

MINUTES

**Tuesday, July 9, 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 11:01 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:10 a.m.

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

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board, the performance appraisals for the General Manager and General Counsel, and the investigation of alleged violations by former Director John Coleman.

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

At 1:07 p.m. General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:25 p.m. President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:35 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.

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh announced that due to time constraints the Board did not hold the annual performance evaluation of the General Counsel. The Board will continue the evaluation to the August 13, 2024 Regular Closed Session meeting. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board and read an excerpt from one of the documents.

CONSENT CALENDAR

- Agenda Items 4.1, 4.2 and 14 were pulled from the Consent Calendar for separate discussion.
 - Motion by Director Katz, seconded by Director Linney to approve the recommended actions for Items 1-3, 5-13, and 15-16 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. 126-24** – Approved the Regular Meeting Minutes of June 11, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Proposed Amendments to the Wastewater Control Ordinance,” dated July 9, 2024; **2)** Presentation entitled, “Board Governance Policies” dated July 9, 2024; **3)** Presentation entitled, “Walnut Creek Water Treatment Plant Pretreatment Project Final EIR and Project Approval” dated July 9, 2024; **4)** Presentation entitled, “Service award Recipients (April 2024 – June 2024)” dated July 9, 2024; **5)** Speakers’ Bureau and Outreach Record CY24, dated July 9, 2024; **6)** Memo dated July 9, 2024 from Serge V. Terentieff, Director of Engineering and Construction to Board of Directors regarding Walnut Creek Water Treatment Plant Pretreatment Project – Final Environmental Impact Report **7)** Email dated July 5, 2024 from Julia Jackson to the Board of Directors transmitting document titled EBMUD Walnut Creek Pretreatment Project: Mitigations; **8)** Email dated July 9, 2024 from Ivette Rivera to Board of Directors regarding Documents for 7/9/24 Board Meetings AND Committee Meetings transmitting attachments titled Ivette Rivera docs for EBMUD BOD Meetings 07/09/2024; **9)** Email dated July 7, 2024 from Ivette Rivera to Board of Directors et. al, transmitting attachments titled Rivera-Tort 2024-L-114 and Copy of MORRA Promotions 2024_L-114 EX2; **10)** Document titled Excerpt from Jan Duffy Report with attachments; **11)** Memorandum dated June 20, 2024 to Lesa McIntosh, President Board of Directors and Andy Katz, Board of Directors regarding Summary of Investigation and Conclusions re Investigation of Ethics Complaint Concerning Former Director John Coleman; **12)** Contra Costa Times Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts

and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); 13) Oakland Tribune Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); 14) West County Times Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); 15) Oakland Tribune Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll (Legal No. 0006835229 published June 21 and June 28, 2024); 16) West County Times Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll (Legal No. 0006835229 published June 21 and June 28, 2024); 17) Contra Costa Times Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); 18) West County Times Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); 19) Oakland Tribune Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); 20) Calaveras Enterprise Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (published May 23 and May 30, 2024); 21) Amador Ledger Dispatch Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. X643 published May 24 and May 31, 2024); 22) Lodi News-Sentinel Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (published May 23 and May 30, 2024); 23) Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025,

signed by Rischa S. Cole, dated August 9, 2024; **24)** Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report, signed by Rischa S. Cole, dated August 9, 2024; and **25)** Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll, signed by Rischa S. Cole, dated August 9, 2024.

3. **Motion No. 127-24** – Awarded a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in an amount not to exceed \$2,895,000 for the construction of the Lafayette Water Treatment Plant Control Systems Improvements Project, under Specification 2177.
- 4.1. **Award a contract to the lowest responsive/responsible bidder, Thompson Builders Corporation, in an amount not to exceed \$5,980,000 for the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project, under Specification 2180.**

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who said the union objects to contracting out the installation of rate control stations and maintenance of regulators and asked the Board to defer the work until there are sufficient inhouse resources to perform the work, separate the work on the Cull Creek facilities from the rest of the project, reduce the contract scope, and use the funds to hire staff to complete the work. He commented on the volume of future rate control station related work projected in the District’s Capital Improvement Program. Planning Committee Chair Marguerite Young reported the Committee received an update on this item earlier today but did not discuss separating the work on the Cull Creek facilities from the rest of the project. The Committee supported the staff recommendation but asked staff to continue discussions with the union and to evaluate using District forces to complete future projects. General Manager Clifford C. Chan explained it is not simple to separate the projects and as discussed during the Planning Committee meeting, staff will continue discussions with the union and explore resource needs for future work during the upcoming budget cycle.
- Motion by Director Linney, seconded by Director Young to approve the recommended actions for Item 4.1 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 139-24 – Awarded a contract to the lowest responsive/responsible bidder, Thompson Builders Corporation, in an amount not to exceed \$5,980,000 for the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project, under Specification 2180.

- 4.2. **Authorize an agreement beginning on or after July 9, 2024, with Mott MacDonald Group, Inc. in an amount not to exceed \$328,940 for engineering services during construction for the construction of the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.**

- Motion by Director Linney, seconded by Director Young to approve the recommended actions for Item 4.2 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 140-24 – Authorized an agreement beginning on or after July 9, 2024, with Mott MacDonald Group, Inc. in an amount not to exceed \$328,940 for engineering services during construction for the construction of the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.

5. **Motion No. 128-24** – Authorized an agreement beginning on or after July 9, 2024 with Arup US, Inc. in an amount not to exceed \$462,790 for design services for security improvements at the District's Adeline Maintenance Center Campus located in West Oakland, California.
6. **Motion No. 129-24** – Authorized an agreement beginning on or after July 9, 2024 with Brown and Caldwell in an amount not to exceed \$1,677,699 for engineering consultant services for the planning phase of the Dewatering Improvements Project at the Main Wastewater Treatment Plant.
7. **Motion No. 130-24** – Authorized an agreement beginning on or after July 9, 2024 with ConvergeOne, Inc. for \$524,810 for three years, with one option to renew for an additional three-year period for a total, including option years, not to exceed \$864,505 for implementation, system support services and software licenses for call center management software.
8. **Motion No. 131-24** – Authorized an agreement beginning on or after July 9, 2024 with Corcus Construction, Inc. in an amount not to exceed \$432,800 for District sewer lateral maintenance including sewer location services, installation of sewer appurtenances, replacements, and compliance testing.
9. **Motion No. 132-24** – Authorized an agreement beginning on or after July 9, 2024 with Dynamic Systems, Inc. for one year, with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$830,546 for Oracle Premier software maintenance and support services. This agreement will be made under State of California contracts available for use by local governments.
10. **Motion No. 133-24** – Authorized an agreement beginning on or after July 9, 2024 with Eaton Corporation in an amount not to exceed \$1,619,151 for the Orinda Water Treatment Plant Main Plant Switchgear Breaker Replacement project.
11. **Motion No. 134-24** – Authorized an agreement beginning on or after July 9, 2024 with FlowWest in an amount not to exceed \$793,092 for the planning, design, and permitting of two floodplain and spawning habitat restoration projects along the Mokelumne River.
12. **Motion No. 135-24** – Authorized an agreement beginning on or after July 9, 2024 with GEMS Environmental Management Services, Inc. in an amount not to exceed \$432,188 for the installation of a standby generator diesel tank and day tank at Sobrante Water Treatment Plant.
13. **Motion No. 136-24** – Authorized an agreement beginning or after July 9, 2024 with the Peralta Community College District in an amount not to exceed \$119,500 for tuition, student support services, and appropriate materials required for the fourth iteration of the Cohort Learning Program during the period of August 2024 to May 2026.

14. **Authorize an agreement beginning on or after July 9, 2024 with TJC and Associates, Inc. in an amount not to exceed \$999,718 for as-needed electrical engineering services during construction in support of the Upper San Leandro Water Treatment Plant Maintenance and Reliability Project.**

- Addressing the Board was Justin Young, EBMUD Electrical Engineer who commented on recruitment and retention for Electrical Engineers and contracting out electrical engineering services and asked for a two-step equity adjustment for District Electrical Engineers.

President McIntosh requested follow up information. General Manager Clifford C. Chan reported Human Resources Department staff is in discussions with AFSCME Local 2019 and this is the first time he became aware of the equity adjustment request which are a part of ongoing labor negotiations. President McIntosh withdrew the request for follow up.

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

Motion No. 141-24 – Authorized an agreement beginning on or after July 9, 2024 with TJC and Associates, Inc. in an amount not to exceed \$999,718 for as-needed electrical engineering services during construction in support of the Upper San Leandro Water Treatment Plant Maintenance and Reliability Project.

15. **Motion No. 137-24** – Awarded a contract beginning on or after July 9, 2024 to the lowest responsive/responsible bidder, ePlus Technology, Inc., for supplying Arista Networks' converged cloud fabric switches for the District's data center, for a total cost, after the addition of taxes, not to exceed \$208,332 under Request for Quotation No. 2409A.
- 16a. – **Motion No. 138-24** – Authorized amendments to the agreements previously authorized under
16b. Board Motion No. 119-23, with Eyeball Enterprises, Inc.; Ferguson Welding Service, Inc.; John Arthur Welding, Inc.; Larsson Welding; Mid Mountain Mechanical, Inc.; Nicole Welding, Inc.; and Woods Welding to increase the aggregate amount of those agreements by \$125,000 to a total aggregate amount not to exceed \$375,000 and extend the term of the agreements to July 9, 2025 for welding services; and authorized additional agreements for welding services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on July 9, 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.

PUBLIC HEARING

- 17.1. **Conduct a public hearing and consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.**

President McIntosh opened the public hearing at 1:54 p.m. and announced the hearing is to consider objections and protests to the General Manager's Report to Transfer Delinquent EBMUD Charges to the 2024-2025 Property Tax Rolls. She reviewed the processes for the public to comment, object or protest the charges and advised staff was available to assist if needed. She asked if there were speakers online or in person to lodge an objection or to protest the actions being considered by the Board. There were none. President McIntosh asked for a motion to close the public hearing and closed the public hearing at 1:57 p.m.

- Motion by Director Patterson, seconded by Director Young to close the public hearing carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 142-24 – Conducted a public hearing to consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.

- 17.2. – **Adopt the General Manager's Report dated June 11, 2024 and authorize the General**
17.3. **Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before August 10, 2024, the date in which the report will be sent to Alameda and Contra Costa counties; and authorize the transfer of delinquent EBMUD charges to the Alameda and Contra Costa counties' 2024-2025 property tax rolls.**

- Motion by Director Gómez, seconded by Director Young to approve the recommended actions for Items 17.2-17.3 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35411-24 – Approving Transfer Of Unpaid Delinquent Charges To The Alameda And Contra Costa Counties' 2024-2025 Property Tax Rolls.

- 18.1. **Conduct a public hearing to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the Wet Weather Facilities Charge (WWFC) and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' Fiscal Year (FY) 2024-2025 Property Tax Rolls.**

President McIntosh opened the public hearing at 1:58 p.m. and announced the hearing is to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the WWFC and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' FY 2024-2025 Property Tax Rolls. Written protests must have been mailed and received by the District before the close of the public hearing. Secretary of the District Rischa S. Cole confirmed no written objections or protests had been submitted to be read as part of the public hearing. President McIntosh asked if there were speakers online or in

person to provide comment or protest the actions being considered by the Board. There were none. President McIntosh announced the District did not receive any protests to the written report and asked for a motion to close the public hearing. She closed the public hearing at 1:59 p.m.

- Motion by Director Patterson, seconded by Director Linney to close the public hearing carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.2a. Adopt the written report and authorize the District to collect the FY 2025 WWFC on the Alameda and Contra Costa counties' property tax rolls by at least two-thirds of the members of the Board (i.e., five Board members).

- Motion by Director Young, seconded by Director Linney to approve the recommended actions for Item 18.2a carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.3b. Authorize District staff to adjust the FY 2025 WWFC for any affected parcels as new information is provided by the counties.

- Motion by Director Linney, seconded by Director Katz to approve the recommended actions for Item 18.3b carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.4c. Direct the Secretary of the District to file a copy of the Report on or before August 10, 2024, with the Alameda County Auditor-Controller and the Contra Costa County Auditor-Controller.

- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 18.4c carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35412-24 – Adopting The Report Of The East Bay Municipal Utility District Wet Weather Facilities Charge And Directing The Secretary To File Said Report With The Alameda County Auditor-Controller And the Contra Costa County Auditor-Controller And To Request The Auditor-Controllers To Place The Fiscal Year 2025 Wet Weather Facilities Charge On The Property Tax Rolls.

DETERMINATION AND DISCUSSION

19. Appoint an Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel.

General Manager Clifford C. Chan announced that although the annual performance evaluation for the General Counsel has been continued to August 13, the Board is being asked to appoint an Ad Hoc Committee to negotiate any amendments to the employment agreements with the General Manager and General Counsel. President McIntosh announced past practice has been for the current Board President, current Board Vice President, and immediate past Board President

to serve as the Ad Hoc Committee for this purpose. President McIntosh called for other volunteers from the Board. There were none.

- Motion by Director Linney, seconded by Director Young to appoint President Lesa R. McIntosh, Vice President William B. Patterson and Director Andy Katz to serve as the Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel 19 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 144-24 – Appointed President Lesa R. McIntosh, Vice President William B. Patterson, and Director Andy Katz to the Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel.

20. **Conduct a first reading of 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.**

Manager of Wastewater Environmental Services Alicia R. Chakrabarti presented the proposed amendments to the ordinance, which was last amended in 2013, and provides authority for the District to operate its Pretreatment Program as required by federal regulations and the National Pollutant Discharge Elimination System (NPDES) permit for the Main Wastewater Treatment Plant (MWWTP). The District established limits for certain constituents for wastewater discharges to the community sewer to ensure regulatory compliance and protect MWWTP processes. The MWWTP NPDES permit requires that these limits be evaluated every five years. A local limits study was completed in 2023 and staff proposes modifications to limits for volatile organics as well as oil and grease. The District did not receive any objections to the proposed changes to the local limits during the federally required public comment period. On March 28, 2024, the San Francisco Regional Water Quality Control Board (Regional Board) approved the proposed changes and advised the District to proceed with modifying the ordinance. These changes will help the District control pollutants at their source to protect treatment staff, maintain treatment processes, and prevent contaminants from being discharged to the San Francisco Bay. They will also ensure compliance with federal pretreatment requirements and maintain effective ordinance enforcement. Ms. Chakrabarti summarized the proposed changes and said the second reading and adoption of the ordinance amendments is scheduled for the August 13, 2024 Board meeting. Once the ordinance is adopted, staff will notify the Regional Board and incorporate the changes to the local limits into all existing and new wastewater discharge permits. The changes will also be deemed incorporated into the MWWTP NPDES permit. Planning Committee Chair Marguerite Young reported the Committee received an update on this item in June and unanimously recommended approval of the proposed amendments to the ordinance.

Ordinance No. 377-24 – An Ordinance Amending Ordinance No. 355-11, As Previously Amended, Which Is The Wastewater Control Ordinance (*Introduction and First Reading only*).

21. Provide input and direction to the Office of General Counsel and Office of the Secretary on the development of Governance Policies for the Board of Directors.

General Manager Clifford C. Chan announced that during the November 2023 Board Retreat, the Board asked staff to draft governance policies. Staff drafted ten policies that are based on Board resolutions and directives, Board practices, policies, administrative ordinances, and the Municipal Utility District Act. New policies were developed based on Board feedback during the retreat, as well as subsequent discussions with individual Board members. Staff also reviewed other agencies' governance policies while drafting the policies. Staff presented the draft policies at the Legislative/Human Resources Committee meeting on June 11. The Committee commented on the need for all Board members to review and provide feedback and asked staff to provide drafts to Board members for review and comment by Friday, June 28. Mr. Chan said staff is seeking the Board's direction on how they would like to provide feedback and discuss the draft policies. General Counsel Derek T. McDonald reviewed the draft policies which cover: Role of the Board of Directors; Board Member Code of Conduct; Board Meetings; Election of Board Officers and Committee Assignments; Board Member Orientation and Training; Role of Board Committees; Ethics of the Board of Directors; Protection of Whistleblowers; Board Member Compensation and Benefits; and Reimbursement of Director Expenses. He noted eight policies are new and two are existing policies that have been updated. There was considerable Board discussion to either conduct a workshop, appoint an Ad Hoc Committee, or review the draft policies with the Finance/Administration Committee, with assistance from Internal Auditor Supervisor Barry N. Gardin. There was additional Board discussion on how Board members would provide feedback to staff, language in some of the draft policies, the time needed to complete the review and incorporate updates, a Board handbook, and on appointing an Ad Hoc Committee or reviewing with the Finance/Administration Committee. Mr. McDonald noted the Secretary has drafted a handbook for Board members that will be based on the governance policies and also include information on administrative topics.

- Addressing the Board was Ivette Rivera who commented on the Board pressing pause on the draft policies, the policies going into effect before the end of the year, and a Board handbook. She expressed concern with the policies as drafted.

The Board continued discussing the draft policies regarding agenda setting and interacting with constituents. President McIntosh asked Board members if they would prefer to appoint an Ad Hoc Committee or have staff review the draft policies with the Finance/Administration Committee. Mr. McDonald advised the Board did not agendize appointing an Ad Hoc Committee for today's meeting and would need to agendize that action for the August 13, 2024 Regular meeting. He said the Board President can direct staff to review the draft policies with the Finance/Administration Committee. General Manager Chan asked Board members to provide feedback to staff on the draft policies before the Finance/Administration Committee meeting scheduled for August 27, 2024. Due to the number of topics on that agenda, he commented the Board could also consider scheduling a special Finance/Administration Committee meeting to review the draft policies. The Board directed staff to present the draft policies to the Finance/Administration Committee for initial review before presenting them at a Board meeting for discussion.

- Director Patterson left the meeting at 2:20 p.m. and returned at 2:28 p.m.

22a. – **Certify the Final Environmental Impact Report (EIR) for the Walnut Creek Water Treatment Plant Pretreatment Project; make findings in accordance with the California Environmental Quality Act (CEQA), including a Statement of Overriding Considerations; adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA; adopt the Practices and Procedures Monitoring and Reporting Plan; and approve the Project.**

22e.

- Addressing the Board were the following: 1) Julia Jackson commented on documents she emailed to the Board, concerns with the project, and asked for reasonable mitigations; 2) Norman Matloff commented on traffic concerns, sludge removal, the meetings with staff, and asked for mitigations; and 3) Arvind Mallya commented on the meetings with staff and urged the Board to vote no on the project and consider the alternative options.

Senior Civil Engineer Bill E. Maggiore provided the presentation which included an overview of meetings with the community on June 21 and June 27; off-site and on-site project alternatives that were analyzed as part of the EIR; the need to pretreatment water in Briones Reservoir and the Contra Costa Water District intertie; discussions with neighbors of the plant on other issues; and outreach plans to keep the community apprised throughout future phases of the project. Mr. Maggiore reported the District addressed all comments received in the Final EIR and provided additional clarification on why the alternative to install a pipeline to pump sludge away from the plant is not a feasible solution. If the Board certifies the Final EIR and approves the project, Phase 1 will occur from 2024 through 2027, followed by construction from 2027 through 2030. Design and construction of Phase 2 would depend on future untreated water quality conditions and the timing of future water demands. Staff responded to Board questions regarding sheltering in place policies in the District's Emergency Action Plans and long-term truck traffic. Director Gómez thanked staff and the neighbors and commented on studying the EIR and meeting with neighbors and staff to better understand the criticalness of the project for the community and the District. She put forth a motion to approve the recommended actions.

- Director Chan left the meeting at 2:56 p.m. and returned at 2:58 p.m.
- Motion by Director Gómez, seconded by Director Linney to approve the recommended actions for Items 22a.- 22e. carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35413-24 – Certifying The Final Environmental Impact Report For The Walnut Creek Water Treatment Plant Pretreatment Project, Making Findings, Adopting The Mitigation Monitoring And Reporting Program, Adopting The Practices And Procedures Monitoring And Reporting Plan, And Approving The Project.

23. **General Manager's Report.**

Service Award Recipients - April through June 2024

Senior Human Resources Analyst Siobhan M. Tuvo highlighted the employees that reached service award milestones ranging from five to 25 years 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. Ms. Tuvo read the names

of the recipients including the following in attendance: Director of Engineering and Construction Serge V. Terentieff; Senior Civil Engineer Jennifer L. McGregor; Accounting and Financial Systems Analyst Melody Wang; Manager of Operations/Maintenance Planning William A. Sharp; Material Storage Foreman Arnold M. Gacusan; Special Assistant to the General Manager Derry L. Moten; and Assistant Engineer Martin C. Serena.

Monthly Report – June 2024

General Manager Clifford C. Chan announced the Forecast and Summary of 2024 Board Committee and Workshop Agenda Topics, and the Monthly Report were included in the agenda materials. The Speakers' Bureau and Outreach Record CY24 had been provided at Board places.

REPORTS AND DIRECTOR COMMENTS

24. Committee Reports.

- Filed with the Board were the Minutes for the June 11, 2024 Planning and Legislative/Human Resources Committees.
- Chair Marguerite Young reported the Planning Committee met earlier and received the Fiscal Year 2024 Pipeline Rebuild Program Update and Cull Creek Regulator Construction and Campus, Keller, Gramercy, and Villareal Regulators Replacement Project Update.
- President McIntosh reported the Legislative/Human Resources Committee met earlier and received the Diversity, Equity, and Inclusion Strategic Plan Update.

25. Other Items for Future Consideration.

None.

26. Director Comments.

- Director Chan reported participating in a meeting and tour of the Oakland Roots soccer team facilities with General Manager Chan and Special Assistant to the General Manager Kelly A. Zito on July 1 in Alameda.
- Director Patterson reported attending the Oakland Chamber of Commerce Annual meeting and celebration on June 26 at Children's Fairyland in Oakland.
- Director Young reported participating in the City of Orinda's Fourth of July Parade and shared pictures from the event.
- Directors Gómez, Katz, Linney, and President McIntosh had no reports.

ADJOURNMENT

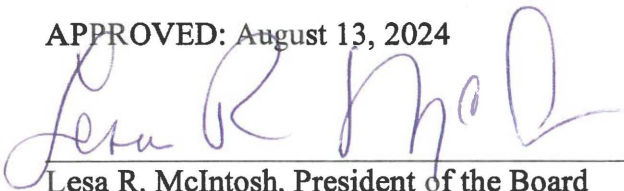
President McIntosh adjourned the meeting at 3:55 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: August 13, 2024



Lesla R. McIntosh, President of the Board