



BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**REGULAR CLOSED SESSION
10:30 AM
and
REGULAR BUSINESS MEETINGS
1:15 PM
Tuesday, January 11, 2022
Virtual**

Notice is hereby given that the Tuesday, January 11, 2022 Regular Closed Session Meeting of the Board of Directors has been rescheduled from 11:00 a.m. to 10:30 a.m.

In accordance with Government Code section 54953(e), the Regular Closed Session Meeting scheduled for 10:30 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: January 6, 2022



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, January 11, 2022

10:30 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.

BROWN ACT BRIEFING:

- Presentation on the Ethics Policy of the EBMUD Board of Directors and Updates to the Brown Act and Ethics Laws

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01348
 - b. *Saji Pierce, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
three matters.
3. Conference with Labor Negotiators Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; and Winnie W. Anderson, Interim Director of Human Resources, 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.

ANNOUNCEMENT OF CLOSED SESSION AGENDA: (Continued)

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; and Winnie W. Anderson, Interim Director of Human Resources, 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.

(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
- Election of 2022 Officers
- 2022 Board Committee Assignment Preferences

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 16 recommendations.)

1. Approve the Regular Meeting Minutes of December 14, 2021.
2. File correspondence with the Board.

CONSENT CALENDAR: (Continued)

3. Award contracts and authorize additional contracts for supplying automobile, truck, and heavy equipment tires for District vehicles and equipment.
 - 3a. Award contracts to the following vendors for supplying automobile, truck, and heavy equipment tires for District vehicles and equipment for beginning on or after January 11, 2022 for five years, in an aggregate amount not to exceed \$3,000,000: Brannon Tire; Bridgestone Americas Tire Operations, LLC; Don's Tire Service, Inc.; Dusty and Sons Tires; East Bay Tire Co.; George Oren Tire Specialist; Hernandez Tires Service; J&O's Commercial Tire Center; Jackson Tire Service Inc.; Morgan Tire of Sacramento, Inc.; Thiel's Tires; and Wingfoot Commercial Tire Systems dba Goodyear Commercial Tire + Service Center.
 - 3b. Authorize additional contracts for supplying automobile and light, medium, and heavy truck tires on an as-needed basis, with vendors that meet District standards and offer pricing at or below the range in the proposed contracts with the vendors above to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
4. Award a sole source contract to Hydranautics for supplying 1,280 reverse osmosis membrane elements for the Richmond Advanced Recycled Expansion Water Project for one year, beginning on or after January 11, 2022 with one option to renew for an additional one-year period for a total cost, after the addition of taxes, including option years, not to exceed \$600,000.
5. Authorize an agreement beginning on or after January 11, 2022 with Black & Veatch Corporation in an amount not to exceed \$112,538 to evaluate the business case for a District-wide Advanced Metering Infrastructure project.
6. Authorize an agreement beginning on or after January 11, 2022 with Cornerstone OnDemand, Inc., for \$40,000 for one year with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$125,481 for an online learning management system.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 079-13 with the City of Emeryville (Emeryville) to include a 35 percent sewer service charge credit for Emeryville customers participating in the District's Customer Assistance Program.
8. Authorize an amendment to the Power Purchase Agreement previously authorized under Board Motion No. 118-20 with Solar Star Bear Creek, LLC to increase the agreement amount by \$517,000 to a total amount not to exceed \$700,000 for Photovoltaic-generated electricity.

CONSENT CALENDAR: (Continued)

9. Authorize actions related to replacing and supporting the District's construction management information system.
 - 9a. Authorize an agreement beginning on or after January 11, 2022 with Sage Method in an amount not to exceed \$338,395 for implementation services to replace the District's current construction management information system (CMIS).
 - 9b. Authorize an agreement beginning on or after January 11, 2022 with Kahua, Inc., for \$1,172,500 for five years with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,747,504 for software licensing and support for the CMIS.
10. Authorize an agreement with Dynamic Systems, Inc., for Oracle database software and hardware technical support services during the period of January 2022 to July 2023 with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$1,650,000.
11. Authorize agreements and authorize additional agreements for welding services.
 - 11a. Authorize agreements with the following service providers for welding services during the period January 12, 2022 to June 30, 2023, in an aggregate amount not to exceed \$250,000: Eyeball Enterprise, Inc.; Ferguson Welding Service, Inc.; John Arthur Welding, Inc.; Larsson Welding; Mid Mountain Mechanical, Inc.; Nicole Welding, Inc.; and Woods Welding.
 - 11b. Authorize additional agreements for welding 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.
12. Authorize actions related to engineering support during construction, construction oversight, and construction of the Fuel System Improvements Project.
 - 12.1 Authorize an amendment to the agreement previously authorized under Board Motion No. 066-19 with Tait Environmental Services, Inc., to increase the agreement amount by \$1,558,270 to a total amount not to exceed \$2,505,056 for engineering support during construction and construction oversight under the Fuel System Improvements Project.
 - 12.2 Award a contract to the lowest responsive/responsible bidder, Mitchell Engineering, in the amount of \$15,499,000 for construction of Fuel System Improvements under Specification 2147.
13. Authorize the General Manager to execute a one-year temporary water transfer option agreement (Agreement) with Yuba County Water Agency (YCWA) and Contra Costa Water District. This agreement provides EBMUD the option to purchase up to 10 thousand acre-feet of transfer water from YCWA in calendar year 2022 plus any additional YCWA water which becomes available to EBMUD, and to spend up to \$300,000 to prepare for the potential water transfer, while reserving for the Board the authority to determine whether to exercise the water purchase option at a future public meeting.

CONSENT CALENDAR: (Continued)

14. Approve the assignment of the agreement previously authorized under Board Motion No. 124-19 from G4S Secure Solutions (USA), Inc., to Universal Protection Service, LP dba Allied Universal Security Services for contract security services.
15. Approve the assignment and transfer of the agreement previously authorized under Board Motion No. 205-07 from Ginn & Crosby, LLP to GinnLaw, PC for specialized legal services related to construction, public contracts and procurement, claims, and litigation.
16. Approve indemnification of Alameda County as part of the conditional use permit application for the Quarry Site Restoration Project.

DETERMINATION AND DISCUSSION:

17. Appoint Manager of Distribution Maintenance and Construction. (Resolution)
18. Legislative Update:
 - Federal Initiatives for 2022
 - Update on Legislative Issues of Interest to EBMUD
19. 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)
20. Take actions related to a District emergency resulting from a catastrophic failure of a portion of the District's South Interceptor. (Resolution)
 - 20.1. Ratify the General Manager's January 4, 2022 declaration of a District emergency in accordance with Policy 7.03 – Emergency Preparedness/Business Continuity because of a catastrophic failure of a portion of the District's South Interceptor.
 - 20.2. Authorize expenditure of sums as needed in response to such emergency.
21. Consider authorizing actions related to accepting Redistricting Proposal 1.
 - 21a. Consider and accept Redistricting Proposal 1 (Proposal 1) as recommended by the Redistricting Ad Hoc Committee for review and presentation at upcoming noticed public hearings.
 - 21b. In accordance with California Elections Code section 22001, set a public hearing for February 8, 2022, to present Proposal 1 as recommended by the Redistricting Ad Hoc Committee for public review and comment, and a public hearing for March 8, 2022, where the Board of Directors will consider adopting Proposal 1 to establish the East Bay Municipal Utility District ward boundaries as a result of the 2020 federal census.

DETERMINATION AND DISCUSSION: (Continued)

22. General Manager's Report:
- Water Supply Update
 - EBMUD Biennial Report for Fiscal Years 2020-2021
 - Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2022 and Summary of 2021 Committee and Workshop Topics
 - 2021 Interdepartmental Committees Annual Report
 - Monthly Report – December 2021

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 25, 2022.

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, January 11	Planning Committee	8:45 a.m. Virtual	<ul style="list-style-type: none"> • Wet Weather Consent Decree Implementation Update
	Legislative/Human Resources Committee	9:15 a.m. Virtual	<ul style="list-style-type: none"> • Federal Initiatives for 2022 • Diversity, Equity, and Inclusion Strategic Plan Draft
	Board of Directors	10:30 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, January 17	Martin Luther King, Jr. Day		<i>District Offices Closed</i>
Tuesday, January 25	Sustainability/Energy Committee	TBD	
	Finance/Administration Committee	<i>Cancelled</i>	
	Diversity, Equity, and Inclusion Strategic Plan Workshop	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, February 8	Planning Committee	TBD	
	Legislative/Human Resources Committee	TBD	
	Customer Assistance Program Workshop	TBD	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

2022 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, January 11, 2022
10:30 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 10:30 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/>
