



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, October 26, 2021
Virtual**

In accordance with Government Code section 54953(e), 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**. A physical location will not be provided for these meetings.

Dated: October 21, 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, October 26, 2021

11:00 a.m.

****Virtual***

Location

In accordance with Government Code section 54953(e), **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. 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 regarding MOUs: 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.
2. Conference with Labor Negotiators Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6 regarding COVID-19 response-vaccine directive: American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.
3. Threat to public services or facilities pursuant to Government Code section 54957: Conference with David A. Briggs, Director of Operations & Maintenance, and Jimi Yoloye, Director of Engineering & Construction.
4. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): two matters.

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

REGULAR BUSINESS MEETING

1:15 p.m.
****Virtual****

Location

In accordance with Government Code section 54953(e), **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 October 12, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Core & Main, LP, dba R&B Company, for supplying restrained (RCT Flex Tite) fittings and polyvinyl chloride pipe restraints for two years, beginning on or after November 1, 2021 with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$3,093,880 under Request for Quotation No. 2112.
4. Authorize an agreement beginning on or after October 26, 2021 with The Regents of the University of California in an amount not to exceed \$1,500,000 for creating a Center for Smart Infrastructure on the University of California, Berkeley campus.
5. Authorize agreements with CPM Associates, Inc., Kennedy/Jenks Consultants, Inc., and MCK Americas, Inc., for as-needed construction management and inspection services beginning on or after October 26, 2021 for three years in an aggregate amount not to exceed \$15,000,000.

CONSENT CALENDAR: (Continued)

6. Authorize actions related to hydro/air-vacuum excavation services.
 - 6a. Authorize agreements with the following service providers for hydro/air-vacuum excavation services beginning on or after October 26, 2021 for one year in an aggregate amount not to exceed \$500,000: AIMS/PVIC CA, LLC dba AIMS Companies; Badger Daylighting Corp.; Bradley Tanks, Inc.; Hydro-X Services, Inc.; Pipe and Plant Solutions, Inc.; and Presidio Systems, Inc.
 - 6b. Authorize additional agreements for hydro/air-vacuum excavation 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. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
7. Authorize actions related to flagging services.
 - 7.1. Ratify the extension of agreements and aggregate payment of \$446,234 to Traffic Control Pros, TPR Traffic Solutions, and Bay Area Traffic Solutions, Inc. for flagging services through October 26, 2021.
 - 7.2a. Authorize agreements with the following service providers for flagging services beginning on or after October 26, 2021 for one year in an aggregate amount not to exceed \$1,900,000: Bay Area Traffic Solutions, Inc.; Cal-Safety, Inc.; CMC Traffic Control Specialists, Inc.; TPR Traffic Solutions; Traffic Control Pros; Traffic Management, Inc.; and Yolanda's Construction Administration & Traffic Control, Inc.
 - 7.2b. Authorize additional agreements for flagging 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. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
8. Authorize the Office of General Counsel to continue the employment of the law firm of Apex Employment Law, LLP, for specialized legal services related to public sector labor and employment law and litigation matters.
9. Approve the September 2021 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION:

10. Legislative Update:
 - Mid-Session Report on State Legislation – Status of EBMUD Position Bills for the First Year of the 2021-22 State Legislative Session
 - Update on Legislative Issues of Interest to EBMUD
11. 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. (Resolution)
12. General Manager’s Report:
 - Coronavirus Update
 - 2021 Drought Update

REPORTS AND DIRECTOR COMMENTS:

13. Committee Reports:
 - Planning
 - Redistricting Ad Hoc
 - Sustainability/Energy
 - Finance/Administration
14. Other Items for Future Consideration.
15. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 9, 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, October 26	Redistricting Ad Hoc Committee	8:00 a.m. Virtual	<ul style="list-style-type: none"> • 2021-2022 Redistricting Efforts and Update
	Sustainability/Energy Committee	9:15 a.m. Virtual	<ul style="list-style-type: none"> • Resource Recovery Program Update • Renewable Energy Update • 2020 Greenhouse Gas Inventory
	Finance/Administration Committee	10:00 a.m. Virtual	<ul style="list-style-type: none"> • Financial Review of FY21 • FY21 Key Performance Indicators Report • Monthly Investment Transactions Report • Quarterly Financial Reports • FY21 Annual Power Sales Report
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, November 9	Planning Committee	TBD	
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	
Thursday, November 11	Veterans' Day		<i>District Offices Closed</i>
Tuesday, November 23	Redistricting Ad Hoc Committee	TBD	
	Finance/Administration Committee	TBD	
	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, October 26, 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=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

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/u/adMXn1VnPp>

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/>
