



**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, October 22, 2024**

**11:00 a.m.**

**Boardroom**

**375 11<sup>th</sup> 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. *East Bay Municipal Utility District v. Contra Costa County, et al.*  
Contra Costa County Superior Court, Case No. N21-1274
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):  
one matter.
3. 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.
4. Conference with Board designated representatives President Lesa R. McIntosh, Vice-President William B. Patterson and Director Andy Katz regarding employment contract of the 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
- EBMUD Service Award Recipients – July through September 2024

**PRESENTATION:**

- Sustainable Contra Costa 2024 Leadership in Sustainability Award
- American Society of Civil Engineers San Francisco Section – Outstanding Water Project of the Year and Outstanding Environmental Engineering Project of the Year Awards for the San Pablo Reservoir Hypolimnetic Oxygenation System

**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.)

1. Approve the Regular Meeting Minutes of October 8, 2024.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after October 22, 2024 with Comprehensive Construction Services, Inc. in an amount not to exceed \$930,507 for the replacement of two potable water tanks at Camanche North Shore Recreation Area and Pardee Center.
4. Authorize an agreement beginning on or after October 22, 2024 with D&M Utility Services of CA in an amount not to exceed \$104,500 for utility locating and mapping services at the Camanche North Shore Recreation Area
5. Authorize an agreement beginning on or after October 22, 2024, with Hazen and Sawyer, Inc. in an amount not to exceed \$2,490,016 for engineering design services for infrastructure and process improvements and engineering services during construction for wastewater Pump Stations B, C, G, J, and R.
6. Authorize an agreement beginning on or after October 22, 2024, with Jacobs Engineering Group, Inc. in an amount not to exceed \$2,428,230 for engineering design services for the rehabilitation of the Alameda Interceptor at Mariner Square Drive (between maintenance holes A47-A48) and South Interceptor at Second Street (between maintenance holes S51-S55).

**CONSENT CALENDAR:** (Continued)

7. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Inspection Services, Inc. to increase the agreement amount by \$200,000 to a total amount not to exceed \$280,000 for special inspection services during construction for the Main Wastewater Treatment Plant Digester Upgrade, Phase 3 Project under SD-356.
8. Authorize an amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water between the Dublin San Ramon Services District (DSRSD)/East Bay Municipal Utility District (EBMUD) Recycled Water Authority (DERWA), DSRSD, and EBMUD to allow EBMUD and DSRSD to connect and serve specific customers via DERWA's recycled water system while preserving the existing moratorium on new customer connections to DERWA's system.
9. Approve the September 2024 Monthly Investment Transactions Report.
10. Authorize the Office of General Counsel to continue the employment of the Law Offices of Curtis T. White for specialized legal services in Federal Communications Commission licensing related matters in an additional amount not to exceed \$40,000.

**DETERMINATION AND DISCUSSION:**

11. Authorize an amendment to the Agreement for Employment of General Manager Clifford C. Chan, to add an indemnification provision effective October 22, 2024. (Resolution)
12. Appoint an ad hoc committee comprised of members of the Board of Directors to advise staff on selecting a facilitator and developing an agenda for a Board retreat in 2025.
13. Review Board of Directors (Board) comments on a draft Board Governance Manual and policies and provide direction to staff on further revisions and a timeline for the Board to adopt the documents.
14. General Manager's Report.

**REPORTS AND DIRECTOR COMMENTS:**

15. Committee Reports:
  - Planning
  - Finance/Administration
  - Sustainability
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, November 12, 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).*

## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
<b>Tuesday, October 22</b>	<b>Finance/Administration Committee</b>	9:00 a.m. Boardroom	<ul style="list-style-type: none"> <li>• Monthly Investment Transactions Report</li> <li>• Quarterly Financial Reports</li> <li>• Fiscal Year 2024 Annual Power Revenue Report</li> <li>• Fiscal Year 2024 Total Annual Budget and Performance Report</li> <li>• Annual Internal Audit Report</li> <li>• Camanche Mobilehome Park Rent – Stabilization Bank Proposal</li> <li>• Draft Board Governance Manual and Policies – Next Steps</li> </ul>
	<b>Sustainability Committee</b>	10:30 a.m. Boardroom	<ul style="list-style-type: none"> <li>• Calendar Year 2023 Greenhouse Gas Inventory</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Monday, November 11</b>	<b>Veteran’s Day Holiday</b>		<ul style="list-style-type: none"> <li>• <i>Offices Closed</i></li> </ul>
<b>Tuesday, November 12</b>	<b>Planning Committee</b>	TBD Boardroom	
	<b>Legislative/Human Resources Committee</b>	TBD Boardroom	
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, November 26</b>	<b>Finance/Administration Committee</b>	TBD Boardroom	
	<b>Infrastructure Workshop</b>	TBD Boardroom	
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>

**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



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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=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](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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