



**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 MEETINGS
Tuesday, August 11, 2020
Teleconference**

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, 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: August 6, 2020



Rischa S. Cole
Secretary of the District

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**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, August 11, 2020

11:00 a.m.

Location

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

*****Please see appendix for public participation instructions*****

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.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Central Valley Project WIIN Act Repayment Contract Conversion
 - b. One matter.
2. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Benjamin Brooks and Narjis Ali from Sure Secure Solutions, LLC; and Barry N. Gardin, Internal Auditor Supervisor.
3. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluation: General Counsel.

(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 the most recent Alameda County Health Order, 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

*****Please see appendix for public participation instructions*****

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

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.

CONSENT CALENDAR: (Single motion and vote approving 12 recommendations, including 3 resolutions.)

1. Approve the Regular Meeting Minutes of July 28, 2020.
2. File correspondence with the Board.
3. Authorize two Special Facilities Agreements with Pacific Gas and Electric Company for a cumulative total amount not to exceed \$400,000 for the interconnection facilities and electrical upgrades needed to connect the Duffel Photovoltaic Project to the electric grid.
4. Authorize an agreement beginning on or after August 11, 2020 with RPR Architects in an amount not to exceed \$1,421,831 for the permitting, architectural, and design services for the Willow Service Center Site Development project.
5. Authorize an agreement beginning on or after August 11, 2020 with Stradling, Yocca, Carlson and Rauth, a Professional Corporation, and Curls Bartling, P. C., for an estimated annual amount of \$300,000 for bond counsel and co-bond counsel services for water and wastewater debt financings and other debt-related activities for five years with two options to renew for additional one-year periods for a total cost of \$2,100,000.

CONSENT CALENDAR: (Continued)

6. Authorize an agreement beginning on or after August 11, 2020 with Trussell Technologies, Inc., for two years with three options to renew for additional one-year periods for a total amount not to exceed \$299,941 for process support at the Richmond Advanced Recycled Expansion facility at the Chevron Richmond Refinery.
7. Authorize an agreement beginning on or after August 11, 2020 with Utility Cost Management, LLC, in an amount not to exceed \$200,000 for consulting and account management services to optimize Pacific Gas and Electric Time-of-Use energy tariffs.
8. Authorize an amendment to the contract awarded under Board Motion No. 021-19 with Equifax Workforce Solutions to increase the amount by \$40,000 to a total amount not to exceed \$210,000 and extend the contract terms to July 2023 for Patient Protection and Affordable Care Act (ACA) compliance tracking, ACA tax form preparation and fulfillment, unemployment administration, and Work Number services (employment verifications).
9. Authorize the Office of General Counsel to continue the employment of the law firm of Somach, Simmons & Dunn, P.C., for providing representation in litigation arising under the California Environmental Quality Act and/or the National Environmental Policy Act.
10. Authorize a 20-year lease beginning on or after August 11, 2020 with the California State Lands Commission on the Mokelumne River in Woodbridge within the City of Lodi in San Joaquin County for a total of \$2,525. (Resolution)
11. Authorize the continuation of special pay and benefits for up to 24 months for employee military reservists who have been recalled to active duty to support military branches dealing with the impacts of the COVID-19 pandemic. (Resolution)
12. Adopt a resolution in observance of the 100th Anniversary of the ratification of the 19th Amendment to the United States Constitution which guarantees all American women the right to vote. (Resolution)

DETERMINATION AND DISCUSSION:

13. Legislative Update:
 - Receive Legislative Report No. 07-20 and consider positions on the following bills: SB 1103 (Hurtado) Workforce Training Programs: Supportive Services and S. 4188 (Harris) Water for Tomorrow Act of 2020; 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
14. General Manager's Report:
 - EBMUD's Racial Equity and Justice Project Update
 - Coronavirus Update
 - Appoint Ad Hoc Committee to Negotiate Amendment to Employment Agreement with General Counsel
 - Monthly Report – July 2020

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - Sustainability/Energy
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
16. Other Items for Future Consideration.
17. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 8, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, August 11	Planning Committee Linney {Chair}, McIntosh, Mellon	8:45 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Los Vaqueros Reservoir Expansion Project Update • East Bayshore Recycled Water Project Update • Main Wastewater Treatment Plant Odor Control Program Update • Lead Service Lateral Inventory and Replacement Plan Update • Information Technology Security Annual Update
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:00 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Legislative Update • Semi-Annual Update on District Values and Organizational Improvements Program • EBMUD’s Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update
	Board of Directors	11:00 a.m. <i>Teleconference</i> 1:15 p.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, August 25	Finance/Administration Committee Patterson {Chair}, Coleman, Katz Board of Directors		<ul style="list-style-type: none"> • <i>Canceled</i> • <i>Canceled</i>
Tuesday, September 7	Labor Day		<i>District offices closed</i>
Tuesday, September 8	Planning Committee Linney {Chair}, McIntosh, Mellon	9:15 a.m. TBD	
	Legislative/Human Resources Coleman {Chair}, McIntosh, Patterson	10:15 a.m. TBD	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting



APPENDIX

Closed Session and Regular Business Meetings
(11:00 a.m. and 1:15 p.m.)

The EBMUD 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.

To participate in the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting via telephone, please:

DIAL 855-369-0450 and ENTER 49-281-364 # when prompted

To listen to the live audio stream of the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, *but not provide public comment*, please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

If you participate via telephone and wish to speak on **an agenda or non-agenda item**, 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.
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