

MINUTES

**Tuesday, December 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 11:00 a.m. in the Administration Building Boardroom and announced that at the 10:30 a.m. Special meeting, the Board of Directors adopted a resolution declaring the results of the election held on November 5, 2024 for the Directors in EBMUD Wards 1, 2, 5 and 6. In accordance with MUD Act section 11865(d), a person elected to fill a position to which a vacancy appointment was made shall take office immediately upon issuance of the certificate of election by the Secretary of the District, after qualifying according to law. Immediately following the 10:30 a.m. Special meeting, the Secretary issued the certificate of election for Ward 2 and Director Luz Gómez took the Oath of Office with a notary. These actions allow Director Gómez to participate in today's Closed Session and Regular meetings.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, Marguerite Young and President Lesa R. McIntosh were present at roll call. Directors Andy Katz and William B. Patterson arrived in Conference Room 8 at 11:12 a.m.

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

PUBLIC COMMENT

There was no public comment.

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

President McIntosh called to order the Regular Meeting of the Board of Directors at 1:22 p.m. in the Administration Building Boardroom and announced that at the 10:30 a.m. Special meeting, the Board of Directors adopted a resolution declaring the results of the election held on November 5, 2024 for the Directors in EBMUD Wards 1, 2, 5 and 6. In accordance with MUD Act section 11865(d), a person elected to fill a position to which a vacancy appointment was made shall take office immediately upon issuance of the certificate of election by the Secretary of the District, after qualifying according to law. Immediately following the 10:30 a.m. Special meeting, the Secretary issued the certificate of election for Ward 2 and Director Luz Gómez took the Oath of Office with a notary. These actions allow Director Gómez to participate in today's Closed Session and Regular meetings.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, Marguerite Young, William B. Patterson 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.

President McIntosh announced Director Gómez took the Oath of Office with a notary immediately following the 10:30 a.m. Special meeting. Director Gómez’s husband, the honorable Judge John Larsen administered a ceremonial Oath of Office. Director Gómez thanked her husband, the Board and staff for their support and said she looked forward to serving with the remaining Board members for the years to come.

2024 Assignments for Committees, Joint Powers Authorities, and Associations – December 10, 2024

President McIntosh announced the updated 2024 assignments for Board Committees, Joint Powers Authorities, and associations were included in the agenda materials. The updates reflect assignments for newly elected Board member Gómez.

- Motion by Director Chan, seconded by Director Linney, to approve the updated 2024 assignments for Board Committees, Joint Powers Authorities, and associations carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 228-24 – Approved the updated 2024 Assignments for Committees, Joint Powers Authorities, and Associations – as of December 10, 2024.

Planning

Director Young, Chair
Director Chan
Director Linney

2nd Tuesday of the month at 9:15 a.m.
Administration Center Building

Legislative/Human Resources

Director Patterson, Chair
Director Gómez
President McIntosh

2nd Tuesday of the month at 10:15 a.m.
Administration Center Building

Finance/Administration

Director Katz, Chair
Director Chan
Director Patterson

4th Tuesday of the month at 10:00 a.m.
Administration Center Building

Sustainability

Director Linney, Chair
Director Katz
Director Young

4th Tuesday, quarterly, time to be determined
Administration Center Building

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Chan
Director Gómez
Director Young, Alternate

*1st Monday in Feb.;
3rd Monday in May;
4th Monday in March, July, Sept.,
and Nov. meets at 6:00 p.m.*

Freeport Regional Water Authority

Director Patterson
Director Gómez
Director Katz, Alternate

*2nd Thursday, quarterly at 10:00 a.m.,
location to be announced*

Los Vaqueros Reservoir Joint Powers Authority

Director of Water and Natural Resources
Tognolini
Director Linney, Alternate

*2nd Wednesday of the month at 9:30 a.m.,
location to be determined*

Upper Mokelumne River Watershed Authority

Director Patterson
Director Gómez, Alternate
Director Katz, Alternate

*4th Friday of January, April, and October;
and third Friday of August,
at 10:00 a.m.*
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Linney
President McIntosh
Director Patterson

*Meeting dates, times, and location
to be determined*

EBMUD/EBRPD Liaison

Director Katz
Director Chan
Director Young, Alternate

*Meeting dates, times, and location
to be determined*

Oakland Chamber of Commerce

Director Linney
Director Patterson, Alternate

**Special Districts Association of Alameda County/
Special Districts Selection Committee**

Director Chan, Member
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director Young, Member
Director Gómez, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Sonia Bustamante, Chief of Staff for Contra Costa County Board of Supervisor John Goia recognized President McIntosh for her years of service and read excerpts of a proclamation from the Board of Supervisors; 2) Randy Kanouse, EBMUD Retiree commended Director Linney, Director Patterson, and President McIntosh for their leadership and service and recounted their many accomplishments over the years; 3) Dianne Eggering, EBMUD Accounting Technician and AFSCME Local 2019 Membership Secretary expressed appreciation to Director Linney, Director Patterson, and President McIntosh for their leadership and years of service; 4) Gilbert Loredo, Second Vice President, AFSCME Local 444, congratulated the outgoing directors and Director Gómez and announced the recent passing of two employees – Water Distribution Plumber II Michael Relei and Meter Reader/Mechanic John Coward, Jr.; and 5) Mona Favorite-Hill, Black Employee Network Affinity Group member, thanked the outgoing Directors for their commitment for ensuring a place in the District for BEN and its members and presented lifetime BEN memberships to each Director.

CONSENT CALENDAR

- Motion by Director Patterson, seconded by Director Gómez, to approve the recommended actions for Items 1-11 on the Consent Calendar carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 229-24** – Approved the Regular Meeting Minutes of November 26, 2024.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, “Camanche Mobilehome Park Rental Rates,” dated December 10, 2024; 2) Presentation entitled, “Proposed Revisions to Watershed and Recreation Rules and Regulations,” dated December 10, 2024; 3) Speakers’ Bureau and Outreach Record CY24, dated December 9, 2024; 4) Email dated November 28, 2024 from Ivette Rivera to Board of Directors regarding Please include this in the BOD Meeting documents for the December 10, 2024 Meeting... with attachments; 5) Email dated December 6, 2024 from Ivette Rivera to Board of Directors regarding Public Record submission from Ivette Rivera for EBMUD BOD Meeting @ 1:00pm on Tuesday, December 10, 2024 with attachment; 6) Email dated December 6, 2024 from Ivette Rivera to secoffice@ebmud.com regarding FYI Amendment of Tort Claim 2024-L-114 with attachments; 7) Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Recreation Use Fees Schedule for Calendar Year 2025 Not Subject to Proposition 218 dated November 22 and November 29, 2024; 8) Amador Ledger Dispatch Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay

Municipal Utility District on Proposed Revisions to the Recreation Use Fees Schedule for Calendar Year 2025 Not Subject to Proposition 218 (Legal No. X966 published November 22 and November 29, 2024); and 9) Calaveras Enterprise Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Recreation Use Fees Schedule for Calendar Year 2025 Not Subject to Proposition 218 (published November 21 and November 27, 2024).

3. **Motion No. 230-24** – Authorized a direct award contract beginning on or after December 10, 2024 to DXP Enterprises for supplying one spare KSB centrifugal pump for Pump Station M for a total cost, after the addition of taxes, not to exceed \$108,377.
4. **Motion No. 231-24** – Authorized a direct award contract beginning on or after December 10, 2024 to Schwing Bioset, Inc., for supplying spare parts for dewatered sludge cake pumps at the Main Wastewater Treatment Plant Dewatering Facility for a total cost, after the addition of taxes, not to exceed \$937,125.
5. **Motion No. 232-24** – Authorized an agreement beginning on or after December 10, 2024, with the City of Berkeley in an amount not to exceed \$146,575 to upgrade 205 District gate valve boxes after street paving.
6. **Motion No. 233-24** – Authorized an agreement beginning on or after December 10, 2024 with S.P. Cramer & Associates, Inc. dba Cramer Fish Sciences in an amount not to exceed \$1,159,423 to develop and implement a long-term monitoring and adaptive management plan for the newly inundated sub-tidal wetland habitat on the McCormack-Williamson Tract.
7. **Motion No. 234-24** – Authorized an agreement beginning on or after December 10, 2024 with West Publishing Corporation in an amount not to exceed \$138,682 through June 30, 2027 for online legal research resources and tools.
- 8.1. **Motion No. 235-24** – Ratified the extension of the agreement originally authorized under Board Motion No. 179-15 with Kubra Data Transfer Ltd. and the payment of \$41,000 for online payment processing services during the period of May 3, 2024 through December 10, 2024.
- 8.2. **Motion No. 236-24** – Authorized an amendment to extend the agreement originally authorized under Board Motion No. 179-15 with KUBRA through December 10, 2029 with two options to renew for additional one-year periods, and to increase the agreement amount by \$900,000, which incorporates the ratified amount from the action above, for a total amount not to exceed \$2,400,000 for online payment processing services.
9. **Motion No. 237-24** – Authorized an amendment to the agreement originally authorized under Board Motion No. 177-22 with Schneider Electric Systems USA, Inc. to increase the agreement amount by \$1,119,423 to a total amount not to exceed \$2,693,943 and extend the agreement term to June 30, 2026 for on-site technical consulting services in support of cybersecurity protection for Industrial Controls Systems.
10. **Resolution No. 35430-24** – Authorizing The General Manager To Execute An amendment To The Agreement With The California Department Of Water Resources Funding Certain Measures For Lower Mokelumne River Habitat Improvements.

11. **Resolution No. 35430-24** – Authorize The Collection Of Delinquent Charges From Owner-Occupied Single-Family Residential Accounts Through The District’s Lien And Property Tax Transfer Authority

PUBLIC HEARING

- 12.1. **Conduct a public hearing on the Report and Recommendation of the General Manager for Revisions to the Recreation Use Fee Schedule for Calendar Year 2025 Not Subject to Proposition 218, which was filed with the Board on November 12, 2024.**

President McIntosh opened the public hearing at 1:49 p.m.

Manager of Watershed and Recreation Charles C. Beckman provided the presentation. Staff filed a report and recommendation to cap annual rental rate increases for the three Camanche Recreation Area Mobilehome Parks (MHP) with the Board on November 12, 2024. This proposal would not alter the District’s existing formula that uses the U.S. Department of Housing and Urban Development (HUD) Fair Market Rents (FMR) adjustments to determine annual changes to MHP rental rates in place since 2010 but would develop a “carryforward balance” that would distribute larger annual increases over multiple years. In January 2024, the Camanche Regional Park Advisory Board (CRPAB) recommended the District continue utilizing the HUD FMR to determine annual changes in mobilehome site rent but to include a cap of 5 percent and a floor of 2 percent. The District did not accept the CRPAB proposal as it would limit revenue from MHP rental rates but developed the cap proposal that includes a “carryforward balance”. Annual increases would be capped initially at 5 percent with the ability to increase the cap up to 10 percent. The balance of a fee increase in excess of the effective rent cap would be placed into a fee carryforward balance and applied to the following year’s fee adjustment up to the cap. Any balance remaining that was not applied due to the cap would carry forward to the following year. If the HUD FMR increases more than 5 percent over multiple consecutive years, resulting in a carryforward balance in excess of 8 percent, the cap would increase to 8 percent. If the carryforward balance exceeds 12 percent, the cap would increase to 10 percent. At its October 22, 2024 meeting, the Finance/Administration Committee unanimously supported the staff recommendation. The Recreation Fee Schedule for CY 2025 will go into effect January 1, 2025. Changes to the mobilehome space fees paid by the MHP space lessees will occur at the start of the next month following the legally required 90-day notice to the lessees. Mr. Beckman addressed Board questions on the proposal, and responses and overall reactions from the mobilehome park space lessees. Board members commented on the proposal and expressed appreciation for staff’s work to develop a solution.

- Addressing the Board was Butch Carter, Chairman of the Homeowners Association for the Camanche mobilehome park, who stated he was speaking on behalf of the residents and that they concur with the District’s proposal.

President McIntosh asked for a motion to close the public hearing and closed the public hearing at 2:08 p.m.

- Motion by Director Patterson, seconded by Director Young, to close the public hearing carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 238-24 – Conducted a public hearing on the Report and Recommendation of the General Manager for Revisions to the Recreation Use Fee Schedule for Calendar Year 2025 Not Subject to Proposition 218, which was filed with the Board on November 12, 2024.

Motion No. 239-24 – Closed the public hearing on the Report and Recommendation of the General Manager for Revisions to the Recreation Use Fee Schedule for Calendar Year 2025 Not Subject to Proposition 218, which was filed with the Board on November 12, 2024.

12.2. **Adopt the Recreation Use Fee Schedule for CY 2025 contained within the Report and Recommendation of the General Manager for Revisions to the Recreation Use Fee Schedule for Calendar Year 2025 Not Subject to Proposition 218, which was filed with the Board on November 12, 2024.**

- Motion by Director Patterson, seconded by Director Chan, to approve the recommended actions for Item 12.2. carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35432-24 – Adopting Recreation Use Fee Schedule For Calendar Year 2025 And Approving An Exemption Under The California Environmental Quality Act And Directing Staff To File A Notice Of Exemption.

DETERMINATION AND DISCUSSION

13. **Adopt the proposed amendments to the Watershed and Recreation Rules and Regulations.**

General Manager Clifford C. Chan announced the proposed amendments were reviewed at the November 12, 2024 Planning Committee meeting and the Committee voted to unanimously supported the staff recommendations. Manager of Watershed and Recreation Charles C. Beckman provided the presentation. The Rules and Regulations, last updated in 2018, govern the use of watershed areas and are used by District Rangers and law enforcement to protect District resources and promote a safe, positive recreational experience. Staff is proposing revisions that include the prohibition of motorized personal watercraft (PWC) like jet-skis, wave runners, and hydrofoils on Camanche Reservoir; adding definitions for electric bicycles and electric scooters; and making editorial changes for clarity and consistency in the document. Mr. Beckman discussed reasons for prohibiting PWCs, including visitor complaints and the staff time required for enforcement contact. There are no proposed changes to Rules and Regulations concerning the use of electric scooters or bicycles, but definitions for each will help distinguish these from larger more powerful vehicles like electric motorcycles. These definitions are consistent with East Bay Regional Park District's definitions of electric scooters and bicycles. Staff is also recommending a seasonal alcohol prohibition at Camanche Recreation Area that will be effective every year from May 1 through September 30 beginning in 2025. The prohibition is in response to visitor complaints and the number of incidents and violations associated with the consumption of alcohol. The Camanche Regional Park Advisory Board (CRPAB) met on November 21 to discuss the proposed revisions and the seasonal alcohol prohibitions. Public input was received and the CRPAB requested the District hold an additional public forum to discuss the changes to Rules and Regulations and seasonal alcohol prohibition. Staff does not recommend an additional public meeting at this time. If adopted, the amended Rules and Regulations will be summarized in local and upcountry newspapers and posted on the District's website. Notices will also be placed at appropriate locations in the recreation areas and in the watershed. County courts and law enforcement will also receive copies of the updated Rules and Regulations.

- Addressing the Board were the following: 1) Ron Paris, Camanche resident, who commented on educating residents about jet skis, installing buoys, enforcement, and asked the District to reconsider the PWC ban; 2) Kelly Taylor, Camanche Southshore resident asked the Board to

reconsider the PWC ban and to consider forming a planning committee with homeowners and visitors to discuss this matter; 3) Karin Foust, Camanche mobilehome park resident expressed concerns with the proposed PWC ban and urged the Board to explore other options; and 4) John Faust asked the Board to delay the PWC ban and to invest in more education-focused efforts.

Mr. Beckman addressed the comments regarding current enforcement processes, educating visitors and boaters, and installing buoys on the reservoir. The Board discussed the proposed revisions, additional revisions to the electric scooter definition to align with the definition in the Vehicle Code, public comment, PWC bans on other waterways, and the current situation with Golden Mussels. There was additional discussion and President McIntosh asked if this item could be held over to a future meeting. General Manager Clifford C. Chan confirmed the item could be held over. The Board agreed to defer taking action on this item and asked staff to discuss the proposed PWC prohibition with Camanche residents and to update the electric scooter definition to match the Vehicle Code.

14.1. Adopt a resolution commending Director Doug A. Linney and acknowledging his public service achievements.

Serena Chen, Senior Policy Advisor for Alameda County Board of Supervisor Lena Tam presented and read excerpts of a resolution for Director Linney. Director Marguerite Young recognized Director Linney for 25 years of service at the District and read excerpts of the District's resolution outlining his accomplishments and commitments to the community. President McIntosh presented the resolution to Director Linney.

- Motion by Director Gómez, seconded by Director Young, to approve the recommended actions for Item 14.1 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35433-24 – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Commending Director Doug A. Linney And Acknowledging His Service To The East Bay Municipal Utility District.

14.2. Adopt a resolution commending Director Lesa R. McIntosh and acknowledging her public service achievements.

Director Andy Katz recognized President McIntosh for 25 years of service at the District and read excerpts of the resolution outlining her accomplishments and commitments to the community. President McIntosh thanked colleagues, staff, General Manager Clifford C. Chan, Secretary of the District Rischa S. Cole, the staff in the Secretary's Office, previous General Managers, and former Secretary of the District Lynelle M. Lewis for their support over the years. Director Patterson presented the resolution to President McIntosh.

- Motion by Director Gómez, seconded by Director Young, to approve the recommended actions for Item 14.2 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35434-24 – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Commending Director Lesa R. McIntosh And Acknowledging Her Service To The East Bay Municipal Utility District.

14.3. Adopt a resolution commending Director William B. Patterson and acknowledging his public service achievements.

Serena Chen, Senior Policy Advisor for Alameda County Board of Supervisor Lena Tam presented and read excerpts of a resolution for Director Patterson. Director April Chan recognized Director Patterson for 27 years of service and read excerpts of the District's resolution outlining his accomplishments and commitments to the community. President McIntosh presented the resolution to Director Patterson.

- Motion by Director Gómez, seconded by Director Young, to approve the recommended actions for Item 14.3 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35435-24 – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Commending Director William B. Patterson And Acknowledging His Service To The East Bay Municipal Utility District.

15. General Manager's Report.

Monthly Report – November 2024

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

16. Committee Reports.

- Filed with the Board were the Minutes for the November 26, 2024 Finance/Administration Committee.

17. Other Items for Future Consideration.

None.

18. Director Comments.

None.

ADJOURNMENT

President McIntosh adjourned the meeting at 3:16 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: January 14, 2025



Andy Katz, President Pro Tem of the Board