



**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, September 24, 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. *Ivette Rivera v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C24-02491-AGT
2. Conference with Labor Negotiators Keith Fleming and Stacey Cue from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; and Adam Smyer, Manager of Employee Relations, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.
3. Conference with Board designated representatives President Lesa R. McIntosh, Vice-President William B. Patterson and Director Andy Katz regarding employment contracts of the General Manager and General Counsel pursuant to Government Code section 54957.6.

(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
- Recognizing National Disability Employment Awareness Month and the Disability Advocacy and Rights Team Affinity Group

PRESENTATION:

National Association of Clean Water Agencies' Platinum Peak Performance Award for the Wastewater Department's 24 years of permit compliance at the Main Wastewater Treatment Plant.

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 10 recommendations and 1 resolution.)

1. Approve the Regular Meeting Minutes of August 27, 2024 and September 10, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after September 24, 2024 to the lowest responsive/ responsible bidder, RFI Enterprises, Inc., for supplying net video recorders and related software licenses for one year, with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$334,729 under Request for Quotation No. 2412.

CONSENT CALENDAR: (Continued)

4. Authorize actions related to dump truck services.
 - 4a. Authorize agreements beginning on or after September 24, 2024 with Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; Darrah Trucking & Excavating, Inc.; EM Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking Inc.; Gloria Washington Trucking, Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Northbay Logistics Group, Inc.; Royal Trucking / Maintenance; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam's Trucking; TGI Freight, LLC; Tri Valley Water Trucks, Inc.; and Wide Area, Inc. for one year in an aggregate amount not to exceed \$5,900,000 for dump truck services.
 - 4b. Authorize additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 24, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers 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.
5. Authorize an amendment to the agreement originally authorized under Board Motion No. 056-18 with AECOM Technical Services, Inc. to increase the agreement amount by \$1,142,687 to a total amount not to exceed \$3,161,550 for additional design services to complete design of the shortened tower alternative and engineering services during construction for the Lafayette Reservoir Tower Safety Upgrade Project.
6. Authorize an amendment to the contract previously awarded under Board Motion No. 166-20 with AqueoUS Vets dba American Veterans Products and Services, Inc. to increase the contract amount by \$7,000,000 to a total amount not to exceed \$24,500,000 and extend the contract term to February 28, 2026, for supplying ductile iron pipe and fittings for the District's pipeline replacement program.
7. Authorize the purchase of endpoint detection and security response software licensing and support beginning on or after September 24, 2024 from NuSpective, Inc., for three years and three months for a total amount not to exceed \$380,000. This purchase will be made under State of California contracts available for use by local governments.
8. Approve the August 2024 Monthly Investment Transactions Report.
9. Authorize the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to providing representation in the *Ivette Rivera v. East Bay Municipal Utility District, et al.*, matter.

CONSENT CALENDAR: (Continued)

10. Approve revisions to the following District policies Policy 4.04 – Financial Planning and Budgetary Control, Policy 6.08 – Contract Equity Program, Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity, Policy 7.03 – Emergency Preparedness/Business Continuity. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update.
- Receive Legislative Report No. 07-24 and consider a position on the following ballot measure: Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative).
 - Update on Legislative Issues of Interest to EBMUD
12. Adopt a resolution supporting Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative). (Resolution)
13. Adopt a resolution to declare October 2, 2024, to be “California Clean Air Day” at the District and to encourage all employees to participate in California Clean Air Day. (Resolution)
14. General Manager’s Report.

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
- Finance/Administration
 - Planning
16. Other Items for Future Consideration.
17. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 8, 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, September 24	Finance/Administration Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Fiscal Year 2024 Key Performance Indicators Report • Revisions to District Policies • Draft Board of Directors Governance Policies and Proposed Board Governance Manual
	Recycled Water Strategic Plan Workshop No. 2	10:00 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, October 8	Planning Committee	TBD Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, October 22	Finance/Administration Committee	TBD Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Sustainability Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	

2024 Board Committee Members

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=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

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/>
