

MINUTES

Tuesday, August 20, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California

Special Business Meeting

President Lesa R. McIntosh called to order the Special Business Meeting of the Board of Directors at 9:10 a.m. in the Administration Building Boardroom. The Board met to 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 the ward.

ROLL CALL

Directors Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh (remote) were present at roll call. Director Andy Katz arrived at 9:12 a.m. Director April Chan was absent (excused)

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

PUBLIC COMMENT

There was no public comment.

DETERMINATION AND DISCUSSION

1. **Take action pursuant to Assembly Bill (AB) 408, codified as Municipal Utility District (MUD) 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.**

President McIntosh announced the Board would consider taking action to either appoint the sole candidate running for election in Ward 2 or proceed with the election in the ward. The term of office for the Director appointed on April 9, 2024 to represent Ward 2 expires on November 5, 2024. The regular election for Directors is scheduled for November 5, 2024. 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 nonincumbent 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. 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). Accordingly, the Board was asked to consider either appointing Director Gómez for the remainder of the unexpired term in Ward 2 commencing December 10, 2024 through

December 31, 2026 or vote to hold the election in Ward 2. Director Gómez commented on being appointed by the Board in April 2024 to fill the vacant seat in Ward 2 with plans to run for election in November for the remainder of the unexpired term. She said she is aware of the potential costs to hold an election in Ward 2 and while it would be an honor to be appointed by the Board to serve for the remainder of the unexpired term, her service on the Board would have more legitimacy if her name appeared on the ballot and she was elected by the voters in Ward 2. Board members commented on the purpose of AB 408 and on holding an election in lieu of an appointment and expressed support for Director Gómez's request to proceed with an election. Director Linney announced he would recuse himself from voting due to a potential conflict of interest.

- Motion by Director Young, seconded by Director Katz to take action pursuant to Assembly Bill 408, codified as Municipal Utility District Act section 11852.5 and voted to proceed with the election in EBMUD Ward 2, during the regular election for Directors scheduled for November 5, 2024, carried (5-0) by the following roll call vote: (Gómez, Katz, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (Linney); ABSENT (Chan).

Motion No. 160-24 – Took action pursuant to Assembly Bill 408, codified as Municipal Utility District Act section 11852.5 and voted to proceed with the election in EBMUD Ward 2, during the regular election for Directors scheduled for November 5, 2024.

ADJOURNMENT


President McIntosh adjourned the special meeting at 9:27 a.m.

SUBMITTED BY:



Risha S. Cole, Secretary of the District

APPROVED: August 27, 2024



Lesa R. McIntosh, President of the Board