

## **MINUTES**

**Tuesday, September 23, 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, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call.

Staff participants included General Counsel Derek T. McDonald.

### **PUBLIC COMMENT**

- Addressing the Board was Gary Walters II Engineering Designer II, who commented on workplace violence and being retaliated against. He asked the Board to review how HR, management and supervisors are handling complaints and implementing District policies and procedures.

President Young requested information regarding Mr. Walters' comments and information on the number of complaints filed with HR that have been validated, upheld, or dismissed within the past year. President Young also asked Human Resources Director Cindy R. Charan to follow up with Mr. Walters.

### **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 1:20 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.

## **PRESENTATIONS**

### **Recognizing National Disability Employment Awareness Month and the EBMUD Disability Advocacy and Rights Team Affinity Group**

Director Lewis announced the Disability Advocacy and Rights Team, also known as DART, was founded in 2022 as a District affinity group and provides a community for employees with disabilities, caretakers of disabled people, and employees who want to learn more about disability. DART also supports the District's efforts to promote the hiring of qualified individuals with disabilities. Each October, the United States Department of Labor recognizes National Disability Employment Awareness Month, also known as NDEAM. NDEAM commemorates the many contributions of people with disabilities to America's workplaces and economy. The theme for NDEAM 2025 is "Celebrating Value and Talent." DART will be hosting a variety of activities throughout October in multiple District locations with a kickoff celebration on October 8th. On behalf of the Board of Directors, Director Lewis thanked DART for their contributions and leadership in supporting individuals with disabilities and encouraged all District staff to celebrate and participate in NDEAM activities.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board was Gary Walters II Engineering Designer II, who commented on his family's Native American heritage, California Native American Day, Orange Shirt Day, and National American Indian Heritage Month. He encouraged the District to participate in Orange Shirt Day which is celebrated on September 30 and to consider recognizing and celebrating the Indigenous people of the Americas.

## **COMMITTEE REPORTS**

- Filed with the Board were the Minutes for the September 9, 2025 Planning and Legislative/Human Resources Committee Meetings.
- Director Lewis reported the Finance/Administration Committee met earlier and received updates on the August 2025 Monthly Investment Transactions Report; Fiscal Year 2025 Annual Budget Performance Report; A New Policy (Policy 6.16 – Protection of Whistleblowers) and Revisions to District Policies; and the Fiscal Year 2025 Annual Hydropower Revenue Report.

## **CONSENT CALENDAR**

- Agenda Items 4, 5, 10 and 12 were removed from the Consent Calendar for separate discussion.

- Motion by Director Lewis, seconded by Director Gómez, to approve the recommended actions for Items 1-3, 6-9, 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. The following correspondence was filed with the Board: **1)** Presentation entitled, “Concrete Repair Services,” dated September 23, 2025; **2)** Speakers’ Bureau and Outreach Record CY25, dated September 23, 2025; **3)** Email dated September 22, 2025 from George Cleveland to Office of the Secretary regarding Questions for you re: Pearson hearing; and **4)** Email dated September 23, 2025 from Eric Larsen to Office of the Secretary regarding Agenda Item #2 (Ductile Iron Pipe).
2. **Motion No. 189-25** – Awarded a contract beginning on or after September 23, 2025 to the lowest responsive/responsible bidder, Capital Flow, for supplying ductile iron pipe, fittings and appurtenances for the District’s Pipeline Replacement Program for one year, with four options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$125,000,000 under Request for Quotation No. 2507A.

Staff was asked to provide information to the Board and a response to Eric Larsen regarding Mr. Larsen’s September 23, 2025 email regarding ductile iron pipe.

3. **Motion No. 190-25** – Authorized an agreement beginning on or after September 23, 2025 with American Equipment Systems dba Allied Crane for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$765,000 for crane inspections, certification for cranes over three tons, and minor repairs.
4. **Authorize an agreement beginning on or after September 23, 2025 with Freyer and Laureta, Inc. for \$750,000 for three years, with one option to renew for an additional two-year period for a total amount, including option years, not to exceed \$1,250,000 for on-call pipeline engineering design support.**
  - Addressing the Board were the following: 1) Gary Walters II, Engineering Designer II and ratepayer expressed opposition to contracting out this work and asked the Board to pause and investigate the merits of the request; and 2) Justin Young, President, AFSCME Local 2019 commented on management’s notification process for the union to review and comment on projects. Mr. Young confirmed that the union does not oppose the agreement but is concerned about continual contracting for this work.

General Manager Clifford C. Chan confirmed management met with the unions and that the unions did not oppose contracting for this work. He described the scope of work and confirmed the services would only be used if staff is unable to meet a project’s timeline. There was Board discussion regarding contract utilization, whether approval of the agreement is urgent or a priority, and the amount of time that has passed since the initial notification regarding this agreement. Director of Customer and Community Services Andrew L. Lee clarified how often the services have been used in the past. Staff was asked to provide a contract utilization report for this and other contracts during the next budget cycle and to consider providing additional notification to the unions when a significant amount of time has passed between the initial notification and the date an item is presented for Board consideration.

- Motion by Director Gómez, seconded by Director Lewis, to approve the recommended actions for Item 4 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. 196-25** – Authorized an agreement beginning on or after September 23, 2025 with Freyer and Laureta, Inc. for \$750,000 for three years, with one option to renew for an additional two-year period for a total amount, including option years, not to exceed \$1,250,000 for on-call pipeline engineering design support.

- 5.1. – **Authorize agreements beginning on or after September 23, 2025 with Arrowhead Concrete Construction; Bruce Enterprises; Solid Ground Masonry & Concrete Inc.; and Sonnikson and Stordahl Construction for one year in an aggregate amount not to exceed \$2,000,000 for concrete repair services; and authorized additional agreements for concrete repair services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 23, 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.**
- 5.2.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444 who said the union objects to contracting out core work and to the decision to fill the Paving Crew Foreman and Concrete Finisher positions as limited-term rather than permanent, full-time. He asked that during the next budget cycle, the District use some of the contract dollars to fund permanent, full-time concrete finisher and foreman positions.

General Manager Clifford C. Chan commented on discussions with Local 444 regarding using Limited-Term positions to address a backlog of work while maintaining prior agreements to keep staffing levels and contract spending flat. Mr. Chan noted the District will analyze ongoing workloads to determine if the positions will need to be converted to permanent, full-time. Manager of Maintenance and Construction/Water Operations Crystal J. Yezman provided a presentation detailing the difference in concrete work performed by District staff and contractors. Ms. Yezman described the current backlog of work and staffing considerations, and responded to Board questions about how much contracted work was typical contractor work versus work usually performed by District forces, such as meter-related tasks. Mr. Larsen withdrew the union’s objection to contracting for this work but reiterated the union’s request to allocate funding for permanent, full-time concrete finisher and foreman positions during the next budget cycle. The Board requested an update on fully maintained and operated contract utilization during the next budget cycle.

- Motion by Director Katz, seconded by Director Smith, to approve the recommended actions for Item 51.-5.2 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. 197-25** – Authorized agreements beginning on or after September 23, 2025 with Arrowhead Concrete Construction; Bruce Enterprises; Solid Ground Masonry & Concrete Inc.; and Sonnikson and Stordahl Construction for one year in an aggregate amount not to exceed \$2,000,000 for concrete repair services; and authorized additional agreements for concrete repair

services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 23, 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.

6. **Motion No. 191-25** – Authorized an amendment to the purchase originally authorized under Board Motion No. 065-25 with Protiviti Government Services, Inc. to increase the purchase amount by \$125,000 to a total amount not to exceed \$325,000 to support deployment of laptops, workstations, and supporting devices. This purchase will be made under State of California contracts available for use by local governments.
7. **Motion No. 192-25** – Authorized an amendment to the elevator maintenance agreement originally authorized under Board Motion No. 139-23, with TK Elevator Corporation to increase the agreement amount by \$65,141 to a total amount not to exceed \$836,744, to provide for installation of security cameras and associated cabling in elevators at the District's Administration Building at 375 11th Street in Oakland, California, without change to the agreement expiration date.
8. **Motion No. 193-25** – Authorized an amendment to the agreement originally authorized under Board Motion No. 170-19 with Safety Holdings, Inc. dba SambaSafety to increase the agreement amount by \$270,000 and extend the agreement term to September 30, 2028, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$534,000 for SambaSafety, an online driver record monitoring service.
9. **Motion No. 194-25** – Authorized a 19.1 percent premium increase for each of the following Sutter Health Plans effective January 1, 2026 - Health Maintenance Organization plan for active employees and Retiree Health Maintenance Organization plan for early retirees (under age 65).
10. **Authorize a purchase beginning on or after September 9, 2025 from NuSpective, Inc. for implementation support and a three-year subscription to deploy network firewalls to Amazon Web Services in an amount not to exceed \$115,653.84. This purchase will be made under State of California contracts available for use by local governments.**

- Director Oddie pulled the item to report he received an email from a concerned employee and ratepayer questioning whether the work, which may not be temporary, could be handled by staff instead of being outsourced. Staff was asked to respond.

Andrew Szeto, Information Services Supervisor, explained the District proposes contracting for these services to maintain operating system security and perform routine updates while staff focuses on upcoming upgrades to other District systems.

- Motion by Director Oddie, seconded by Director Lewis, to approve the recommended actions for Item 10 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. 198-25** – Authorized a purchase beginning on or after September 9, 2025 from NuSpective, Inc. for implementation support and a three-year subscription to deploy network

firewalls to Amazon Web Services in an amount not to exceed \$115,653.84. This purchase will be made under State of California contracts available for use by local governments.

11. **Motion No. 195-25** – Approved the August 2025 Monthly Investment Transactions Report.
12. **Adopt District Policy 6.16 – Protection of Whistleblowers and approve revisions to the following District policies: Policy 7.11 – Use of District Bay Area Facilities; Policy 9.03 – Water Supply Availability and Deficiency; and Policy 9.07 – Dam Safety Program.**

President Young announced the Board will not consider Policy 6.16 – Protection of Whistleblowers but would still consider approving the revisions to the remaining policies. Director Lewis, Finance/Administration Committee Chair reported the Committee met earlier and approved the staff recommendation for all policies by two votes. She provided feedback to staff regarding Policy 6.16 and abstained from voting. General Manager Clifford C. Chan summarized the comments and feedback received regarding Policy 6.16 during the committee meeting and said staff will update the policy and present it to the Finance/Administration Committee for review and to the Board for consideration and approval at a future date. Director Chan read excerpts from an email received from a ratepayer about Policy 6.16 and commented on receiving reports from employees regarding retaliation. Director Chan was asked to provide a copy of the email to staff for consideration during the policy update.

- Motion by Director Katz, seconded by Director Oddie, to adopt revised Policy 7.11, revised Policy 9.03, and revised Policy 9.07 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35465-25** – Adopting Revised Policy 7.11, Use Of District Bay Area Facilities; Revised Policy 9.03, Water Supply Availability And Deficiency; And Revised Policy 9.07, Dam Safety Program.

### **DETERMINATION AND DISCUSSION**

13. **Adopt a resolution to declare October 1, 2025, to be “California Clean Air Day” at the District and to encourage all employees to participate in California Clean Air Day.**

Director of Operations and Maintenance David A. Briggs announced this was the fifth year the District will be recognizing California Clean Air Day. He highlighted activities planned by the District’s employee-led Sustainability Committee and actions the District is taking to honor its commitment to reduce air pollution and carbon emissions.

- Director Chan left the meeting at 2:11 p.m. and returned at 2:13 p.m.

- Motion by Director Katz, seconded by Director Gómez, 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).

**Resolution No. 35466-25** – Resolution Supporting Declaration Of California Clean Air Day.

**14. General Manager’s Report.**

General Manager Clifford C. Chan discussed the recent earthquakes and the subsequent inspections staff conducted at the water treatment plants. Staff will provide an update on preparedness at the October 14, 2025 Planning Committee meeting. He also announced the Speakers’ Bureau and Outreach Record CY25 had been provided at Board places.

**DIRECTOR COMMENTS**

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

None.

**16. Director Comments.**

- Director Chan reported attending the Castro Valley Sanitary District ribbon cutting event for the completion of its Operations and Engineering Building on September 10 and the Oakland Zoo Annual Donor Reception on September 12.
- Director Gómez reported participating in the San Ramon Valley Leadership Academy and attending the following: Oakland Zoo Annual Donor Reception on September 12; Water, Energy, and Environmental Task Force of the East Bay Leadership Council on September 16 in Walnut Creek; Annual Leadership in Sustainability Awards Gala in Pleasant Hill on September 17; and the Lafayette Art, Wine and Music Festival on September 20.
- Director Katz reported participating in the Solano Avenue Stroll and Parade in Berkeley on September 13.
- Director Lewis reported attending the Alameda County Mayors Conference in Oakland on September 10; congratulated the San Francisco and Oakland Bay Area chapters of The Links Incorporated on their 75<sup>th</sup> anniversary; and announced the recent passing of Pastor Emeritus J. Alfred Smith, Sr. of the Allen Temple Baptist Church in Oakland.
- Director Oddie reported attending the Oakland Chinatown Night Market on September 13; the Asian Health Services Gala on September 20 in Oakland; and plans to participate in the District 3 Emergency Preparedness Day which is being sponsored by the District along with Alameda County Board of Supervisor Lena Tam in San Leandro on October 18.
- Director Smith reported attending the West County Forum on September 11 in San Pablo; Annual Leadership in Sustainability Awards Gala in Pleasant Hill on September 17; and the Richmond Main Street Initiative’s Spirit and Soul Festival on

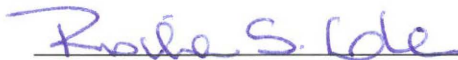
September 20.

- President Young reported speaking on behalf of the District at a memorial for David “Chicken” Nesmith at Bishop O’Dowd in Oakland and touring the Orinda Water Treatment Plant with staff and elected officials on September 19.

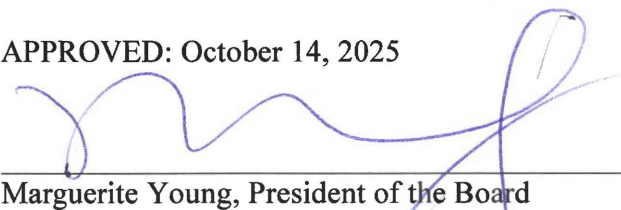
**ADJOURNMENT**

President Young adjourned the Regular Meeting at 2:28 p.m.

SUBMITTED BY:

  
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Rischa S. Cole, Secretary of the District

APPROVED: October 14, 2025

  
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Marguerite Young, President of the Board