

BOARD OF DIRECTORS EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA <u>REGULAR CLOSED SESSION</u> Tuesday, October 8, 2024 11:00 a.m. Boardroom 375 11th Street Oakland, CA 94607

Please see appendix for public participation instructions

ROLL CALL:

<u>PUBLIC COMMENT</u>: 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
- 2. 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

PRESENTATION:

• United States Environmental Protection Agency WaterSENSE Partner of the Year Award

ANNOUNCEMENTS FROM CLOSED SESSION:

<u>PUBLIC COMMENT</u>: 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 9 recommendations and 2 resolutions.)

- 1. Approve the Regular Meeting and Special Meeting Minutes of September 24, 2024.
- 2. File correspondence with the Board.
- 3. Award a contract beginning on or after October 8, 2024, to Cenveo Worldwide Limited for supplying billing envelopes to the District for one year, with four options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$425,986 under Request for Quotation No. 2502.
- 4. Award a contract beginning on or after October 8, 2024 to the lowest responsive/responsible bidder, WestAir Gases & Equipment, Inc., for supplying liquid oxygen (LOX) at the District's Main Wastewater Treatment Plant (MWWTP) for two years and one preliminary inspection, with one option to renew the contract for supplying LOX at the MWWTP and to supply additional LOX for top-offs or emergency outages for an additional one-year period, for a total cost, after the addition of taxes, not to exceed \$726,644 under Request for Quotation No. 2501.

CONSENT CALENDAR: (Continued)

- 5. Authorize actions related to concrete repair services.
 - 5a. Authorize agreements beginning on or after October 8, 2024 with Arrowhead Concrete Construction; Bruce Enterprises; Gary Golobe dba Cornerstone Paving; Pacific General Engineering; Solid Ground Masonry & Concrete Inc.; and Sonnikson and Stordahl Construction for one year in an aggregate amount not to exceed \$2,060,000 for concrete repair services.
 - 5b. Authorize additional agreements for concrete repair services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 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.
- 6. Authorize actions related to hydro/air-vacuum excavation services.
 - 6a. Authorize agreements beginning on or after October 8, 2024 with Bradley Tanks, Inc.; Diede Construction, Inc. dba Hydro X Services; and Presidio Systems, Inc. for one year in an aggregate amount not to exceed \$1,150,000 for hydro/air-vacuum excavation services.
 - 6b. Authorize additional agreements for hydro/air-vacuum excavation services, on an asneeded basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 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.
- 7. Authorize the Office of General Counsel to continue the employment of the law firm of Complex Appellate Litigation Group LLP, for services of special counsel related to providing representation in the appeal in the *Pierce, et al. v. East Bay Municipal Utility District, et al.*, matter.
- 8. Adopt a resolution authorizing the District to submit two grant applications to the California Department of Water Resources Dam Safety and Climate Resilience Local Assistance Program for the Lafayette Tower Seismic Retrofit Project in an amount up to \$8,000,000 and for the Chabot and Upper San Leandro Spillways Flood Studies Project in an amount up to \$1,250,000 and designate a representative to execute the agreements and any amendments for the projects. (Resolution)

Regular Meeting of October 8, 2024 Page 4 of 5

CONSENT CALENDAR: (Continued)

9. Adopt a resolution authorizing the District to submit an application to U.S. Bureau of Reclamation under the WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2025 program, in the amount of \$500,000 to expand the District's Commercial Landscape Rebate Program and authorize execution of the grant agreement if the District is awarded the grant. (Resolution)

DETERMINATION AND DISCUSSION:

- 10. Legislative Update.
 - Final Status of EBMUD Position Bills for the 2023-24 State Legislative Session and Additional Bills of Interest
 - Update on Legislative Issues of Interest to EBMUD
- 11. Adopt a resolution to recognize and commemorate October 17, 2024, as "Imagine a Day Without Water" and to encourage all employees, customers, and community members to participate in this national day of action. (Resolution)
- 12. General Manager's Report.
 - Monthly Report September 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 22, 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 <u>www.ebmud.com</u>.

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BOARD CALENDAR Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, October 8	Planning Committee	9:30 a.m. Boardroom	 Water Quality Program Semi- Annual Update – 2024 Backflow Protection Program Update Placer County Water Agency- EBMUD Memorandum of Understanding Amendment No. 4
	Legislative/Human Resources Committee		• Cancelled
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	Closed SessionRegular Meeting
Tuesday, October 22	Finance/Administration Committee	TBD Boardroom	
	Sustainability Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	Closed SessionRegular Meeting
Monday, November 11	Veteran's Day Holiday		Offices Closed
Tuesday, November 12	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	Closed SessionRegular Meeting
2024 Board Committee MembersFinance/AdministrationKatz {Chair}, Chan, PattersonLegislative/Human ResourcesPatterson {Chair}, Gómez, McIntoshPlanningYoung {Chair}, Chan, LinneySustainabilityLinney {Chair}, Katz, Young		ntosh	



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

<u>By Phone</u>* **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: <u>https://www.ebmud.com/about-us/board-directors/board-meetings/</u>