



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

375 - 11th Street, Oakland, CA 94607

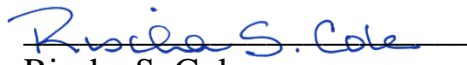
Office of the Secretary: (510) 287-0440

Notice of Location Change

**REGULAR CLOSED SESSION
and
REGULAR BUSINESS MEETINGS
Tuesday, June 23, 2020
Teleconference**

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-14 (issued June 5, 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 18, 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, June 23, 2020

11:00 a.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-14 (issued June 5, 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. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *United States of America, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. CV 09-0186 RS

(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 20-14 (issued June 5, 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

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 20 recommendations, including 1 resolution.)

1. Approve the Special Meeting and Regular Meeting Minutes of June 9, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in the amount of \$17,430,488 for Acorn No. 1, Derby, Scenic, and Scenic East Reservoirs Rehabilitation work under Specification 2153.
4. Authorize an agreement beginning on or after June 23, 2020 with Brown and Caldwell for Wet Weather Consent Decree-required hydrologic and hydraulic model (Flow Model) updates, calibration and testing, and additional services dependent upon Flow Model results for two years with three options to renew for additional one-year periods for a total cost not to exceed \$2,702,081.
5. Authorize an agreement with Industrial Employers and Distributors Association in an amount not to exceed \$231,905 to provide expert labor relations negotiating and consulting services during the two-year period from July 1, 2020 to June 30, 2022, with an option to extend the agreement for an additional two years from July 1, 2022 through June 30, 2024.

CONSENT CALENDAR: (Continued)

6. Authorize an agreement beginning on or after June 23, 2020 with Joe Hill Consulting & Engineering Corporation in an amount not to exceed \$300,000 for project-based training and mentoring services for the Upper San Leandro Water Treatment Plant Maintenance and Reliability Improvements Project.
7. Authorize an agreement beginning on or after June 23, 2020 with Magna IV Engineering, Inc., in an amount not to exceed \$329,884 for testing and training services for electrical power equipment and systems at the District's wastewater facilities.
8. Authorize agreements with GSI Environmental, Inc., and Terraphase Engineering, Inc., to provide general environmental services from July 1, 2020 to June 30, 2023 with two options to renew for additional one-year periods for a total combined cost not to exceed \$3,000,000.
9. Authorize agreements for rental of Fully Maintained and Operated (FM&O) flagging services.
 - 9a. Authorize agreements with Bay Area Traffic Solutions, Inc., Traffic Control Pros, and Yolanda's Construction Administration & Traffic Control in an aggregate amount not to exceed \$1,400,000 for the rental of FM&O flagging services beginning on or after June 23, 2020 for a one-year period.
 - 9b. Authorize additional agreements for FM&O flagging services with vendors meeting District standards and offering pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of FM&O flagging services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
10. Authorize a 25-year Power Purchase Agreement with Solar Star Bear Creek, LLC (Solar Star), a subsidiary of SunPower, to develop up to 4,570 kilowatts of photovoltaic-generated electricity on the District's Duffel watershed property in Orinda and sell the energy to the District at a fixed price of \$0.0616 per kilowatt hour. Additionally authorize the District to offer limited indemnification and up to \$183,000 under the agreement for development services to Solar Star.
11. Authorize an amendment to the agreement awarded under Board Motion No. 158-19 with Sure Secure Solutions, LLC, to increase the amount by \$60,000 to a total amount not to exceed \$225,800 for the completion of a comprehensive vulnerability assessment of the District's information technology environment.
12. Authorize an amendment to the agreement awarded under Board Motion No. 092-19 with Terraphase Engineering, Inc., to increase the amount by \$67,845 to a total amount not to exceed \$217,545 to prepare a trench soils master plan.
13. Authorize an amendment to the contract awarded under Board Motion No. 019-20 with CDW Government, LLC, to increase the amount by \$511,599 to a total amount, after the addition of taxes, not to exceed \$1,364,264 to add Microsoft Office 365 and Enterprise Mobility and Security licensing to the existing Microsoft Enterprise Agreement through January 31, 2023.
14. Authorize the execution of a 25-year Land Lease with Robin Hauge, Chelsey Hauge, and Samuel Zavaleta for approximately 7,500 square feet of land within the District Property CC-525 located in Canyon Watershed for \$50,000.

CONSENT CALENDAR: (Continued)

15. Approve the assignment of all contracts to deliver, install, support and maintain NetApp storage systems and to provide subscription services for Commvault backup software previously awarded under Board Motion Nos. 025-16, 124-17, 036-18, and 172-18 from Integrated Archive Systems to General Datatech, LP.
16. Approve the Water Supply Assessment requested by the City of Berkeley for the Southside Zoning Amendments Project pursuant to California Water Code, Sections 10910-10915.
17. Approve the May 2020 Monthly Investment Transactions Report.
18. File the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa Counties' 2020-2021 Property Tax Rolls.
19. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters.
20. Approve revisions to the following District policies: Policy 1.14 – Customer Assistance Policy; Policy 2.04 – Contractual Agreements with Former Employees; Policy 2.20 – Workforce Communications; Policy 4.20 – Use of District Technology Resources; Policy 7.05 – Sustainability and Resilience; and Policy 9.06 – Bay-Delta Protection. (Resolution)

DETERMINATION AND DISCUSSION:

21. Legislative Update:
 - Receive Legislative Report No. 05-20 and consider a position on the following bill:
ACA 5 (Weber) Government Preferences
 - Update on Legislative Issues of Interest to EBMUD
22. Adopt the resolution authorizing principles and an action plan for the District's response to racial discrimination and violence against Black and African Americans as most recently exemplified by the killing of George Floyd. (Resolution)
23. General Manager's Report:
 - Coronavirus Update

REPORTS AND DIRECTOR COMMENTS:

24. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration
25. Other Items for Future Consideration.
26. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, July 14, 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, June 23 | Finance/Administration Committee Patterson {Chair}, Coleman, Katz | 10:15 a.m. <i>Teleconference</i> | <ul style="list-style-type: none"> • Monthly Investment Transactions Report • Annual Update on Employees' Retirement System • Revisions to District Policies |
| | Board of Directors | 11:00 a.m. 1:15 p.m. | <ul style="list-style-type: none"> • Closed Session • Regular Meeting |
| Friday, July 3 | Independence Day <i>observed</i> | | <i>District Offices Closed</i> |
| Tuesday, July 14 | Planning Committee Linney {Chair}, McIntosh, Mellon | 9:15 a.m. TBD | |
| | Legislative/Human Resources Committee 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 |
| Tuesday, July 28 | Sustainability/Energy Committee Linney {Chair}, Katz, Mellon | TBD | |
| | Finance/Administration Committee Patterson {Chair}, Coleman, Katz | 10:00 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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