



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, June 9, 2020  
*\*\*Teleconference\*\****

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-11 (issued May 18, 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: June 4, 2020

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

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, June 9, 2020**

**11:00 a.m.**

#### **Location**

Due to COVID-19 and in accordance with Alameda County Health Order 20-11 (issued May 18, 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*

**\*\*\*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. Waste Management of Alameda County, Inc.  
Claim No. 2017-L-183-1
  - b. Central Valley Project WIIN Act Repayment Contract Conversion
2. Personnel exception pursuant to Government Code section 54957 to consider the selection for the position of General Manager.
3. Personnel exception pursuant to Government Code section 54957.6 to meet with and provide instructions to the Board's designated representatives, President Marguerite Young and Vice-President Doug Linney, on negotiating an employment contract with General Manager candidate.

*(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 20-11 (issued May 18, 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*

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**PRESENTATIONS:**

- Paradise Irrigation District Board resolution recognizing EBMUD's role in organizing a coalition of utilities to provide mutual support assistance to Paradise in the aftermath of the Camp Fire

**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 11 recommendations, including 5 resolutions.)

1. Approve the Special Meeting and Regular Meeting Minutes of May 26, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Blue In Green, LLC, in the amount, after the addition of taxes and fees, not to exceed \$5,375,915 for supplying 11 carbonic acid dissolution, feed and pH control systems for the Pardee Chemical Plant and the Inline Water Treatment Plants at Walnut Creek, Lafayette, and Orinda, beginning on or after June 9, 2020, under Request for Quotation No. 2014.
4. Authorize an agreement beginning on or after June 9, 2020 with CDM Smith, Inc., in an amount not to exceed \$343,085 for the development of geospatial tools to support the District in the identification and quantification of inflow and infiltration sources as required by the regional Wet Weather Consent Decree.

**CONSENT CALENDAR:** (Continued)

5. Authorize an agreement beginning on or after July 1, 2020 with Civicorps in an amount not to exceed \$602,000 to provide vegetation control and related duties at various District properties.
6. Authorize an agreement with ENS Resources, Inc., in an amount not to exceed \$135,000 for continued legislative and regulatory information-gathering, analysis, representation and liaison services in Washington, D.C., for a one-year period from July 1, 2020 to June 30, 2021.
7. Authorize a cost-sharing agreement with the City of Berkeley (City) in an amount not to exceed \$1,211,550.20 for asphalt pavement and other roadway improvements on Bancroft Way, Ellsworth Street, and Stuart Street as part of the Wildcat Pipeline Improvement – Berkeley work under Specification 2111. The City is responsible for \$712,720.20 of the total cost, and the District is responsible for \$498,830.
8. Correct an administrative error under Board Motion No. 106-17 to extend the agreement term from July 1, 2020 to July 1, 2022 with APX, Inc., to provide scheduling and California Independent System Operator settlement services for the District’s energy generation.
9. Approve the Mid-Cycle Position Resolution for Fiscal Year 2021 (FY21) to implement necessary classification changes as recommended in the Fiscal Year 2020 and 2021 Mid-Cycle Budget Update submitted to the Board of Directors on May 26, 2020. The Mid-Cycle Position Resolution for FY21 is unchanged from the budget adopted by the Board on June 11, 2019. (Resolution)
10. Approve actions related to the 2020 election for the office of Director for Wards 1, 5 and 6.
  - 10.1. Adopt a resolution calling for the election of three Directors at the November 3, 2020 statewide General Election. (Resolution)
  - 10.2. Adopt a resolution requesting the Board of Supervisors in the counties of Alameda and Contra Costa to consolidate the District election for the office of Director with the statewide General Election on November 3, 2020. (Resolution)
  - 10.3. Adopt a resolution establishing the criteria for publication of candidates’ statements and authorizing the Secretary to bill candidates for certain costs. (Resolution)
11. Recognizing the service of retiring General Manager Alexander R. Coate. (Resolution)

**PUBLIC HEARING:** *\*Please see appendix for participation instructions\**

12. Conduct a public hearing and take actions related to the collection of the Fiscal Year 2021 (FY21) Wet Weather Facilities Charge (WWFC) on property tax rolls of Alameda and Contra Costa counties. (Resolution)
  - 12a. Conduct a public hearing to consider objections and protests to EBMUD's written report (Report) describing each parcel of real property subject to the WWFC and amount of the WWFC to be imposed on each parcel for the counties' Fiscal Year 2020-2021 Property Tax Rolls.
  - 12b. Adopt the Report by at least two-thirds of the members of the Board (i.e., by five Board members).
  - 12c. Authorize the District to collect the FY21 WWFC on the property tax rolls of Alameda and Contra Costa counties.
  - 12d. Authorize District staff to adjust the FY21 WWFC for any affected parcels as new information is provided by the counties.
  - 12e. Direct the Secretary of the District to file a copy of the Report on or before August 10, 2020 with the Alameda County Auditor and the Contra Costa County Auditor.

**PUBLIC HEARING:** *\*Please see appendix for participation instructions\**

13. Conduct a public hearing to consider adoption of proposed revisions to the Water and Wastewater System Schedules of rates and charges, Wastewater Capacity Fee, and other fees not subject to Proposition 218, and Regulations Governing Water Service for Fiscal Year 2021 (FY21). (Resolution)
  - 13.1. Conduct a public hearing to consider the proposed revisions to Water and Wastewater System Schedules of rates, charges, fees, Wastewater Capacity Fee and other fees not subject to Proposition 218, and Regulations Governing Water Service for FY21.
  - 13.2. Adopt the Water and Wastewater System Schedules of rates, charges, fees, Wastewater Capacity Fee, Real Property Use Application fees, Public Records Act fees, Recreation Use fees, and Regulations recommended in 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 Fiscal Year 2021 submitted to the Board on May 12, 2020.

**DETERMINATION AND DISCUSSION:**

14. Legislative Update:
  - Receive Legislative Report No. 04-20 and consider positions on the following bills: AB 2178 (Levine) Emergency Services; AB 2560 (Quirk) Water Quality: Notification and Response Levels: Procedures; SB 862 (Dodd) Planned Power Outage: Public Safety; and SB 1044 (Allen) Firefighting Equipment and Foam: PFAS Chemicals; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019
  - Update on Legislative Issues of Interest to EBMUD

**DETERMINATION AND DISCUSSION:** (Continued)

15. Consider and select an option to implement the Fiscal Year 2021 Water and Wastewater rates and charges subject to Proposition 218 with the exception of the Fiscal Year 2021 Wet Weather Facilities Charge.
  - 15a. Affirm the 6.25% rate increase for the Water System and the 4.0% rate increase for the Wastewater System to be effective on July 1, 2020 as previously adopted and approved by the Board on June 11, 2019.
  - 15b. Affirm the 6.25% rate increase for the Water System and the 4.0% rate increase for the Wastewater System, and approve delaying the effective date from July 1, 2020 to October 1, 2020. (Resolution)
  - 15c. Affirm the 6.25% rate increase for the Water System and the 4.0% rate increase for the Wastewater System and implement the increases incrementally in two phases: the first increase to be effective August 1, 2020; and the second increase to be effective January 1, 2021.
  - 15d. Rescind the Fiscal Year 2021 6.25% rate increase for the Water System and the 4.0% rate increase for the Wastewater System adopted by the Board on June 11, 2019, and continue implementing the Fiscal Year 2020 water and wastewater rates and charges for Fiscal Year 2021.
16. Affirm, in accordance with the provisions of the Municipal Utility District Act, the Fiscal Year 2021 (FY21) Operating and Capital Budgets for the Water and Wastewater Systems as recommended in the Fiscal Year 2020 and 2021 Mid-Cycle Budget Update submitted to the Board of Directors on May 26, 2020. The FY21 Operating and Capital Budgets are unchanged from the amounts adopted by the Board on June 11, 2019. (Resolution)
17. Adopt the 2020 update of the District's Strategic Plan.
18. District Response to Current Events and Racial Tension in America
19. Appointment of Clifford C. Chan to the position of General Manager. (Resolution)
20. General Manager's Report:
  - Monthly Report – May 2020

**REPORTS AND DIRECTOR COMMENTS:**

21. Committee Reports:
  - Planning
  - Legislative/Human Resources
22. Other Items for Future Consideration.
23. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 23, 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
<b>Tuesday June 9</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	8:45 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> <li>• Orinda Water Treatment Plant Disinfection Improvements Project Update and Announcement of the Availability of the Draft Supplemental Environmental Impact Report</li> <li>• Raw Water Treatment Facilities Improvement Project Update</li>   <li>• Legislative Update</li>   <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Long-Term Financial Stability Budget Workshop No. 2</b>	9:30 a.m. <i>Teleconference</i>	
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	10:30 a.m. <i>Teleconference</i>	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	
<b>Tuesday, June 23</b>	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz	10:00 a.m. TBD	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	
<b>Friday, July 3</b>	<b>Independence Day</b> <i>observed</i>		<i>District Offices Closed</i>
<b>Tuesday, July 14</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	9:15 a.m. TBD	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	10:15 a.m. TBD	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	



**APPENDIX**

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**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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**Public Hearing on Agenda Item 12**

**Collect Fiscal Year 2021 Wet Weather Facilities Charge on Property Tax Rolls**

*(Noticed to start at 1:15 p.m.)*

During the public hearing, to lodge a protest or oppose the Wet Weather Facilities Charge being collected on the property tax rolls in Alameda and Contra Costa counties, please do one of the following:

1) Call (510) 287-7011 and provide the following information:

- First and last name
- Street address, city and county or assessor's parcel number for parcel identified in the report

**OR**

2) Complete the Wet Weather Facilities Charge protest form and other requirements at <https://www.ebmud.com/about-us/events/public-hearings-rates-and-fees/>

*\*Note – the phone line and online form will only be available during the public hearing.*

*To be counted, protests must be called in or submitted before the close of the public hearing.*

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# APPENDIX

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## **Public Hearing on Agenda Item 13**

**Adoption of Proposed Revisions to the Water and Wastewater System Schedules of rates and charges, Wastewater Capacity Fee, and Other Fees  
Not Subject Proposition 218, and Regulations  
(Noticed to start at 1:15 p.m.)**

**To participate in the public hearing via telephone, please:**

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

If you participate via telephone and wish to comment during the public hearing, you will be asked to:

- State your name, affiliation if applicable
- 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

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