



**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, January 26, 2021
Virtual**

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, 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 webinar and 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: January 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, January 26, 2021

11:00 a.m.

****Virtual****

Location

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and 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.

Board members will participate by webinar or 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. *Deborah P. Davidson, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. C19-02637
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Farmers Insurance Exchange, as subrogee for Charles and Jeanne Bettencourt
Claim No. 2020-L-015-6
 - b. One matter.
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Sophia D. Skoda, Director of Finance; Andrew J. Levine, Manager of Information Systems; William L. Johnson, Information Systems Division Manager; and Barry N. Gardin, Internal Auditor Supervisor.

ANNOUNCEMENT OF CLOSED SESSION AGENDA: (Continued)

4. Conference with Labor Negotiators Clifford C. Chan, General Manager; Laura A. Acosta, Manager of Human Resources; David A. Briggs, Director of Operations & Maintenance; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6 regarding COVID-19 response: 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.
5. 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.
6. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluation: General Manager.

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

REGULAR BUSINESS MEETING

1:15 p.m.

****Virtual****

Location

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Board members will participate by webinar or teleconference

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- Approve 2021 Board Committee Assignments
- Presentation of Past President Plaque

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 8 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of January 12, 2021.
2. File correspondence with the Board.
3. Authorize agreements for annual residential backflow device testing.
 - 3a. Authorize agreements with T.G.'s Backflow Service and 4th of July Backflow Testing for testing residential backflow devices beginning on or after January 26, 2021 for three years in an aggregate amount not to exceed \$180,000.
 - 3b. Authorize additional agreements for services to test residential backflow devices 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 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.
4. Authorize agreements for shoring and trench plate rental services.
 - 4a. Authorize agreements with D.P. Nicoli, Inc. and Trench Plate Rental Co. for shoring and trench plate rental services beginning on or after January 26, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,500,000.
 - 4b. Authorize additional agreements for shoring and trench plate rental 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 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.
5. Authorize an amendment to the agreement previously authorized under Board Motion No. 020-16 with Systems Consulting, Inc. to increase the agreement amount by \$417,876 to a total amount not to exceed \$2,266,346 and extend the agreement term to February 28, 2022 with two options to renew for additional six-month periods for services supporting the Materials Management Information System.

CONSENT CALENDAR: (Continued)

6. Ratify and authorize actions related to the agreement for health and welfare benefits administration.
 - 6a. Ratify the extension of the agreement and the payment of \$66,761 to Morneau Shepell, Limited (Morneau Shepell) for the continuous work of health and welfare benefits administration through January 31, 2021.
 - 6b. Authorize an amendment to extend the agreement previously authorized under Board Motion No. 195-14 with Morneau Shepell through December 31, 2025, and to increase the agreement amount by \$2,100,000, which incorporates the ratified amount from the action above, for a total amount not to exceed \$5,000,000 for health and welfare benefits administration.
7. Approve the November 2020 and December 2020 Monthly Investment Transactions Reports.
8. Adopt a resolution to confirm and appoint the following individuals as Standby Officers for the East Bay Municipal Utility District Board of Directors for Calendar Year 2021 as outlined in the Director's Emergency Succession Plan. (Resolution)
 - 8.1. Confirm the following individuals as Standby Officers:

Ward No. 1 – 1) Celia McCoy; 2) Linda Jackson-Whitmore; 3) Lynelle Lewis
Ward No. 2 – 1) Dennis Diemer; 2) Carol Rowley; 3) Robert Dean
Ward No. 3 – 1) Jennifer Jackson; 2) Peter Vorster
Ward No. 4 – 1) Margo Schueler; 2) Xanthe M. Berry; 3) Helen Burke
Ward No. 5 – 1) Heinrich Albert; 2) James Prola; 3) Ronald M. Stork
Ward No. 6 – 1) Robert Harris; 2) Jose Guzman; 3) Kevin S. Blackburn
Ward No. 7 – 1) Calvin Sakamoto; 2) Gene Ashford, Jr.; 3) Gregory Chan
 - 8.2. Appoint Alexander R. Coate to serve as Standby Officer No. 3 for Ward 3.

DETERMINATION AND DISCUSSION:

9. General Manager's Report:
 - Water Supply Update
 - Coronavirus Update

REPORTS AND DIRECTOR COMMENTS:

10. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration
 - Sustainability/Energy
11. Other Items for Future Consideration.
12. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 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, January 26	Finance/Administration Committee Patterson {Chair}, Coleman, Katz	8:00 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Monthly Investment Transactions Reports • Interest Rate Swap Portfolio Summary Report • Quarterly Financial Reports
	Sustainability/Energy Committee Linney {Chair}, Katz, Mellon	8:30 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Climate Action Plan • Reduction in Paper Footprint
	FY22 and FY23 Budget Workshop #1	9:00 a.m. <i>Virtual</i>	
	Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, February 9	Planning Committee	TBD <i>Virtual</i>	
	Legislative/Human Resources	TBD <i>Virtual</i>	
	Customer Assistance Program Workshop	TBD <i>Virtual</i>	
	Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting



Closed Session and Regular Business Meetings
Tuesday, January 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>

11:00 a.m. Closed Session Meeting (Public Comment)

Online

<https://ebmud.zoom.us/j/92131605908?pwd=UENMQWJQbEdjeFQ3N3JqSVE2S3I0UT09>

Webinar ID: 921 3160 5908

Passcode: 481064

By Phone

Telephone: 1 669 900 6833

Webinar ID: 921 3160 5908

Passcode: 481064

International numbers available: <https://ebmud.zoom.us/j/92131605908?pwd=UENMQWJQbEdjeFQ3N3JqSVE2S3I0UT09>

1:15 p.m. Regular Business Meeting

Online

<https://ebmud.zoom.us/j/95438737609?pwd=MFYrZlZreVklTTA5OEZ6NU9iOTYwUT09>

Webinar ID: 954 3873 7609

Passcode: 063611

By Phone

Telephone: 1 669 900 6833

Webinar ID: 954 3873 7609

Passcode: 063611

International numbers available: <https://ebmud.zoom.us/j/95438737609?pwd=MFYrZlZreVklTTA5OEZ6NU9iOTYwUT09>

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 his/her allotted time has concluded

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/>

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