

MINUTES

**Tuesday, April 8, 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 11:02 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 11:06 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 the status of labor negotiations and the District's wage proposal and offers, and asked the Board to increase the authority of the negotiators; 2) Patrick Inthavisay, Water Distribution Plumber Foreman, commented on standby pay; 3) Eddie Cheung, Negotiator, AFSCME Local 444, commented on labor negotiations and Local 444's proposals regarding standby pay, job site reporting and fatigue pay; and asked the Board to direct management to negotiate in good faith; 4) Gilbert Loredó, Water Distribution Crew Foreman commented on job site reporting, commuting, and cost of living; 5) John Halselth, Member Relations Secretary, AFSCME Local 444, commented on Local 444's proposal about fatigue time and revising the morning call out minimum time; 6) Allison Brede, Water Treatment Supervisor commented on equity adjustments for Water Treatment Plant Supervisors; 7) Jeremy Williams, General Pipe Supervisor commented on the length of time it took Human Resources to respond to a 2022 request for a compensation study, as well as the sources used for the base salary survey data; 8) Ryan Fierner, General Pipe Supervisor expressed concerns regarding the base salary survey data used to determine compensation for General Pipe Supervisors; 9) Bret Bergmark, General Pipe Supervisor commented on the base salary survey data in the classification study for General Pipe Supervisors; classification study authorship; and 10) Dwight George, Executive Board Member, IFPTE Local 21, commented on previous compensation studies for Water Treatment Supervisors and General Pipe Supervisors and asked the Board to look into who prepared the studies and to grant the District's negotiators the authority to approve equity adjustments for Water Treatment Supervisors and General Pipe Supervisors.

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

President Marguerite Young called to order the Regular Meeting of the Board of Directors at 1:19 p.m. in the Administration Building Boardroom.

President Young announced the Board will receive reports from the Planning and Legislative/Human Resources Committees prior to considering the Consent Calendar.

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

There were no announcements required from closed session.

PUBLIC COMMENT

None.

President Young announced the agenda items would be taken out of turn and that the Public Hearing under Agenda Item 10 would be conducted after Determination and Discussion Agenda Item 13.

COMMITTEE REPORTS

- Filed with the Board were the Minutes for the March 25, 2025 Finance/Administration Committee Meeting.
- Chair April Chan reported the Planning Committee met earlier and received reports on 2024 Mokelumne Fishery Update; Upper Mokelumne River Watershed Authority and Blue Forest Update; Regulatory Compliance Semi-Annual Report – July 1, 2024 through December 31, 2024; and Backflow Prevention Program Update.
- Chair Luz Gómez reported the Legislative/Human Resources Committee met earlier and received Legislative Report No. 03-25. The Committee voted unanimously to support the staff recommendations.

CONSENT CALENDAR

General Manager Clifford C. Chan commented page two of the March 25, 2025 Regular Meeting minutes (Agenda Item 1) will be revised to correct the DERWA meeting dates. Section E8-2 of the

Sewer System Management Plan (Agenda Item 7) will be updated before State submission to include details on District collaboration with various groups to address sea level rise impacts.

- Motion by Director Chan, seconded by Director Gómez, to approve the recommended actions for Items 1-9 (with the necessary corrections to Items 1 and 7) 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. 049-25** – Approved the Special Meeting Minutes and Regular Meeting Minutes of March 25, 2025.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, “Assembly Bill 2561 Compliance Reporting for Fiscal Years 2024-2025,” dated April 8, 2025; 2) Presentation entitled, “Water Supply Update,” dated April 8, 2025; 3) Presentation entitled, “EBMUD Wildfire Preparedness and Response,” dated April 8, 2025; 4) Memo dated April 8, 2025 from Board President Marguerite Young to the Board of Directors regarding Approved Updates to 2025 Assignments for Committees, Joint Powers Authorities, and Associations – April 8, 2025; 5) Los Vaqueros Reservoir Joint Powers Authority (LVR JPA) Board of Directors Meeting Materials – April 9, 2025; 6) AFSCME Local 2019 presentation entitled, “Equity Adjustment For Associate Electrical Engineers & Associate Control System Engineers,” dated February 5, 2025; 7) Tiffany Conway comments to EBMUD Board of Directors, dated April 8, 2025; 8) Copy of Policy 6.04 - Ethics of the EBMUD Board of Directors; 9) Copy of Policy - 6.06 Equal Employment Opportunity (EEO); 10) Copy of Policy 6.07 - Prevention of Workplace Harassment; 11) Copy of Procedure 614 - EEO Discrimination, Harassment, and Retaliation Complaints, Investigations and Appeals; 12) Copy of Resolution No. 35190-20 Authorizing Principles And An Action Plan For The East Bay Municipal Utility District's Response To Racial Discrimination And Violence Against Black And African Americans As Most Recently Exemplified By The Killing Of George Floyd” dated June 23, 2020; 13) Copy of EBMUD Values as Core Competencies; 14) Email dated April 1, 2025 from Lynn George to Office of the Secretary regarding closure of Lake Camanche and Lake Pardee due to the Golden Mussel; 15) Email dated April 5, 2025 from Ivette Rivera to Office of the Secretary regarding, Corrected: RE: Two attached PUBLIC RECORD documents related to 2024 & 2025 Civil Rights Litigation (Rivera v EBMUD et al;) PLEASE file to the EBMUD Public Record and distribute to EBMUD Directors on April 8, 2025 (in the afternoon EBMUD BOD meeting.); 16) Email dated April 5, 2025 from Ivette Rivera to Office of the Secretary regarding, Please include this youtube video, "EBMUD PREPARES TO RETALIATE AGAINST WHISTLEBLOWER," and this email to the Board of Directors packet for Tuesday's EBMUD board meetings that contain discussions related to item 12, 12.1 & 12.2. Thank you; 17) Email with attachments dated April 7, 2025 from Ivette Rivera to Office of the Secretary regarding, Last/additional file to attach to EBMUD's PUBLIC RECORD -PLEASE file to the EBMUD Public Record and distribute to EBMUD Directors on April 8, 2025 (in the afternoon EBMUD BOD meeting a copy of a summons.); 18) Contra Costa Times Proof of Publication Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561) Legal No. 0006885908 Published March 21 and March 28, 2025; 19) Oakland Tribune Proof of Publication Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561) Legal No.

0006885908 Published March 21 and March 28, 2025; **20)** West County Times Proof of Publication Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561) Legal No. 0006885908 Published March 21 and March 28, 2025; **21)** Calaveras County Proof of Publication Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561) Published March 21 and March 28, 2025; **22)** Lodi-News Sentinel Proof of Publication Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561) Published March 21 and March 28, 2025; **23)** Notarized Affidavit of Posting regarding Notice Of The Time And Place Of A Public Hearing On The Status Of Vacancies And Recruitment And Retention Efforts Of The East Bay Municipal Utility District In Accordance With Government Code Section 3502.3 (Assembly Bill 2561), dated April 8, 2025; **24)** Written comments from Bret Bergmark, General Pipe Supervisor; **25)** Written comments from Ryan Fierner, General Pipe Supervisor; **26)** Written comments from Jeremy Williams, General Pipe Supervisor; and **27)** Reference documents titled General Pipe Supervisor – dated April 8, 2025.

3. **Motion No. 050-25** – Awarded a contract beginning on or after April 8, 2025 to the lowest responsive/responsible bidder, Rexel USA, Inc., for supplying medium voltage electrical equipment for the Pardee Dam Powerline Safety Improvements Project for a total cost, after the addition of taxes, not to exceed \$1,200,000 under Request for Quotation No. 2503 Schedules II, III, and IV.
4. **Motion No. 051-25** – Awarded a contract to the lowest responsive/responsible bidder, Sierra Mountain Construction, Inc., in an amount not to exceed \$9,209,600 for the construction of the Mokelumne Aqueduct No. 2 Relining Phase 2 Project, under Specification 2199.
5. **Motion No. 052-25** – Authorized a direct award contract beginning on or after April 8, 2025 with Gooch Thermal Systems, Inc. for supplying one sludge spiral heat exchanger for the Main Wastewater Treatment Plant Blend Tanks for a total cost, after the addition of taxes, not to exceed \$119,375.
6. **Motion No. 053-25** – Authorized an agreement beginning on or after April 8, 2025 with Pacific Gas and Electric Company in an amount not to exceed \$139,944 for relocating the existing electrical service for the Lafayette Center Reliability Project.
7. **Motion No. 054-25** – Approved the Sewer System Management Plan for the Special District No. 1 sanitary sewer system, which has been updated to meet requirements established by the State Water Resources Control Board’s updated Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems.
8. **Motion No. 055-25** – Approved the assignment of the agreement originally authorized under Board Motion No. 008-17 from Integral Group, Inc. to Introba for design and construction management support services for upgrading the heating, ventilation, and air conditioning systems at the Administration Building and Adeline Maintenance Center.

9. **Resolution No. 35442-25** – Amending The Expiration Date Of The 2021-2025 Memorandum Of Understanding With American Federation Of State, County And Municipal Employees, Local 2019.

PUBLIC HEARING

The Public Hearing was conducted after Agenda Item 13.

10. **Conduct a Public Hearing to receive a report on job vacancy rates of the International Federation of Professional and Technical Engineers Local 21 (Local 21), International Union of Operating Engineers Local 39 (Local 39), and the American Federation of State, County and Municipal Employees Locals 444 (Local 444) and 2019 (Local 2019), as required by California Assembly Bill 2561 (AB 2561): Local Public Employees: Vacant Positions.**

President Young opened the public hearing at 3:38 p.m.

Director of Human Resources Cindy R. Charan and Manager of Recruitment and Classification Vincent L. James provided the presentation. AB 2561 which was signed into law September 22, 2024 and added to California Government Code section 3502.3, aims to enhance transparency and accountability in public sector staffing. Ms. Charan reviewed key provisions of AB 2561 which includes requiring public agencies to present the status of job vacancies, along with recruitment and retention efforts, at a public hearing at least once per fiscal year prior to the adoption of an agency's final budget for the fiscal year; providing the right for an agency's bargaining unit to make presentations at the public hearing concerning bargaining unit positions; and additional reporting requirements if vacancies in a bargaining unit reach or exceed 20 percent of authorized full-time positions. Mr. James reviewed the status of Fiscal Year 2025 funded positions and vacancy analyses for Locals 21, 39, 2019, and 444 as of March 15, 2025; recruitment, retention and outreach efforts; specific outreach and partnerships with various resource agencies in the service area; and data on average years of service and average age by bargaining unit. Based on the average years of service for each unit, there are no specific recruitment or retention issues. There was Board discussion on having application caps for entry-level recruitments. Mr. James responded to Board questions about the status of Utility Laborer and Water Distribution Plumber hiring lists and reported the District is working with a consultant to review the testing requirements for Water Distribution Plumber I prior to an upcoming recruitment in May to identify and eliminate any barriers to employment. He also confirmed the District will be partnering with the Rising Sun Center for Opportunity in the future.

Next, Justin Young, Acting President, AFSCME Local 2019, provided a presentation from February 2025 regarding equity adjustments for Associate Electrical Engineers and Associate Control System Engineers. He commented on the staff presentation; staffing shortages for Associate Electrical Engineers, Electrical Engineers, and other job classifications; vacancy and turnover rates, historical and ongoing equity adjustment requests, and recruitment initiatives for the Associate Electrical Engineer classification; AB 2561's mandate for collaboration between public agencies and unions to develop plans to address vacancies and improve recruitment, retention, and labor relations; and contracting out. He urged the District to work with bargaining units to determine which job classifications are funded but left unfilled, have recruitment and retention issues, or have been posted open continuously. President Young called for public

comments. There were none. There were no questions from the Board. President Young called for a motion to close the public hearing and closed the public hearing at 4:19 p.m. In response to a request to discuss the information presented by Justin Young and recruitment at the District, General Manager Clifford C. Chan confirmed staff is scheduled to provide an update at an upcoming Legislative/Human Resources Committee meeting.

- Director Gómez left the meeting at 3:37 p.m. and returned at 3:39 p.m.
- Director Smith left the meeting at 4:18 p.m. and returned at 4:20 p.m.

Motion No. 056-25 – Conducted a Public Hearing to receive a report on job vacancy rates of the International Federation of Professional and Technical Engineers Local 21 (Local 21), International Union of Operating Engineers Local 39 (Local 39), and the American Federation of State, County and Municipal Employees Locals 444 (Local 444) and 2019 (Local 2019), as required by California Assembly Bill 2561 (AB 2561): Local Public Employees: Vacant Positions.

- Motion by Director Chan, seconded by Director Gómez to close the Public Hearing 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. 057-25 – Closed the Public Hearing on job vacancy rates of the International Federation of Professional and Technical Engineers Local 21 (Local 21), International Union of Operating Engineers Local 39 (Local 39), and the American Federation of State, County and Municipal Employees Locals 444 (Local 444) and 2019 (Local 2019), as required by California Assembly Bill 2561 (AB 2561): Local Public Employees: Vacant Positions.

DETERMINATION AND DISCUSSION

11. Appoint Manager of Distribution Maintenance and Construction.

General Manager Clifford C. Chan announced Michael A. Rangel as the candidate for appointment to the position of Manager of Distribution Maintenance and Construction and highlighted Mr. Rangel's education and experience.

Board members commented about Board involvement in a hiring decision that should be under the General Manager's purview. General Manager Clifford C. Chan explained about classifications listed in the Municipal Utility District (MUD) Act that have historically been presented to the Board for appointment. Staff will provide an update on the appointment process for classifications in the MUD Act that are currently approved by the Board at a future meeting.

- Director Smith left the meeting at 1:26 p.m. and returned at 1:34 p.m.
- Motion by Director Oddie, seconded by Director Chan, to approve the recommended actions for Item 11 carried (6-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, and Young); NOES (None); ABSTAIN (None); ABSENT (Smith).

Mr. Rangel thanked the Board for the opportunity and said he looks forward to giving his best effort in leading the future at the District.

Resolution No. 35443-25 – Appointing Michael A. Rangel As Manager Of Distribution Maintenance And Construction (*effective April 21, 2025*).

12.1 – Allegations concerning the conduct of an EBMUD Board Member.

12.2

President Young announced the Board would review and discuss allegations of racially motivated conduct towards a member of the public and alleged behavior inconsistent with the Board of Directors Governance Manual by Board Vice President April Chan under Agenda Item 12.1. President Young reaffirmed the Board's commitment to the principles of racial equity as evidenced by the Board's adoption of a Resolution No. 35190-20 in 2020, following the murder of George Floyd. In that resolution, the Board committed to undertake the long and ongoing journey of becoming an anti-racist organization and to take seriously the conduct of everyone at the District regarding issues of race and fairness in accordance with the District's core values of stewardship, integrity, respect, and trust. President Young requested comment from Tiffany Conway.

- Addressing the Board were the following: 1) Tiffany Conway, commented on working with the District's Art Committee to display artwork in the Administration Building gallery and the encounter with Director Chan on March 27, 2025 when she came to de-install the artwork. She described the impacts of the interaction and demanded a public apology from Director Chan. She also asked the District to commit to doing better and commented on messages she received from employees following the March 27 incident; 2) Vernon Goins, attorney representing Director Chan, apologized to Ms. Conway on behalf of Director Chan and commented on the March 27 incident, Resolution No. 35190-20, the definition of racial profiling, and due process for Director Chan before taking action on Agenda Item 12.2; 3) Ivette Rivera commented on George Floyd's name being used in a matter involving a parking space; 4) Corina Lopez, San Leandro resident, thanked the Board for addressing this matter and commented on the remarks from Mr. Goins, abuse of power by elected representatives, the need for the Board to uphold high standards as it proceeds with this item, and noted she and members of the public are monitoring this situation; and 5) Dale Silva, Fairview resident, commented being surprised at the accusations, his interactions with Director Chan over the years, and due process for Director Chan.

Director Chan offered an apology to Ms. Conway (who was no longer in attendance) and asked everyone to reserve judgment until she could tell her side of the story. Director Chan also apologized to EBMUD staff working on this matter. President Young clarified no determination has been made, and that District policies and procedures require that the allegations be addressed. She also commented on why Resolution No. 35190-20 resolution was referenced as it set a marker for how the District intends to address systemic racism and racial bias in the organization and includes expectations for all employees, leadership, and the Board. She acknowledged Director Chan's apology and the District's goal to complete a review of this matter in the coming weeks. President Young also reported that on or around March 28, under her authority as Board President, and on advice from the General Counsel, she directed Director Chan to refrain from representing the District in the public while this matter is being addressed. She opened the floor

for comments from the Board. Director Chan commented Mr. Goins would speak on her behalf. President Young asked General Counsel Derek T. McDonald to comment on Mr. Goins speaking on behalf of Director Chan. Mr. McDonald commented the law would not prohibit Mr. Goins from speaking on behalf of Director Chan. President Young asked Secretary of the District Rischa S. Cole for information on other agencies that have taken interim actions to address similar complaints or issues. Ms. Cole responded. There was significant Board discussion. Board members expressed their thoughts, offered apologies, acknowledged Ms. Conway's courage for coming forward, and thanked her for displaying her artwork at the District. They expressed overall support for President Young's decision to address this matter and the importance of taking this matter seriously. Board members thanked Director Chan for her apology and were in general agreement about her right to due process. Director Lewis reported on her personal and professional acquaintance with Mr. Goins. Mr. McDonald responded to questions on District procedures related to interim protective measures while investigations are pending against a Board member and clarified the decisions currently under Board consideration are political and not legally required. Assistant General Counsel Lourdes M. Matthew provided clarification on the purpose of interim measures and the relevant factors the Board may appropriately consider in making such decisions. The discussion continued about whether the actions outlined in Agenda Item 12.2 should be deferred until the investigations are complete; receiving more information before reaching a conclusion; the importance of making a decision in the best interest of the District and its customers; the importance of due process protections; Board member efforts to de-escalate the situation; and comments by Mr. Goins regarding the matter and the Board President. Mr. Goins, speaking on behalf of Director Chan, thanked the Board for considering Director Chan's position, being willing to hear both sides before taking any action, accepting Director Chan's apology, Director Chan's right to due process, and the District's guidelines on the Board's or the District's authority to take interim actions. President Young clarified the interim actions being requested while the investigations are underway. In response to comments about the time required to complete investigations, Special Assistant to the General Manager Derry L. Moten explained the District's investigation process in accordance with Policy 6.14 and said internal security and an EEO investigation by an external third party are in progress. Director Chan expressed appreciation for the Board's comments on Resolution No. 35190-20 and the importance of listening to Black and African American voices, while sharing personal feelings about the impact of the situation, her professional relationships with African Americans, the perception of being labeled a racist, and her family's history of immigration as indentured servants. She clarified that as agreed, she would not speak on behalf of the District in public but retained her right to speak as an individual to her constituents. Director Chan announced she would voluntarily step down as Vice President of the Board until the investigations are concluded and would remain Chair of the Planning Committee. The Board discussed whether they are required to take action to accept the voluntary step down and Mr. McDonald clarified no Board action is required. Additional discussion ensued and Mr. Goins asked for clarification about what defines the end of the investigations. Mr. McDonald clarified what constitutes the conclusion of the investigations, noting this would be upon completion of all three investigations, should a third be warranted. Mr. Goins proposed Director Chan step down as Vice President for no more than 30 days or until May 7. President Young said this matter will be calendared for reconsideration at the May 13, 2025 Regular Board meeting to determine if further Board action is needed. There was considerable Board discussion about Director Chan stepping down until the investigations are concluded; concerns with conducting this matter in open session; taking action to remove Director Chan as Chair of the Planning Committee until May 13; and tabling Agenda Item 12.2

until May 13. Mr. McDonald clarified that the Brown Act does not provide a basis for holding this discussion in closed session.

- Addressing the Board were the following: 1) Carolyn Wysinger, not speaking on behalf of any board or committee, Mayor of El Cerrito, commented on anti-blackness, classism, her relationship to George Floyd, the constituents in Ward 7 monitoring this situation, and expressed concern that Ms. Conway's experiences are being diminished; 2) Jamela Smith-Fold, not speaking on behalf of any organization or board, current West Contra Costa County Unified School District Board member, commented on anti-racism, racialized harm, and empathy bias; 3) Cheryl Sudduth, not speaking on behalf of any elected position or Board, current West County Wastewater Board member and Chair of the Northern California Environmental Caucus, commented on EBMUD's policies, rectifying a situation when someone is harmed, and taking accountability; 4) Corina Lopez commented on Mr. Goins being allowed to comment under public comment and on behalf of Director Chan during discussions regarding Agenda Item 12.1; and 5) Lee Evans, EBMUD Dispatch Center Representative, offered an apology to Ms. Conway and commented on the length of investigations and similar past behaviors at the District.

President Young clarified Mr. Goins was speaking on behalf of Director Chan during public comment and during the discussion of Agenda Item 12.1. There was additional Board discussion and President Young put forth a motion to take interim action to temporarily remove Director Chan as Chair of the Planning Committee until the May 13, 2025 Regular Board meeting. The motion *died* for lack of a second. The Board discussed taking action to table Agenda Item 12.2 until May 13.

- Motion by Director Lewis, seconded by President Young to table Agenda Item 12.2 until the May 13, 2025 Regular Board meeting. Following Board discussion, Director Lewis and President Young withdrew the motions.
 - Director Oddie left the meeting at 3:19 p.m. and returned at 3:21 p.m.
 - Director Lewis left the meeting at 3:24 p.m. and returned at 3:26 p.m.
 - Director Chan left the meeting at 3:25 p.m. and returned at 3:28 p.m.

Director Chan voluntarily stepped down as Vice President of the Board until May 13. The matter will be revisited at the May 13, 2025 Regular Board meeting. President Young stated the Board would consider nominating an interim Vice President at the next Board meeting. Staff was asked to provide additional information on the District's investigation processes. The Board did not take action on Agenda Item 12.2 to consider interim actions to temporarily remove Director Chan from the office of Vice President and from the position of Chair of the Board of Directors Planning Committee, or other interim actions deemed appropriate by the Board, pending the results of ongoing investigations and until further action of the Board.

13. **Legislative Update.**

Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 03-25, which included seven bills and staff recommendations for each bill. SB 431 (Arreguín) would add public utility employees or workers engaged in essential infrastructure work to the list of

protected professionals under this law. Staff is recommending a "support and amend" position to include "wastewater" in the definition of "essential infrastructure work," which would then cover public-facing employees at the District for both water and wastewater. Staff is recommending a "support" position for the remaining bills. SB 599 (Caballero) would extend the scope of the Department of Water Resources' Forecast-Informed Reservoir Operations and Hazard Resiliency Program to include the development of extended-range atmospheric river forecasting. SB 654 (Stern) would allow the California Environmental Protection Agency to enter into a new three-year contract for the continued administration of the Water-Energy Nexus Registry program and provide an additional \$2 million to support these efforts. SB 682 (Allen) is intended to provide a comprehensive pollution prevention approach for PFAS aimed at phasing out products containing intentionally added PFAS by 2040. SB 735, SB 736 and SB 737 (Committee on Local Government) would enact the Validating Acts of 2025. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently. S. 322 (Padilla), the Improving Atmosphere Rivers Forecast Act, is intended to reduce flood risks and enhance emergency preparedness by improving atmospheric river forecasting. Next, Ms. Viatella provided an update on SB 858 (Committee on Local Government). As approved by the Board on January 14, 2025, EBMUD is sponsoring a legislative provision to amend the Municipal Utility District Act (MUD Act) to extend the term of office for appointed Board members to ensure there is no gap in Board representation when the Board of Directors fills a vacancy on the Board by appointment. The measure was introduced on March 12, 2025, and includes EBMUD's requested change to the MUD Act. Staff has expressed support for SB 858 and will provide updates to the Board, as appropriate.

- Motion by Director Gómez, seconded by Director Katz, to approve the recommended actions for Item 13 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. 058-25 – Received Legislative Report No. 03-25 and approved positions on the following bills: SUPPORT AND AMEND SB 431 (Arreguín) Assault and Battery: Public Utility Employees and Essential Infrastructure Workers; SUPPORT SB 599 (Caballero) Atmospheric Rivers: Research: Forecasting Methods: Experimental Tools; SUPPORT SB 654 (Stern) California Environmental Protection Agency: Contract: Registry: Greenhouse Gas Emissions That Result From the Water-Energy Nexus; SUPPORT SB 682 (Allen) Environmental Health: Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances; SUPPORT SB 735, 736, and 737 (Committee on Local Government) Validations; and SUPPORT S. 322 (Padilla) Improving Atmospheric River Forecasts Act; and received information on SB 858 (Committee on Local Government) Local Government Omnibus Act of 2025.

14. **General Manager's Report.**

Water Supply Update

Manager of Maintenance and Construction/Water Operations Roberto C. Cortez discussed end of season storage and 2025 total system storage projections and reported that according to measurements from the California Department of Water Resources, California experienced three consecutive years of near or above average snowpack for the first time in 25 years.

Wildfire Preparedness and Response

Due to time constraints, this presentation was deferred to a future meeting.

General Manager Clifford C. Chan announced the Speakers' Bureau Topics for 2025 which include community gatherings, sponsored events, tours, field trips, staff coordination meetings, and other events through December 2025, and the March 2025 Monthly Report were included in the Board materials. He asked the Board to contact him if they had suggestions or other events to include on the Speakers' Bureau Topics list. Next, he provided an update on District actions to address the golden mussel. District staff is working with State and Federal agencies, research institutions, and other water managers to track the spread of the golden mussel and to review inspection and decontamination protocols to prepare long-term plans. At this time, staff is not confident that the current protocols will be able to protect District reservoirs. The District plans to extend boat launch closures at its reservoirs through the end of the year. Recreation areas will remain open for shoreline fishing, boat rentals, camping, and day use.

DIRECTOR COMMENTS

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

None.

16. **Director Comments.**

- Director Chan reported attending an event in Dublin two weeks ago (no date) and EBMUD staff's love of dancing.
- Director Gómez made a statement about current affairs and being emotionally impacted by policies of the current federal administration pertaining to immigration, health, environmental and water. She called for all to stand in solidarity with federal employees, and immigrants and individuals who have been deported. She called for all to do what we can where we are, noting that together we are strong.
- Director Katz reported attending the Ward 4 briefing in Berkeley on April 2 and presenting to a student audience at University of California Berkeley on April 5.
- Director Lewis reported attending the 27th Annual Madam C.J. Walker the 27th Annual Madam C.J. Walker Business & Community Recognition Luncheon & Empowerment Forum in Oakland on March 28.
- Director Oddie reported attending the East Bay Economic Development Alliance 2025 East Bay Innovation Awards in Oakland on March 27 and the Community of Harbor Bay Isle Owners' Association Volunteer Appreciation dinner in Alameda on April 2. He also commented on his recent positive experience with Customer Services staff.

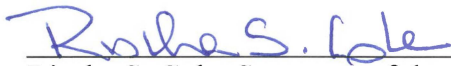
- Director Smith reported attending the Contra Costa County Monthly Women in Civic Leadership Luncheon in Richmond on March 26; Contra Costa County Special Districts Annual Dinner in Pleasant Hill on March 27; and the 27th Annual Madam C.J. Walker Business & Community Recognition Luncheon & Empowerment Forum in Oakland on March 28.
- President Young reported attending the Community Water Academy in Oakland on April 2; Hands Off Demonstration in Oakland on April 5; helping organize demonstrations in the Central Valley; and plans to attend the University of California Berkeley's sponsored event Holy H2O, which explores the history of the creek protection movement in Berkeley on April 8.

ADJOURNMENT

President Young announced that today's meeting would be adjourned in honor of lifelong environmental advocate and community leader David "Chicken" Nesmith. Mr. Nesmith was an advocate for the planet and people and dedicated over 40 years to advancing environmental justice, peace, and community well-being. She recounted how he got his nickname; their work together over the years; his legacy of environmental leadership; his work for the Sierra Club's San Francisco Bay Chapter; his volunteer work with many organizations, including during the civil rights movement; and the many ways his efforts have positively impacted and benefitted the District. Chicken was a mentor and guide to many, led whitewater rafting and kayaking trips, especially for underserved youth, and leaves a legacy of humility, generosity, and love for the community.

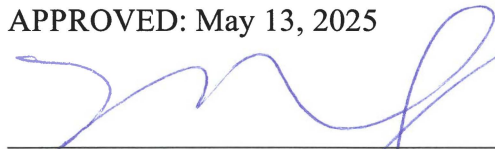
President Young adjourned the Regular Meeting in honor of David "Chicken" Nesmith at 4:39 p.m.

SUBMITTED BY:



Risha S. Cole, Secretary of the District

APPROVED: May 13, 2025



Marguerite Young, President of the Board