



**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, March 9, 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: March 4, 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, March 9, 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. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one matter.
2. 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.

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

REGULAR BUSINESS MEETING

1:15 p.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:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATION:

- California Association of Sanitation Agencies for the 2020 Outstanding Capital Project for the Main Wastewater Treatment Plant Primary Sedimentation Tanks and Channel Rehabilitation – Phase 5 Project

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 14 recommendations, including 1 resolution.)

1. Approve the Special Meeting and Regular Meeting Minutes of February 23, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Agilent Technologies, Inc., for supplying an Inductively Coupled Plasma Optical Emission Spectroscopy instrument for a total cost, after the addition of taxes, not to exceed \$128,515 under Request for Quotation No. 2102.
4. Authorize a direct award contract to Trace3, LLC, for supplying computer data storage equipment and maintenance for the Administration Building Data Center for three years, beginning on or after March 9, 2021, for a total cost, after the addition of taxes, not to exceed \$565,000 under the State of California cooperative purchasing agreement.

CONSENT CALENDAR: (Continued)

5. Authorize an agreement beginning on or after March 9, 2021 with All County Flooring in an amount not to exceed \$3,544,500 for replacement of carpet and other flooring in the District's Administration Building.
6. Authorize an agreement beginning on or after March 9, 2021 with The Brattle Group, Inc., in an amount not to exceed \$200,000 for confidential consulting services.
7. Authorize an agreement beginning on or after March 9, 2021 with Keller Canyon Landfill Company for \$300,000 annually for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$1,500,000 for non-hazardous trench soils disposal.
8. Authorize an agreement beginning on or after March 9, 2021 with Mott MacDonald Group, Inc., in an amount not to exceed \$1,943,678 for engineering design services for the Water Treatment Plant Effluent Meter, Large Customer Meter, Rate Control Station, and Regulator Improvements Design Project.
9. Authorize an agreement beginning on or after March 9, 2021 with Woodard & Curran, Inc., in an amount not to exceed \$2,278,146 for site studies and preparation of an Environmental Impact Report for the Quarry Site Trench Soils Restoration Project, pursuant to the California Environmental Quality Act.
10. Approve an amendment to the lease agreement between the District and Bizon Group, Inc., dba Conexwest (Lessee) for leased premises located within the District's West End property located at Engineer Road and Wake Avenue in Oakland to:
 - 10a. Increase the leased premises by 10,520 square feet to a total of approximately 4.25 acres.
 - 10b. Authorize Lessee to conduct paving and drainage design work to determine construction costs for necessary improvements at the leased premises in exchange for commensurate rent abatement in an amount not-to-exceed \$75,000.
 - 10c. Add two (2) five-year renewal options to the original lease agreement.
11. Authorize a Memorandum of Understanding with Contra Costa Water District (CCWD) to undertake a study to analyze whether and under which conditions the District could provide temporary water conveyance services to CCWD during construction and subsequent refill of the expanded Los Vaqueros Reservoir without resulting in unacceptable adverse impacts to the District or its customers, prior commitments, or capital project or operational needs.
12. Approve the Water Supply Assessment requested by the City of Berkeley for the Ashby and North Berkeley BART Station Transit-Oriented Development Zoning Standards Project pursuant to California Water Code, Sections 10910-10915.

CONSENT CALENDAR: (Continued)

13. Authorize actions related to specialized legal services.
 - 13.1. 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.
 - 13.2. Authorize the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett, LLP, for specialized legal services related to construction, public contracts and procurement, claims, intellectual property and technology matters, tax, public pension law, labor and employment, and litigation matters.
14. Adopt a resolution authorizing the District's application to the California Natural Resources Agency for Proposition 68 grant funds from the Protecting California's Rivers, Streams, and Watersheds Program for the Mokelumne River Spawning Gravel Enhancement and Floodplain Creation Project. (Resolution)

DETERMINATION AND DISCUSSION:

15. Legislative Update:
 - Receive Legislative Report No. 03-21 and consider a position on the following bills: AB 818 (Bloom) Solid Waste: Premoistened Nonwoven Disposable Wipes; SB 810 (Committee on Governance and Finance) Validations; SB 811 (Committee on Governance and Finance) Validations; and SB 812 (Committee on Governance and Finance) Validations; and receive information on: AB 361 (R. Rivas) Open Meetings: Local Agencies: Teleconferences; and State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
16. General Manager's Report:
 - Water Supply Update
 - Coronavirus Update
 - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update
 - Monthly Report – February 2021

REPORTS AND DIRECTOR COMMENTS:

17. Committee Reports:
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
18. Other Items for Future Consideration.
19. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, March 23, 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, March 9	Planning Committee	9:00 a.m. Virtual	<ul style="list-style-type: none"> • Satellite Recycled Water Projects Update • Private Sewer Lateral Program Update • Wastewater Pump Station M Update • Water Quality Program Annual Update – 2020 • Regulatory Compliance Semi-Annual Report – September 2020 through February 2021
	Legislative/Human Resources Committee	10:30 a.m. Virtual	<ul style="list-style-type: none"> • Legislative Update
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, March 23	Finance/Administration Committee	TBD Virtual	
	FY22 and FY23 Budget Workshop #2	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Wednesday, March 31	Cèsar Chavez Day		<i>District Offices Closed</i>
Tuesday, April 13	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	FY22 and FY23 Budget Workshop #3	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • 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



Closed Session and Regular Business Meetings
Tuesday, March 9, 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](https://ebmud.zoom.us/j/97065086667)

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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