



**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, August 13, 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(d)(1):
 - a. *Saji Pierce, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
 - b. Hearing on Petition Requesting Changes in Water Rights of the Department of Water Resources for the Delta Conveyance Project
California State Water Resources Control Board Administrative Hearings Office
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.
3. Personnel exception pursuant to Government Code section 54957 to consider the annual public employee evaluation of the General Counsel.

(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

PRESENTATIONS:

- Women's Business Enterprise Council 2024 Top Corporation 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 15 recommendations.)

1. Approve the Regular Meeting Minutes of June 25, 2024 and July 9, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Anvil Builders, Inc., in an amount not to exceed \$11,566,669 for construction of the Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement Project, under Specification 2185.
4. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Core and Main Company, for supplying resilient seated gate and butterfly valves 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 \$6,902,035 under Request for Quotation No. 2414.
5. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Ferguson Enterprises, LLC, for supplying a 36-inch motor operated gate valve for Wastewater Pump Station H, for a total cost, after the addition of taxes, not to exceed \$241,448 under Request for Quotation No. 2410.
6. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Larson Electronics, LLC, for supplying a medium voltage transformer for the Lafayette Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$101,349 under Request for Quotation No. 2406A Schedule I.

CONSENT CALENDAR: (Continued)

7. Award a sole source contract beginning on or after August 13, 2024 to Evoqua Water Technologies LLC, for supplying six clarifier sludge collectors and drives for the Main Wastewater Treatment Plant, for two clarifiers in the next two years, with the option to supply equipment for up to four additional clarifiers in the next four years for a total cost, after the addition of taxes, including option years, not to exceed \$6,318,036.
8. Authorize an agreement beginning on or after August 13, 2024 with Nichols Consulting Engineers, Chtd. for \$1,395,400 for three years with two options to renew for additional one-year periods, plus \$1,956,000 for optional construction management and inspection services, for a total amount, including option years, not to exceed \$4,342,200 for pavement management and design services for the Facility Paving Project.
9. Authorize actions related to design, construction inspection and engineering services.
 - 9a. Ratify the payment of \$82,194 to Aetypic, Inc. for design, construction inspection, and engineering services during construction for the Main Wastewater Treatment Plant Operations Center Improvements Project under SD-424 through August 13, 2024.
 - 9b. Authorize an amendment to the agreement previously authorized under Board Motion No. 187-20 with Aetypic to increase the agreement amount by \$120,312, which incorporates the ratified amount from the action above, to a total amount not to exceed \$663,301 for additional design, construction inspection, and ESDC for the MWWTP Operations Center Improvements Project under SD-424.
10. Authorize an amendment to the agreement previously authorized under Board Motion No. 203-23 with Info-Tech Research Group, Inc. dba McLean & Company to increase the agreement amount by \$272,698 to a total amount not to exceed \$416,210 and extend the agreement term to August 20, 2027 for additional online human resources and diversity, equity, and inclusion advisory services.
11. Authorize an amendment to the agreement previously authorized under the General Manager's authority with P&A Administrative Services, Inc. to increase the agreement amount by \$290,000 to a total amount not to exceed \$600,500 and extend the agreement term to December 31, 2029, with an option to extend the agreement term for an additional one-year period, to provide employee Flexible Spending Account administrative services.
12. Authorize an amendment to the agreement previously authorized under Purchase Order No. EBM207487 with United Rentals (North America), Inc. to increase the agreement amount by \$20,000 to a total not to exceed \$100,000 and extend the agreement term to February 18, 2025 for supplying a temporary diesel tank for the standby generator at the Sobrante Water Treatment Plant.
13. Authorize the Office of General Counsel to continue the employment of the law firm of GinnLaw, P.C. for specialized legal services related to construction, public contracts and procurement, claims, and litigation matters in an amount not to exceed \$200,000.

CONSENT CALENDAR: (Continued)

14. Approve the Water Supply Assessment requested by the Lawrence Berkeley National Laboratory for the 2025 Long Range Development Plan pursuant to California Water Code, Sections 10910-10915.
15. Adopt the Reporting Year 2023 Equal Employment Opportunity Program.

DETERMINATION AND DISCUSSION:

16. Legislative Update.
 - Receive Legislative Report No. 06-24 and consider a position on the following bill: H.R. 8682 (Huffman) Water Conservation Rebate Tax Parity Act
 - Update on Legislative Issues of Interest to EBMUD
17. Conduct a second reading and adopt an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance, to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations. (Second Reading and Vote – Ordinance No. 377-24)
18. General Manager's Report.
 - Update on Nutrient Watershed Permit
 - Monthly Report – July 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 27, 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, August 13	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> Dam Safety Program Annual Report Los Vaqueros Reservoir Expansion Project Update Trench Soils Management Update
	Legislative/Human Resources Committee	10:30 a.m. Boardroom	<ul style="list-style-type: none"> Legislative Update Reporting Year 2023 Equal Employment Opportunity Program Report
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, August 27	Finance/Administration 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
Monday, September 2	Labor Day Holiday		<i>Offices closed</i>
Tuesday, September 10	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}, 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=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/>
