

MINUTES

**Tuesday, September 10, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:14 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived at 11:20 a.m.

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Planning Committee earlier; a Public Records Request for historical costs to have unopposed incumbents placed on the ballot; language in 2014 and 2024 staff reports for the Board to consider exercising its authority under Assembly Bill 408 to appoint an unopposed candidate or have an election in a ward; the General Counsel Office's role in addressing District personnel matters; and the General Counsel's appraisal.

Director Linney pointed out Assembly Bill 408 allows the Board the option to either appoint an unopposed candidate or hold an election in a ward.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President McIntosh announced the closed session agenda and the Board convened to Administration Building Conference Room 8 for discussion.

Regular Business Meeting

At 1:07 p.m., President Lesa R. McIntosh informed Secretary of the District Rischa S. Cole that due to an extended Closed Session meeting, the Regular Business Meeting would start at 1:30 p.m. President McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:40 p.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call.

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

BOARD OF DIRECTORS

President McIntosh led the pledge of allegiance.

PRESENTATION

General Manager Clifford C. Chan announced the District received the Alliance for Water Efficiency's (AWE) 2024 Water Supplier Member of the Year award at the AWE annual symposium in August. The award recognizes leaders in the water efficiency community that have demonstrated consistent commitment to, and support for, AWE's mission. Mr. Chan congratulated the Water Conservation Division for representing EBMUD at the forefront of the District's water efficiency efforts. Director Linney presented the award to the following staff representing the Water Conservation Division: Charles M. Bohlig, Manager of Water Conservation; Geneva C. Gondak, Supervisor of Water Conservation; and Whitney E. Ray, Supervisor of Water Conservation. President McIntosh thanked staff on behalf of the Board.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on Assembly Bill 408 and the cost to have an unopposed candidate on the ballot and read an excerpt from the 2014 staff report for the Board to consider exercising its authority under Assembly Bill 408.

CONSENT CALENDAR

- Item 3 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Items 1-2 and 4-10 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. The following correspondence was filed with the Board: **1)** Presentation entitled, "Central Reservoir Replacement Project," dated September 10, 2024; **2)** Speakers' Bureau and Outreach Record CY24, dated September 10, 2024; **3)** Email dated August 27, 2024 from Ivette Rivera to Rischa Cole et. al, CPRA Request: 1. Please provide historical cost of having an incumbent Board Director's name on an election ballot ...; **4)** Email (with attachment) dated September 8, 2024 from Justin Young to Board of Directors regarding Consent Calendar Item 3 - Central Reservoir; and **5)** Handout from I. Rivera titled Leamy v. E. Bay Mun. Util. Dist. No. A167275 dated December 4, 2023.
 2. **Motion No. 168-24** – Awarded a contract beginning on or after September 10, 2024 to the lowest responsive/responsible bidder, WestAir Gases & Equipment, Inc., for supplying carbon dioxide for two years, with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$432,309 under Request for Quotation No. 2504.

- Addressing the Board was Ivette Rivera who commented on missing fiscal impact information in the staff report.

3. **Authorize an agreement beginning on or after September 10, 2024 with Brown and Caldwell, Inc. in an amount not to exceed \$15,663,478 for design services for the Central Reservoir Replacement Project.**

- Addressing the Board was Eric Larsen, President AFSCME Local 444 who commented the union is concerned about the Board's ability to have proper oversight of capital spending and about the agreement costs. He recommended management provide an update to the Planning Committee on a project prior to asking the Board to approve project costs. He asked the Board to delay taking action on this item until staff provides a presentation on the project's scope of work and costs. President McIntosh announced Justin Young, EBMUD Electrical Engineer emailed comments and an attachment to Board members regarding this project. Secretary of the District Risha S. Cole announced the email and attachment would be filed with the meeting minutes. Director Linney commented it would be helpful for staff to present an update on the project and costs. Associate Civil Engineer Roya Yazdani provided the presentation. The current 154-million-gallon open-cut reservoir, originally built in 1910, is at the end of its useful life, and will be replaced with three new 14-million-gallon concrete tanks within the existing reservoir basin. Resizing the reservoir will address water quality conditions and raise elevation to improve water distribution system operations. She reviewed the specialized design features for the substructure and the District's Fiscal Year 2025-2028 Reservoir Projects design phase schedule noting all projects except the Central Reservoir replacement are scheduled to be designed by staff. Design services in the agreement will include project management, document review, field verification, development of technical memoranda, preparation of drawings, development of construction sequencing, and cost estimates up to the 100 percent design milestone. Estimated construction costs are \$250 million to \$280 million. There was Board comment on the need to complete the project and staff was asked to provide another project update at a future Planning Committee meeting.
- Motion by Director Linney, seconded by Director Young, to approve the recommended actions for Item 3 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 175-24 – Authorized an agreement beginning on or after September 10, 2024 with Brown and Caldwell, Inc. in an amount not to exceed \$15,663,478 for design services for the Central Reservoir Replacement Project.

4. **Motion No. 169-24** – Authorized an agreement beginning on or after September 10, 2024 with CSG Forte Payments, Inc. for one year, with nine options to renew for additional one-year periods for a total amount, including option years, not to exceed \$1,000,000 for online payment processing of Private Sewer Lateral Program fees.
5. **Motion No. 170-24** – Authorized an agreement beginning on or after September 10, 2024, with E & J Valueplus dba SendnLink for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$211,000 for mail and presort

services for the District's First-Class presort mail and back-up bill processing.

6. **Motion No. 171-24** – Authorized an agreement beginning on or after September 10, 2024, with S.P. Cramer & Associates, Inc. dba Cramer Fish Sciences in an amount not to exceed \$90,325 for one year for developing an artificial intelligence automation system for monitoring fish passage on the Mokelumne River.
7. **Motion No. 172-24** – Authorize a license agreement with City of Alameda for use of the Grandview Pavilion parking lot for temporary construction staging for the San Leandro Channel Crossing Project. The license agreement includes monetary commitments (in lieu of direct payment) in an amount not to exceed \$350,000.
8. **Motion No. 173-24** – Authorized the purchase of VMware license and support subscriptions beginning on or after September 10, 2024, from Computacenter United States, Inc., for one year, for a total amount not to exceed \$116,518. This purchase will be made under State of California contracts available for use by local governments.
9. **Motion No. 174-24** – Authorized the purchase of log management and analysis software licensing and support beginning on or after September 10, 2024 from NuSpective, Inc., for two years for a total amount not to exceed \$341,189. This purchase will be made under State of California contracts available for use by local governments.
10. **Resolution No. 35417-24** – Declaring Surplus Property.

DETERMINATION AND DISCUSSION

11. General Manager's Report.

General Manager Clifford C. Chan announced the Monthly Report was included in the agenda materials and the Speakers' Bureau and Outreach Record CY24 had been provided at Board places.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- Filed with the Board were the Minutes for the August 27, 2024 Finance/Administration Committee.
- Chair Marguerite Young reported the Planning Committee met earlier and received updates on the Regulatory Compliance Semi-Annual Report – January 1, 2024 through June 30, 2024, Sobrante Water Treatment Plant Reliability Improvements Project Update and Availability of the Draft Environmental Impact Report, and the Upper Mokelumne River Watershed Authority Update.

13. Other Items for Future Consideration.

None.

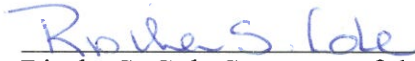
14. Director Comments.

- Director Chan commented the General Manager’s Monthly Report is a great overview of the District and suggested the reports be compiled for new, incoming Board members and be more accessible online.
- Director Gómez commented on the General Manager’s Monthly Report and thanked the General Manager for being responsive to issues of interest to the District. Director Gómez also commented on the UC Davis Environmental Policy and Management graduate program and recommended the District explore a potential partnership with the program.
- Director Katz reported meeting with General Manager Chan, Public Affairs staff, Director Chan, and East Bay Regional Park District’s Board President, General Manager, and staff on August 22 at the District for an update on the Park District’s long-term strategic plan. He pointed out the meeting was not a substitute for an EBMUD/EBRPD Liaison Committee meeting. The discussion also covered vegetation management, fire safety, land management use, furthering public education and providing transportation for youth for watershed tours.
- Director Linney reported touring the Station Zero hydrogen refueling station and riding the new hydrogen-powered ferry with General Manager Chan. The ferry’s bottle refilling station receives water from the ferry’s exhaust. He also reported attending the Green Belt Alliance 50th celebration at Preservation Park in Oakland on August 28.
- Director Patterson commented on the General Manager’s Monthly Report which announced as of August, there are more than 10,000 participants in the District’s Customer Assistance Program.
- Director Young reported participating in the Alameda Labor Council’s 2024 Unionist of the Year Dinner which benefitted the Labor Council’s Fuerza Educational Coalition on August 23 in Oakland and the Oakland Pride Parade on September 8 in Oakland.
- President McIntosh had no report.

ADJOURNMENT

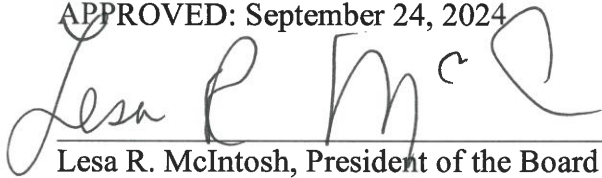
President McIntosh adjourned the meeting at 2:14 p.m.

SUBMITTED BY:



Rischa S. Cole Secretary of the District

APPROVED: September 24, 2024



Lesa R. McIntosh, President of the Board