303 Filed April 17, 2024.
  3. **Motion No. 065-24** – Awarded 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. **Motion No. 066-24** – Awarded 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. **Motion No. 067-24** – Authorized 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.
  - 6.1. **Motion No. 068-24** – Awarded 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. **Motion No. 069-24** – Awarded 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.**

- Addressing the Board was Justin Young, Contracting Out Committee Chair, AFSCME Local 2019 who expressed concerns regarding management of the District’s Capital Improvement Program, and the cost increase in the Trussell Technologies’ agreement since 2020. Director of Engineering and Construction Olujimi O. Yoloye responded to Board questions on whether the agreement is time-sensitive and why the agreement funds need to be increased. The project is time sensitive as it relates to actions approved by the Board under Items 6.1 and 6.2 for the Water Quality Research Facility Project and additional funding is needed as the project has experienced several changes, is more complex than originally expected, and needs new and redesigned drawings. Staff was asked to provide updates in the General Manager’s Monthly Report on capital projects that exceed their estimated funding.
- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 7 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 077-24** – Authorized 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. **Motion No. 070-24** – Authorized 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. **Motion No. 071-24** – Authorized 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.a.–**Motion No. 072-24** – Authorized 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; and authorized 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.

- 11.1.–**Motion No. 073-24** – Ratified the extension of the agreement with LCPTracker, Inc., authorized  
11.2. 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; and authorized 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.
- 12.1.–**Motion No. 074-24** – Ratified the payment of \$43,360 to Cornerstone OnDemand, Inc. for an  
12.2. increase in user licenses for the online learning management system services for the current agreement year ending January 10, 2025; and authorized 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. **Motion No. 075-24** – Authorized 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. **Motion No. 076-24** – Approved 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.**

Customer Services Manager Jack J. Flynn provided the presentation. In May 2023, the District conducted an internal three-day Applicant Project Process Improvement Workshop. During the workshop, District subject matter experts reviewed the process for each type of applicant project and identified nine priority areas to streamline application processing for new water services. One recommendation was to modify sections of the District's Regulations Governing Water Service to improve clarity and reduce application timelines and project costs. Mr. Flynn reviewed the proposed modifications and discussed trends and goals for processing standard service, fire service, hydrant, and main extension applications for Fiscal Years 2021 through 2024. Mr. Flynn responded to Board questions regarding outreach to stakeholders and the applicant community and further clarification on the term "renovations" in Regulations Section 2. Staff was asked to provide periodic updates on the effectiveness of the process improvements and to further define "renovation" in the next update to Regulations Section 2. Director Young motioned to approve the item and amended the motion for staff to further clarify the term "renovation" in the next update to Regulations Section 2: Applying for Service.

- Motion by Director Young, seconded by Director Linney to approve the recommended actions for Item 15, as amended carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35396-24** – Adopting Revised Regulations Governing Water Service To Customers Of the East Bay Municipal Utility District (*Sections 1, 2, 3, 18, 23, and 31*).

16. **File the 2024 Water Supply Availability and Deficiency Report (WASDR) 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.**

Associate Civil Engineer Ginger J. Chen provided the presentation. She reviewed gross water production for the fiscal year, and as of April 16, 2024, precipitation in the East Bay and the Mokelumne, snowpack levels in the Sierras, and Caples Lake snow depth. The 2024 WASDR provides an assessment of the District’s 2024 water supply as outlined in the District’s Urban Water Management Plan and Water Shortage Contingency Plan. As of April 16, total system storage (TSS) is at 684 thousand acre-feet (TAF) and forecasted to be 630 TAF by the end of the water year on September 30, 2024, under a dry (90 percent exceedance) condition. Forecasted TSS for the end of September 2024 is above 475 TAF, which is the District’s trigger for drought action. Additionally, the California Department of Water Resources’ April Bulletin 120 forecast of runoff on the Mokelumne River is 730 TAF. The forecasted runoff corresponds to a Below Normal water year type on the lower Mokelumne River under the District’s Joint Settlement Agreement (JSA). The District’s water supply is sufficient to meet customer demands after all required downstream obligations are met. Based on runoff projections for the remainder of this year, Woodbridge Irrigation District will receive its full regulated base supply of 60,000 AF as provided by the parties’ agreement; Jackson Valley Irrigation District will receive up to its maximum entitlement of 3,850 AF, but direct diversion may not be available in all months; and North San Joaquin Water Conservation District, a junior water right holder, will receive up to their scheduled amount of the 18,000 AF requested on March 18, 2024. Section F.3 of the JSA provides that the District notify resource agencies of the availability of surplus water; therefore, following Board acceptance of the 2024 WSADR, the District will notify the fishery resource agencies of the availability of surplus water.

- Motion by Director Patterson, seconded by Director Gómez to approve the recommended actions for Item 16 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 078-24** – Filed the 2024 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declared 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

Senior Human Resources Analyst Laura V. Salangsang provided highlights on more than 80 employees listed in the presentation that reached service award milestones ranging from five to 40 years of service during this period. These employees were also recognized by their organizational leadership through the Employee Recognition and Service Award Program and received a service award on behalf of the District. Internal Auditor Supervisor Barry N. Gardin addressed the Board and was acknowledged for his 30 years of service.

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY24 had been provided at Board places.

President McIntosh welcomed Director Luz Gómez to the Board of Directors. Director Gómez thanked the Board for the appointment.

## **REPORTS AND DIRECTOR COMMENTS**

### **18. Committee Reports.**

- Filed with the Board were the Minutes for the April 9, 2024 Planning and Legislative/Human Resources Committees.
- Chair Andy Katz reported the Finance/Administration Committee met earlier and received updates on the March 2024 Monthly Investment Transactions Report and the Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems and Quarterly Investment Report for the quarter ended March 31, 2024.
- President Lesa R. McIntosh reported the Board of Directors met earlier for the Cost of Service (COS) Study Workshop where staff provided an overview of the process for preparing the COS Study for the District's Water and Wastewater systems' rate structures in advance of the adoption of rates for Fiscal Years 2026 and 2027 in June 2025. Staff also discussed a review of System Capacity Charges (SCCs), including SCCs for Accessory Dwelling Units.

### **19. Other Items for Future Consideration.**

None.

### **20. Director Comments.**

- Director Chan reviewed the list of APEA events scheduled in May and encouraged participation.
- Director Patterson reported attending the NAACP Community Forum on Saturday, April 20 at Acts Full Gospel Church in Oakland.
- President McIntosh asked that the next Regular meeting be adjourned in honor of Reverend Cecil Williams of Glide Memorial Church, who passed away on April 22. Reverend Williams was well known in San Francisco and the Bay Area for his efforts to feed the homeless and provide them with clean drinking water.
- Directors Gómez, Katz, Linney, and Young had no reports.



**ADJOURNMENT**

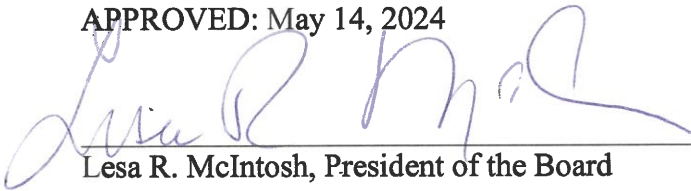
President McIntosh adjourned the meeting at 2:18 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: May 14, 2024



Lesa R. McIntosh, President of the Board