

MINUTES

**Tuesday, February 11, 2025
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:00 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call. Director Andy Katz arrived at 11:04 a.m.

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

PUBLIC COMMENT

- Addressing the Board were the following: 1) Eric Larsen, President, AFSCME Local 444, commented on Legislative/Human Resources Committee meetings being cancelled, Assembly Bill 1484; Local 444 representation for six-month temporary employees; and labor negotiations. He asked the Board to give management the authority to conclude negotiations by April 2025;
- 2) Eddie Cheung, Treasurer, AFSCME Local 444, commented on topics discussed in current and past labor negotiations, and asked the Board to direct management to engage with the union to negotiate a fair contract;
- 3) Kevin Amdahl, Shop Steward and Executive Board member, AFSCME Local 444, commented on the union's longevity wage proposal for 2013 Retirement Plan members;
- 4) Gilbert Laredo, 2nd Vice President, AFSCME Local 444 commented on the union's proposal regarding double time pay after working 12 hours; and
- 5) Michael Morgan, Chief Steward and Executive Board member, AFSCME Local 444, commented on the union's proposal regarding fatigue time.

President Young asked staff to calendar an update on the District's efforts to address Assembly Bill 1484 for a future Legislative/Human Resources Committee meeting.

- Director Oddie left the meeting at 11:23 a.m. and returned at 11:25 a.m.
- Director Smith left the meeting at 11:24 a.m. and returned at 11:28 a.m.

BROWN ACT BRIEFING

General Counsel Derek T. McDonald and Assistant General Counsel Lourdes M. Matthew provided the presentation. Mr. McDonald reviewed Policy 6.04 – Ethics of the EBMUD Board of Directors. Ms. Matthew reviewed recent legal developments in the Brown Act including new laws that take effect in 2025. Assembly Bill 2715 amends the Brown Act to clarify that a permitted closed session may include discussion on a threat to critical infrastructure controls or critical infrastructure information related to cybersecurity. Assembly Bill 2302 amends the Brown Act to clarify limitations on the number of times a member of a legislative body may appear remotely in meetings. Attorney General (AG) Opinion 2024 WL

3627281 was issued in July 2024 and overturns a 2001 AG Opinion. It provides guidance that remote participation in a meeting is a reasonable accommodation that must be provided under the Americans with Disabilities Act. AG Opinion 2024 WL 1812958 was issued in April 2024 and clarifies events that constitute “conferences” and “community gatherings,” which are exempt as “meetings” for purposes of the Brown Act. Next, she highlighted the limited permissible use and prohibited use of social media in light of the Brown Act. Mr. McDonald concluded with a review of 2024 updates to Government Code section 1090 and the Political Reform Act. Senate Bill 1111, which becomes effective January 1, 2026, amends Government Code section 1091’s definition of a “remote interest” as it relates to a Board member’s financial interest in a contract while Senate Bill 1243 updates provisions in the Levine Act. There was considerable Board discussion and questions regarding the information presented. The Board requested information on options to streamline the process for addressing perceived violations by a Board member and clarification on multiple Board members attending a conference in light of AG Opinion 2024 WL 1812958. Staff was asked to calendar a discussion for a future Legislative/Human Resources Committee meeting to further discuss Assembly Bill 2302 and potentially establishing a policy on an alternative option for counting committee meetings attended by teleconference; and to provide updated guidance on the use of social media.

- Director Gómez left the meeting at 12:03 p.m. and returned at 12:05 p.m.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

At 1:00 p.m., General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:45p.m. At 1:34 p.m., Mr. Chan informed Secretary Cole the meeting would start at 2:00 p.m. At 1:52 p.m., Mr. Chan informed Secretary Cole the meeting would start at 2:15 p.m. At 2:12 p.m., Mr. Chan informed Secretary Cole the meeting would start at 2:25 p.m. At 2:26 p.m., Mr. Chan informed Secretary Cole the meeting would start at 2:35 p.m. President Marguerite Young called to order the Regular Meeting of the Board of Directors at 2:36 p.m. in the Administration Building Boardroom.

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

ANNOUNCEMENTS FROM CLOSED SESSION

President Young announced the Board met in closed session earlier to consider a request by the General Counsel to authorize litigation. All Directors were present, and all Directors voted to authorize the General

Counsel to initiate litigation on one matter. The action, parties, and other particulars will be disclosed upon inquiry once the action is formally commenced. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Matthew Taylor who commented on formation of the Camanche Southshore Homeowners Association (HOA), HOA members' continued concern with the District's ban on personal watercraft and alcohol at Camanche Reservoir and requesting data to support the District's decision to implement the bans. HOA members are requesting an EBMUD Board member be assigned to represent Camanche Southshore and Northshore residents.

General Manager Clifford C. Chan confirmed an update on revisions to the Watershed Rules and Regulations which include the personal watercraft and alcohol bans at Camanche Reservoir will be presented at an upcoming Planning Committee meeting.

CONSENT CALENDAR

- Motion by Director Gómez, seconded by Director Chan, to approve the recommended actions for Items 1-6 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. 024-25** – Approved the Special and Regular Meeting Minutes of January 28, 2025.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, “Annual Ethics Policy Review and Brown Act Update,” dated February 11, 2025; 2) Presentation entitled, “Water Supply Update,” dated February 11, 2025; and 3) Speakers' Bureau and Outreach Record CY25, dated February 11, 2025.
 3. **Motion No. 025-25** – Authorized an agreement beginning on or after February 11, 2025, with Comprehensive Construction Services, Inc. in an amount not to exceed \$119,161 for access improvements to the Pardee Lodge.
 4. **Motion No. 026-25** – Rescheduled the Board meetings scheduled for Tuesday, November 11, 2025 to Wednesday, November 12, 2025 due to the Veteran's Day holiday being observed at the District on November 11.
 5. **Resolution No. 35437-25** – Resolution Of The Board Of Directors Of East Bay Municipal Utility District Ratifying Termination Of The Los Vaqueros Reservoir Joint Exercise Of Powers Agreement And Dissolution Of The Los Vaqueros Reservoir Joint Powers Authority.
 6. **Resolution No. 35438-25** – Authorizing An Application To The Wildlife Conservation Board For Grant Funds From The Wildlife Conservation Board For The Pinole Creek Tomato Stand Fish Passage Project.

DETERMINATION AND DISCUSSION

7. **Legislative Update.**

Manager of Legislative Affairs Kathy Viatella provided an overview of Legislative Report No. 01-25 which includes information on a series of executive orders and actions issued by the president between January 20 and January 24, 2025 that are relevant to EBMUD. The executive actions cover topics such as water and wildfire; federal regulations; federal funding; diversity, equity and inclusion; and climate change and energy. Staff will continue to monitor and evaluate executive orders and other executive actions, and report back to the Board, as appropriate. Ms. Viatella addressed Board questions regarding the executive orders and actions. The Board requested information on how potential changes to federal agencies may impact to the District and impacts to the District due to changes in the Environmental Protection Agency's equity initiatives. Staff was asked to track the Climate Superfund bill package. She concluded with an update on federal and state legislative activities.

8. **General Manager's Report.**

Water Supply Update

Manager of Maintenance and Construction/Water Operations Roberto C. Cortez presented the update on the District's current water supply including the following data as of February 5: gross water production; total system storage (607,550 acre-feet); precipitation in the East Bay (11.3 inches) and in the Mokelumne (19.2 inches); and the snow depth (48 inches) and snow water content (13.4 inches) at Caples Lake. He reviewed snowpack levels and snow water equivalent in the Sierras as of February 6; seasonal precipitation forecasts across the states for March through May 2025; projected Mokelumne precipitation for Rainfall Year 2025; and 2025 total system storage projections.

General Manager Clifford C. Chan announced the January 2025 Monthly Report was included in the agenda materials and the Speakers' Bureau and Outreach Record CY25 had been provided at Board places. Director Oddie asked that future main break reports in the General Manager's monthly report identify the ward where the break occurred.

REPORTS AND DIRECTOR COMMENTS

9. **Committee Reports.**

- Chair April Chan reported the Planning Committee met earlier and received updates on the Central Reservoir Replacement Project; the North Interceptor Rehabilitation, Emeryville (N31 to N35) Project; the Mokelumne River Fish Hatchery Operations and Maintenance Agreement; and Termination of California Shakespeare Theater Operations.
- Director Luz Gómez reported the FRWA Board met on February 6 and took action on the following: elections for FRWA Board officers (Director Gómez was elected Chair), a resolution honoring former Director Patterson's service to FRWA, a review of water supply conditions, a presentation on golden mussels monitoring, a review of the Treasurer's Report, adoption of 2025 Board meeting dates, an update on an adjacent U.S. Army Corps of

Engineers Levee Project, and FRWA staff appointments. Manager of Maintenance and Construction/Water Operations Roberto C. Cortez was appointed Program Manager for the next three years. Director Oddie also participated in the meeting.

- Director April Chan reported the DERWA Board met on February 3 and selected Board Officers and approved meeting minutes, Treasurer’s Reports, and the quarterly investment report.

10. **Other Items for Future Consideration.**

None.


11. **Director Comments.**

- Director Chan reported attending a meeting on emergency preparedness with PG&E and the City of San Leandro on February 8.
- Director Gómez reported attending bond disclosure training along with Director Chan in Oakland on January 28; presenting a District at a Sustainable Rossmoor meeting in Walnut Creek on February 4; attending a Well UnTapped Fellowship session in San Diego February 7-8; and meeting with staff earlier to review a draft presentation for the San Ramon Valley Fire Prevention District.
- Director Katz reported presenting on the 29th United Nations Conference of the Parties at a recent Berkeley/Albany/Emeryville League of Women Voters meeting.
- Director Lewis reported that during the Planning Committee meeting earlier, staff was asked that all future project presentations to include information on whether the project is included in the approved budget. Director Lewis reported attending a constituent meet and greet for Ward 6 in Oakland on February 5 and plans to moderate a California Water Law Symposium panel on direct potable reuse at U.C. Berkeley on February 15.
- Director Oddie reported attending the FRWA Board meeting on February 6 and the Oakland Chinatown Lions Club dinner on February 8, both in Oakland.
- Director Smith reported participating on a panel for the Black Employee Network’s Black History Month kickoff luncheon on February 4. Director Smith thanked Community Affairs Representative I Gina M. Baker and staff for their dedication to the District’s Contract Equity Program and providing assistance to small business owners.
- President Young announced the following upcoming activities: Water Walk with Lindsay Wildlife Museum at Lafayette Reservoir on February 15; Water Wednesday webinar on the golden mussel on February 19; the Oakland Chinatown Chinese Lunar New Year Parade on February 22; and the Black Joy Parade in Oakland on February 23.

ADJOURNMENT

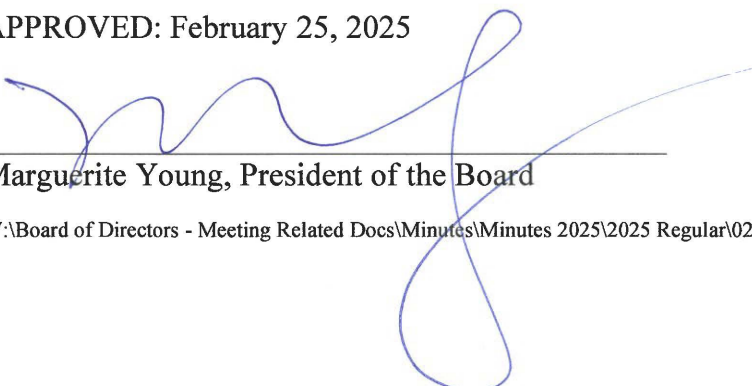
President Young adjourned the meeting at 3:36 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: February 25, 2025



Marguerite Young, President of the Board