

MINUTES

**Wednesday, November 12, 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 (remote), 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 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 (remote), 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

EBMUD Service Award Recipients for the period July through September 2025

Senior Human Resources Analyst Siobhan M. Tuvo delivered the presentation highlighting 72 employees who reached service award milestones ranging from five to 45 years of service. These employees were also recognized by their organizational leadership through the Employee Recognition and Service Award Program and received a service award on behalf of the District. Ms. Tuvo read the names of the recipients including the following in attendance: Information Systems Specialist III Regina Ware; Senior Customer Services Representative Anita Dickey; Senior IT Engineer David Valenzuela; Associate Civil Engineer Edward Chang; Associate Architect Agnes Wan; Senior Civil Engineer Angela El-Telbany; Associate Civil Engineer Chien Wang; Associate Civil Engineer Tracy Heidersbach; and Human Resources Administrator Valerie Weekly.

Annual Presentation Honoring EBMUD Veterans

Senior Human Resources Analyst Katherine Tate delivered the presentation in recognition of Veteran's Day, which included the names and photos of some of the 80 active District employees who identify as U.S. veterans.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Mathias Gibson, Oakland resident and EBMUD customer, who commented on his EBMUD bill and rates and charges. He asked the Board to consider revising the District's current billing model.

President Young thanked Mr. Gibson and asked him to provide contact information to the Secretary of the District for follow up.

COMMITTEE REPORTS

- Filed with the Board were the Minutes for the October 28, 2025 Finance/Administration Committee meetings.
- Chair Chan reported the Planning Committee met earlier and received updates on the Long-Term Water Transfer Option and Sharing Agreements; Wastewater Electrical Resiliency Master Plan; and Orinda Water Treatment Plant Disinfection and Chemical Systems Safety Improvements Project Status Update and Agreement Amendments.
- Chair Gómez reported the Legislative/Human Resources Committee met earlier and received a follow-up to the Diversity, Equity, and Inclusion Strategic Plan Update and a presentation on Employee Benefits Strategy.

CONSENT CALENDAR

- Agenda Item 8 was pulled from the Consent Calendar.
 - Motion by Director Oddie, seconded by Director Gómez, to approve the recommended actions for Items 1-7, and 9 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 218-25** – Approved the Special and Regular Meeting Minutes of October 28, 2025.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, “Service Award Recipients July – September 2025,” dated November 12, 2025; 2) Presentation entitled, “Honoring U.S. Veterans Among Our Workforce,” dated November 12, 2025; 3) Presentation entitled, “Amendment to EBMUD Retirement Ordinance (No. 40) – First Reading,” dated November 12, 2025; 4) Presentation entitled, “Golden Mussel Update Recreational Reopening Plans” dated November 12, 2025; 5) Presentation entitled, “Siesta Valley Foundation Lease Agreement,” dated November 12, 2025; 6) Speakers’ Bureau and Outreach Record CY25, dated November 12, 2025; and 7) Staff report for Agenda Items 14.1-14.3 titled “Consider and Take Actions in Response to Findings of Investigations of Conduct of Director April Chan”.
 3. **Motion No. 219-25** – Awarded a contract beginning on or after November 12, 2025 to the lowest responsive/responsible bidder Arkance USA, LLC for the purchase and renewal of Bluebeam software licenses and support for three years, with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$761,190 under Request for Quotation No. 2601.
 4. **Motion No. 220-25** – Awarded a sole source contract beginning on or after November 12, 2025 to Solar Turbines, Incorporated for supplying eight replacement fuel injectors at the Main Wastewater Treatment Plant for a total cost, after the addition of taxes, not to exceed \$425,000.
 5. **Motion No. 221-25** – Authorized an agreement beginning on or after November 12, 2025 with Sure Secure Solutions, LLC in an amount not to exceed \$160,000 to conduct a vulnerability assessment of the District’s business information technology systems and conduct optional follow-up testing and evaluation.
 6. **Motion No. 222-25** – Authorized an agreement beginning on or after November 12, 2025 with Plummerbuilt, Inc. in an amount not to exceed \$138,140 for the installation of a tension fabric structure at the Walnut Creek Water Treatment Plant.
 7. **Motion No. 223-25** – Authorized an amendment to the agreement originally authorized under the General Manager’s authority with Trussell Technologies, Inc. to increase the agreement amount by \$85,520 to a total amount not to exceed \$185,520 for the completion of a chlorine contact basin tracer study at the North Richmond Water Recycling Plant.

8. **Authorize the purchase of telematics-related software, hardware, service, training, and support beginning on or after November 12, 2025 from Geotab USA, Inc., 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.**

Director Oddie requested this item be tabled to allow for additional meet and confer discussions with the unions. He requested that the item be discussed at an upcoming Finance/Administration Committee meeting before staff presents it again for Board consideration. The Board concurred with pulling the item from the agenda.

9. **Motion No. 224-25** – Approved the assignment of the Camanche Reservoir Recreation Contract previously authorized under Board Motion No. 008-23 with Vista Recreation to Lake Camanche Hospitality, LLC a subsidiary of ExplorUS.

DETERMINATION AND DISCUSSION

10. **Introduction and first reading of an ordinance amending the EBMUD Employees' Retirement System Ordinance No. 40 (Ordinance No. 40), Sections 4(a), 6, 21, 36, and 41 as follows: Section 4(a) to update the term of service for those elected Retirement Board members; Section 6 to update the contribution rates for Members who became members of the Retirement System prior to January 1, 2013 or have been eligible for membership prior to January 1, 2013; Section 21 updating mortality tables effective July 1, 2025 and providing correct mortality table data effective July 1, 2021; Section 36 and related sections to implement the new Health Insurance Benefit Tier; and Section 41 to update age dates for Minimum Required Distributions in line with SECURE Act 2.0.**

Human Resources Administrator Valerie R. Weekly presented the proposed amendments to Ordinance No. 40. Amendments to Sections 4(a), 6, 21, 36, and 41 are needed to implement changes agreed upon during labor negotiations, Internal Revenue Service changes, and recommendations by the Retirement Board. The proposed amendments reflect necessary technical and administrative changes to support accurate benefit calculations, consistent governance, and the implementation of new retiree benefit provisions. She reviewed the amendments which include extending the term for elected Retirement Board members from two to four years (Section 4a); adjusting contribution rates for Classic/1980 tier members by separating pension and health insurance benefit (HIB) contribution rates (Section 6); updating mortality tables, including retroactive corrections to prior ordinance language (Section 21); codifying changes related to the new HIB tier effective July 28, 2025 (Section 36); and implementing required minimum distribution updates mandated by the SECURE Act 2.0 (Section 41). Ms. Weekly noted that the proposed changes had been reviewed by the Retirement Board over the past several months. The second reading and vote to adopt the amendments is scheduled for the November 25, 2025 Board meeting. If adopted, the ordinance amendments (or a summary of the amendments) will be published for two consecutive weeks in a newspaper of general circulation within the District. The ordinance amendments shall become effective and in full force at 12:01 a.m. on the thirty-first day after its passage. President Young, Retirement Board member said the amendments have been reviewed by the Retirement Board and clarified the proposed term limits for Retirement Board members do not apply to EBMUD Board members who are also members of the Retirement Board.

Ordinance No. 378-25 – An Ordinance To Amend Retirement Ordinance No. 40, Which Is The East Bay Municipal Utility District Employees’ Retirement System Ordinance, To: (1) Amend The Term Of Service For Elected Members Of The Retirement Board From Two Years To Four Years; (2) Amend The Employee Contribution Rate For Members In The 1980 Plan; (3) Amend The Mortality Table For Service Retirement Beneficiaries In Section 21; (4) Implement The New Health Insurance Benefit Tier; And (5) Amend The Minimum Required Distribution Provisions Pursuant To The Secure Act 2.0. (*Introduction and First Reading Only*)

11. **Authorize a 15-year lease agreement, with an option for a 10-year renewal, with Siesta Valley Foundation commencing November 13, 2025, to manage and operate the performing arts theatre facility formerly known as The California Shakespeare Theater (Cal Shakes) on approximately 9.3 acres of District land, located at the District’s Siesta Valley watershed in unincorporated Contra Costa County.**

Director of Customer and Community Services Andrew L. Lee provided the presentation. The District owns the watershed land and had leased the property to Cal Shakes since 1988. Cal Shakes abandoned the venue in summer 2024. To restore the theater and maintain the facility as an asset to the District and a community performance venue, the District issued a request for proposals (RFP) and selected Siesta Valley Entertainment (SVE) to manage and operate the theater. Mr. Lee highlighted the RFP process and noted SVE’s proposal met all five RFP criteria. Under the proposed lease structure, the District would lease the property to the Siesta Valley Foundation, which would then enter into an operating agreement with a for-profit entity, Siesta Valley Bowl, who would be responsible for all operating funds and initial start-up costs, staging performances, security, food and beverage, and routine maintenance. The District will hold one voting seat on the Foundation’s Board. The Foundation would manage community-related activities, watershed education programming and a native plant botanical garden, fund major maintenance and capital improvements, and perform initial repairs to prepare for performances starting June 2026. He summarized the rental terms, outlined proposed programming, and concluded by recommending approval of the lease agreement. Board members inquired about expectations and processes for maintenance, repairs, and long-term improvements. Mr. Lee explained that required startup repairs, utility system reactivation, electrical and seismic work, and vegetation management are defined in the lease. Ongoing maintenance obligations, capital commitments (including an initial \$500,000 investment and up to \$5 million over time), and a requirement for a 10-year capital improvement plan were also described. Campbell Foster representing the Foundation introduced business partners in attendance and online and expressed appreciation for Real Estate Services Manager Matt Elawady and Mr. Lee for their work on the lease terms. Mr. Lee and General Manager Clifford C. Chan responded to Board questions regarding the District’s expectations for site maintenance. Mr. Elawady confirmed the lease terms include maintenance requirements. Mr. Foster addressed Board questions and clarified that about 90 percent of scheduling would be available for non-profit programming.

- Addressing the Board was C. Richardson who expressed support for the venue and urged the District to consider ways to inform visitors about protecting the environmentally sensitive area.
- Director Chan left the meeting at 1:53 p.m. and returned at 1:55 p.m.
- Director Lewis left the meeting at 2:07 p.m. and returned at 2:08 p.m.

- Motion by Gómez, seconded by Director Chan, to approve the recommended actions for Item 11 carried (7-0) by the following roll call vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 225-25 – Authorized a 15-year lease agreement, with an option for a 10-year renewal, with Siesta Valley Foundation commencing November 13, 2025, to manage and operate the performing arts theatre facility formerly known as The California Shakespeare Theater on approximately 9.3 acres of District land, located at the District’s Siesta Valley watershed in unincorporated Contra Costa County.

12. **Legislative Update.**

Special Assistant Jennifer B. Williams reviewed the status of bills on which EBMUD adopted a formal position during the 2025 State legislative session. Key bill topics included elections and board appointments; employee safety; the golden mussel threat; illegal dumping; PFAS; pollution prevention; validations; water supply and resource management; water theft; the water-energy nexus; and low-income water rate assistance. Next, Manager of Legislative Affairs Kathy Viatella provided an update on state and federal legislative activities. Ms. Viatella recognized the Legislative Affairs staff for their work during this legislative session. The Board asked about the timeline to submit suggested legislative proposals to staff. Ms. Viatella asked that proposals be submitted within the next two weeks.

- Director Chan left the meeting at 2:13 p.m. and returned at 2:14 p.m.
- Director Gómez left the meeting at 2:16 p.m. and returned at 2:18 p.m.
- President Young left the meeting at 2:20 p.m. and returned at 2:21 p.m.

13. **Consider approval of the Recreational Boating Reopening Plan to mitigate the invasive golden mussel.**

Associate Civil Engineer Paul Gilbert-Snyder began the presentation with an update on the lifecycle of the golden mussel, which was first discovered near Stockton in October 2024. The golden mussel is more robust than quagga and zebra mussels and pose greater risks to the ecology and infrastructure. The District closed the boat ramps at all of its reservoirs in December 2024 to mitigate against the golden mussel. Mr. Gilbert-Snyder discussed some locations where golden mussel infestations have been detected and said the goal is to minimize infestations risks. Manager of Watershed and Recreation Charles C. Beckman reviewed District boat launch reopening plans and the vessel inspection process for each District reservoir. Pardee Reservoir will not reopen to public boat launching due to the high risk of infestation. The Pardee Recreation Area concessionaire will continue to offer 16 rental boats for public use during their regular season. Camanche Reservoir will reopen annually from May 1 through October 1 and 30 rental boats will remain available year-round. San Pablo Reservoir will reopen February 8 through October 31 with 53 rental boats being made available. Lafayette and Chabot reservoirs will continue permitting car-top boats, canoes and kayaks and those that cannot be banded will be screened and inspected prior to launching. Trailered boat launches are not permitted at Lafayette Reservoir. The East Bay Regional Park District (EBRPD) will continue to offer 75 rental boats for public use at Chabot. Briones Reservoir will remain limited to special-use permits with inspections and a 30-day quarantine for eligible vessels. No public boat access is permitted on the Upper San Leandro Reservoir. Staff reported ongoing infrastructure protection efforts, noting completion of the

Freeport Project vulnerability assessment and continued system-wide evaluation of District facilities, expected in spring 2026. Potential mitigation tools under review include ultraviolet light, chlorine, and copper-based treatments, though no feasible method exists for supplemental supplies. Staff emphasized the need for continued monitoring and rapid-response readiness. Public outreach and a vessel screening appointment system will be developed prior to implementation. Staff will monitor conditions throughout the recreational season and adjust as needed, including potential re-closures if risks increase. Staff recommends approval of the reopening plans. There was considerable Board discussion and Mr. Beckman and Mr. Gilbert-Snyder responded to questions about the inspection bands; whether EBRPD has developed a policy for Lake Chabot; discussions with PG&E regarding inspections at their reservoirs; enforcement; public awareness; whether boats can be launched on a reservoir afterhours without inspection; assessing the effectiveness of the reopening plan; state funding to assist with prevention and public education; cameras at boat launch areas; consequences if mobilehome park tenants launch an uninspected vessel; and protecting the facilities at Freeport. The Board asked staff to consider legislation for additional boating fees to support the golden mussel program.

- Addressing the Board was Annie Miller who commented on whether inflatables and personal floatation devices would be considered car-top vessels the reopening criteria. Mr. Beckman confirmed these devices would not be classified as car-top vessels and would be allowed on the reservoirs.
- Motion by Director Katz, seconded by Director Smith, to approve the recommended actions for Item 13 carried (7-0) by the following roll call vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 226-25 – Approved the Recreational Boating Reopening Plan to mitigate the invasive golden mussel.

- 14.1 – **Consider and take actions in response to the findings in the Executive Summary of the independent investigation of the conduct of Director April Chan in her interactions with a member of the public and East Bay Municipal Utility District staff.**
- 14.3

President Young announced that at its October 28, 2025 Regular meeting, the Board discussed the findings of the Executive Summary of an attorney-client privileged report prepared by the independent investigator retained by the District to investigate allegations that, in her interactions with a member of the public and with District staff, Director Chan engaged in racially-motivated misconduct and conduct that violated the Board's principles of conduct. The Board provided direction to staff to prepare action items for consideration and adoption at today's meeting in response to the investigator's findings. She announced the Board will consider each item separately and will receive public comment after Board discussion and consideration.

- 14.1. **Adopt a resolution of the East Bay Municipal Utility District Board of Directors to censure Director April Chan for conduct unbecoming of an elected official.**

Director Chan requested a correction to the resolution to note the investigations did not find racially motivated conduct on her part. President Young re-read the introduction statement and opened the floor for Board discussion. Board members discussed revisions to the resolution. It was moved by President Young and seconded by Director Lewis to adopt the resolution to censure Director Chan.

Director Gómez requested modifications to the resolution to include language from page 18 of the Executive Summary regarding intimidation and obstruction of the functioning of the workplace. There was discussion about where to insert the additional language. General Counsel Derek T. McDonald read the Executive Summary language under consideration.

President Young and Director Lewis agreed to amend the motion to adopt the resolution to censure Director Chan to include the modification proposed by Director Gómez.

Director Oddie requested additional modifications to the resolution to include language to resolution clause 8 that there were no findings regarding racially motivated conduct. Director Chan requested additional modifications to the resolution to include language from the security investigation report about being targeted and threatened with violence. Director Lewis commented she reviewed the security investigation report and videos. General Counsel McDonald read from the security investigation report. There was additional discussion regarding modifications to the resolution. Director Oddie withdrew his request to modify the resolution. Director Gómez withdrew her request to modify the resolution. Director Chan stated that she would like the record to reflect that she raised the issue of workplace violence prevention, and it was denied. Director Young stated for the record that Director Chan was given ample opportunity but did not provide a written rebuttal or statement about the actions being considered by the Board.

President Young and Director Lewis accepted Director Gómez's and Director Oddie's withdrawals of their requests to modify the resolution.

- Addressing the Board were the following: 1) Eric Larsen, President, AFSCME Local 444 commented the Local 444 Executive Board supports the censure of Director Chan, and commented on the investigation and Local 444 members' interactions with Director Chan. Mr. Larsen thanked the Board for the censure resolution; 2) Edward Escobar, Founder, Coalition for Community Engagement, commented on the investigation against Director Chan, biased behavior, and the Board's credibility and asked the Board to consider what former Director Bill Patterson would do; 3) Tuan Ngo commented on due process and EBMUD's internal investigation, and Director Chan being a victim of workplace violence; 4) Cynthia Richardson read a proclamation in support of Director Chan and commented on the Board's actions against Director Chan; 5) Kat Wellman commented on Director Chan's integrity, advocacy, her commitment to her constituents, and suggested training as opposed to censure; and 6) Frank Mellon, former EBMUD Director commented on the Board's actions, Director Chan's conduct, and his personal experience with Director Chan. He encouraged the Board to censure Director Chan, remove her from positions, and consider sensitivity training.

Board members commented on the public remarks. Director Chan commented on how difficult this situation is for the Board and the EBMUD community, being open to feedback, circling back with Eric Larsen to discuss Local 444 concerns, and apologized for this situation. She acknowledged the support of Ward 7 constituents. General Manager Clifford C. Chan commented on Director Chan's reaction and response when he informed her about an incident between her and a staff member.

- Motion by Director Young, seconded by Lewis, to approve the recommended actions for Item 14.1. carried (6-0) by the following roll call vote: AYES (Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (Chan); ABSENT (None).

Resolution No. 35469-25 – Resolution Censuring Director April Chan For Engaging In Conduct Unbecoming Of An Elected Official In Interactions With A Member Of The Public And East Bay Municipal Utility District Employees.

- 14.2. **Consider removing Director Chan as Chair of the Planning Committee but allow Director Chan to remain on the committee and consider removing Director Chan from Board-appointed positions she currently holds on the following committees, authorities and associations: EBMUD Retirement Board member; District representative on the DSRSD/EBMUD Recycled Water Authority (DERWA); primary District representative on the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors; primary District representative for the Special Districts Association of Alameda County/Special Districts Selection Committee; and alternate District representative for the Special Districts Association of Contra Costa County.**

Director Oddie asked the Board to consider each action separately, particularly the action to remove Director Chan as a member on the EBMUD Retirement Board. The Board discussed the proposed actions and considering each item separately. Director Chan stated she would like to remain on the DERWA Board as the Ward 7 representative has traditionally served on this Board. Director Katz commented on ensuring adequate representation on the DERWA Board. President Young offered an amendment to the motion to include a request that Director Chan step down as DERWA Board Chair and that she not be able to seek election as Board Chair. General Counsel Derek T. McDonald provided clarification on the process noting the Board can consider each action under Agenda Item 14.2 separately. Board members agreed to consider each action separately.

- Motion by Director Lewis, seconded by Gómez, to remove Director Chan as Chair of the Planning Committee but allow Director Chan to remain on the Committee 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. 227-25 – Removed Director April Chan as Chair of the Planning Committee and allowed Director Chan to remain on the Committee.

Consider removing Director Chan as a member of the EBMUD Retirement Board.

- Motion by Director Smith, seconded by Director Oddie, to remove Director Chan as a member of the EBMUD Retirement Board carried (6-0) by the following roll call vote: AYES (Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (Chan); ABSENT (None).
 - Addressing the Board were the following: 1) Kat Wellman commented on the actions appearing punitive and vindictive, and encouraged training; and 2) Doug Linney, former EBMUD Director commented on watching the October 28 meeting and expressed support for the Board's actions and the censure resolution.

Motion No. 228-25 – Removed Director April Chan as a member of the EBMUD Retirement Board.

Consider Removing Director Chan as District Representative on the DSRSD/EBMUD Recycled Water Authority (DERWA).

Director Chan commented she was elected Board Chair by the DERWA Board. If the EBMUD Board wants to remove Director Chan as DERWA Board Chair, the DERWA Board will have to make that determination. President Young clarified the Board was considering removing Director Chan as District representative on the DERWA Board.

Director Smith put forth a motion to remove Director Chan as District representative on the DERWA Board. *The motion failed due to a lack of a second.*

Consider removing Director Chan as primary District representative on the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors; primary District representative for the Special Districts Association of Alameda County/Special Districts Selection Committee; and Alternate District representative for the Special Districts Association of Contra Costa County.

- Motion by Director Smith, seconded by President Young, to remove Director April Chan as Primary District representative on the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors; Primary District representative for the Special Districts Association of Alameda County/Special Districts Selection Committee; and Alternate District representative for the Special Districts Association of Contra Costa County carried (4-1) by the following roll call vote: AYES (Katz, Lewis, Smith, and Young); NOES (Oddie); ABSTAIN (Chan and Gómez); ABSENT (None).

Motion No. 229-25 – Removed Director April Chan as primary District representative on the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors; primary District representative for the Special Districts Association of Alameda County/Special Districts Selection Committee; and Alternate District representative for the Special Districts Association of Contra Costa County.

Suspend Reimbursement for Certain Expenses and Distribution of Tickets to District-Sponsored Events.

President Young clarified the tickets are for non-required events that the District may sponsor or receive invitations. There was Board discussion, and it was clarified that Director Chan would be reimbursed for attending required events in accordance with District policy (e.g., roundtrip mileage to Board meetings) and events in Ward 7. Director Smith put forth a motion to approve the recommended action. There was additional discussion on amending the recommended action to include a timeframe to either extend or discontinue the suspension of reimbursements and distribution of tickets. President Young stated the proposed recommended action was amended to include an action to review this matter in the first quarter of 2026. Director Smith accepted the amendment.

- Addressing the Board was Kat Wellman, who commented Director Chan should be permitted to attend events outside Ward 7 to stay informed on issues affecting other wards. She expressed concern that the proposed actions appeared punitive and urged the Board to vote “no”.

- Motion by Director Smith, seconded by President Young, to suspend reimbursement for certain expenses and distribution of tickets to District-sponsored events and to review this matter during the first quarter of 2026 carried (5-1) by the following roll call vote: AYES (Gómez, Katz, Lewis, Smith, and Young); NOES (Oddie); ABSTAIN (Chan); ABSENT (None).

Motion No. 230-25 – Suspended reimbursement for Director April Chan for certain expenses and distribution of tickets to District-sponsored events. The Board will review this matter during the first quarter of 2026.

Direct Director April Chan to attend training and obtain coaching.

There was considerable discussion regarding this matter and the timeline for Director Chan to complete training on recognizing unconscious bias, emotional intelligence, and crucial conversations, and receiving executive coaching. Special Assistant to the General Manager Derry L. Moten discussed time commitments and components of the proposed training. Board members and Director Chan discussed the timeline and Director Chan's ability and willingness to start and complete the training by February 2026 while concurrently working with an executive coach. There was additional discussion regarding the timeline and assessing outcomes from the training. Board members agreed to the February 2026 deadline for Director Chan to complete the training while working with an executive coach. President Young announced that prior to the end of February 2026, the Board would have a follow-up retreat with the facilitator that led the Board retreat in February 2025 and requested an amendment to the recommended action for Director Chan to also attend Board retreats. Director Smith accepted the amendment.

- Motion by Director Oddie, seconded by Director Smith to direct Director April Chan to attend training, obtain coaching and to attend Board retreats 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. 231-25 – Directed Director April Chan to attend training and obtain coaching and to also attend any Board retreats during the established timeline.

Direct Director April Chan to participate in facilitated mediation or discussions with EBMUD staff at staff's discretion.

There was considerable discussion on how mediation and discussions between Director Chan and staff would be initiated and facilitated. Director Chan noted that she would not agree to forced mediation. Following additional discussion, President Young directed the General Manager to work with the Senior Management Team and District supervisors to develop a restorative healing process for employees as it relates to their interactions with Director Chan.

- Director Chan left the meeting at 4:57 p.m. and returned at 4:58 p.m.

14.3. Take Actions to Fill the Position of Vice President of the Board.

At the May 13, 2025 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.” The Board’s action on May 13 requires the Board to take further action to either

nominate and elect a new Vice President or vote to have Director Gómez continue serving as Interim Vice President until a new Vice President is elected during the first Regular Board meeting of 2026. General Counsel Derek T. McDonald clarified the Board must first take action to remove Director Chan as Vice President before taking action to either nominate and elect a new Vice President or vote to have Director Gómez continue serving as Interim Vice President. Director Oddie commented on the Vice Presidency and the message the Board would be conveying to employees by voting to keep someone in a leadership position following the investigation's findings.

- Motion by Director Smith, seconded by Director Lewis, to remove Director April Chan as Vice President of the Board of Directors 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. 232-25 – Removed Director April Chan as Vice President of the Board of Directors.

Nominate and elect the Vice President of the Board of Directors.

President Young announced the Board could vote to have Director Gómez continue serving as Interim Vice President until a new Vice President is elected during the first Regular Board meeting in 2026. It was clarified that if a Board member other than Director Gómez is elected, that individual would serve as Vice President and not Interim Vice President until the first Regular Board meeting in January 2026. Director Oddie nominated Director Gómez for Vice President of the Board until officer elections at the first Regular Board meeting in 2026. There was discussion regarding Director Gómez continuing to serve as Interim Vice President. Following the discussion, President Young opened nominations for Vice President.

Director Oddie confirmed his motion to nominate and elect Director Gómez as Vice President of the Board until officer elections at the first Regular Board meeting in 2026. Director Katz seconded and clarified the Board does not have a standing position for Interim Vice President. Director Gómez accepted the nomination.

- Addressing the Board was Katie Barnett who commented this item was not on the agenda and taking action could be a possible Brown Act violation.

General Counsel Derek T. McDonald confirmed this action is on the agenda.

- Motion by Director Oddie, seconded by Katz, to nominate and elect Director Gómez as Vice President of the Board of Directors 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. 233-25 – Nominated and elected Director Luz Gómez as Vice President of the Board of Directors, who shall serve for the remaining period until Board Officer elections in January 2026.

15. **General Manager's Report.**

General Manager Clifford C. Chan announced the October 2025 Monthly report was included in the agenda materials and pointed out water production is down compared to last year and that staff continues to track water sales. The Speakers' Bureau and Outreach Record CY25 were provided at Board places.

DIRECTOR COMMENTS

16. Other Items for Future Consideration.

None.

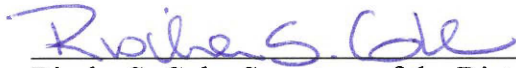
17. Director Comments.

- Director Chan reported presenting the District’s proclamation to the Castro Valley Sanitary District on November 4 in acknowledgement of their new Operations and Engineering Building. Director Chan also read a statement regarding the security investigation and the investigation into her conduct.
- Director Katz reported participating in the Berkeley State of the City Address on October 22; the 34th Annual Environmental Law Conference October 16-19 at Yosemite; and currently participating in COP30 in Belém, Brazil.
- Director Oddie reported attending the Zun Zun Watershed Assembly at Grant Elementary in San Lorenzo on October 15; the Alameda County Assessor’s Office ADU Workshop and the Alameda County District 3 Emergency Preparedness Fair in San Leandro on October 18; the Alameda City Council meeting on November 4; and the NAACP Oakland Branch Annual Freedom Gala in Oakland on November 7.
- Directors Gómez, Lewis, Smith, and President Young had no reports.

ADJOURNMENT

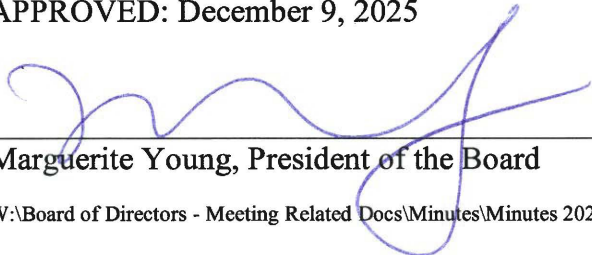
President Young adjourned the Regular Meeting at 5:25 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: December 9, 2025



Marguerite Young, President of the Board