



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**Notice of Special Meeting**  
**Board Meeting**  
**Tuesday, August 20, 2024**  
**9:00 a.m.**  
**Boardroom**  
**375 11<sup>th</sup> Street**  
**Oakland, California**

At the call of President Lesa R. McIntosh, a special meeting of the Board of Directors of the East Bay Municipal Utility District has been scheduled for 9:00 a.m. on Tuesday, August 20, 2024. The meeting will be held in the Administration Building Boardroom at 375 11<sup>th</sup> Street, Oakland, California.

The Board will take action pursuant to AB 408, codified as Public Utilities Code Section 11852.5, to either appoint the sole candidate running for election in Ward 2 or proceed with the election in Ward 2 scheduled for November 5, 2024.

Dated: August 16, 2024

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole  
Secretary of the District

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**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY  
DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA**  
**Special Meeting**  
**Tuesday, August 20, 2024**  
**9:00 a.m.**  
**Boardroom**  
**375 11th Street**  
**Oakland, CA 94607**

*The following will participate via teleconference:*  
*Director Lesa R. McIntosh – 1207 Melville Square, #112 Richmond, CA 94804*

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

**ROLL CALL:**

**PUBLIC COMMENT:** Members of the public shall have the opportunity to provide public comment on Agenda Item 1.

**DISCUSSION:**

1. Take action pursuant to Assembly Bill 408, codified as Municipal Utility District Act section 11852.5, to either: 1) appoint the sole candidate running for election in Ward 2; or 2) proceed with the election in Ward 2 scheduled for November 5, 2024.

**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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*



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## 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/j/97065086667?pwd=eUdZSGh5SG82akZiRDZlUDg2b0lYUT09>

\*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](mailto: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.

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**To view the livestream of Board meetings, please visit:**  
<https://www.ebmud.com/about-us/board-directors/board-meetings/>

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## BOARD ACTION

Agenda Number:	1.	Meeting Date:	August 20, 2024
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TITLE	<b>2024 ELECTION ACTIONS PURSUANT TO MUNICIPAL UTILITY DISTRICT ACT SECTION 11852.5 (ASSEMBLY BILL 408)</b>
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ACTION	<input type="checkbox"/> Motion:	<input checked="" type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Take action pursuant to Assembly Bill (AB) 408, codified as Municipal Utility District Act section 11852.5, to either: 1) appoint the sole candidate running for election in Ward 2; or 2) proceed with the election in Ward 2
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SUMMARY	<p>The term of office for the Director appointed on April 9, 2024 to represent Ward 2 expires on November 5, 2024. The terms of office for Directors for EBMUD Wards 1, 5 and 6 expire on December 31, 2024. The regular election for Directors of these wards is scheduled for Tuesday, November 5, 2024, and will be conducted in accordance with the Municipal Utility District (MUD) Act of the State of California and will conform with provisions of the California Elections Code.</p> <p>The District received notice from Contra Costa County that multiple candidates filed declarations of candidacy in Ward 1 and that the appointed incumbent was the only candidate to file a declaration of candidacy in Ward 2. The District received notice from Alameda County that multiple candidates filed declarations of candidacy in Wards 5 and 6. Accordingly, the Board may exercise its AB 408 authority for Ward 2.</p>
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DISCUSSION	<p>The nomination period for EBMUD Director seats opened July 15, 2024 and closed August 9, 2024. If an incumbent did not file nomination papers by August 9, the deadline for non-incumbent candidates in that ward extended to 5:00 p.m. on August 14. Pursuant to MUD Act section 11852.5 (AB 408), county elections officials were required to notify the District by August 14 if no one or only one person had filed a declaration of candidacy for a particular ward. If no one or only one person filed a declaration of candidacy for a particular ward by 5:00 p.m. on August 14, the Board has the authority to either appoint the sole unopposed candidate in those wards or proceed to election.</p> <p>On August 13, 2024, Contra Costa County elections officials notified the Secretary of the District that the appointed incumbent for Ward 2 (Luz Gómez) was the only candidate that filed a declaration of candidacy in the ward by the close of the nomination period (5:00 p.m. on August 9). AB 408 authorizes municipal utility districts with a seven-member board to appoint uncontested candidates in lieu of having an election. At a special meeting on August 20, 2024, the Board will exercise its AB 408 authority to either appoint Luz Gómez to</p>
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Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Elections
Funds Available: FY 2025	Budget Coding: 11-121-8851100-52370-000000	Approved: 	
Attachment(s): Resolution			

Title:	2024 Election Actions Pursuant to Municipal Utility District Act Section 11852.5 (AB 408)	Meeting Date:	August 20, 2024
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office or proceed with an election in Ward 2 for the remainder of the unexpired term commencing December 10, 2024 through December 31, 2026. The Secretary of the District will notify Contra Costa County's elections officials on or before August 21, 2024 of the Board's decision to either 1) appoint the candidate and request the county remove the candidate's name from the ballot and not accept any statement of write-in candidacy in Ward 2; or 2) proceed with the election in Ward 2.

**SUSTAINABILITY****Economic**

The estimated 2024 election costs for Ward 2 are \$200,000. Based on previous elections, the estimated 2024 election costs for Wards 1, 5, and 6 are between \$145,000 and \$724,000 per ward.

Funds are available in the FY 2025 adopted operating budget to meet the anticipated costs of the 2024 election. Costs above the budgeted amount will be absorbed within the existing FY 2025 budget appropriation.

I:\Sec\2024 Board Related Items\08202024 Special Board Agenda Items\SEC – 2024 AB408 Appointment – Ward 2.docx



RESOLUTION NO. \_\_\_\_\_

APPOINTING LUZ GÓMEZ TO THE BOARD OF DIRECTORS  
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, members of the Board of Directors (Board) of the East Bay Municipal Utility District (District) are elected to office and serve for four year terms pursuant to Chapter 3, Article 1 of the Municipal Utility District Act; and

WHEREAS, Assembly Bill (AB) 408 enacted Section 11852.5 of the of the Public Utilities Code of the State of California, authorizes the governing body of a municipal utility district to appoint the sole candidate to office for each ward for which only one person has filed a declaration of candidacy in the election, or hold the election; and

WHEREAS, if a governing body chooses to exercise its appointment authority under AB 408, it must do so between the 83<sup>rd</sup> and 76<sup>th</sup> day before an election; and

WHEREAS, if a person is appointed by the governing body pursuant to AB 408, the person will qualify and take office and serve exactly as if elected at an election for the office; and

WHEREAS, the General Election is scheduled to be held on November 5, 2024; and

WHEREAS, the nomination period for Ward 2 of the District closed on August 9, 2024; and

WHEREAS, Luz Gómez was the sole candidate to file a declaration of candidacy for Ward 2 for the November 5, 2024 General Election; and

WHEREAS, it is the desire of the Board to exercise its authority under AB 408 and appoint Luz Gómez as the Director for Ward 2 of the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby appoint Luz Gómez to serve as Director representing Ward 2 of the District.

ADOPTED this 20<sup>th</sup> day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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President

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Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel