



**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, June 11, 2024

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

*Director Andy Katz will participate via teleconference from
Markt 8, Bonn, 53111 Germany*

*****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. *Frank Windorski v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. C22-02187

(The Board will discuss Closed Session agenda items in Conference Room 8.)

REGULAR BUSINESS MEETING
1:15 p.m.

*Director Andy Katz will participate via teleconference from
Markt 8, Bonn, 53111 Germany*

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- Recognizing graduates of the East Bay Municipal Utility District's Peralta College Cohort Learning Program

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 4 resolutions.)

1. Approve the Special Meeting Minutes and Regular Meeting Minutes of May 28, 2024.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after June 11, 2024, with American Industrial Scaffolding, Inc. for three years, with one option to renew for an additional two-year period for a total amount, including option years, not to exceed \$643,000 for as-needed scaffolding installation, rental, and removal at the Main Wastewater Treatment Plant.
4. Authorize an agreement beginning on or after June 11, 2024 with GardaWorld Security Services for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$39,900,192 for contract security services.
5. Authorize an agreement beginning on or after June 11, 2024 with MCK Americas, Inc., in an amount not to exceed \$1,213,597 for construction management and inspection services for the following occupied facilities projects: Administration Building Fiber Optic Backbone Replacement; Administration Building Security Camera Upgrades; and Adeline Maintenance Center Administration Building Heating, Ventilation, and Cooling Replacement.
6. Authorize an agreement beginning on or after June 11, 2024 with Restoration Design Group Inc. in an amount not to exceed \$180,000 for design and permitting services for the Pinole Creek Tomato Stand Fish Passage Project in the Pinole Creek watershed.

CONSENT CALENDAR: (Continued)

7. Authorize the purchase of IBM Maximo Asset Management software licenses with software subscription beginning on or after June 11, 2024 from Advanced Integrated Solutions, Inc., for wastewater facilities for one year, with four options to renew for additional one-year periods for a total amount not to exceed \$975,271 under Request for Quotation No. 2413. This purchase will be made under State of California contracts available for use by local governments.
8. Authorize an amendment to the agreement previously authorized under Board Motion No. 170-20 with Trussell Technologies, Inc. to increase the agreement amount by \$482,920 to a total amount not to exceed \$2,691,456 for the East Bayshore Recycled Water Project Water Quality Improvement Pilot Study.
9. Adopt a Resolution in observance of the 100th anniversary of the formation of the Woodbridge Irrigation District. (Resolution)
10. Take the following actions and adopt resolutions related to calling, consolidating, and ordering an election of four Directors of the East Bay Municipal Utility District. (Resolutions)
 - 10.1. Adopt a resolution calling and ordering the election of four Directors of the East Bay Municipal Utility District on November 5, 2024, and consolidating the election with the November 5, 2024 statewide General Election.
 - 10.2. Adopt a resolution requesting the Board of Supervisors in Alameda and Contra Costa counties consolidate EBMUD's election for the office of Director with the November 5, 2024 statewide General Election.
 - 10.3. Adopt a resolution establishing the criteria for publication of candidates' statements and authorizing the Secretary of the District to bill candidates for certain costs.
 - 10.4. Adopt a resolution requesting the Board of Supervisors in Alameda and Contra Costa counties consolidate EBMUD's election for the office of Director with the November 5, 2024 statewide General Election.

PUBLIC HEARING:

11. Conduct a public hearing to consider revisions to the water and wastewater system schedules of rates and charges, capacity charges and other fees recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Years 2024 and 2025.

DETERMINATION AND DISCUSSION:

12. Adopt the revised Water System and Wastewater Systems rates, charges, and other fees not subject to Proposition 218, and the revised regulations recommended in 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 for Fiscal Year 2025," filed with the Board on May 14, 2024. These rates, charges, and other fees not subject to Proposition 218 include System Capacity Charges, Wastewater Capacity Fees, Public Records Act fees, Real Property Use Application fees, Recreation Use fees. (Resolution)

DETERMINATION AND DISCUSSION: (Continued)

13. Affirm the Fiscal Year (FY) 2025 Operating, Debt Service, and Capital Budgets for the Water and Wastewater Systems as recommended in the FY 2024 and FY 2025 Mid-Cycle Budget Update submitted to the Board of Directors on May 28, 2024. The FY 2025 budget is unchanged from the amounts adopted by the Board on June 13, 2023. (Resolution)
14. Approve the Mid-Cycle Position Resolution for Fiscal Year (FY) 2025 to implement necessary classification changes as recommended in the FY 2025 Mid-Cycle Budget Update submitted to the Board of Directors on May 28, 2024. (Resolution)
15. File the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.
16. Appoint the Manager of Facilities Maintenance and Construction. (Resolution)
17. Legislative Update.
 - Receive Legislative Report No. 04-24 and consider a position on legislation to modernize the Municipal Utility District Act's payment extension provisions (MUD Act Modernization: Payment Plan Extension Proposal)
 - Update on Legislative Issues of Interest to EBMUD
18. Conduct a second reading of and adopt an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 to limit the pension benefits of future members of Board of Directors. (Second Reading and Vote – Ordinance No. 376-24)
19. Take actions related to the Walnut Creek Water Treatment Plant Pretreatment Project. (Resolution)
 - 19a. Certify the Final Environmental Impact Report for the Walnut Creek Water Treatment Plant Pretreatment Project.
 - 19b. Make findings in accordance with the California Environmental Quality Act, including a Statement of Overriding Considerations.
 - 19c. Adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA.
 - 19d. Adopt the Practices and Procedures Monitoring and Reporting Plan.
 - 19e. Approve the Project.
20. Vote to direct the District's independent investigator to prepare a report on the findings of an investigation of alleged violations by former Director John Coleman of Policy 6.04, Ethics of the EBMUD Board of Directors, the Political Reform Act and Government Code section 1090, for presentation and discussion at the June 25, 2024 regular Board meeting.

DETERMINATION AND DISCUSSION: (Continued)

21. General Manager's Report.

- Monthly Report – May 2024

REPORTS AND DIRECTOR COMMENTS:

22. Committee Reports:

- Planning
- Legislative/Human Resources
- Finance/Administration

23. Other Items for Future Consideration.

24. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 25, 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, June 11 | Planning Committee | 9:00 a.m. Boardroom | <ul style="list-style-type: none">Wastewater Control Ordinance ChangesWalnut Creek Water Treatment Plant Pretreatment Project Update and Final Environmental Impact Report |
| | Legislative/Human Resources Committee | 10:00 a.m. Boardroom | <ul style="list-style-type: none">Legislative UpdateDraft Board of Directors Governance Policies |
| | Board of Directors | 11:00 a.m. Boardroom 1:15 p.m. Boardroom | <ul style="list-style-type: none">Closed SessionRegular Meeting |
| Tuesday, June 25 | Sustainability Committee | TBD Boardroom | <ul style="list-style-type: none">Closed SessionRegular Meeting |
| | Finance/Administration Committee | TBD Boardroom | |
| | Board of Directors | 11:00 a.m. Boardroom 1:15 p.m. Boardroom | |
| 2024 Board Committee Members | | | |
| | Finance/Administration | Katz {Chair}, Chan, Patterson | |
| | Legislative/Human Resources | Patterson {Chair}, Gómez, McIntosh | |
| | 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=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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