



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**Notice of Location Change**

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETING  
Tuesday, May 12, 2020  
*\*\*Teleconference\*\****

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via teleconference only**. In compliance with said orders, a physical location will not be provided for these meetings. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: May 7, 2020

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole  
Secretary of the District

(This page is intentionally left blank.)



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA**

**REGULAR CLOSED SESSION**

**Tuesday, May 12, 2020**

**11:00 a.m.**

**Location**

Due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference*

**Public Participation**

***Dial 855-369-0450 to participate via telephone;  
Enter participant pin 49-281-364 # when prompted***

**To listen to the live audio stream of the public portion of the meeting, *but not provide public comment*, visit <https://www.ebmud.com/about-us/board-directors/board-meetings/>**

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors 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 participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*  
Contra Costa County Superior Court, Case No. MSC16-01348
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Town of Moraga  
Claim No. 2017-L-290
  - b. William Strauss and Suzanne Strauss  
Claim No. 2018-L-076
  - c. One matter.
3. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with Clifford C. Chan, Director of Operations and Maintenance; and Laura A. Acosta, Manager of Human Resources.
4. Personnel exception pursuant to Government Code section 54957 to consider selection for the position of General Manager.

*(The Board will discuss Closed Session agenda items via teleconference.)*

**REGULAR BUSINESS MEETING**

**1:15 p.m.**

**Location**

Due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference*

**Public Participation**

**Dial 855-369-0450 to participate via telephone;  
Enter participant pin 49-281-364 # when prompted**

**To listen to the live audio stream of the meeting, but not provide public comment, visit  
<https://www.ebmud.com/about-us/board-directors/board-meetings/>**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**PRESENTATION:**

- National Association of Clean Water Agencies' award for educating the public through the Main Wastewater Treatment Plant Tour Program

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PUBLIC COMMENT:** The Board of Directors 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 participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- Comments **on agenda items** will follow the same process and will be heard when the item is up for consideration.

**CONSENT CALENDAR:** (Single motion and vote approving 7 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of April 28, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest effective responsive/responsible bidder, Caggiano General Engineering, Inc., in the amount of \$520,000 for construction of the Camanche Water Transmission Pipeline Project Phase 2 under Specification 2154.
4. Direct award a contract to Lotek Wireless in an amount not to exceed \$710,000 for acoustic telemetry equipment for Mokelumne River fisheries monitoring studies, and two years of tags ending December 31, 2023.
5. Approve actions related to the Pardee Chemical Plant Chemical Feed Shafts Project.
  - 5.1. Authorize an agreement on or after May 12, 2020 with CPM Associates, Inc., in an amount not to exceed \$819,456 for construction inspection services for the Pardee Chemical Plant Chemical Feed Shafts Project.
  - 5.2. Award a contract to the lowest responsive/responsible bidder, Force Drilling, LLC, in the amount of \$4,198,808 for construction of Pardee Chemical Plant Chemical Feed Shafts under Specification 2158.

**CONSENT CALENDAR:** (Continued)

6. Authorize an amendment to the agreement awarded under Board Motion No. 009-19 with Consolidated CM, Inc., to increase the amount by \$610,350 to a total amount not to exceed \$1,600,398 for construction management support services for the Administration Building Heating, Ventilation, and Air Conditioning Systems Upgrade project.
7. Adopt the Bay Area Integrated Regional Water Management Plan updated in 2019. (Resolution)

**DETERMINATION AND DISCUSSION**

8. Legislative Update:
  - Receive Legislative Report No. 03-20 and consider positions on the following bill: SB 1386 (Moorlach) Local Government: Assessments, Fees, and Charges: Water; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
  - Update on Legislative Issues of Interest to EBMUD
9. File a report and set a Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2021.
  - 9.1. File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for FY21.
  - 9.2. Set a Public Hearing on Tuesday, June 9, 2020 during the Board's regular meeting to consider the Report and Recommendation.
10. Approve actions related to the Mokelumne Aqueduct System Routine Maintenance Project (Project). (Resolution)
  - 10a. Adopt the Final Mitigated Negative Declaration (MND) for the Project
  - 10b. Make findings in accordance with the California Environmental Quality Act (CEQA)
  - 10c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA
  - 10d. Adopt the Practices and Procedures Monitoring and Reporting Plan
  - 10e. Approve the Project
11. General Manager's Report:
  - Coronavirus Update
  - Monthly Report – April 2020

**REPORTS AND DIRECTOR COMMENTS:**

12. Committee Reports:
  - Sustainability/Energy
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
13. Other Items for Future Consideration.
14. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 26, 2020.***

**Disability Notice**

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*

**Document Availability**

*Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, May 12	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	8:45 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> <li>• Fiscal Year 2019-2020 K-12 Education Program Update</li> <li>• Wastewater Treatment Plant Tour Program Update</li> <li>• Advanced Metering Infrastructure Water-Energy Nexus Study Update</li> <li>• Mokelumne Aqueduct System Routine Maintenance Project Update and Final Mitigated Negative Declaration</li> <li>• Railroad Property Easement Acquisition – Initiation of Eminent Domain Proceedings</li> </ul>
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	10:00 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Administrative Support at the Service Centers</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m. <i>Teleconference</i>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
Saturday, May 16	<b>Board of Directors</b>	9:30 a.m.	<ul style="list-style-type: none"> <li>• Special Closed Session</li> </ul>
Monday, May 25	<b>Memorial Day</b>		<i>District Offices Closed</i>
Tuesday, May 26	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz	TBD Training Resource Center	
	<b>Financial Stability/Strategic Plan/Mid-Cycle Budget Workshop</b>	TBD Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>