



**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
Thursday, September 14, 2021
Virtual**

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, a physical location will not be provided for these meetings. 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 webinar and teleconference only.**

Dated: September 9, 2021



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, September 14, 2021
11:00 a.m.
****Virtual***

Location

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

*****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. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Waste Management of Alameda County, Inc. v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG21094336
2. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with David A. Briggs, Director of Operations & Maintenance; and Steven G. Frew, Manager of Security and Emergency Preparedness.
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with David A. Briggs, Director of Operations & Maintenance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations.
4. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

ANNOUNCEMENT OF CLOSED SESSION AGENDA: (Continued)

5. Conference with Board designated representatives President Doug Linney and Director Lesa R. McIntosh regarding the compensation of the General Manager pursuant to Government Code section 54957.6.

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

REGULAR BUSINESS MEETING

1:15 p.m.

****Virtual****

Location

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

*****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 9 recommendations.)

1. Approve the Regular Meeting Minutes of August 24, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Frank A. Olsen Company LLC, to supply four butterfly valves for the Upper San Leandro Water Treatment Plant beginning on or after September 14, 2021 for a total cost, after the addition of taxes and fees, not to exceed \$308,700 under Request for Quotation No. 2115.
4. Award a contract to the lowest responsive/responsible bidder, Atlas Performance Industries, Inc., for supplying a 48-ft by 60-ft commercial modular building for the District-Owned North Orinda Sports Fields Temporary Maintenance Facilities Project for a total cost, after the addition of taxes and fees, not to exceed \$402,652 under Request for Quotation No. 2119.

CONSENT CALENDAR: (Continued)

5. Authorize an agreement beginning on or after September 15, 2021 with Jacobs Associates, Inc. dba McMillen Jacobs Associates in an amount not to exceed \$562,340 for entry plans and inspection services for the San Pablo Supply Tunnel and the Upper San Leandro Supply Tunnel.
6. Authorize an amendment to the agreement previously amended under Board Motion No. 077-19 with Pacific States Environmental Contractors, Inc. to increase the agreement amount by \$6,800,000 to a total amount not to exceed \$28,106,000, and extend the agreement term to October 3, 2023, for trench soils management and removal services.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 073-21 with Oppenheimer Investigations Group to increase the agreement amount by \$30,000 to a total amount not to exceed \$140,000 and extend the agreement term to June 30, 2022, for Equal Employment Opportunity investigative services.
8. Approve a 65-month lease agreement with 25 Orinda Way LLC, for 4,461 square feet of office space located at 25 Orinda Way, Orinda to support the District's Orinda Water Treatment Plant's Disinfection Improvements and Chemical Systems Safety Improvement Projects construction management team. The term of the lease is March 2022 through July 2027. The base monthly rent is \$17,621 with a three percent annual escalation and pass-through costs.
9. Authorize the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett LLP, for specialized legal services related to construction, public contracts and procurement, claims, intellectual property and technology matters, tax, public pension law, labor and employment, and litigation matters.

DETERMINATION AND DISCUSSION:

10. Review Board of Directors vacation schedule.
11. Approve guidelines and criteria for the District's 2021-2022 redistricting efforts.
12. Authorize actions related to the District's participation in the Los Vaqueros Reservoir Expansion Project.
 - 12.1. Adopt a resolution authorizing the General Manager to execute the Los Vaqueros Reservoir Joint Exercise of Powers Agreement. (Resolution)
 - 12.2. Adopt a resolution appointing a representative and an alternate representative to the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority. (Resolution)
 - 12.3. Authorize an amendment to the cost-sharing agreement previously authorized under Board Motion Nos. 039-19 and 203-20 with seven other water agencies to increase the agreement amount by \$897,120 to a total amount not to exceed \$2,264,910 and extend the agreement term to December 31, 2022 to fund planning and other pre-construction activities for the proposed Los Vaqueros Reservoir Expansion Project.

DETERMINATION AND DISCUSSION: (Continued)

13. Introduction and first reading of the new Excessive Water Use Penalty Ordinance, which repeals Ordinance No. 364-15 entitled "Excessive Water Use Penalty Ordinance for Drought Stages 3 and 4" and reenacts its provisions as amended to (i) conform the Ordinance to the requirements of Chapter 3.3 of Division 1 of the California Water Code by prohibiting and penalizing excessive water use during a declared Stage 2 drought while mandatory water use restrictions are in effect and/or when the District is affected by a Governor-declared drought emergency based on local conditions, (ii) modify the definition of excessive water use in certain circumstances, (iii) fix the penalty amount, and (iv) make other changes necessary or appropriate for the effective implementation of the Ordinance.
(Introduction and 1st Reading – Ordinance No. 373-21)
14. General Manager's Report:
 - Coronavirus Update
 - 2021 Drought Update
 - Monthly Report – August 2021

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - EBMUD/EBRPD Liaison
 - Redistricting Ad Hoc
 - Finance/Administration
 - Planning
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 28, 2021.

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, September 14	Planning Committee	9:15 a.m. Virtual	<ul style="list-style-type: none"> • Orinda Water Treatment Plant Disinfection Improvements and Orinda Water Treatment Plant Chemical Systems Safety Improvements Projects Update • Water Quality Program Semi-Annual Update • Main Wastewater Treatment Plant Seismic Retrofit Program Update • Regulatory Compliance Semi-Annual Report – January 2021 – June 2021 • Camanche – Riverview Fire Protection <p style="text-align: center;"><i>Cancelled</i></p>
	Legislative/Human Resources Committee		
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, September 28	Redistricting Ad Hoc Committee	TBD Virtual	
	Finance/Administration Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, October 12	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

2021 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon
Redistricting Ad Hoc	Coleman, Linney, Young



**Closed Session and Regular Business Meetings
Tuesday, September 14, 2021
11:00 a.m. and 1:15 p.m.**

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

Please visit this page beforehand to familiarize yourself with Zoom.
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/j/97065086667>

Providing public comment

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.

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/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The 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 Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when the allotted time has concluded

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>
