

## MINUTES

**Tuesday, January 14, 2025  
East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California**

### Regular Closed Session Meeting

President Pro Tem Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:06 a.m. in the Administration Building Boardroom and welcomed Directors Valerie D. Lewis, Jim Oddie, and Joey D. Smith to the Board.

### ROLL CALL

Directors April Chan, Luz Gómez, Valerie D. Lewis, Jim Oddie, Joey D. Smith, Marguerite Young and President Pro Tem Andy Katz were present at roll call.

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

### PUBLIC COMMENT

- Addressing the Board was Eric Larsen, President AFSCME Local 444 who welcomed the new Board members, thanked them for their service, and commented on contract negotiations to be discussed during closed session.

President Pro Tem Katz commented the annual presentation on the Board's ethics policy, updates to open government, the Brown Act, and other public ethics laws will take place at a Board meeting in February.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

### Regular Business Meeting

President Pro Tem Andy Katz called to order the Regular Meeting of the Board of Directors at 1:20 p.m. in the Administration Building Boardroom and welcomed Directors Valerie D. Lewis, Jim Oddie, and Joey D. Smith to the Board.

Directors April Chan, Luz Gómez, Valerie D. Lewis, Jim Oddie, Joey D. Smith, Marguerite Young and President Pro Tem Andy Katz 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 Pro Tem Andy Katz led the Pledge of Allegiance.

### **Ceremonial Oaths of Office**

President Pro Tem Katz announced Directors Lewis, Oddie, and Smith took their official Oaths of Office with a District notary on January 7, 2025 and would now take ceremonial Oaths of Office.

Former California Assemblymember Elihu Harris administered the Oath of Office for Director Valerie D. Lewis as retired EBMUD Director William B. Patterson stood by.

California Attorney General Rob Bonta administered the Oath of Office for Director Jim Oddie and commented on their personal and professional relationships and Director Oddie's experience and work ethic.

Retired EBMUD Director Lesa R. McIntosh administered the Oath of Office for Director Joey D. Smith.

Mr. Harris congratulated retired Director Patterson for his years of service and commented on Director Lewis's background and experience and thanked her for serving as his Chief of Staff while he was in the California Assembly.

Directors Lewis, Oddie, and Smith acknowledged and thanked their family members and friends in attendance and online and expressed gratitude and excitement about serving on the Board.

President Pro Tem Katz commented he was excited to work with the new Board noting it is the most diverse in EBMUD's history with a majority in female representation, increased LGBTQ representation as well as racial and ethnic diversity. He noted how important it is to embrace diversity, equity and inclusion at the District.

### **Election of President of the Board**

President Pro Tem Katz opened the floor for nominations for President of the Board for 2025.

- Motion by Director Gómez, seconded by Director Oddie, to nominate Director Marguerite Young as President of the Board of Directors for 2025. Director Young accepted the nomination.

President Pro Tem Katz called for additional nominations, and none came forward. He called for a motion to close the nominations.

- Motion by Director Lewis, seconded by Director Chan to close the nominations for President of the Board carried (7-0) by the following voice vote: AYES (Chan, Gómez, Lewis, Oddie, Smith, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 001-25** – Closed the nomination period for President of the Board of Directors for 2025.

President Pro Tem Katz called for a motion to elect Director Young as President of the Board for 2025.

- Motion by Director Oddie, seconded by Director Gómez, to elect Director Young as President of the Board for 2025 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Lewis, Oddie, Smith, Young and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 002-25** – Elected Director Marguerite Young as President of the Board of Directors

for 2025.

President Young thanked everyone for the opportunity and expressed her excitement serving with the new Board members.

### **Election of President of the Board**

President Young opened the floor for nominations for Vice-President of the Board for 2025.

- Motion by Director Smith, seconded by President Young, to nominate Director Andy Katz for Vice-President of the Board of Directors for 2025.
- Motion by Director Lewis, seconded by Director Oddie to nominate Director April Chan for Vice-President of the Board of Directors for 2025.

President Young called for additional nominations, and none came forward. She called for a motion to close the nominations.

- Motion by Director Lewis, seconded by Director Smith to close nominations for Vice-President of the Board for 2025 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 003-25** – Closed the nomination period for Vice-President of the Board of Directors for 2025.

President Young requested a roll call vote to elect Director Katz as Vice-President of the Board for 2025.

The vote to elect Director Katz as Vice-President of the Board for 2025 *failed* (4-3) by the following roll call vote: AYES (Katz, Smith, and Young); NOES (Chan, Gómez, Lewis, and Oddie); ABSTAIN (None); ABSENT (None).

President Young requested a roll call vote to elect Director Chan as Vice-President of the Board for 2025.

- Motion by Director Katz, seconded by President Young to elect Director Chan as Vice-President of the Board carried (7-0) by the following roll call vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 004-25** – Elected Director April Chan as Vice-President of the Board of Directors for 2025.

### **2025 Board Assignment Preferences for Committees, Joint Powers Authorities and Associations**

President Young announced the Board received a memo at their places requesting 2025 Committee, Joint Powers Authorities, and Association assignment preferences and asked Board members to submit their preferences to the Secretary by Friday, January 17. The proposed assignments will be presented for Board consideration at the January 28 Regular meeting.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Gus Cicala, EBMUD Senior Civil Engineer and former supervisor for Director Smith congratulated and expressed appreciation for her 32 years of service at the District and as immediate past President of AFSCME Local 2019. He presented Director Smith with an EBMUD plaque and engraved belt buckle; 2) Matthew Taylor commented on the information shared by staff at the November 24, 2024 Camanche Regional Park Advisory Board (CRPAB) meeting regarding the District's proposed ban on alcohol and personal watercraft on Camanche Reservoir. He commented on potential impacts to homeowners and concessionaires and asked the Board to review staff actions regarding these matters and to communicate with the homeowners at Camanche; 3) John Coleman, former EBMUD Director asked the Board to direct the General Manager and Director of Human Resources to provide him with a written response regarding reciprocity for his time within CalPERS and a pension estimate; 3) Michelle Biche commented on a fire hydrant near her residence being hit multiple times resulting in water loss and property damage. She asked the Board to have staff either relocate the hydrant or install protection or a shutoff valve; 4) Doug Jones, Camanche mobilehome park resident commented on the District's proposed ban on alcohol and personal watercraft at Camanche Reservoir and encouraged the District to discuss these matters with mobilehome park residents before making a final decision; 5) Kelly Taylor, Camanche mobilehome park resident commented on the information shared by EBMUD staff at the November 24 CRPAB meeting and her requests for a meeting with staff to discuss these matters. She requested the District form a subcommittee with residents to discuss these matters; 6) Cheryl Franklin, EBMUD retiree and Director at Tradeswomen, Inc., congratulated the new Board members and commented on the lack of women in the trades at EBMUD, District testing requirements, and areas for the District to address to help bring trainees, including women into the trades; and 7) Eric Larsen, President, AFSCME Local 444 and Justin Young, Acting President, AFSCME Local 2019 welcomed the new Board members and thanked the Board for their service.

President Young commented the Board is limited by State law to provide a brief response, ask questions, or refer a matter to staff on items not listed on the agenda. She stated the discussion regarding the alcohol and personal watercraft bans was deferred from this morning's Planning Committee meeting to allow for additional input from mobilehome park residents. She clarified the alcohol ban would not apply within the boundaries of the mobilehome parks but would apply to everyone using the recreation areas from May through September. Secretary of the District Rischa S. Cole provided an email address for speakers to contact the District for follow up. General Manager Clifford C. Chan said staff will continue discussions with residents and will provide an update at a future Board meeting. Manager of Employee Services Lisa A. Sorani discussed previous communications with Mr. Coleman and CalPERS representatives, and described the information needed for staff to confirm reciprocity and provide a pension estimate. President Young advised Michelle Biche staff would contact her regarding her comments and asked staff to follow up with an update to the Board.

## **CONSENT CALENDAR**

- Items 2 and 6 were pulled from the Consent Calendar for separate discussion.

- Motion by Director Katz, seconded by Director Gómez, to approve the recommended actions for Items 1, 3-5, and 7-8 on the Consent Calendar carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 005-25** – Approved the Special Meeting Minutes of November 26, 2024, and the Regular and Special Meeting Minutes of December 10, 2024.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Federal Legislative Update,” dated January 14, 2025; **2)** Presentation entitled, “Water Supply Update,” dated January 14, 2025; **3)** Memo dated January 14, 2025 to Board of Directors from Andy Katz, President Pro Tem regarding 2025 Assignment Preferences for Committees, Joint Powers Authorities, and Associations; **4)** Email dated January 13, 2025 from Merry Sue Rillston to Board of Directors regarding Non-agenda Lake Camanche possible PWC ban; and **5)** Email (with attachments) dated January 14, 2025 from John Coleman to Rischa Cole regarding EBMUD BOD.
  3. **Motion No. 006-25** – Awarded a contract to the lowest responsive/responsible bidder, Andrew M. Jordan Inc., dba A & B Construction, in an amount not to exceed \$9,257,000 for the construction of the Pump Station H Rehabilitation Phase 2, under Specification SD-444.
    - Director Chan pulled Item 3 (although she stated Item 2), to amend the motion to include a request made during the Planning Committee meeting for staff to provide updates on project change orders. General Manager Clifford C. Chan stated change orders for construction projects are included in the General Manager’s monthly report and that he will provide updates on change orders for this project to Director Chan.
  4. **Motion No. 007-25** – Awarded a contract beginning on or after January 14, 2025 to the lowest responsive/responsible bidder, Saitech Inc., for supplying Cisco Smart Net Total Care Support for the District’s data/voice network equipment for one year, with four options to renew for an additional one year period for a total cost, after the addition of taxes, including option years, not to exceed \$419,335 under Request for Quotation No. 2509.
  5. **Motion No. 008-25** – Authorized the extension of a sole source contract originally awarded under Board Motion No. 005-15 to extend the services for supplying 78 Helix Core software licenses with Perforce Software, Inc. and increase the contract amount by \$89,000 to a total amount not to exceed \$246,000 and extend the contract term through January 2030.
  6. **Authorize the purchase of cybersecurity managed detection and incident response services beginning on or after January 14, 2025, from NuSpective, Inc., for up to three years for a total amount not to exceed \$641,228. This purchase will be made under State of California contracts available for use by local governments.**
    - Director Chan pulled Item 6 and commented the contractor providing cyber defense services for the District is an industry leader. General Manager Clifford C. Chan said the Board will receive the annual briefing on cybersecurity at an upcoming closed session meeting.

- Motion by Director Lewis, seconded by Director Katz, to approve the recommended actions for Item 6 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 011-25** – Authorized the purchase of cybersecurity managed detection and incident response services beginning on or after January 14, 2025, from NuSpective, Inc., for up to three years for a total amount not to exceed \$641,228. This purchase will be made under State of California contracts available for use by local governments.

7. **Motion No. 009-25** – Authorized an agreement beginning on or after January 14, 2025 with Sherwood Design Engineers in an amount not to exceed \$498,887 for design engineering and construction management support services for the Pardee Center Wastewater Treatment Plant Rehabilitation Project.
8. **Motion No. 010-25** – Authorized the Office of General Counsel to continue the employment of the law firm of Meyers Nave for specialized legal services related to labor and employment matters in an additional amount not to exceed \$150,000.

## **DETERMINATION AND DISCUSSION**

### 9. **Legislative Update.**

#### State Legislative Priorities for 2025 Legislative Year

Manager of Legislative Affairs Kathy Viatella discussed the following State legislative priorities for the 2025 legislative year: 1) Pursue legislation to amend the Municipal Utility District (MUD Act); 2) housing and development related fees; 3) water affordability; 4) water quality and environmental protection; and 5) water supply reliability and climate change resiliency. Ms. Viatella addressed Board questions on whether the MUD Act amendment could be included in a committee bill; advocacy for programs that allow affordable housing developers to apply for system capacity charges or comparable charges; the District's previous support for legislation to fund a rate assistance program through a charge on water bills that included an opt out provision for customers; monitoring the implementing legislation for Proposition 4; and providing technical information to legislators seeking to improve assistance for displaced oil and gas workers. She confirmed there has been no opposition from other MUDs regarding the MUD Act amendment. Staff was asked to track state programs that provide connection fee funding for affordable housing developers; track the impact of water rights on water reuse and purified water projects; provide updates on workforce development issues related to displaced oil and gas workers; and provide an update on workforce development efforts.

- Motion by Director Smith, seconded by Director Gómez, to approve the recommended actions for the State legislative priorities for the 2025 legislative year carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 012-25** – Approved the following State legislative priorities for the 2025 legislative year: 1) Pursue Legislation to Amend the Municipal Utility District (MUD Act) – Sponsor or support legislation to amend the MUD Act to extend the term of office for appointed Board members thereby ensuring there is no gap in board representation when the Board of Directors fills a vacancy on the

Board through appointment; 2) Housing and Development-related Fees – Continue to seek constructive ways to protect and advance EBMUD’s interests as the legislature considers development-related fees and time limits on processing of applications for utility service and service connections in the context of housing affordability; 3) Water Affordability – Protect and advance EBMUD’s interests as the legislature considers ways to provide financial assistance to water and wastewater customers; 4) Water Quality and Environmental Protection – Advance EBMUD’s interests in legislative and policy discussions on water quality issues; and 5) Water Supply Reliability and Climate Change Resiliency – Protect and advance EBMUD’s interests in water supply reliability and climate change resiliency discussions.

- Director Chan left the meeting at 2:56 p.m. and returned at 2:57 p.m.

#### Federal Priorities for 2025

ENS Resources Inc. representative Eric Saperstein presented the federal legislative update. He discussed the services his firm provides for the District; EBMUD’s current congressional delegation and their committee assignments; key congressional committees and their jurisdiction; and the federal outlook and policy priorities for 2025. Next, Ms. Viatella presented the following federal priorities for 2025: 1) water supply reliability and natural resources protection; 2) water quality; and 3) federal funding assistance. Updates on legislative issues of interest to the District will be provided at the next Legislative/Human Resources Committee meeting.

- Director Oddie left the meeting at 3:16 p.m. and returned at 3:17 p.m.
- Motion by Director Lewis, seconded by Director Smith, to approve the recommended actions for federal priorities for 2025 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 013-25** – Approved the following federal priorities for 2025: 1) Water Supply Reliability and Natural Resources Protection – Advance and protect EBMUD’s water supply interests and the Mokelumne River fishery; 2) Water Quality – Monitor the development of relevant water quality and pollution prevention-related legislation and policies at the federal level and work to ensure EBMUD’s interests are effectively communicated, including through appropriate national associations; and 3) Federal Funding Assistance – Advance EBMUD’s funding needs through relevant programmatic funding opportunities and congressionally directed spending, if available.

#### 10. **Six-Month Forecast of Board Committee and Workshop Topics for 2025 and Summary of 2024 Committee and Workshop Topics.**

General Manager Clifford C. Chan asked the Board to send topics for future committee meetings or workshops to his attention. He said staff will provide an update on the District’s wildfire preparedness efforts at a future Committee meeting and that the Board will receive a copy of a District factsheet sent to fire departments and cities about the District’s wildfire preparedness. Staff was asked to provide the wildfire preparedness update at a future Board meeting instead of a Committee meeting.

- 11. **Consider establishing a new Board of Directors standing committee - the East Bay Municipal Utility District /City of Oakland Liaison Committee and appointing two primary representatives and two alternates from the Directors that represent the City of Oakland in Wards 3, 4, 5, and 6.**

The Board deferred taking action on this item to a future meeting.

12. **Consider and approve an increase to the Board of Directors' salary by an amount not to exceed 5 percent effective February 1, 2025.**

The Board deferred taking action on this item to a future meeting.

13. **General Manager's Report.**

Water Supply Update

The Board deferred the update to the next Regular meeting.

Speakers Bureau Topics for 2025; General Manager's Monthly Report – December 2024; and 2024 Interdepartmental Committees Annual Reports

General Manager Clifford C. Chan announced the monthly report, Speakers' Bureau Topics for 2025, and the 2024 Interdepartmental Committees annual reports were included in the agenda materials. He asked the Board to review the Speakers' Bureau topics and send updates to his attention by January 28. If Board members plan to attend events, they should inform the Community Affairs Representative assigned to their wards. He asked Board members to submit requests for presentations or speaking points for an event to staff at least 30 days in advance. There was discussion on submitting Speakers' Bureau topics. Board members will provide a quarterly update on potential events they would like to attend.

**REPORTS AND DIRECTOR COMMENTS**

14. **Committee Reports.**

- Filed with the Board were the Minutes for the December 10, 2024 Planning Committee.
- Chair Marguerite Young reported the Planning Committee met earlier and received an update on the Los Vaqueros Reservoir Expansion Project and the Wastewater Pump Station H Rehabilitation Phase 2.

15. **Other Items for Future Consideration.**

None.

16. **Director Comments.**

None.

**ADJOURNMENT**

President Young announced today's meeting would be adjourned in honor of Former President James Earl "Jimmy" Carter who passed away on December 29. She highlighted his accomplishments over the years noting how his legacy of integrity, service, and vision remains relevant today and how his forward-thinking policies advanced clean water, energy conservation, and environmental protection. He signed landmark legislation such as the Clean Water Act and Clean Air Act Amendments of 1977 and beyond his presidency, continued his dedication to public service through the Carter Center, advocating for human rights, democracy, and public health, earning him the Nobel Peace Prize in 2002. His values - honesty, sustainability, and service - align with the District's mission to protect natural resources and support our communities.

President Young adjourned the meeting at 3:29 p.m.

SUBMITTED BY:



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Rischa S. Cole, Secretary of the District

APPROVED: January 28, 2025



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Marguerite Young, President of the Board