

MINUTES

Tuesday, October 14, 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 11:03 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors Luz Gómez, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call. Director April Chan arrived at 11:08 a.m. Director Andy Katz arrived at 11:16 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, ratepayer and President of AFSCME Local 444, commented on the October 9, 2025 information memo to the Board in response to an email he sent regarding joint bonding ductile iron pipe by CAD welding. He expressed concern about joint bonding potentially damaging pipe and safe working conditions while performing this work; 2) Ryan A. Fierner, General Pipe Supervisor, commented on the equity adjustment request for General Pipe Supervisors; 3) Bret R. Bergmark, General Pipe Supervisor, commented on equity adjustments and retention concerns for General Pipe Supervisors; 4) Brian N. Wolverton, General Pipe Supervisor, commented on equity adjustments for General Pipe Supervisors and documents submitted to Human Resources and the Board; 5) Jeremy D. Williams, General Pipe Supervisor commented on the equity adjustment request for General Pipe Supervisors, Human Resources staff's review of the request, and the classification's current job scope and responsibilities; and 6) Perry J. Foreman, General Pipe Supervisor, commented on the equity adjustment request for General Pipe Supervisors.

General Manager Clifford C. Chan said he would provide a response to the Board regarding Eric Larsen's comments.

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

California Association of Public Information Officials STAR Award

General Manager Clifford C. Chan announced the District received the 2025 STAR Award in the water category for “H2Flow,” a music and video collaboration with the Grammy Award-winning Alphabet Rockers and Oakland elementary school students to celebrate World Water Day on March 22, 2025. The STAR Award honors standout storytelling, transparency, and impact in public sector communications. The video is also a finalist for the 2025 Association of California Water Agencies’ Huell Howser Excellence in Communication Award, with the winner to be announced at their fall conference. President Young congratulated staff for their work and presented the award to Senior Community Affairs Representative Kathryn A. Horn and Community Affairs Representative III Christine M. Byrne. Public Information Representative III Tracie D. Morales also contributed to the project but was not present.

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 September 23, 2025 Finance/Administration Committee meeting.
- Director Chan reported the Planning Committee met earlier and received updates on the Fiscal Year 2025 Annual Readiness Report and the Joint Study Agreement for Fisheries.

- Director Gómez reported the Legislative/Human Resources Committee met earlier and received the Diversity, Equity, and Inclusion Strategic Plan Update – Inclusive Culture.
- Director Chan reported the DERWA Board met on September 22, 2025 and selected Georgan Vonheeder-Leopold as Vice-Chair; received a presentation on DERWA backwash; received the Quarterly Investment Report for June 30, 2025; and discussed DERWA’s Spring Open House event.
- Director Smith reported the UMRWA Board met on October 3, 2025 and approved the July 25, 2025 Board meeting minutes; accepted for filing the Treasurer’s Report – 3rd Quarter Fiscal Year 2025; approved the Highest Qualified Contractors List, and the Phase 1 - Forest Projects Plan Implementation Report; and discussed the Phase 2 - MAC Forest Health and Resilience Project Report, as well as legislative issues.

CONSENT CALENDAR

- Motion by Director Chan, seconded by Director Katz, to approve the recommended actions for Items 1-11 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. 199-25** – Approved the Regular Meeting Minutes of September 9, 2025 and September 23, 2025; and the Special Meeting Minutes of October 7, 2025.
 2. The following correspondence was filed with the Board: **1)** Speakers’ Bureau and Outreach Record CY25, dated October 14, 2025; **2)** Email dated October 9, 2025 from Dwight George to Rischa Cole regarding BOD Communications (with attachments); **3)** Email dated October 13, 2025 from George Cleveland to Office of the Secretary regarding Comment for Item #12 on the 10/14/25 Board Agenda; **4)** Email dated October 13, 2025 from Jeremy Williams to Rischa Cole regarding GPS documents for the BOD (with attachments); **5)** Email dated October 14, 2025 from Dwight George to Rischa Cole regarding BOD Communications (with attachments); **6)** Document (undated) listing C[L]ASSIFICATION, Salary Range, Yearly, Employees Supervised, Number of Employees, and Education & Experience; and **7)** Memo dated October 9, 2025 from Crystal J. Yezman, Manager of Maintenance and Construction regarding Follow-up on Public Comment Regarding Ductile Iron Pipe.
 3. **Motion No. 200-25** – Awarded a sole source contract beginning on or after October 14, 2025 to Advanced Telemetry Systems for supplying acoustic telemetry transmitter tags to support a collaborative study with the United States Geological Survey and California Department of Water Resources investigating the influence of Delta hydrodynamics on key factors affecting out-migrating juvenile Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*) in the Mokelumne River for a total cost, after the addition of taxes, not to exceed \$2,275,000.
 4. **Motion No. 201-25** – Authorized an agreement beginning on or after October 14, 2025 with American Integrated Services, Inc. in an amount not to exceed \$163,936 for trunk drain line blockage removal and cleaning services at the Main Wastewater Treatment Plant.

5. **Motion No. 202-25** – Authorized an agreement beginning on or after October 14, 2025 with Customized Energy Solutions Limited in an amount not to exceed \$269,560 to evaluate the feasibility of a battery energy storage system near Camanche Reservoir and four other District facilities with planned photovoltaic generation.
6. **Motion No. 203-25** – Authorized an agreement beginning on or after October 14, 2025 with Info-Tech Research Group, Inc. dba McLean & Company in an amount not to exceed \$720,070 for consulting services to assist the District with developing requirements and a request for proposals, and contract negotiations for a new Human Resources Information System and optional services to further support the project with change management and project tracking.
7. **Motion No. 204-25** – Authorized an amendment to the agreement originally authorized under Purchase Order No. EBM237278 with Municipal Resource Group, LLC to increase the agreement amount by \$88,000 to a total amount not to exceed \$168,000 to support the continued provision of Equal Employment Opportunity investigation and related services.
8. **Motion No. 205-25** – Authorized amendments to the agreements originally authorized under Board Motion No. 151-22 with DRS Marine, Inc.; Global Diving & Salvage, Inc.; JF Brennan Company, Inc.; Power Engineering Construction Company; Tidal Marine Construction Inc.; and Underwater Resources, Inc., to increase the aggregate amount of those agreements by \$612,500 to a total aggregate amount not to exceed \$1,362,500 for diving and remotely operated vehicle inspection and repair services at District-owned facilities without change to the August 11, 2027 agreement expiration date.
9. **Motion No. 206-25** – Authorized the District’s continued participation as a party to the agreement with the Western Electricity Coordinating Council originally authorized under Board Motion No. 183-07 and an increase to the agreement amount by \$50,000 to a total amount not to exceed \$140,000 to manage the District’s Renewable Energy Certificate transactions.
10. **Motion No. 207-25** – Authorized an amendment to the agreement originally authorized under Board Motion No. 194-22, with Logik Systems, Inc. to increase the agreement amount by \$126,000 to a total amount not to exceed \$252,000 and extend the agreement term to October 14, 2028 for supplying Logikcull Discovery Solutions software for processing and management of litigation discovery documents and in-app technical support.
11. **Motion No. 208-25** – Approved one year grazing leases for livestock grazing tenants on District watershed lands with: 1) Robert Garamendi, Christine Bitler, and Celeste Bitler-Garamendi for the 424 acre Camanche Dam Parcel lease; and 2) Eloise Fischer and Matthew Fischer for the 990 acre Camanche Creek Parcel, from November 1, 2025 to October 31, 2026, with an option to renew each lease for an additional four-year lease term.

DETERMINATION AND DISCUSSION

12. **Consider waiving the attorney-client privilege and release the Executive Summary of a confidential attorney-client privileged investigation report resulting from the March 2025 complaint against Director April Chan.**

President Young announced at a Special meeting on October 7, 2025, the Board met to consider taking action on this item. Because Director Chan was absent from the October 7 meeting, the Board deferred taking action until today to allow Director Chan the opportunity to be present and participate in the discussion. President Young noted the Executive Summary may not be publicly released or discussed unless the Board chooses to waive the attorney-client privilege. President Young opened the floor for Board discussion and public comment. Director Chan expressed disappointment that the Board did not take action on October 7. Director Chan noted that she could not participate in the decision as she believes EBMUD's [Board Rules of Procedure Section 4.03], which requires Directors to recuse themselves when impartiality could reasonably be questioned, applies in this matter. Director Chan recused herself from voting and left the meeting at 1:27 p.m.

- Addressing the Board was former Board member Frank Mellon who commented on the investigation and the video evidence, expressed concern, and urged the Board to waive the attorney-client privilege and release the Executive Summary.
- Motion by Director Katz, seconded by Director Lewis, to approve the recommended actions for Item 12 carried (6-0) by the following roll call vote: AYES (Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (Chan); ABSENT (None).

Motion No. 209-25 – Waived the attorney-client privilege to release the Executive Summary of a confidential attorney-client privileged investigation report resulting from the March 2025 complaint against Director April Chan.

President Young announced the Executive Summary would be made available following today's meeting by submitting a request to the Secretary of the District. The Executive Summary will be calendared for discussion at the October 28, 2025 Regular meeting.

- Director Chan returned at 1:35 p.m.

13. **General Manager's Report.**

Imagine a Day Without Water Outreach

General Manager Clifford C. Chan announced October 16 is Imagine a Day Without Water which recognizes how essential water is to daily life. As part of EBMUD's outreach efforts, the District produced a video in partnership with the Oakland Roots Soccer Club and is asking the community to take simple actions that demonstrate the value of water. The Board viewed the video which will also be shared online, on social media, and at the Oakland Roots soccer game.

Monthly Report – September 2025

General Manager Clifford C. Chan announced the Monthly Report was included in the agenda materials and that the Speakers' Bureau and Outreach Record CY25 had been provided at Board places. He also reminded the Board of the District Facilities Tour on October 22, 2025.

DIRECTOR COMMENTS

14. Other Items for Future Consideration.

None.

15. Director Comments.

- Director Chan reported celebrating her son’s birthday during the month of September and attending the Mid-Autumn Asian Cultural Festival in San Ramon on October 4.
- Director Gómez reported attending the following: San Ramon Valley Fire Protection District’s training facility ribbon-cutting ceremony on September 24; Pardee BBQ on October 3; Mid-Autumn Asian Cultural Festival in San Ramon on October 4; Leadership San Ramon Valley Academy class on October 9; and a community meeting in Lafayette on October 9.
- Director Katz reported providing an EBMUD update at the League of Women Voters Berkeley-Albany-Emeryville meeting (virtual) on October 13. He thanked Public Affairs staff for their assistance.
- Director Lewis reported attending a meeting with the Oakland Mayor and staff and General Manager Clifford C. Chan on October 10.
- Director Oddie commented on an October 10 SF Gate article about the Main Wastewater Treatment Plant and read an excerpt from the October 17 ACWA News newsletter about EBMUD. Director Oddie reported attending the Oakland Chinatown Networking Mixer on September 24; Oakland Ballers Victory Parade on October 5; Asian Cultural Center 40th Anniversary celebration in Oakland on October 11; and plans to attend the Alameda County Assessor’s Office 2025 Homeowners Fair and the Alameda County District 3 Emergency Preparedness Event both in San Leandro on October 18. Director Oddie recognized Public Information Representative III Tracie Morales for her assistance during the Oakland Ballers Victory Parade.
- Director Smith reported attending the following: East Bay Wildfire Coalition meeting in El Cerrito on September 24; Toolworks 50th Anniversary celebration in San Francisco on September 25; Outdoor Afro Glamp Out Gala in Berkeley on September 26; and the Rosie the Riveter 25th Annual Gala in Concord on October 11.
- President Young reported attending the following: Orinda Water Treatment Plant tour with staff and elected officials on September 19; Toolworks 50th Anniversary Celebration in San Francisco on September 25; Outdoor Afro Glamp Out Gala in Berkeley on September 26; meeting with IFPTE Local 21 President Chas Whites on September 26; Pardee BBQ on October 3; Oakland Ballers Victory Parade on October 5; Main Wastewater Treatment Plant tour along with General Manager Clifford C. Chan in Oakland on October 11; meeting with Assemblyperson Rebecca Bauer-Kahan and staff along with the City of Orinda Mayor and City Manager regarding the Siesta Valley proposal on October 13; and plans to attend the Ward 3 Briefing in Orinda on October 17.

ADJOURNMENT

President Young adjourned the Regular Meeting at 1:51 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: October 28, 2025



Marguerite Young, President of the Board