



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, November 23, 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: November 18, 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, November 23, 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. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Wang Brothers Investment v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. MSC21-00653
2. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Eileen M. White, Director of Wastewater; David A. Briggs, Director of Operations & Maintenance; Andrew J. Levine, Manager of Information Systems; and Tony J. Montano, Manager of Facilities Maintenance & Construction.
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 System Division Manager; and Barry N. Gardin, Internal Auditor Supervisor.
4. Conference with Labor Negotiators Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Director 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.

(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 11 recommendations.)

1. Approve the Regular Meeting Minutes of November 9, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Bosch Rexroth Corp., for supplying eight hydraulic power units (HPUs), underwater cables, and providing training and guidance for the installation of HPUs at the Briones Outlet Tower, beginning on or after November 23, 2021, for a total cost, after the addition of taxes and fees, not to exceed \$2,307,570 under Request for Quotation No. 2114.
4. Award a contract to the lowest responsive/responsible bidder, Polydyne, Inc., for supplying polymeric flocculants for the Main Wastewater Treatment Plant's dewatering process for two years, beginning on or after December 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 \$12,020,837 under Request for Quotation No. 2118.
5. Award a contract to the lowest responsive/responsible bidder, Marinship Development Interest, LLC, in an amount not to exceed \$1,955,000 for construction of South and South Foothill Interceptors Level Monitoring Station Improvements under Specification SD-358.
6. Award a sole source contract to WesTech Engineering, LLC, for supplying four digester sludge mixers at the Main Wastewater Treatment Plant for a total cost, after the addition of taxes, not to exceed \$355,000.

CONSENT CALENDAR: (Continued)

7. Authorize an agreement beginning on or after November 23, 2021 with Amazon Web Services, Inc., for two years in an amount not to exceed \$290,000 for cloud computing services.
8. Authorize an agreement beginning on or after November 23, 2021, with Optic Cyber Solutions, LLC, in an amount not to exceed \$370,837 for an industrial control systems risk-based cybersecurity vulnerability assessment for the District's water, wastewater, and administration facilities.
9. Authorize an agreement beginning on or after November 23, 2021 with the Oursan Ridge Conservation Bank in an amount not to exceed \$1,089,000 for the purchase of conservation credits for the Duffel Photovoltaic Project.
10. Approve the October 2021 Monthly Investment Transactions Report.
11. Cancel the December 28, 2021 Board meetings.

DETERMINATION AND DISCUSSION:

12. 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)
13. Take actions related to the Mokelumne Watershed Routine Maintenance Project (Project). (Resolution)
 - 13a. Adopt the Final Mitigated Negative Declaration (MND) for the Project.
 - 13b. Make findings in accordance with the California Environmental Quality Act (CEQA).
 - 13c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
 - 13d. Approve the Project.
14. Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update.
15. General Manager's Report:
 - Coronavirus Update
 - 2021 Drought Update

REPORTS AND DIRECTOR COMMENTS:

16. Committee Reports:
 - Planning
 - Redistricting Ad Hoc
 - Finance/Administration
17. Other Items for Future Consideration.
18. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, December 14, 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, November 23	Redistricting Ad Hoc Committee	9:00 a.m. Virtual	<ul style="list-style-type: none"> • 2021-2022 Redistricting Update
	Finance/Administration Committee	10:00 a.m. Virtual	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Employee Reimbursements of at Least \$100 – June 30, 2021 • Customer Assistance Program Funding
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Thursday, November 25 – Friday, November 26	Thanksgiving Holiday		<i>District Offices Closed</i>
Tuesday, December 14	Planning Committee	TBD	
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Friday, December 24 – Monday, December 27	Christmas Holiday <i>observed</i>		<i>District Offices Closed</i>
Tuesday, December 28	Finance/Administration Committee	TBD	
	Board of Directors	TBD	<ul style="list-style-type: none"> • Closed Session
		TBD	<ul style="list-style-type: none"> • 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, November 23, 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/>
