

## MINUTES

**Tuesday, October 28, 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 Luz Gómez, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call. Director April Chan arrived at 11:04 a.m.

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

### PUBLIC COMMENT

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who expressed ongoing concerns with District recruitment practices and asked the Board to calendar a review of the Human Resources Department's criteria for determining when to conduct closed, promotional or open, external recruitments for a Legislative/Human Resources Committee meeting.

President Young requested additional information and asked staff to calendar this topic for a future Legislative/Human Resources Committee meeting.

### 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.

## **PRESENTATIONS**

### Honoring the life and legacy of retired Director Willam B. Patterson

Director Valerie D. Lewis read a proclamation honoring Director Patterson who passed away on October 21, 2025. The proclamation highlighted Director Patterson's 27 years of exemplary public service to EBMUD and the East Bay community. It recognized his historic tenure as EBMUD's first African American Board President, his leadership in advancing public health protections, workforce development, contract equity, and advocacy for environmental stewardship and fiscal accountability. The Board expressed collective gratitude for Director Patterson's contributions and extended sincere condolences to the Patterson family. Board members shared brief, heartfelt reflections honoring Director Patterson's leadership, mentorship, integrity, perseverance, compassion, and lifelong commitment to public service, emphasizing that his work continues to inspire the District's mission and spoke of ways the District could further honor Director Patterson's legacy. President Young highlighted Director Patterson's deep connection to the Oakland community and influence on civic leadership. Secretary of the District Rischa S. Cole recalled his quiet strength and dignity, while General Manager Clifford C. Chan recalled their many conversations and described him as a bridge builder who championed equity and education.

- Addressing the Board were the following: 1) Delane Sims, Patterson family friend, spoke on behalf of the Patterson family and expressed heartfelt gratitude to the Board and staff for celebrating and honoring his legacy. She shared that Director Patterson deeply valued his relationships at EBMUD and that she recognized the love felt for him at the District; 2) Doug Linney, former EBMUD Director, commented about serving with Director Patterson, recalling his passion for clean water, integrity, and dedication to the East Bay community. He described Director Patterson as "the conscience of the District," whose moral leadership and loyalty inspired both staff and colleagues. Linney said Director Patterson's integrity, service, and humanity will continue to guide and inspire others; 3) Frank Mellon, former EBMUD Director on behalf of himself and former EBMUD Director John Coleman, commented on Director Patterson's legacy, describing him as a man of integrity, dignity, and unwavering dedication to the Oakland community. He recalled Director Patterson's strong moral character, respectful leadership, and deep commitment to public service. Mr. Mellon praised Director Patterson as an extraordinary man whose impact and example will continue to inspire others; and 4) Lynelle Lewis, former EBMUD Secretary of the District recalled Director Patterson's appointment to the Board, supporting him during her years of service, and describing him as a man of great character, strength, and conviction who deeply loved the Oakland community and EBMUD. She recalled his wisdom, storytelling, and the encouragement he provided to her and others.

Staff presented a memorial video, and the Board observed a moment of silence in honor of Director William B. Patterson.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Justin Young, President, AFSCME Local 2019, commented on transparency in the actual costs for capital improvement projects and past projects on which Local 2019 objected to contracting out. Local 2019 plans to object to an upcoming request to amend contracts to request additional funding for projects in progress at the Orinda Water Treatment Plant. Mr. Young asked the Board to strengthen fiscal transparency at the District; and 2) Kelly A. commented on a new data center project in Pittsburg that is believed to be receiving wholesale water from EBMUD and thanked the District for being environmentally responsible.

General Manager Clifford C. Chan confirmed the District does not provide wholesale water service in Pittsburg, and that the city is outside of EBMUD's service area.

## **COMMITTEE REPORTS**

- Filed with the Board were the Minutes for the October 14, 2025 Planning, and Legislative/Human Resources Committee meetings.
- President Young reported the Board met this morning for the Long-term Infrastructure Investment Workshop and received a presentation on the primary drivers, strategies, and processes to prioritize the District's long-term infrastructure investment and 10-Year Capital Improvement Program (CIP); major CIP projects for the Water and Wastewater systems, and Water and Natural Resources; and pressures facing the District's CIP.
- Chair Lewis reported the Finance/Administration Committee met this morning and received updates on the Monthly Investment Transactions Report for September; Restatement of Monthly and Quarterly Investment Reports; Quarterly Financial Reports; and the Fiscal Year 2025 Key Performance Indicators Report.

## **CONSENT CALENDAR**

- Agenda Item 6 was pulled from the Consent Calendar. Agenda Items 7.1-7.2 were pulled from the Consent Calendar for separate discussion.
  - Motion by Director Smith, seconded by Director Gómez, to approve the recommended actions for Items 1-5, and 8-12 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. 211-25** – Approved the Regular Meeting Minutes of October 14, 2025 and the Special Meeting Minutes of October 22, 2025.

2. The following correspondence was filed with the Board: **1) Speakers' Bureau and Outreach Record CY25**, dated October 28, 2025; **2) Email dated October 23, 2025 from Mat Fogarty to Office of the Secretary regarding Trail Use Permits and comments for 10/28 mtg;** and **3) Email dated October 26, 2025 (with attachment) from Frank Mellon to Board members regarding Agenda Item #13 – Director Chan's Response.**
3. **Motion No. 212-25** – Awarded a contract to the lowest responsive/responsible bidder, Innovative Construction Solutions, in an amount not to exceed \$9,374,000 for the construction of the Main Wastewater Treatment Plant Digesters 7, 11 and 12 Rehabilitation, under Specification SD-450.
4. **Motion No. 213-25** – Awarded a contract beginning on or after October 28, 2025 to the lowest responsive/responsible Integrated Power Services, LLC, for supplying seven revenue and protection transformers, for a total cost, after the addition of taxes, not to exceed \$252,142 under Request for Quotation No. 2517.
5. **Motion No. 214-25** – Authorized agreements beginning on or after October 28, 2025 with Enthalpy Analytical, LLC; McCampbell Analytical Inc.; and Vitisystems Inc. dba Caltest Analytical Laboratory for two years with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$750,000 for laboratory analytical services.
6. **Authorize the purchase of telematics related software, hardware, service, training, and support beginning on or after October 28, 2025 from Geotab USA, Inc. (Geotab), for three years with two options to renew for additional one-year periods for a total amount not to exceed \$1,400,000. This purchase will be made under State of California contracts available for use by local governments.**

– President Young announced this item was pulled from the agenda.

- 7.1. – **Authorize agreements beginning on or after October 28, 2025 with City Rise, LLC; CMC**
- 7.2. **Traffic Control Specialists Inc.; Escano & Associates Inc.; National Trench Safety dba National Trench Safety Traffic Solutions; Statewide Traffic Safety and Signs Inc. dba AWP Safety; and Traffic Control Pros for one year, in an aggregate amount not to exceed \$2,704,000 for flagging services; and authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 28, 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.**

– Addressing the Board was Eric Larsen, President, AFSCME Local 444 who commented that while the union has continuing concerns about contracting out, the union supports these agreements. Mr. Larsen thanked District management for meeting with the union about the agreements and expressed appreciation to staff and the Board.

- Motion by Director Oddie, seconded by Director Chan, 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. 210-25** – Authorized agreements beginning on or after October 28, 2025 with City Rise, LLC; CMC Traffic Control Specialists Inc.; Escano & Associates Inc.; National Trench Safety dba National Trench Safety Traffic Solutions; Statewide Traffic Safety and Signs Inc. dba AWP Safety; and Traffic Control Pros for one year, in an aggregate amount not to exceed \$2,704,000 for flagging services; and authorized additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 28, 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.

8. **Motion No. 215-25** – Authorized an amendment to the purchase originally awarded under Board Motion No. 188-23, with DLT Solutions, LLC to increase the purchase amount by \$608,737 to a total amount not to exceed \$1,136,151 and to extend the purchase term to January 25, 2028 for supplying Autodesk computer-aided design software. This purchase will be made under State of California contracts available for use by local governments.
9. **Motion No. 216-25** – Approved the revised January 2025 to June 2025 Monthly Investment Transactions Reports.
10. **Motion No. 217-25** – Approved the September 2025 Monthly Investment Transactions Report.
11. **Resolution No. 35467-25** – Authorize Equity Adjustment Increases For The Following Classifications Represented By The International Federation Of Professional And Technical Engineers, Local 21: Senior Electrical Engineer And Hydroelectric Power Plant Supervisor; And The Following Classifications Represented By The American Federation Of State, County And Municipal Employees, Local 2019: Associate Control Systems Engineer And Construction Inspector.
12. **Resolution No. 35468-25** – In Memory Of Retired Director William “Bill” Patterson Honoring His Life And Legacy Of Service To The East Bay Municipal Utility District.

### **DETERMINATION AND DISCUSSION**

13. **Discuss the Executive Summary of the confidential report of the investigation of complaints by Ms. Tiffany Conway and District employees against Director April Chan and provide direction to staff regarding any action the Board may wish to consider and adopt at the November 12, 2025 Regular Board meeting.**

President Young asked General Counsel Derek T. McDonald to summarize the staff report. Mr. McDonald clarified his role in the proceedings which is to advise on process only. The General Counsel nor staff will be making recommendations on what actions, if any, the Board should take in this matter. He reviewed the findings in the Executive Summary which were based on a

preponderance of the evidence e.g., what did more than 50 percent of the evidence on each issue show. The Board will discuss the Executive Summary and make recommendations to staff on any actions it may wish to take. If the Board recommends actions, the actions will be considered at the Regular meeting on November 12. Mr. McDonald outlined some of the actions listed in the staff report, noting the list is not inclusive. Some options include taking no action; adopting a resolution of censure or disapproval of Director Chan; removing Director Chan from Board Officer and Committee positions; suspending reimbursement for conference attendance; and directing or conditioning actions on measures to improve interactions. In addition, at its November 12 Regular meeting, the Board will need to consider an action regarding the Vice President of the Board position. The Board elected Director Chan as Vice President of the Board at its January 14, 2025 meeting. At the May 13, 2025 Regular Board meeting, Director Chan voluntarily stepped down as Vice President and the Board “[e]lected Director Luz Gómez as Interim Vice President of the Board of Directors, [to] serve pending the results of investigations and until such further action as the Board may take at a future meeting.” Based on this May 13 action, the Board will need to consider whether to remove Director Chan as Vice President and, if so, vote to continue with Director Gómez as Interim Vice President or elect a new Vice President to serve the remainder of Director Chan’s term. Based on feedback from the Board today, if the Board recommends any actions, staff will prepare documents for Board consideration at its November 12 meeting. President Young reaffirmed the Board’s commitment to transparency, fairness, and the highest ethical standards in public service and said these proceedings are required to be conducted during a public meeting. She summarized the District’s actions to investigate the complaints against Director Chan, reiterated the options previously outlined by the General Counsel, and clarified that public comment would be received following Board discussion. She offered Director Chan the opportunity to read the rebuttal statement she submitted to the District or to make an additional statement. Director Chan asked, and the General Counsel confirmed she would have the opportunity to provide a response and participate in discussions before the Board takes action, if recommended, at its November 12 meeting. Director Chan elected to hear the Board discussion before providing a response. There was considerable Board discussion and comment about the investigation, Executive Summary findings, and the options outlined by the General Counsel. Board members emphasized the importance of respect, dignity, and accountability in Board service, noting elected officials represent the entire District, its staff, and the public. Several members expressed concern about the impact of the reported incidents on staff morale and the District’s image, and stated a desire to restore a safe, collegial work environment. Many favored forward-looking steps such as training, coaching, and clearer standards, while asking Director Chan to display self-awareness and a willingness to change. There was discussion regarding possible actions, with some Board members expressing either openness or reservations to censuring and making adjustments to leadership roles held by Director Chan if needed. Some also expressed support for converting key sections of the Board governance manual into enforceable policies and expressed the need to ensure Directors provide truthful, timely, and accurate communications to constituents. Several Directors indicated their decision to take action would depend on Director Chan’s response and emphasized that the discussion should not be viewed as punitive but rather as an opportunity to reaffirm EBMUD’s commitment to integrity, professionalism, and mutual respect. There was general consensus that a formal response, including a resolution of censure and additional training, would best serve the interests of the organization and reinforce the standards expected of all Board members. Board members asked General Manager Clifford C. Chan for clarification regarding Director Chan’s claims that disclosing \$279 million in undisclosed internal fund transfers led to retaliation against her. General Manager. Chan reviewed previous discussions

regarding this matter and reiterated that staff had Board authority to transfer these appropriations. He reported that following a September 2024 Board update, staff began providing an update on appropriation transfers over \$2.5 million in the General Manager's monthly report. The Board also asked for clarification on Director Chan's actions concerning the Miller Road Project in Castro Valley and the Quarry Project which she also believes led to retaliation against her. General Manager Chan highlighted previous discussions and the status of each project.

- Director Smith left the meeting at 2:36 p.m. and returned at 2:40 p.m.

There was additional Board discussion regarding Director Chan's written rebuttal to the Executive Summary and the timeline for resolving outstanding allegations from Director Chan against President Young. Director Chan addressed the Board, acknowledging the concerns raised but disputing certain characterizations of her behavior. She expressed willingness to participate in additional training but requested that the record reflect her disagreement with some of the findings.

- Addressing the Board were the following: 1) Michelle, Fairview resident, commented on the Executive Summary, expressed concern about the investigation into Director Chan and questioned its cost to ratepayers. Michelle urged the Board to move forward in a constructive and positive manner; 2) George Cleveland, former employee commented on the Executive Summary and Director Chan's alleged conduct toward staff, urged the Board to proceed with censure, and recommended Director Chan resign; 3) Lester Mensinger commented on trench soils, the findings in the Executive Summary and Director Chan's job serving her constituents. He urged the Board to release all complaints against all Directors and for equal accountability and training for all; 4) Chris Moore commented on the investigation into Director Chan and the findings. He asked the Board to investigate all Directors equally before reaching conclusions; 5) Frank Mellon, former EBMUD Director, commented on his tenure on the Board, witnessing similar conduct, and Director Chan's response to comments from Board members about remorse or sincerity. He urged the Board to recommend censure and to remove Director Chan from all leadership roles; 6) Kat Wellman commented on the fairness and integrity of the investigation involving Director Chan, how the complaint was discussed publicly before the investigation began, and the Executive Summary findings. She praised Director Chan's representation and advocacy for her constituents and urged the Board to promote fairness and teamwork; 7) Twan Ngo commented on the investigation, due process and the Board taking action before the investigative report was complete. He commended Director Chan's advocacy on community issues and urged the Board to ensure transparency and fairness; and 8) Brett York, EBMUD Human Resources Analyst II, commented on previous experience with staff assisting him while retrieving his late mother's artwork that had been exhibited in the building. He addressed Director Chan about being accountable and urged the Board to uphold Director Patterson's legacy through integrity and self-reflection.

There was additional Board discussion and Director Chan acknowledged the comments from Board members on how the report made them feel and commented on a potential conflict with the firm selected to mediate discussions concerning her allegations against President Young. Board discussions continued regarding the findings in the security and investigative reports, and the actions being considered. Following further discussion, the Board directed staff to prepare a

resolution of censure and a staff report that outlines steps to consider removing Director Chan from leadership positions, including as Chair of the Board Planning Committee, and as the District representative on external-facing bodies such as JPAs, the ACWA JPIA, and other associations. Staff was also directed to include considerations for suspending reimbursement for certain expenses, training and coaching requirements, and directions to participate in facilitated mediation or discussions with staff at staff's discretion. General Manager Chan noted the staff report will also include information for the Board to consider taking action regarding the role of Vice President. Staff will provide an update on converting sections of the Board governance manual to policies at a later date. General Counsel McDonald outlined how the Board will handle the resolution of censure and other Board actions at its November 12 meeting. The Board concurred with the outlined approach.

- Director Lewis left the meeting at 3:37 p.m. and returned at 3:39 p.m.
- Director Oddie left the meeting at 3:38 p.m. and returned at 3:40 p.m.
- Director Smith left the meeting at 3:38 p.m. and returned at 3:39 p.m.
- Director Chan left the meeting at 4:45 p.m.

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

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.**

President Young asked Board members to submit their comments in writing to the Secretary.

**ADJOURNMENT**

President Young adjourned the Regular Meeting at 4:46 p.m.

SUBMITTED BY:



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Rischa S. Cole, Secretary of the District

APPROVED: November 12, 2025



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Marguerite Young, President of the Board