



**EAST BAY MUNICIPAL UTILITY DISTRICT
EMPLOYEE RETIREMENT SYSTEM
RETIREMENT BOARD**

375 - 11th Street, Oakland, CA 94607

Human Resources Department: (510) 287-0747

Notice of Special Meeting

Tuesday, February 15, 2022

8:30 a.m.

Via Zoom Meeting

At the call of Retirement Board President Timothy McGowen, a Special Meeting of the Retirement Board of the East Bay Municipal Utility District Employee Retirement System will be called to order at 8:30 a.m. on Tuesday, February 15, 2022. In accordance with Government Code Section 54953(e), this meeting will be available for public participation by webinar and teleconference only. A physical location will not be provided for this meeting.

The Retirement Board will meet for the purpose of conducting an open session meeting to Adopt a Resolution to Continue Remote Meetings of the Retirement Board. The Retirement Board will be taking action on one item at this meeting and no other transactions or items will be discussed.

Dated: February 15, 2022

Lisa Sorani

Assistant Secretary of the Retirement Board

APPENDIX

Retirement Board Meeting
Special Meeting
Tuesday, February 15, 2022
8:30 a.m.

EBMUD public Retirement Board special meeting will be conducted via Zoom.
Please note that Retirement Board meetings are recorded, live-streamed, and posted on the District's website.

To **OBSERVE** the Retirement Board Special Meeting, without making public comment, please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/retirement-board-meetings/>

If you wish to join the meeting, or to make public comment, please visit this page beforehand to familiarize yourself with Zoom.

<http://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

8:30 a.m. Retirement Board Special Meeting

Please click the link below to join the webinar:

You are invited to a Zoom webinar.

When: Feb 15, 2022 08:30 AM Pacific Time (US and Canada)

Topic: Tuesday, Feb 15, 2022 Special Retirement Board Meeting

Please click the link below to join the webinar:

<https://ebmud.zoom.us/j/87327813361>

Or One tap mobile :

US: +16699006833,,87327813361# or +13462487799,,87327813361#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 873 2781 3361

International numbers available: <https://ebmud.zoom.us/j/87327813361>

Providing Public Comment

The EBMUD Retirement Board is limited by State Law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/20055661-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Asst. Secretary, please state your name, affiliation if applicable, and topic
- The Assistant Secretary will call each speaker in the order received
- Comments on non-agenda items will be heard at the beginning of the meeting
- Comments on agenda items will be heard when the item is up for consideration
- Each Speaker is allotted 3 minutes to speak; The Retirement Board President has the discretion to amend this time based on the number of speakers

AGENDA

EBMUD EMPLOYEES' RETIREMENT SYSTEM

**Special Meeting
February 15, 2022**

In accordance with Government Code Section 54953(e), this meeting will be available for public participation by webinar and teleconference only. A physical location will not be provided for this meeting.

Retirement Board Members: Clifford Chan, Frank Mellon, Marguerite Young, Jae Park, Tim McGowan, and Elizabeth Grassetti will participate via teleconference.

Staff to the Retirement Board: Sophia Skoda, Lourdes Matthew, Lisa Sorani, Valerie Weekly, Robert Hannay, Steven Goodman-Leibof, and Karyn Field will participate via teleconference.

****Public Participation****

Please see Appendix at end of Agenda for Public Participation Details

ROLL CALL:

PUBLIC COMMENT: The Retirement Board is limited by State Law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

REGULAR BUSINESS MEETING

CONSENT CALENDAR:

ACTION:

1. Adopt Resolution to Continue Remote Meetings of the Retirement Board – L. Sorani

MEETING ADJOURNMENT:

The next regular meeting of the Retirement Board will be held at 8:30 a.m. on Thursday, March 17, 2022.

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- Comments on non-agenda items will be heard at the beginning of the meeting
- Comments on agenda items will be heard when the item is up for consideration
- Each Speaker is allotted 3 minutes to speak; The Retirement Board President has the discretion to amend this time based on the number of speakers
- The Assistant Secretary will keep track of time and inform each speaker when time is up.

EAST BAY MUNICIPAL UTILITY DISTRICT
Office of the General Counsel

DATE: February 10, 2022

MEMO TO: Retirement Board

FROM: Lourdes Matthew, Assistant General Counsel



SUBJECT: Special Meeting to Adopt a Resolution to Continue Virtual Meetings of the Retirement Board

RECOMMENDATION

Adopt a resolution to continue to hold meetings of the Retirement Board virtually via teleconference pursuant to Assembly Bill 361 (AB 361) until such time as the State of Emergency, declared by the Governor Gavin Newsom, in response to the COVID-19 pandemic, is rescinded or in person gatherings are deemed safe.

DISCUSSION

Since November 18, 2021, the Retirement Board has met every thirty (30) days to review the Board's continued need to meet virtually pursuant to AB 361 and to evaluate the changing conditions brought on by the evolving variants of COVID-19.

The governor's State of Emergency in response to the COVID-19 pandemic remains in effect and public health officials continue to recommend social distancing measures remain in place. While the Omicron variant generated a spike in the number of infections in the months of December and January, most recent infections rates are showing a downward trend, although remaining higher than previous variants.

Accordingly, for purposes of the next 30 days, staff recommends the Retirement Board adopt a Resolution to renew its findings that it is necessary to continue to preserve its authority to meet virtually pursuant to AB 361. To meet virtually for the March 17, 2022 meeting, the Retirement Board will need to hold another special meeting on or before March 15, 2022. Should the Retirement Board decide to meet in-person on March 17, 2022, a special meeting on March 15 will not be required.

Adoption of the Resolution will satisfy the Brown Act requirement that a governing body evaluate the need to meet virtually every 30 days. The Retirement Board should be aware that the District is scheduled to reopen the District offices on February 28, 2022.

LM:amh

Attachment: Resolution

cc: Clifford C. Chan, General Manager
Derek McDonald, General Counsel

R.B. RESOLUTION NO. _____

AUTHORIZING CONTINUED TELECONFERENCING FOR MEETINGS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT RETIREMENT BOARD PURSUANT TO ASSEMBLY BILL 361 UNTIL SUCH TIME AS THE STATE OF EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC NO LONGER IMPACTS THE ABILITY OF MEETING ATTENDEES TO MEET SAFELY IN PERSON

Introduced by: _____ ; Seconded by: _____

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency under the California Emergency Service Act in response to the threat of the COVID-19 pandemic; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which repealed or modified certain provisions of previously issued Executive Orders related to the pandemic and extended certain provisions so as to enable the State of California to continue to respond to the COVID-19 pandemic; and

WHEREAS, Paragraph 42 of Executive Order N-08-21 suspended provisions of the Ralph M. Brown Act at California Government Code section 54953 and provided that governing bodies of local public agencies in the State of California could utilize teleconferencing to hold public meetings in place of in-person meetings, subject to certain requirements; and

WHEREAS, Executive Order N-08-21 specified that it would remain in effect through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361) into law; and

WHEREAS, AB 361 provides that a governing body of a local public agency may conduct public meetings via teleconferencing in any of the following circumstances: (A) the governing body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or (B) the governing body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the governing body holds a meeting during a proclaimed state of emergency and has previously determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, Governor Newsom's March 4, 2020, proclamation of a State of Emergency is still in effect; and

WHEREAS, both the California Department of Industrial Relations, Division of Occupational Safety and Health and the Alameda County Public Health Department are currently recommending measures to promote social distancing at worksites; and

WHEREAS, East Bay Municipal Utility District Retirement Board (Retirement Board) meetings are open to and attended by District Board members, District employees and members of the public; and

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21, which affirmed that Executive Order N-08-21 would remain in effect through September 30, 2021; affirmed that effective October 1, 2021, governing bodies of local public agencies could utilize teleconferencing for public meetings in accordance with the provisions of AB 361; and allowed governing bodies of local public agencies to meet under California Government Code section 54953(e)(1)(B) prior to September 30, 2021 to determine, by majority vote, whether as a result of the State of Emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, Retirement Board has met on November 18, 2021, December 17, 2021, January 13, 2022, and January 20, 2022 to determine, in accordance with AB 361 and Executive Order N-15-21, that as a result of the continuing State of Emergency and due to the emergence of the highly infectious and transmissible Omicron variant of the COVID-19 virus, meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, in accordance with AB 361 and Executive Order N-15-21, and the Retirement Board holds this special meeting under California Government Code section 54953(e)(1)(B) and has determined that, as a result of the continuing State of Emergency and due to the emergence of the highly infectious and transmissible Omicron variant of COVID-19 virus, meeting in person would continue to present imminent risks to the health or safety of attendees;

NOW, THEREFORE, BE IT RESOLVED that the Retirement Board hereby finds and determines as follows:

1. The Retirement Board has considered the circumstances of the State of Emergency declared by Governor Newsom; and
2. The highly infectious and transmissible Omicron variant of the COVID-19 virus continues to pose an imminent threat to public health and safety, thus impacting the ability of the Retirement Board and meeting attendees to safely meet in person.

BE IT FURTHER RESOLVED that, pursuant to AB 361 and based on the findings above, all Retirement Board meetings will be held via teleconference in accordance with the provisions of California Government Code section 54953(e).

BE IT FURTHER RESOLVED that the Retirement Board shall, not later than 30 days after February 15, 2022, and every 30 days thereafter, consider the findings above and, if they hold true, adopt them by majority vote, until such time as the State of Emergency is rescinded or the Retirement Board determines the State of Emergency does not directly impact the ability of Retirement Board and meeting attendees to meet safely in person and state or local officials no longer impose or recommend measures to promote social distancing.

ADOPTED this 15th day of February, 2022 by the Retirement Board.

President

ATTEST:

Secretary