

## MINUTES

**Tuesday, August 26, 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 11:01 a.m. in the Administration Building Boardroom.

#### ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call. Director Valerie D. Lewis was absent (excused).

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, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call. Director Valerie D. Lewis was absent (excused).

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.

#### Recognizing Hispanic Heritage Month and EBMUD's Fuerza Latina Affinity Group

Director Luz Gómez announced that Fuerza Latina, also known as the Latin Heritage Committee, will host a series of events highlighting the richness, resilience, and contributions of Latin culture in honor of

Latin Heritage Month, which is observed from September 15 to October 15. Director Gómez highlighted this year's events which will focus on "Celebrating People's Immigration Journey" and kick off on September 16. District Affinity Groups are open to all employees and enrich the EBMUD workplace by creating opportunities to learn, grow, and build authentic relationships. On behalf of the Board, Director Gómez encouraged support of Fuerza Latina and Latin Heritage Month.

### **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 August 12, 2025 Planning Committee and the Legislative/Human Resources Committee Meetings.
- Director Katz reported the Finance/Administration Committee met earlier and received updates on the Fiscal Year 2026 Insurance Summary; Monthly Investment Transactions Reports for June and July 2025; Quarterly Financial Reports for the Quarter Ended June 30, 2025; Proposed Fiscal Year 2026 Financing Plan; Revisions to District Policies; and Revisions to Policy 6.04, Ethics of the EBMUD Board of Directors.

### **CONSENT CALENDAR**

- Agenda Item 1 was removed from the Consent Calendar for separate discussion.
- Motion by Director Oddie, seconded by Director Gómez, to approve the recommended actions for Items 2-8 on the Consent Calendar carried (6-0) by the following voice vote: AYES (Chan, Gómez, Katz, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (Lewis).

#### **1. Approve the Regular Meeting Minutes of August 12, 2025.**

Director Gómez announced she would abstain from voting on the minutes because she was not present for the meeting.

- Motion by Director Oddie, seconded by Director Katz, to approve the recommended actions for Item 1 carried (5-0) by the following voice vote: AYES (Chan, Katz, Oddie, Smith, and Young); NOES (None); ABSTAIN (Gómez); ABSENT (Lewis).

**Motion No. 172-25** – Approved the Regular Meeting Minutes of August 12, 2025.

- #### **2. The following correspondence was filed with the Board: 1) Presentation entitled, "Proposed Fiscal Year 2026 Financing Plan," dated August 26, 2025; 2) Presentation entitled, "Revisions to Policy 6.04 Ethics of the EBMUD Board of Directors," dated August 26, 2025; and 3) Speakers' Bureau and Outreach Record CY25, dated August 26, 2025.**

3. **Motion No. 167-25** – Authorized an agreement beginning on or after August 26, 2025, with Black & Veatch Corporation in an amount not to exceed \$999,780 for the planning phase of the Nutrients Master Plan Update Project.
4. **Motion No. 168-25** – Authorized an agreement beginning on or after August 26, 2025 with Luhdorff & Scalmanini Consulting Engineers in an amount not to exceed \$454,564 for preparation of the East Bay Plain Subbasin Groundwater Sustainability Plan Periodic Evaluation and Amendment and to support GSP implementation.
5. **Motion No. 169-25** – Authorized an agreement beginning on or after August 26, 2025 with TruePoint Solutions, LLC for \$666,398 for five years, with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$1,109,540 for implementation of backflow prevention system software and ongoing support.
6. **Motion No. 170-25** – Authorized a 36-month lease with Cranbrook Realty Investment Fund, LP, commencing on September 1, 2026, for a 12,517 square foot office and warehouse space (Units J & K) in the Lodi Wine & Business Center, located at One Winemaster Way, Lodi, CA, 95240 for a total cost not to exceed \$385,000.
7. **Motion No. 171-25** – Approved the June and July 2025 Monthly Investment Transactions Reports.
8. **Resolution No. 35460-25** – Adopting Revised Policy 1.14, Customer Assistance Policy; Revised Policy 4.01, Employee Earnings And Payroll Determination; Revised Policy 4.24, Internal Audit; Revised Policy 5.01, Prohibiting Confidentiality Of Settlement Agreements; Revised Policy 6.05, Use Of Social Media; Revised Policy 6.07, Prevention Of Workplace Harassment; Revised Policy 6.11, Performance Management; Revised Policy 6.14, Tuition Reimbursement For Employee Education; Revised Policy 8.04, Establishing Wastewater Capacity Fees; And Revised Policy 9.01, Fire Control And Fuels Management On Watershed Lands.

## **DETERMINATION AND DISCUSSION**

### **9. Approve the proposed Fiscal Year (FY) 2026 Financing Plan.**

Treasury Manager Robert L. Hannay provided the presentation. As of June 30, 2025, the Water System has approximately \$2.8 billion in debt outstanding while the Wastewater System has approximately \$356 million in debt outstanding. In FY 2025, the District issued \$738 million in Water Bonds and \$77 million in Wastewater Bonds. Bond proceeds were used to reimburse the District for Capital Improvement Program (CIP) expenditures which meet the District's Green Bond Criteria - \$275 million for the Water System and \$30 million for the Wastewater System. The District also refinanced \$528.4 million of outstanding, callable Series 2015ABC Water Bonds and \$54.8 million in outstanding, callable Series 2015A-1 Wastewater Bonds, and retired \$20 million in Water commercial paper (CP). Proposed FY 2026 financing activities include issuing new money bonds as Green Bonds in the second half of the fiscal year to fund the CIP - \$355 million for the Water System and \$40 million for the Wastewater System. Since 2015, the District has issued nine series of Green Bonds and selects projects for funding using the Guidance for Issuing Green Bonds adopted by the Board in March 2022. Staff will also evaluate refunding up to \$400 million in outstanding Water System 2010B Build America Bonds (BABs) and up to

\$150 million in outstanding Wastewater System 2010B BABs for de-risking; monitor the market for refunding opportunities for debt service savings; and paydown at least \$10 million in Water System CP. The District's debt outstanding for FY 2026-year end is projected to be \$3.1 billion for the Water System and \$380 million for the Wastewater System. Staff is recommending the Board approve the FY 2026 Financing Plan. Mr. Hannay discussed potential impacts to the plan if short-term interest rates go down and long-term rates increase.

– Director Chan left the meeting at 1:25 p.m. and returned at 1:26 p.m.

- Motion by Director Katz, seconded by Director Gómez, to approve the recommended actions for Item 9 carried (6-0) by the following voice vote: AYES (Chan, Gómez, Katz, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (Lewis).

**Motion No. 173-25** – Approved the proposed Fiscal Year 2026 Financing Plan.

10. **Approve revisions to Policy 6.04 – Ethics of the EBMUD Board of Directors.**

General Counsel Derek T. McDonald provided the presentation. Several sections of Policy 6.04 were modified or moved to the Board of Directors Governance Manual or into other District policies during development of the governance manual. Additional policy edits were made based on Board input following adoption of the governance manual. Mr. McDonald discussed policy edits to the sections covering fair and open processes involving the public, use of confidential information, and exercising responsible financial management. Language was also added to clarify a Board member's right to request that a perceived policy violation be placed on the regular Board meeting agenda for determination and discussion. The policy section regarding Board member/General Manager relationship was moved to the governance manual, while the section on directors' compensation and expense reimbursements was incorporated into Policy 4.14 – Reimbursement of Director Expenses, and in the governance manual. The section regarding improper activities and the reporting of improper activities; protection of whistleblowers has been incorporated into a new, separate policy, Policy 6.16 – Protection of Whistleblowers which will be presented to the Finance/Administration Committee and the Board for discussion and approval on October 28, 2025. Staff is recommending the Board consider adopting the revised policy. Mr. McDonald and General Manager Clifford C. Chan addressed Board questions regarding Policy 6.16 clarifying that the policy, if adopted, would apply to Board members and staff and that until the Board adopts a policy, state and federal law will govern how whistleblowing is addressed at the District.

- Motion by Director Oddie, seconded by Director Katz, to approve the recommended actions for Item 10 carried (5-1) by the following voice vote: AYES (Gómez, Katz, Oddie, Smith, and Young); NOES (Chan); ABSTAIN (None); ABSENT (Lewis).

**Resolution No. 35461-25** – Adopting Revised Policy 6.04, Ethics Of The EBMUD Board Of Directors.

11. **Adopt a resolution to authorize a member of the East Bay Municipal Utility District Board of Directors or a senior staff member to be appointed to represent the District on the Siesta Valley Foundation Board of Directors.**

General Manager Clifford C. Chan reported the District issued a request for proposals for an entity to take over management and operation of EBMUD property previously run by California Shakespeare Theater in Orinda. The District is negotiating a lease agreement with the newly formed Siesta Valley Foundation (SVF). To complete its lease agreement, SVF needs to establish a new nonprofit foundation and one seat on the foundation's Board will be an EBMUD representative. This seat must be filled to enable the formation of the SVF Board. Manager of Natural Resources Michelle L. Workman provided additional detail regarding the lease negotiations and the need for the EBMUD Board to expeditiously authorize an EBMUD representative to be appointed to the SVF Board. General Counsel Derek T. McDonald clarified the actions to be taken after the Board authorized an appointee to represent the District on the SVF Board. President Young called for nominations. Director Gómez nominated President Marguerite Young to be appointed to represent the District on the SVF Board. President Young accepted the nomination. There were no additional nominations. The Board discussed the need to appoint an alternate representative, the process for appointing future representatives, and term limits on the SVF Board. It was clarified that the appointee serves at the pleasure of the Board. The current appointment will secure EBMUD's seat on the SVF Board so that SVF can proceed with establishing its nonprofit foundation.

- Motion by Director Chan, seconded by Director Oddie, to authorize a member of the East Bay Municipal Utility District Board of Directors or a senior staff member to be appointed to represent the District on the Siesta Valley Foundation Board of Directors carried (6-0) by the following voice vote: AYES (Chan, Gómez, Katz, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (Lewis).
- Motion by Director Gómez, seconded by Director Smith, to appoint Director Marguerite Young to represent the East Bay Municipal Utility District on the Siesta Valley Foundation Board of Directors carried (6-0) by the following voice vote: AYES (Chan, Gómez, Katz, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (Lewis).

**Resolution No. 35462-25 – Appoint Director Marguerite Young To Represent The East Bay Municipal Utility District On The Board Of Directors Of The Siesta Valley Foundation.**

12. **General Manager's Report.**

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

**DIRECTOR COMMENTS**

13. **Other Items for Future Consideration.**

None.

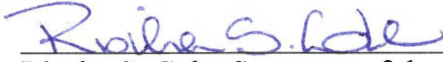
**14. Director Comments.**

- Director Chan shared pictures and video from RoboSub 2025, an international student competition where student teams from around the world design and build robotic submarines, otherwise known as Autonomous Underwater Vehicles. Director Chan's son and teammates from San Diego State University won 5<sup>th</sup> place in the competition held August 11-17 in Irvine, CA.
- Director Gómez reported participating in the site visit to Forest Projects Plan Phase 1 project areas in the Eldorado National Forest led by Blue Forest Conservation following the UMRWA Board meeting on July 25.
- Director Katz reported receiving requests from Berkeley city councilmembers to tour the Main Wastewater Treatment Plant following a tour of the plant with the Mayor of Berkeley and Director Oddie on July 15. Director Katz suggested a future tour to include other councilmembers that represent cities served by the plant.
- Director Oddie reported attending the Alameda Labor Council's Unionist of the Year dinner along with President Young in Oakland on August 22; and the Oakland Ballers game and Chinatown Streetfest both in Oakland on August 23. He acknowledged Community Affairs Representative II Sun Kwong Sze for translating during events and Public Information Representative III Tracie D. Morales for coordinating Board participation at the Oakland Ballers' game. Director Oddie also acknowledged and thanked the staff that interacted with the media and the crews that worked through the night to repair a large main break in Webster Street in Alameda.
- Director Smith reported attending the West County Forum in San Pablo on August 14 and the Oakland Ballers game in Oakland on August 23.
- President Young reporting participating in the CalShakes Community Review Committee meeting to discuss the proposal received from Siesta Valley Entertainment, LLC in Orinda on August 6 and throwing out the first pitch at the Oakland Ballers game in Oakland on August 23. Director Young announced the upcoming Oakland Pride parade on September 7.
- Director Lewis had no report.

**ADJOURNMENT**

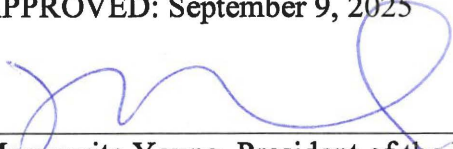
President Young adjourned the Regular Meeting at 2:03 p.m.

SUBMITTED BY:



\_\_\_\_\_  
Rischa S. Cole, Secretary of the District

APPROVED: September 9, 2025



\_\_\_\_\_  
Marguerite Young, President of the Board

