

## **MINUTES**

**Tuesday, September 22, 2020**

**East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California  
*\*Virtual\****

### **Regular Closed Session Meeting**

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. She announced that due to COVID-19 and in accordance with the latest 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 remotely. In compliance with said orders, a physical location was not 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.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call (remotely). Director McIntosh was absent at roll call and joined the meeting at 12:00 p.m. (remotely) (excused).

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Jonathan D. Salmon (Item 1), Director of Wastewater Eileen M. White (Item 1), Attorney Lourdes Matthew (Item 2), and Manager of Human Resources Laura A. Acosta (Item 2).

### **PUBLIC COMMENT**

- Addressing the Board was Joey D. Smith, President, AFSCME Local 2019 who commented today is National Voter Registration Day and on the need to ensure those 18 years and older are registered to vote.

### **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Young announced the closed session agenda. The Board convened for discussion (remotely).

### **Regular Business Meeting**

President Young called to order the Regular Business Meeting of the Board of Directors at 1:18 p.m. She announced that due to COVID-19 and in accordance with the latest 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 remotely. In compliance with said orders, a physical location was not 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.

## **ROLL CALL**

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call (remotely). Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

## **BOARD OF DIRECTORS**

President Young led the Pledge of Allegiance.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 1-12 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 175-20** – Approved the Regular Meeting Minutes of September 8, 2020.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Los Vaqueros Reservoir Expansion,” dated September 22, 2020; and **2)** Presentation entitled, “Coronavirus, Wildfire, and Public Safety Power Shutoff Update,” dated September 22, 2020.
  3. **Motion No. 176-20** – Awarded a contract to the lowest responsive/responsible bidder Concord Polaris and Trailer World in an amount, after the addition of taxes, not to exceed \$266,232 for supplying 13 Polaris Ranger Electric Utility Task Vehicles for the District’s Main Wastewater Treatment Plant under Request for Quotation No. 2019.
  4. **Motion No. 177-20** – Authorized an agreement beginning on or after September 22, 2020 with Buck Global, LLC in an amount not to exceed \$24,000 annually for two years with options to extend for three years in six-month or one-year periods, in a total amount not to exceed \$125,000 for providing a pension estimator and final calculations tool for the East Bay Municipal Utility District Employees Retirement System.
  5. **Motion No. 178-20** – Authorized an agreement beginning on or after September 22, 2020 with NuSpective, Inc. in an amount not to exceed \$196,990 for three years for supplying security vulnerability scanning software, support, and training.

6. **Motion No. 179-20** – Authorized an agreement beginning on or after September 22, 2020 with Siegel & Strain Architects in an amount not to exceed \$307,739 for architectural design services for new treatment and operations and maintenance facilities as part of the Pardee Chemical Plant Improvements Project.
7. **Motion No. 180-20** – Authorized an agreement beginning on or after September 22, 2020 with V&A Consulting Engineers, Inc. in an amount not to exceed \$191,421 for evaluation, design services, and engineering services during construction of the Cathodic Protection Improvements Project.
- 8a-b. **Motion No. 181-20** – Authorized amendments to the agreements awarded under Board Motion No. 138-19 with 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. to increase the amount by \$500,000 to a total aggregate amount not to exceed \$922,400 and extend the terms of the agreements to September 23, 2021 for the rental of fully-maintained and operated (FM&O) hydro/air-vacuum excavation rental services; and authorized additional agreements for FM&O hydro/air-vacuum excavation rental services on an as-needed basis, with vendors that meet District standards and offer pricing at or below the range in the proposed agreements above. These agreements will increase flexibility and ensure availability of vendors to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager’s monthly report.
9. **Motion No. 182-20** – Authorized an amendment to the agreement awarded under the General Manager’s authority with Stantec Consulting Services, Inc. to increase the amount by \$25,000 to a total amount not to exceed \$100,000 to complete a comprehensive study to update the District’s System Capacity Charge.
10. **Motion No. 183-20** – Authorized an amendment to a sole source agreement awarded under the General Manager’s authority with The Regents of the University of California, Davis to increase the amount by \$50,200 to an amount not to exceed \$120,000 for a study on the effects of paving related construction impacts on District water mains and recommended pavement restoration thickness.
11. **Motion No. 184-20** – Approved the July 2020 and August 2020 Monthly Investment Transactions Reports.
12. **Resolution No. 35203-20** – Adopting Revised Policy 4.04, Financial Planning and Budgetary Control; Revised Policy 4.08, Job Injury Leave/Wage Continuation; Revised Policy 6.05, Use of Social Media; Revised Policy 7.07, Energy; and Revised Policy 9.01, Fire Control and Fuels Management on Watershed Lands.

## **DETERMINATION AND DISCUSSION**

13. **Adopt a resolution supporting Proposition 15 - Increases Funding Sources for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property (Initiative Constitutional Amendment).**

Manager of Legislative Affairs Marlaigne K. Dumaine briefly reviewed Proposition 15, which if approved, would require specified commercial and industrial real property to be taxed based on current market value instead of purchase price, with the increase in revenue used to fund K-12 public schools, community colleges, and local governments.

- Motion by Director Mellon, seconded by Director Patterson to approve the recommended action for Item 13 carried (6-1), by the following roll call vote: AYES (Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (Coleman); ABSTAIN (None); ABSENT (None).

**Resolution No. 35204-20** – Resolution Supporting Proposition 15 – Increases Funding Sources for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property (Initiative Constitutional Amendment).

14. **General Manager's Report.**

**Appoint an Ad Hoc Committee to advise District staff on the negotiation of a Joint Powers Authority (JPA) agreement for the Los Vaqueros Reservoir Expansion Project.**

Director of Water and Natural Resources Michael T. Tognolini presented an update on the District's potential participation in Contra Costa Water District's (CCWD) proposed expansion of Los Vaqueros Reservoir and negotiation of a JPA for the project. The project would expand the reservoir from 160 thousand acre-feet (TAF) to 275 TAF, and provide supplemental water supply to EBMUD during droughts and emergencies. Current potential partners include CCWD, Valley Water District, Alameda County Water District, Bay Area Water Supply and Conservation Agency, San Francisco Public Utilities Commission, Zone 7 Water Agency, Grasslands Water District, and San Luis & Delta-Mendota Water Authority. He reviewed some issues to be considered while negotiating the JPA including who can represent agencies on the JPA Board, voting rights of each JPA member, opportunities to exit the JPA before funding commitments are required, and assurances for access to facilities. He reported all partner agencies are providing input into the draft JPA agreement. Staff is recommending the Board appoint an Ad Hoc Committee to advise staff on negotiations of the JPA agreement. Mr. Tognolini responded to Board questions regarding the District's estimated cost per acre-foot of water and General Manager Chan confirmed the Board would receive updates from the Ad Hoc Committee meetings at Planning Committee and Regular Board meetings.

- Motion by President, Young, seconded Director Coleman to approve the recommended actions for Item 14 carried (7-0), by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 185-20** – Established an Ad Hoc Committee and appointed Director John A. Coleman, Director Lesa R. McIntosh, and President Marguerite Young to advise District staff on the negotiation of a Joint Powers Authority agreement for the Los Vaqueros Reservoir Expansion Project.

**Coronavirus, Wildfires and Public Safety Power Shutoff Update.**

Acting Director of Operations and Maintenance Michael R. Ambrose presented an update on impacts of the Coronavirus, wildfires and PG&E Public Safety Power Shutoffs (PSPS) to District staff and operations. He reviewed the state's current system for determining when to re-open businesses and schools, measures staff is taking to address the effects of reduced air quality from wildfires, and actions taken to address PG&E PSPS including communication plans for customers. Mr. Ambrose responded to Board questions regarding the District's PSPS exercise scheduled for September 23 and PG&E's strategies to manage PSPS which will in turn reduce power outages in the service area. The Board asked staff to test the various customer communication systems for PSPS events during the September 23 exercise and to update Board members via email and text message when facilities within their respective Wards are affected by PSPS events.

**REPORTS AND DIRECTOR COMMENTS**

15. **Committee Reports.**

- Filed with the Board were the September 8, 2020 Planning Committee and Legislative/Human Resources Committee Minutes.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received an update on: July 2020 and August 2020 Monthly Investment Transactions Reports; Fiscal Year 2021 Insurance Summary; Equipment Lease Versus Purchase Analysis; and Review of Revisions to District Policies.

16. **Other Items for Future Consideration.**

None.

17. **Director Comments.**

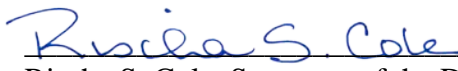
- Director Coleman reported attending the East Bay Leadership Board meeting (remotely) on September 18. He reported on plans to participate in the virtual Ward briefing for EBMUD Ward 2 in Oakland on September 23; the ACWA Federal Affairs meeting (remotely) on September 28; and the Bay Area Council Water Task Force meeting (remotely) on September 30.
- Director Katz thanked staff for their work on updating Policy 7.07 – Energy.
- Director Linney thanked staff for their work on updating Policy 7.07 – Energy.

- Director Patterson reported on plans to participate in the joint virtual Ward briefing for EBMUD Wards 5 and 6 on October 1. He read a letter from Congresswoman Barbara Lee regarding the passing of former Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg. He also asked staff to prepare speaking notes to recognize former Human Resources Manager Gwen McDonald, who passed away in late August, at a future Board meeting.
- President Young reported participating in the virtual Ward briefing for EBMUD Ward 3 on September 17. She asked staff to promote the District's updated Policy 7.07 – Energy with other agencies and said today's meeting would be adjourned in honor of former Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.
- Directors McIntosh and Mellon had no report.

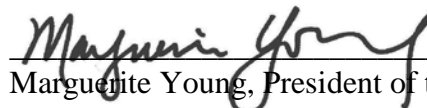
### **ADJOURNMENT**

President Young adjourned the meeting at 1:56 p.m. in honor of former Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg, who passed away on September 18, 2020.

SUBMITTED BY:

  
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Rischa S. Cole, Secretary of the District

APPROVED: October 13, 2020

  
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Marguerite Young, President of the Board