

MINUTES

Tuesday, January 11, 2022
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California
Virtual

Regular Closed Session Meeting

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 10:31 a.m. He announced that in accordance with Government Code section 54953(e), this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

ROLL CALL

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Engineering and Construction Olujimi O. Yoloye (Item 1a), Engineering Manager Elizabeth Z. Bialek (Item 1a), Meyers Nave representatives Camille Hamilton Pating and Suzanne Ruten (Items 1b and 2), Director of Operations & Maintenance David A. Briggs (Item 3), Interim Director of Human Resources Winnie W. Anderson (Items 3 and 4), Assistant General Counsel Lourdes Matthew (Item 4), and IEDA representatives Jeff Bailey and Gregory Ramirez (Item 4). General Counsel Derek T. McDonald did not participate in discussions regarding Items 1b. and 2.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Eddie Cheung, Treasurer, AFSCME Local 444, commented on wages, the cost of living, Local 444's wage proposal, and an equity adjustment for Janitors; 2) Eric O. Larsen, President, AFSCME Local 444, commented on the cost of living, impacts from the COVID-19 pandemic, and Local 444's wage proposal; 3) Tyrell Jackson, AFSCME Local 444 Contract Negotiations team member, commented on inflation and impacts from the COVID19 pandemic and asked the Board to accept Local 444's wage proposal; 4) George Cleveland, Chief Steward, AFSCME Local 2019, commented on an internal District investigation involving Local 2019 members; 5) Brandon Batteate, Second Vice-President, AFSCME Local 444, commented on the cost of living and negotiations; 6) Randy Hernandez, AFSCME Local 444 Contract Negotiations team member, commented on the essential work performed by Local 444 members and negotiations; 7) Jason Pearson, EBMUD Water Distribution Plumber III, commented on the cost of living in the Bay Area; 8) Joe Pangelinan, Chief Steward, AFSCME Local 444, commented on the cost of living and negotiations; 9) Michael Morgan, EBMUD Water Distribution Plumber III, commented on the cost of living and asked the Board to consider a fair wage package; 10) Ivette Rivera, EBMUD Gardener Foreman, commented on the District's Diversity, Equity, and Inclusion Strategic Plan, the tenure of the current Board members, and similarities between the McIntoch and Irving v EBMUD case and the lawsuits filed by Saji Pierce and Ayriel Bland; 10) Kyle Terry, EBMUD Instrument Technician, commented on the

duties of the Instrument Technician, the cost of living, and negotiations; 11) Patrick Virgin, EBMUD Plant Maintenance Mechanic, commented on the cost of living, staffing and the loss of institutional knowledge, and asked the Board to consider a reasonable wage package; 12) Joey D. Smith, President, AFSCME Local 2019, commented on the cost of living and asked the Board to consider Local 2019's wage proposal; 13) Brian Dominguez, EBMUD Heavy Equipment Operator, commented on the cost of living, inflation, the essential work of Heavy Equipment Operators and asked the Board to consider a fair wage increase; 14) Yu commented on the cost of living, reasonable wages, and diversity, and thanked staff for working to ensure staff safety during the COVID-19 pandemic; 15) Jennifer Grey, EBMUD Heavy Transport Operator, commented on the cost of living, the work performed by EBMUD crews, and asked the Board to consider a fair wage package; 16) Miguel Lugo, EBMUD Heavy Transport Operator, commented on the cost of living and asked the Board to consider a fair wage package; 17) Evan Kline-Corman, EBMUD Wastewater Treatment Operator I, commented on the cost of living, the length of negotiations, and staff responding to wet weather events, and asked the Board to consider Local 444's wage proposal; 18) Zubin Engineer, EBMUD Plant Mechanic, expressed support for Local 444's wage proposal; and 19) Ken Huynh, EBMUD Maintenance Machinist, asked the Board to accept Local 444's wage proposal. Secretary of the District Rischa S. Cole said the following comments would be filed with the record: 1) Email from Amy Bowman, EBMUD Information Systems Specialist III, regarding COVID test sites; and 2) Email from Diane Eggering, EBMUD Accounting Technician regarding Local 2019 negotiations.

President Linney thanked the speakers for attending and providing comments regarding negotiations.

BROWN ACT BRIEFING

General Manager Clifford C. Chan said that due to time constraints, the Brown Act briefing would be provided at a future meeting.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Linney announced the closed session agenda and convened for discussion (remotely).

Regular Business Meeting

At 1:05 p.m. General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. At 1:20 p.m. General Manager Chan informed the Secretary the Regular Business Meeting would start at 1:45 p.m. President Doug A. Linney called to order the Regular Business Meeting of the Board of Directors at 1:47 p.m. He announced that in accordance with Government Code section 54953(e), this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

ROLL CALL

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. 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 Linney led the Pledge of Allegiance.

Election of President of the Board

President Linney opened the floor for nominations for President of the Board for 2022.

- Motion by Director Coleman, seconded by Director Katz, to nominate Director Doug A. Linney for President of the Board of Directors for 2022.

President Linney called for additional nominations, and none came forward. Motion by Director Mellon, seconded by Director Patterson to close the nomination period. The motions to close the nomination period and to elect Director Doug A. Linney as President of the Board for 2022, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, McIntosh, Patterson, and Young); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 001-22 – Elected Director Doug A. Linney as President of the Board of Directors for 2022.

President Linney thanked the Board for the vote of confidence and expressed appreciation for the work Board members do to make the job of the President easier.

Election of Vice-President of the Board

President Linney opened the floor for nominations for Vice-President of the Board for 2022.

- Motion by President Linney, seconded by Director Mellon, to nominate Director John A. Coleman for Vice-President of the Board of Directors for 2022.

President Linney called for additional nominations, and none came forward. Motion by Director Mellon, seconded by Director Patterson to close the nomination period. The motions to close the nomination period and to elect Director John A. Coleman as Vice-President of the Board for 2022, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 002-22 – Elected Director John A. Coleman as Vice-President of the Board of Directors for 2022.

Vice-President Coleman acknowledged President Linney and Past-President Director Young for their leadership as Board President and said he is honored to serve with the Board.

Committee Assignments

President Linney announced the Board received a memorandum via email requesting 2022 Committee assignment preferences and asked Board members to submit their preferences to the Secretary by January 14. Committee assignments will be presented for Board consideration at the January 25 meeting. Directors Mellon and McIntosh requested another copy of the 2022 Committee assignment preferences form.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Nick Lawrence, Orinda, commented on dangerous conditions on Tappan Terrace; 2) Kasie Evans commented on negotiations and thanked the Board for listening to staff; 3) Gary Walters II, EBMUD Engineering Designer II, thanked the District's Emergency Operations Team Director and Regulatory Compliance staff for their work during the pandemic and commented on potential impacts from recent and upcoming vacancies in managerial positions in the Human Resources Department; 4) Ivette Rivera, EBMUD Gardener Foreman, commented on the District's Diversity, Equity and Inclusion Strategic Plan, recent filings in the Saji Pierce and Ayriel Bland case, and the McIntoch and Irving v EBMUD case, and read excerpts from the McIntoch and Irving v EBMUD case; and 5) Jennifer Grey, EBMUD Heavy Transport Operator, commented on work conditions for District crews and the cost of living, and asked the Board to come to the negotiations table with a helpful offer.

CONSENT CALENDAR

- Item 13 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director McIntosh, seconded by Director Coleman to approve the recommended actions for Items 1-12 and 14-16 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 003-22** – Approved the Regular Meeting Minutes of December 14, 2021
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Annual Brown Act and Ethics Update” dated January 11, 2022; **2)** Presentation entitled, “Resolution Continuing Virtual Meetings of the Board,” dated January 11, 2022; **3)** Presentation entitled, “Emergency Declaration for Repairs to a Portion of the South Interceptor,” dated January 11, 2022; **4)** Presentation entitled, “2021-2022 Redistricting Update Redistricting Proposals,” dated January 11, 2022; **5)** Presentation entitled, “Water Supply Update,” dated January 11, 2022; **6)** Presentation entitled, “EBMUD Biennial Report 2020-2021,” dated January 11, 2022; **7)** Memorandum from Doug A. Linney, President of the Board to the Board of Directors dated January 11, 2022 regarding 2022 Board Committee Assignment Preferences; **8)** Email from Amy Bowman dated January 4, 2022 regarding COVID test sites; and **9)** Email from Diane Eggering dated January 11, 2022 regarding Local 2019 negotiations.

- 3a.-3b. **Motion No. 004-22** – Awarded contracts to the following vendors for supplying automobile, truck, and heavy equipment tires for District vehicles and equipment beginning on or after January 11, 2022 for five years, in an aggregate amount not to exceed \$3,000,000: Brannon Tire; Bridgestone Americas Tire Operations, LLC; Don’s Tire Service, Inc.; Dusty and Sons Tires; East Bay Tire Co.; George Oren Tire Specialist; Hernandez Tires Service; J&O’s Commercial Tire Center; Jackson Tire Service Inc.; Morgan Tire of Sacramento, Inc.; Thiel’s Tires; and Wingfoot Commercial Tire Systems dba Goodyear Commercial Tire + Service Center; and authorized additional contracts for supplying automobile and light, medium, and heavy truck tires on an as-needed basis, with vendors that meet District standards and offer pricing at or below the range in the proposed contracts with the vendors above to increase flexibility and ensure vendor availability.
4. **Motion No. 005-22** – Awarded a sole source contract to Hydranautics for supplying 1,280 reverse osmosis membrane elements for the Richmond Advanced Recycled Expansion Water Project for one year, beginning on or after January 11, 2022 with one option to renew for an additional one-year period for a total cost, after the addition of taxes, including option years, not to exceed \$600,000.
5. **Motion No. 006-22** – Authorized an agreement beginning on or after January 11, 2022 with Black & Veatch Corporation in an amount not to exceed \$112,538 to evaluate the business case for a District-wide Advanced Metering Infrastructure project.
6. **Motion No. 007-22** – Authorized an agreement beginning on or after January 11, 2022 with Cornerstone OnDemand, Inc., for \$40,000 for one year with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$125,481 for an online learning management system.
7. **Motion No. 008-22** – Authorized an amendment to the agreement previously authorized under Board Motion No. 079-13 with the City of Emeryville (Emeryville) to include a 35 percent sewer service charge credit for Emeryville customers participating in the District’s Customer Assistance Program.
8. **Motion No. 009-22** – Authorized an amendment to the Power Purchase Agreement previously authorized under Board Motion No. 118-20 with Solar Star Bear Creek, LLC to increase the agreement amount by \$517,000 to a total amount not to exceed \$700,000 for Photovoltaic-generated electricity.
- 9a. **Motion No. 010-22** – Authorized an agreement beginning on or after January 11, 2022 with Sage Method in an amount not to exceed \$338,395 for implementation services to replace the District’s current construction management information system.
- 9b. **Motion No. 011-22** – Authorized an agreement beginning on or after January 11, 2022 with Kahua, Inc., for \$1,172,500 for five years with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,747,504 for software licensing and support for the construction management information system.

10. **Motion No. 012-22** – Authorized an agreement with Dynamic Systems, Inc., for Oracle database software and hardware technical support services during the period of January 2022 to July 2023 with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$1,650,000.
- 11a.- **Motion No. 013-22** – Authorized agreements with the following service providers for welding services during the period January 12, 2022 to June 30, 2023, in an aggregate amount not to exceed \$250,000: Eyeball Enterprise, Inc.; Ferguson Welding Service, Inc.; John Arthur Welding, Inc.; Larsson Welding; Mid Mountain Mechanical, Inc.; Nicole Welding, Inc.; and Woods Welding; and authorized additional agreements for welding services, on an as-needed basis, 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.
- 11b.
- 12.1. **Motion No. 014-22** – Authorized an amendment to the agreement previously authorized under Board Motion No. 066-19 with Tait Environmental Services, Inc., to increase the agreement amount by \$1,558,270 to a total amount not to exceed \$2,502,056 for engineering support during construction and construction oversight under the Fuel System Improvements Project.
- 12.2. **Motion No. 015-22** – Awarded a contract to the lowest responsive/responsible bidder, Mitchell Engineering, in the amount of \$15,499,000 for construction of Fuel System Improvements under Specification 2147.
13. **Motion No. 016-22** – Authorized the General Manager to execute a one-year temporary water transfer option agreement with Yuba County Water Agency (YCWA) and Contra Costa Water District. This agreement provides EBMUD the option to purchase up to 10 thousand acre-feet of transfer water from YCWA in calendar year 2022 plus any additional YCWA water which becomes available to EBMUD, and to spend up to \$300,000 to prepare for the potential water transfer, while reserving for the Board the authority to determine whether to exercise the water purchase option at a future public meeting.
 - Director Coleman pulled Item 13 to ask if the District could purchase the YCWA water and either resell it, store it in Los Vaqueros Reservoir for future use, store it in the Bayside Groundwater Project, or store it in the Demonstration Recharge, Extraction and Aquifer Management (DREAM) Project if the water was not needed for supplemental supply. He also asked how much runoff would be needed for the District to determine if it will need to purchase the YCWA water and how much has been spent to date on the YCWA agreement. Director of Water and Natural Resources Michael T. Tognolini and Director of Operations and Maintenance David A. Briggs responded.
 - Motion by Director Coleman, seconded by Director Patterson to approve the recommended actions for Item 13 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
14. **Motion No. 017-22** – Approved the assignment of the agreement previously authorized under Board Motion No. 124-19 from G4S Secure Solutions (USA), Inc., to Universal Protection Service, LP dba Allied Universal Security Services for contract security services.

15. **Motion No. 018-22** – Approved the assignment and transfer of the agreement previously authorized under Board Motion No. 205-07 from Ginn & Crosby, LLP to GinnLaw, PC for specialized legal services related to construction, public contracts and procurement, claims, and litigation.
16. **Motion No. 019-22** – Approved indemnification of Alameda County as part of the conditional use permit application for the Quarry Site Restoration Project.

DETERMINATION AND DISCUSSION

17. Appoint Manager of Distribution Maintenance and Construction.

General Manager Clifford C. Chan pulled Item 17 from the agenda and said it would be presented at a future meeting.

18. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine introduced Eric Sapirstein of ENS Resources, Inc. The Board acknowledged Mr. Sapirstein for providing legislative and regulatory information-gathering, analysis, representation, and liaison services to the District over the last 30 years. Mr. Sapirstein commented on the District's proposed federal initiatives for 2022 and provided an update on federal legislative activities, the federal budget, issues pending in Congress, the Build Back Better Plan, and the status of federal earmarks. He responded to Board questions regarding funding for climate change including assistance for disaster response and pre-disaster mitigation.

Next, Ms. Dumaine presented five federal initiatives for 2022: 1) Climate Change Resiliency – Actively assess and seek opportunities to engage in climate change policies and potential funding opportunities that promote EBMUD priorities to ensure safe, reliable, and resilient water services; 2) Contaminants of Emerging Concern – Advance EBMUD's interests in discussions on contaminants of emerging concern in the context of water supply and wastewater treatment; 3) Cybersecurity – Advance EBMUD's interests in discussions on cybersecurity-related legislation and policies in the water and wastewater sectors; 4) Funding to Support Infrastructure Investment and Ratepayer Assistance – Pursue direct federal funding opportunities for EBMUD projects and infrastructure through new and existing federal programs, including national infrastructure initiatives; and 5) Water Supply Reliability and Natural Resources Protection – Advance EBMUD's interests in water supply reliability and supporting the Mokelumne River fishery. Legislative/Human Resources Committee Chair John A. Coleman announced the Committee met earlier in the day and supported the federal initiatives for 2022. Ms. Dumaine responded to a question raised during the Legislative/Human Resources Committee meeting on whether State timber management requirements apply to federal lands. She confirmed the State requirements apply to private landowners and timber management on federal lands is governed by the National Environmental Policy Act. Director Coleman said he is willing to partner with another Board member to work with stakeholders to develop a framework for addressing timber management. Staff was asked to seek opportunities to engage timber management solutions applicable to federal lands in the Mokelumne watershed. In conclusion, Ms. Dumaine provided an update on state legislative activities. The Board asked staff to look for opportunities for the District to be a resource during discussions at the state and federal levels on workers transitioning out of the petroleum sector and to

advocate to have public water and wastewater sectors specifically recognized as employers with green jobs for transitioning workers.

- Motion by Director Coleman, seconded by Patterson to approve the recommended actions for Item 18 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 020-22 – Approved the following Federal Initiatives for 2022: 1) Climate Change Resiliency – Actively assess and seek opportunities to engage in climate change policies and potential funding opportunities that promote EBMUD priorities to ensure safe, reliable, and resilient water services; 2) Contaminants of Emerging Concern – Advance EBMUD’s interests in discussions on contaminants of emerging concern in the context of water supply and wastewater treatment; 3) Cybersecurity – Advance EBMUD’s interests in discussions on cybersecurity-related legislation and policies in the water and wastewater sectors; 4) Funding to Support Infrastructure Investment and Ratepayer Assistance – Pursue direct federal funding opportunities for EBMUD projects and infrastructure through new and existing federal programs, including national infrastructure initiatives; and 5) Water Supply Reliability and Natural Resources Protection – Advance EBMUD’s interests in water supply reliability and supporting the Mokelumne River fishery.

19. **Make requisite findings and adopt a resolution to continue to hold meetings of the Board of Directors via teleconference under Government Code section 54953(e) until such time as the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person.**

- Motion by Director Young, seconded by Director Patterson to approve the recommended actions for Item 19 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35263-22 – Authorizing Continued Utilization of Teleconferencing for Meetings of the East Bay Municipal Utility Board of Directors.

- 20.1.- **Ratify the General Manager’s January 4, 2022 declaration of a District emergency in**
20.2. **accordance with Policy 7.03 – Emergency Preparedness/Business Continuity because of a catastrophic failure of a portion of the District’s South Interceptor; and authorize expenditure of sums as needed in response to such emergency.**

Director of Wastewater Eileen M. White outlined the need to declare a District emergency to address the catastrophic failure of a portion of the District’s South Interceptor. On January 3, 2022, the City of Oakland notified the District and staff confirmed a portion of the South Interceptor near the Oakland Coliseum had collapsed and formed a sinkhole. The South Interceptor serves the Oakland International Airport and a portion of East Oakland and provides essential wastewater conveyance for critical customers. On January 4, to expedite stabilization of the sinkhole and repairs to the damaged interceptor, the General Manager, in consultation with the Board President, declared a “District Emergency” in accordance with District Policy 7.03. Ms. White reviewed the incident location, photos of the damage, and the repair plan. Following the General Manager’s emergency declaration, the District secured a contractor to immediately stabilize the sinkhole, clean the debris out of the pipe, and repair the collapsed portion of the pipeline. Staff estimates repair costs to be more than \$500,000 and repairs to be completed by the

end of January. The Board will be updated on any additional contracts that may be awarded. She noted staff has been proactively coordinating with various regulatory agencies and stakeholders during the repair process and expressed appreciation for Wastewater Department staff for their work to address the emergency especially as there was an event scheduled at the Coliseum on January 8 and 9. Ms. White responded to Board questions on the age of the pipeline, projected total repair costs, and the District's options if a venue is required to cancel or postpone a scheduled event to allow the District to perform emergency repairs on its infrastructure. Staff was asked to consider ways to use the South Interceptor emergency to highlight the District's need to invest in its aging infrastructure.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 20.1 and 20.2 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35264-22 – Ratifying General Manager's Declaration of the Existence of a District Emergency and Authorizing Expenditure of Sums as Needed in Response to Such Emergency.

- 21a. **Consider and accept Redistricting Proposal 1 (Proposal 1) as recommended by the Redistricting Ad Hoc Committee for review and presentation at upcoming noticed public hearings.**

Secretary of the District Rischa S. Cole and Senior Software Engineer George F. McQuary presented an overview of EBMUD redistricting efforts since February 2021 and three proposals presented to the Redistricting Ad Hoc Committee which is comprised of Directors Coleman, Linney, and Young. The District is legally required to adjust its ward boundaries to accommodate population shifts reflected in the federal decennial census, and to keep its wards as equal as possible in population. The 2020 census data indicates that compared to 2010, EBMUD's service area population increased from 1,337,782 to 1,477,418 and the target ward population increased from 191,112 to 211,060. The final census data indicates Ward 5 (cities of Alameda and San Lorenzo; West Oakland and Oakland Airport Area, and a portion of San Leandro) with a ward population of 217,878 is above the Board adopted target ward population deviation of 3 percent at 3.23 percent and that Ward 7 (Castro Valley; portions of San Leandro and Hayward; communities of Cherryland and Fairview; and a portion of San Ramon) with a ward population of 207,016 has the second highest deviation at -1.92 percent. All other District wards remain within the 3 percent target ward population deviation (+/- 6332 or between 204,728 and 217,392). Staff presented the following three proposals to the Redistricting Ad Hoc Committee on October 26, 2021 and November 23, 2021 to adjust the boundaries between Wards 5 and 7 to bring both wards within 3 percent of the target ward population of 211,060:

- **Proposal 1:** move an area of San Lorenzo that is east of Highway 880 from Ward 5 to Ward 7. This area is south of San Lorenzo Creek between 880 and the Southern Pacific Railroad and has a population of 4,637. This proposal would decrease the Ward 5 population from 217,878 to 213,241 and increase the Ward 7 population from 207,016 to 211,653.

- **Proposal 2:** move an area of San Lorenzo that is east of Highway 880 and south of Lansing Way from Ward 5 to Ward 7. This area is a subset of Proposal 1 and would move one census block with a population of 508 from Ward 5 to Ward 7. This proposal would decrease the Ward 5 population from 217,878 to 217,370 and increase the Ward 7 population from 207,016 to 207,524.
- **Proposal 3:** move the Greenhouse Marketplace area in San Leandro from Ward 5 to Ward 7 which extends along San Lorenzo Creek. The City of San Leandro is already divided between Wards 5 and 7 by Highway 880. This proposal would decrease the Ward 5 population from 217,878 to 217,271 and increase the Ward 7 population from 207,016 to 207,623.

At its October 26 meeting, the Redistricting Ad Hoc Committee recommended the Board accept Proposal 1 for review and comment during public hearings in February and March 2022 and reaffirmed this recommendation at its meeting on November 23. If the Board accepts Proposal 1, in accordance with Elections Code section 22001, the District will conduct a public hearing on February 8 to receive public comment and a public hearing on March 8 for the Board to consider approving Proposal 1 for inclusion in the District's legal ward boundaries. The Board would consider adopting the legal ward boundaries and final ward map at its meeting on April 12. Staff would submit the adopted legal ward boundaries and final ward map to Alameda and Contra Costa counties by April 17 for the November 2022 elections. Ms. Cole highlighted planned public outreach efforts for the public hearings and confirmed that the District received one public comment on redistricting at the November 23 Redistricting Ad Hoc Committee meeting.

- Motion by Director McIntosh, seconded by Director Coleman to approve the recommended actions for Item 21a carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 021-22 – Considered and accepted Redistricting Proposal 1 (Proposal 1) as recommended by the Redistricting Ad Hoc Committee for review and presentation at upcoming noticed public hearings.

21b. **In accordance with California Elections Code section 22001, set a public hearing for February 8, 2022, to present Proposal 1 as recommended by the Redistricting Ad Hoc Committee for public review and comment, and a public hearing for March 8, 2022, where the Board of Directors will consider adopting Proposal 1 to establish the East Bay Municipal Utility District ward boundaries as a result of the 2020 federal census.**

- Motion by Director Young, seconded by Director McIntosh to approve the recommended actions for Item 21b carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 022-22 – In accordance with California Elections Code section 22001, set a public hearing for February 8, 2022, to present Proposal 1 as recommended by the Redistricting Ad Hoc Committee for public review and comment, and a public hearing for March 8, 2022, where the Board of Directors will consider adopting Proposal 1 to establish the East Bay Municipal Utility District ward boundaries as a result of the 2020 federal census.

22. **General Manager's Report.**

Water Supply Update

Director of Operations and Maintenance David A. Briggs presented an update as of January 6 on the District's current water supply including gross water production; precipitation in the Mokelumne watershed which was 29.74 inches or 157 percent of average; precipitation in the East Bay which was 18.47 inches or 169 percent of average; the snow depth at Caples Lake which was 62 inches or 145 percent of average; and total system storage which was 500,980 acre-feet or 90 percent of average and 65 percent of capacity. He reviewed data on the state's water supply as of January 7, national precipitation forecasts for January 2022 through March 2022 and concluded with projected precipitation in the Mokelumne for Rainfall Year 2022 and the District's projected total system storage for Water Year 2022. Mr. Briggs responded to Board questions regarding the baseline years used in factoring gross water production averages; contacting Redwood Canyon Golf Course about potential impacts if the District is required to begin spilling at local reservoirs; and potential impacts to fisheries below Camanche Reservoir if current water trends continue.

- Addressing the Board was Eric O. Larsen, President, AFSCME Local 444, who commented staff did not provide a COVID-19 update in the General Manager's Report. He commented on the current number of COVID-19 cases at the District and among Local 444 members and said the District should consider expanding COVID-19 testing for staff to five days a week.

EBMUD Biennial Report for Fiscal Years 2020-2021

Senior Public Information Representative Andrea A. Pook presented the report which is entitled "On the Front Lines: A Report to Our Community 2020-2021." The report was redesigned and is completely digital and mobile-friendly. It includes interactive hyperlinks and videos, complies with accessibility requirements in the Americans with Disabilities Act and is available for printing from the District's website. Ms. Pook acknowledged Graphic Designer II Eric D. Fiebig and Public Information Representative III Tracie D. Morales for their work on the project. Ms. Pook responded to questions from the Board and confirmed staff tracks visitors to the District's website but does not have data on the number of views for the biennial report. Staff is exploring ways to inform the public about the report since prior editions were printed and distributed during outreach events. The Board requested a hyperlink to the report and for staff to provide a banner with hyperlinks to key items for Board members' email signature blocks.

General Manager Clifford C. Chan announced the Board received the following information and that he was available to respond to questions: 1) Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2022 and Summary of 2021 Committee and Workshop Topics; 2) 2021 Interdepartmental Committees Annual Report; and 3) December 2021 Monthly Report. He pointed out the monthly report includes information on the District's efforts to secure funding for customer arrearages. The District submitted its California Water and Wastewater Arrearage Payment Program application to the State Water Resources Control Board for \$9,631,323.40 in drinking water arrearages for 10,900 customers in arrears and an additional 9,450 accounts that received assistance via the District's Customer Assistance Program during the pandemic. He also reported the state's moratorium for water shutoffs ended on December 31, 2021 but the District does not plan to transition to implementing flow restrictors on past due accounts until arrearages are paid and staff provides an additional update to the Board.

REPORTS AND DIRECTOR COMMENTS

23. Committee Reports.

- Filed with the Board were the Minutes for the December 14, 2021 Planning and Legislative/Human Resources Committee Meetings.
- Planning Committee Chair Marguerite Young reported the Committee met earlier (remotely) and received the Wet Weather Consent Decree Implementation Update.
- Legislative/Human Resources Committee Chair John A. Coleman reported the Committee met earlier (remotely) and received updates on the Federal Initiatives for 2022 and the Diversity, Equity, and Inclusion Strategic Plan Draft.

24. Other Items for Future Consideration.

None.

25. Director Comments.

- Director Coleman reported plans to participate in the following virtual events: Los Vaqueros JPA Board Meeting on January 12; FRWA Board Meeting on January 13; presentation to the Walnut Creek Rotary on January 18; UMRWA Board Meeting on January 28; and the Los Vaqueros JPA Board Meeting on February 9.
- Director Patterson reported former football coach and NFL sports commentator John Madden was honored in Congress today with a special tribute from Representative Eric Swalwell. He requested a letter be sent to the Madden family on behalf of the Board to acknowledge Mr. Madden's contributions to Oakland.
- President Linney and Directors Katz, Mellon, McIntosh, and Young had no reports.

ADJOURNMENT

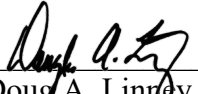
President Linney adjourned the meeting at 4:27 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: January 25, 2022



Doug A. Linney, President of the Board