

MINUTES

**Tuesday, June 24, 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, Andy Katz, Jim Oddie, Valerie D. Lewis, Joey D. Smith and President Marguerite Young were present at roll call.

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

Regular Business Meeting

ROLL CALL

President Marguerite Young called to order the Regular Meeting of the Board of Directors at 1:16 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

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

COMMITTEE REPORTS

- Filed with the Board were the Minutes for the June 10, 2025 Legislative/Human Resources Committee Meeting.
- Director Smith reported the Sustainability Committee met this morning and received an update on the District’s Greenhouse Gas Inventory.
- Director Lewis reported the Finance/Administration Committee met this morning and received an update on the May 2025 Monthly Investment Transactions Report and the Private Water Service Line Repair Plans – Marketing Partnership.

CONSENT CALENDAR

Secretary of the District Rischa S. Cole announced the Board previously received an email and attachment to be filed with the June 10, 2025 Board meeting minutes. The email and attachment were not filed with the June 10 minutes and will be filed with today’s meeting minutes. She stated that unless Board members had comments or revisions, the June 10 meeting minutes were ready for consideration.

- Agenda Items 7 and 10 were removed from the Consent Calendar for separate discussion.
 - Motion by Director Katz, seconded by Director Gómez, to approve the recommended actions for Items 1-6, 8-9, and 11 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. 125-25** – Approved the Regular Meeting Minutes of June 10, 2025.
 2. The following correspondence was filed with the Board: **1)** Speakers’ Bureau and Outreach Record CY25, dated June 24, 2025; **2)** Email dated June 3, 2025 from Ivette Rivera to Office of the Secretary and Board of Directors regarding Please include the attached public record in the next board meeting scheduled for June 10, 2025, for distribution to all EBMUD Directors in attendance at the afternoon open board meeting: Federal Court Filing- Ivette Rivera Case No: 24-cv-02941-JD (with three attachments); **3)** Email dated June 22, 2025 from Ivette Rivera to Office of the Secretary and Board of Directors regarding Secretary’s Office-Please distribute to the EBMUD Board of Directors; Why isn’t a restraining/protection order being filed on April Chan’s behalf against Ms. Conway?!?!See attached public record I obtained regarding a previous restraining order filed (with attachment); **4)** Email dated June 23, 2025 from Olivia Sanwong to Office of the Secretary regarding Public Comment for EBMUD June 24, 2025 meeting, Agenda item 12 (with attachment); and **5)** Email dated June 24, 2025 from Ivette Rivera to Office of the Secretary and

Board of Directors regarding I see the Finance/Administration Committee meeting is today, not the HR/Leg meeting. Please apply the emails & docs to the meeting records that are happening today (with attachment).

3. **Motion No. 126-25** – Awarded a contract beginning on or after June 24, 2025 to the lowest responsive/responsible bidder, Backflow Distributors, Inc., for the purchase of 500 reduced pressure principle backflow preventers for portable hydrant meters, for a total cost, after the addition of taxes, not to exceed \$175,226 under Request for Quotation No. 2516.
 4. **Motion No. 127-25** – Awarded a contract to the lowest responsive/responsible bidder, Triple S Electric Co., in an amount not to exceed \$459,000 for the construction of the Oakland Administration Building Fiber Optic Backbone System Upgrade Project, under Specification 2195A.
 5. **Motion No. 128-25** – Authorized an agreement beginning on or after June 24, 2025 with Brown and Caldwell for two years, with three options to renew for additional one-year periods for a total amount, including options years, not to exceed \$3,181,363 for Wet Weather Consent Decree required hydrologic and hydraulic model updates, calibration, and testing, and additional services dependent upon flow model results.
 6. **Motion No. 129-25** – Authorized an agreement beginning on or after June 24, 2025, with Brown and Caldwell in an amount not to exceed \$1,281,483 for preparation of the Climate Change Analysis for long-term water resources planning.
 7. **Authorize an agreement beginning on or after July 1, 2025 with Civicorps for one year in an amount not to exceed \$655,000 for vegetation control and related services at various District properties.**
 - Addressing the Board were the following: 1) Brian Hickey, Civicorps Chief Financial Officer thanked the District and the Board for its partnership with Civicorps and continued support; 2) Terrell Johnson, Jr., Civicorps Crew Leader commented on his experience working with Civicorps and thanked the Board for its continued support; and 3) Yvette Arroyo-Alvernos, Civicorps Director of Corp member programs expressed appreciation to EBMUD for its commitment, support and belief in Civicorps’ mission and commented on Civicorps’ positive impact on the young adults served by its programs.
 - Motion by Director Oddie, seconded by Director Lewis, to approve the recommended actions for Item 7 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. 133-25** – Authorized an agreement beginning on or after July 1, 2025 with Civicorps for one year in an amount not to exceed \$655,000 for vegetation control and related services at various District properties.
8. **Motion No. 130-25** – Authorized agreements beginning on or after June 24, 2025, with Environmental Science Associates; Kleinfelder, Inc.; and Rincon Consultants, Inc., in an aggregate amount not to exceed \$500,000 for three years, with two options to renew for additional one-year periods, for on-call cultural and paleontological resource management services.

9. **Motion No. 131-25** – Authorized the purchase of maintenance and support beginning on or after June 24, 2025 from Trace3, LLC, for the enterprise data storage system for two years, for a total amount not to exceed \$297,344.16. This purchase will be made under State of California contracts available for use by local governments.
- 10.1. **Authorize amendments to the agreements originally authorized under Board Motion No. 116-21 with Bay Line Cutting & Coring, Inc.; Concrete Demo Works, Inc.; Concrete Wall Sawing Co., Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company, to increase the aggregate amount of those agreements by \$1,300,000 to a total aggregate amount not to exceed \$5,365,000 and extend the term of the agreements to June 24, 2026 for asphaltic cement and concrete saw cutting services; and authorize additional agreements for asphaltic cement and concrete saw cutting services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on June 24, 2025, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.**
- 10.2. – Addressing the Board was Tony Martin, First Vice-President, AFSCME Local 444 who commented the union objects to contracting out its core work and urged the Board to hire regular permanent employees instead of limited-term employees to assist with completing this work. General Manager Clifford C. Chan explained the rationale for hiring limited-term employees and noted the agreements being considered by the Board are to support peak and seasonal workloads. The funds requested are less than those requested in the previous five fiscal years.
- Motion by Director Gómez, seconded by Director Chan, to approve the recommended actions for Items 10.1-10.2 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. 134-25** – Authorized amendments to the agreements originally authorized under Board Motion No. 116-21 with Bay Line Cutting & Coring, Inc.; Concrete Demo Works, Inc.; Concrete Wall Sawing Co., Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company, to increase the aggregate amount of those agreements by \$1,300,000 to a total aggregate amount not to exceed \$5,365,000 and extend the term of the agreements to June 24, 2026 for asphaltic cement and concrete saw cutting services; and authorized additional agreements for asphaltic cement and concrete saw cutting services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on June 24, 2025, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.
11. **Motion No. 132-25** – Approved the May 2025 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION

12.1. Report on status of investigations related to claims made by Tiffany Conway.

President Young provided an update on the status of the investigations resulting from allegations regarding an incident that occurred on March 27, 2025 at the Administration Building between Tiffany Conway and Director April Chan. An investigation into workplace violence, initiated on April 4, 2025, in accordance with EBMUD protocols and applicable state laws, has been completed. She discussed the report findings and reported a separate Equal Employment Opportunity (EEO) investigation is being conducted by an independent investigator to determine whether EBMUD anti-discrimination policies were violated, and whether Director Chan's conduct was inconsistent with the principles of conduct in the Board's ethics policy (Policy 6.04), and the Board of Directors Governance Manual. President Young noted that during the course of the EEO investigation, she was made aware of several other incidents between Director Chan and District staff some of which were reported prior to the incident between Director Chan and Ms. Conway. The additional incidents could be connected to the conduct reported by Ms. Conway. She noted parties have been interviewed and that the independent investigator has contacted Director Chan for an interview; as of today Director Chan's response to the interview request is pending. The Board anticipates the EEO investigation report will be completed in August. She affirmed the Board's commitment to transparency, accountability and to fostering a safe and inclusive environment for all Board members, staff, and the public while recognizing the importance of protecting the dignity and privacy of all individuals involved.

- Addressing the Board were the following: 1) Tuan Ngo, Asians Unite Coalition for Community Engagement speaking as a private citizen commented on leadership integrity in local government, the March 27 incident, the workplace violence investigation, due process for Director Chan, other elected officials monitoring the situation, and the erosion of public trust; and 2) Kat Wellman, EBMUD Ward 7 Standby Officer expressed concern about how this situation is being handled, acknowledgement of how Director Chan was disparaged, the workplace violence investigation and report, the EEO investigation, and reinstating Director Chan as Vice-President of the Board.

Director Chan thanked her constituent supporters and the District's security personnel. She commented on the March 27 incident, being subjected to threats of violence, the workplace violence investigation and report, concerns with the remaining investigations being conducted with integrity, her complaint against President Young, and stated President Young should step aside from overseeing the remaining investigations. President Young acknowledged the complaint filed by Director Chan and explained Director Gómez's role in addressing the complaint and her subsequent proposal for mediation. President Young commented she is open to the Board voting on whether she should step back from her current responsibilities, and affirmed that she would respect and abide by the Board's decision. She clarified she is not in charge of the remaining investigations and explained the Board's responsibility to ensure all complaints, including this one, are investigated thoroughly and fairly in accordance with District policies and applicable ethics and EEO standards. Director Chan commented there are two investigations, and that President Young should have recused herself from the EEO focused investigation. There was considerable Board discussion regarding the status of the EEO investigation which includes an investigation into potential misconduct; whether formal action is required by the Board for President Young to recuse herself from participating in the EEO investigation; the basis for the Board President to recuse

themselves from a decision; the role of the Board President in addressing issues related to Board member conduct; and using mediation to resolve Director Chan's complaint against President Young. General Counsel Derek T. McDonald clarified this is an information item and that a Board member may request to schedule a future agenda item to discuss President Young's recusal from matters related to the EEO investigation. There was additional Board comment regarding the incident, due process, the Board's duty to investigate complaints, the working relationship and trust amongst Board members, the desire to remain focused on the work of the District, clarification that Director Chan was not removed from Board Committee assignments and that she voluntarily stepped down as Board Vice-President, and Director Chan's continued concerns with the integrity of the investigation process.

- Addressing the Board was Ivette Rivera who commented on the workplace violence investigation and report, public trust in the Board, the Pierce/Bland lawsuit, a restraining order against an employee regarding a previous incident at the District, and President Young recusing herself from the investigations and stepping down.

General Counsel Derek T. McDonald clarified no restraining order has been filed against the individual referenced by Ivette Rivera.

12.2. Report on the status of the complaint made by Director April Chan against President Marguerite Young.

Interim Vice-President Luz Gómez provided the update on the formal complaint filed by Director Chan on May 22, 2025 against President Young alleging that the investigation into her conduct is motivated by anti-Asian bias, and is in retaliation for her being a whistleblower. The complaint was referred to Vice-President Gómez pursuant to the Board ethics policy. Vice-President Gómez reported she has been in communication with Director Chan and with President Young regarding the best approach to address the complaint. She will update the Board after receiving further details from both parties and any agreement reached.

13. General Manager's Report.

Informational update on statements in Mercury news article dated June 18, 2025, entitled "East Bay MUD investigation finds director was victim of a 'threat of violence'" regarding EBMUD's financial practices and the soil importation project.

General Manager Clifford C. Chan announced he was providing additional information regarding the two items referenced in the Mercury news article at the request of some Board members. The article quoted Director Chan referencing concerns about financial practices, including large fund transfers without Board approval – an issue she previously raised in 2023 regarding capital project appropriation transfers. He clarified that all such transfers are authorized by the Board, including those discussed at the September 12, 2023 Board meeting. He also explained the Board-approved resolution authorizes staff to reallocate unspent capital funds between projects, provided the overall capital budget remains unchanged. The \$279 million referenced in the article was redirected to keep high priority projects approved by the Board on track without seeking additional appropriations from the Board. In September 2023, the Board requested greater visibility into appropriation transfers. Since then, staff has reported individual transfers over \$2.5 million and

aggregate totals for smaller transfers in the General Manager's monthly report. To further support transparency, starting in Fiscal Year 2026, the Board will begin receiving a quarterly report summarizing all transfers. Next, he provided additional background on the soil importation project referenced in the article which staff refers to as the Quarry Project. He reviewed the District's pipeline replacement goals noting challenges with disposing of excavated soils as the miles of pipe replaced have increased. In September 2019, the Board unanimously approved a three-year option agreement with San Leandro Rock Company to evaluate an old quarry site for trench soil use. In March 2021, the Board approved a contract to prepare an environmental impact report for the project. In 2021, staff conducted public outreach with the city of San Leandro, Alameda County and the East Bay Regional Park District and in early 2022 held a public scoping meeting and conducted additional public outreach. The District did not receive concerns about the project until January 2023 when the draft environmental impact report was presented to the Board. Although she expressed difficulty with the decision, Director Chan voiced opposition to the project as did many residents and other stakeholders. At Director Chan's request, the Quarry Project was discussed during a March 2023 Board meeting where staff provided information on the District's trench soil management practices and alternatives. The District elected to not renew its option agreement to purchase the quarry site and withdrew its Conditional Use Permit application with Alameda County. At the March 2023 meeting, there was significant public comment and considerable discussion among Board members. General Manager Chan discussed the Board's proposed actions during the meeting and noted that although no formal Board direction was approved, staff committed to pausing the project and reporting back in a year with an evaluation of alternative trench soil management options. In August 2024, staff presented an update to the Planning Committee, highlighting efforts such as the pilot program to haul trench soils to beneficial reuse sites for restoration purposes. Since then, the District has continued to prioritize beneficial reuse and off-hauling from temporary sites. Director Chan provided her perspective on the \$279 million fund transfer and her interactions with neighbors and stakeholders regarding the Quarry Project. There was Board discussion regarding quotes from the news article. General Manager Chan reiterated that all spending is approved by the Board and no funds were spent without Board authorization. The District's Internal Auditor confirmed that staff has the authority to move appropriations, which is distinct from spending, and this authority is expressly granted by Board resolution. He also reiterated he was providing this information to clarify statements made in the article. There was additional discussion and comments by the Board about the Quarry Project, trench soil management, and Board members' responsibility to represent the interests and concerns of both their constituents and the District. Board members expressed appreciation for Director Chan's leadership and emphasized the importance of ensuring Board statements reported in the media are factual.

- Addressing the Board were the following: 1) Tuan Ngo, Asians Unite Coalition for Community Engagement expressed appreciation and thanked Director Chan for her engagement, and commented on the investigations, Director Chan being a victim of workplace violence, actions taken against her, and the impact on the Asian community; and 2) Kat Wellman EBMUD Ward 7 Standby Officer commented on Director Chan's advocacy during the discussions regarding the Quarry Project, the stakeholders in opposition to the project, and Director Chan's service to her constituents.

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY25 had been provided at Board places.

DIRECTOR COMMENTS

14. Other Items for Future Consideration.

None.

15. Director Comments.

- Director Chan reported attending the Contra Costa Mayor’s Conference in San Ramon on June 5 and participating in the San Leandro Cherry Festival Parade on June 7.
- Director Gómez reporting attending the Exchange Club in Danville on June 11 and touring various open-cut reservoirs on June 17.
- Director Lewis reported touring the Central Reservoir, Piedmont Reservoir, and the Upper San Leandro Water Treatment Plant in Oakland on June 13 and requested an update on the reflective roof at one of the reservoirs.
- Director Oddie reported on plans to participate in the virtual Bayside Community meeting on June 25.
- Director Smith reported attending the West County Forum in San Pablo on June 12 where Director of Finance Sophia D. Skoda gave a presentation and the Net Pen salmon and fish release event in Richmond on June 16. She also commented on concerns from a constituent regarding hydrants within a homeowners association property.
- President Young reported on plans to attend the Raining Pride Affinity Group closing event at the Administration Building on June 25 and plans to participate in the July 4th parade in Orinda.
- Director Katz had no report.

ADJOURNMENT

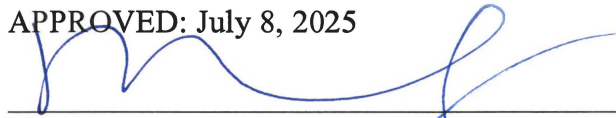
President Young adjourned the Regular Meeting at 2:53 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: July 8, 2025



Marguerite Young, President of the Board