

MINUTES

**Tuesday, May 28, 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 11:16 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director William B. Patterson arrived at 11:19 a.m.

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

PUBLIC COMMENT

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented on solo worker safety and asked the Board to direct management to pair solo workers during their first time on a job site or whenever a worker requests to be paired for security and safety.

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 1:31 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 McIntosh led the pledge of allegiance.

Recognizing Pride Month and EBMUD's Raining Pride Affinity Group

Director Marguerite Young recognized the District's Raining Pride Affinity Group for planning events in celebration and observation of Pride Month and for their dedication to fostering diversity and inclusivity which aligns with EBMUD's core values, enriches the workplace, and creates a more welcoming environment. She noted this year's events will kickoff with a performance from the Oakland Gay Choir on June 3 and highlighted other planned events. On behalf of the Board, Director Young thanked Raining Pride and expressed support for their work.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Arvind Mallaya, Neighbors of Acalanes Ridge, expressed opposition to the Walnut Creek Water Treatment Plant Pretreatment Project, commented on project impacts and safety issues, and asked the Board to consider the alternative to place the project at the District's Bixler facility; 2) Greg Alcaraz, Neighbors of Acalanes Ridge, expressed opposition to the Walnut Creek Water Treatment Plant Pretreatment Project, commented on the project Draft Environmental Impact Report (EIR), and urged the Board to consider the Bixler alternative; 3) Norman Matloff, Neighbors of Acalanes Ridge, commented on traffic disruption from the project and asked the Board to consider the Bixler alternative; and 4) Julia Jackson, Neighbors of Acalanes Ridge, commented on documents she provided to the Board and issues with the project Draft EIR. She expressed opposition to the Walnut Creek Water Treatment Plant Pretreatment Project and urged the Board to consider the Bixler alternative and to postpone the proposed project.

General Manager Clifford C. Chan noted staff has been discussing the Walnut Creek Water Treatment Plant Pretreatment Project for a number of years and has assessed and eliminated the Bixler facility as an alternative location. The Board will receive information this week that further explains why the Bixler facility is not an alternative. On June 11, the Planning Committee will receive a project update, and the Board will be asked to certify the Final EIR and approve the project.

CONSENT CALENDAR

- Item 14 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director Young, seconded by Director Katz to approve the recommended actions for Items 1-13 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. 091-24** – Approved the Regular Meeting Minutes of May 14, 2024.

2. The following correspondence was filed with the Board: 1) Presentation entitled, “Amending the Retirement Ordinance Pertaining to Board Members’ Pension Benefits,” dated May 28, 2024; 2) Speakers’ Bureau and Outreach Record CY24, dated May 28, 2024; 3) Handout titled, “Bixler Alternative, Slide 22 (undated)”; and 4) Email dated May 23, 2024 from Julia Jackson to Board of Directors regarding Opposition to Walnut Creek WCWTPP project for May 28 with attachments.
3. **Motion No. 092-24** – Awarded a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$18,216,035 for the construction of the East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1) Project, under Specification 2179.
4. **Motion No. 093-24** – Awarded a sole source contract beginning on or after May 28, 2024 to Shape, Inc. for supplying one Flygt pump as a spare for the existing submersible wastewater pumps at the Main Wastewater Treatment Plant Wet Weather Storage Basin for a total cost, after the addition of taxes, not to exceed \$350,000.
5. **Motion No. 094-24** – Authorized an agreement beginning on or after May 28, 2024 with Intake Screens, Inc. in an amount not to exceed \$1,248,750 for the fabrication and installation of fish screens for three surface water diversions on the lower Mokelumne River.
6. **Motion No. 095-24** – Authorized an agreement beginning on or after May 28, 2024 with Jacobs Associates, Inc. dba Delve Underground in an amount not to exceed \$1,034,000 for engineering services for the Lafayette Aqueduct No. 1 Tunnel Repairs.
7. **Motion No. 096-24** – Authorized an agreement beginning on or after May 28, 2024 with PSI Water Technologies, Inc. in an amount not to exceed \$786,535 for providing and installing a chloramine boosting station at Welle Reservoir including five years of maintenance services.
8. **Motion No. 097-24** – Authorized an agreement beginning on or after May 28, 2024 with Schweitzer Engineering Laboratories Engineering Services Inc. in an amount not to exceed \$1,320,400 for Protection Automation Control System engineering services and commissioning support.
9. **Motion No. 098-24** – Authorized an agreement beginning on or after May 28, 2024, with Window Film Depot, Inc., in an amount not to exceed \$680,510 for fabrication and installation of a new ballistics-resistant window system on the first floor of the District’s Administration Building located at 375 11th Street in Oakland, CA.
10. **Motion No. 099-24** – Authorized an amendment to the agreement previously authorized under Board Motion No. 120-21 with Woodard & Curran, Inc. to increase the agreement amount by \$47,334 to a total amount not to exceed \$300,042 and extend the agreement term to June 30, 2026 for hosting and maintaining the East Bay Plain Subbasin Data Management System.
11. **Motion No. 100-24** – Authorized an amendment to the agreement previously authorized under Board Motion No. 126-19 with Salas O’Brien Engineers, Inc., to increase the agreement amount by \$653,896 to a total amount not to exceed \$1,543,249 for additional mechanical, electrical, structural, and architectural services for three District facilities.

12. **Motion No. 101-24** – Approved the April 2024 Monthly Investment Transactions Report.
13. **Resolution No. 35398-24** – Adopting Revised Policy 4.07, Investments, And Renewing Existing Delegation Of Authority For The Management Of Investments On Behalf Of The East Bay Municipal Utility District And Its Joint Powers Authorities To The Director Of Finance As The Treasurer Of The District.
14. **Adopt a resolution to appoint Standby Officer No. 3 in Ward No. 7 for the East Bay Municipal Utility District Board of Directors.**

Director Chan thanked William Clarkson for agreeing to be Standby Office No. 3 for Ward 7 and highlighted his work and contributions to his community. Director Gómez congratulated Mr. Clarkson on the appointment. Mr. Clarkson thanked Director Chan and the Board for the opportunity. He affirmed acceptance of the role and expressed appreciation for Director Gómez's leadership.

- Motion by Director Patterson, seconded by Director Chan to approve the recommended actions for Item 14 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35399-24 – Appointing William Clarkson As Standby Officer For The Board Of Directors As Standby Officer Number 3 For Ward No. 7 Under The Emergency Succession Plan For The Board Of Directors.

DETERMINATION AND DISCUSSION

15. **Appoint the Director of Engineering and Construction.**

General Manager Clifford C. Chan announced Serge V. Terentieff as the candidate for appointment to the position of Director of Engineering and Construction and highlighted Mr. Terentieff's education and experience.

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

Resolution No. 35400-24 – Appointing Serge V. Terentieff As Director Of Engineering And Construction (*Effective June 17, 2024*).

Mr. Terentieff thanked the General Manager and the Board for the appointment and thanked Director of Engineering and Construction Olujimi O. Yoloje for his leadership.

16. **Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 to limit the pension benefits of future members of the Board of Directors. (Introduction and First Reading – Ordinance No. 376-24)**

Assistant General Counsel Lourdes M. Matthew presented the first reading of the ordinance to amend the Retirement Ordinance to limit the pension benefits of future members of the Board of Directors. Ms. Matthews reviewed Board actions and direction provided to staff at the May 14

Regular meeting on amending the ordinance, and proposed language to limit the terminal compensation of future Board members (Directors), exclude District retirees who become Directors from participation in the Retirement System, and additional amendments to bifurcate the service of a future Director from service as a former District employee. For clarity, it was also recommended that a definition of “Director” be included in the Retirement Ordinance. Additional amendments to Section 36 of the Retirement Ordinance will further clarify the effect of the bifurcation of the service of a future Director from service as a District employee on Health Insurance Benefits. Ms. Matthew addressed Board questions regarding the amendment language and further clarifying language defining a “Director”, and confirmed staff would ensure the term “first elected” is included where needed in the second reading of the ordinance. The second reading and vote on the ordinance is scheduled for the June 11, 2024 Board meeting. The Municipal Utility District Act requires the amendments be published once a week for two successive weeks in a newspaper of general circulation in the District. The amendments would take effect July 15, 2024.

Ordinance No. 376-24 – Conducted a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 to limit the pension benefits of future members of the Board of Directors. (*Introduction and First Reading Only*).

17. **General Manager’s Report.**

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

REPORTS AND DIRECTOR COMMENTS

18. **Committee Reports.**

- Filed with the Board were the Minutes for the May 14, 2024 Planning and Legislative/Human Resources Committees.
- Chair Andy Katz reported the Finance/Administration Committee met earlier and received an update on the April 2024 Monthly Investment Transactions Report and Revisions to the Annual Investment Policy.
- President Lesa R. McIntosh announced the Board met earlier for the Mid-Cycle Budget Update Workshop where staff discussed the mid-cycle budget update; year-end projections for Fiscal Year (FY) 2024; FY 2025 staffing updates and budgets, sponsorships and memberships; non-Proposition 218 rates, charges, and fees, including System Capacity Charges; Water Service Regulations; Camanche Mobilehomes; and Key Performance Indicators for FY 2025 and FY 2026.

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

None.

20. **Director Comments.**

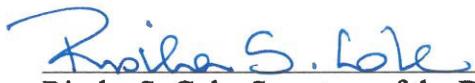
- Director Gómez thanked staff for working with constituents regarding the Walnut Creek Water Treatment Plant Pretreatment Project, and for assisting at the Lafayette City Council meeting later tonight.
- Director Linney reported attending the West Oakland Liaison Group annual meeting in Oakland on May 16 and thanked staff for their support. He said it was a great opportunity to hear feedback from the community and that the District should continue holding these meetings.
- Director Patterson announced the passing of Dr. Donald Godbold, retired chancellor of Peralta Community College District and former President of Merritt College and requested a proclamation for Dr. Godbold at the June 11 Board meeting. He also thanked staff for the emails and cards acknowledging his birthday.
- Director Young reported Board members received results from the investigation into potential ethics violations by former Board member John Coleman. She asked for this matter be calendared for the June 11 Board meeting to hear the findings and for the Board to consider actions in response to the findings.
- President McIntosh announced that she will be retiring from the Board at the end of her term and will not seek reelection. She announced she is endorsing Joey D. Smith for the Board seat in Ward 1.
- Directors Chan and Katz had no reports.

ADJOURNMENT

President McIntosh announced that each year, the District honors its employees and the contributions they make to the District. Today's meeting will be closed in honor of those employees and retirees who have passed away in the last year. The names of these employees were displayed onscreen while the Board and others in attendance observed a moment of silence.

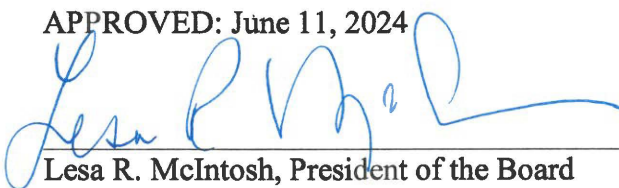
President McIntosh adjourned the meeting at 2:31 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: June 11, 2024



Lesa R. McIntosh, President of the Board