

## MINUTES

**Tuesday, April 13, 2021**

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

### Regular Closed Session Meeting

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. He 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, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer\*, Attorney Derek T. McDonald (Item 1a), Manager of Risk Management Vladimir Bessaborov (Item 1a), Assistant General Counsel Lourdes Matthew (Items 1b, 2, and 3), Director of Operations and Maintenance David A. Briggs (Items 1b and 2), Manager of Employee Relations Niger M. Edwards (Items 1b, 2 and 3), Manager of Employee Services Lisa A. Sorani (Item 3), Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 3), Camille Pating, Meyers Nave (Item 4) and Manager of Recruitment and Classification Richard G. Jung (Item 4).

*\*General Counsel Craig S. Spencer did not participate in the discussion for Item 4.*

### PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Ivette Rivera, EBMUD Gardener Foreman commented on remarks by District employee Kristen Font during public comment at the March 23, 2021 Board meeting and requested a copy of the memo provided to the Board in response to Ms. Font's comments. Ms. Rivera also asked how the public should submit documents to the Board while meetings are being conducted remotely; 2) Lindsay Edelman, EBMUD Water Conservation Representative commented on the benefits of telecommuting for staff and the District and asked the Board to support AFSCME Local 2019's telecommuting proposals; 3) Eric Larsen, President, AFSCME Local 444 commented on an unfair labor practice charge filed by Local 444 last year regarding the District's contracting out for paving, striping and sealing work and contract costs for this work. He requested the District meet with Local 444 to discuss reductions in contracting out core bargaining unit work; 4) Brandon Lee, EBMUD Senior IT Engineer commented on the benefits of telecommuting for staff and the District and asked the Board to support AFSCME Local 2019's telecommuting proposals; 5) Anna Pritt, EBMUD Administrative Secretary II commented on the benefits of telecommuting for staff and the District and asked the Board to support AFSCME

Local 2019's telecommuting proposals; 6) Erika R. Gardner, EBMUD Assistant Engineer commented on the benefits of telecommuting for staff and the District and asked the Board to support AFSCME Local 2019's telecommuting proposals; 7) George Cleveland, Chief Steward, AFSCME Local 2019 commented on the benefits of telecommuting for staff and the District and asked the Board to support AFSCME Local 2019's telecommuting proposals. Mr. Cleveland also commented on whether the job title of the Secretary of the District would be considered the Secretary of the East Bay Municipal Utility District by an outside entity; and 8) Gary Walters II, AFSCME Local 2019 Negotiating Team member commented on a raise for Local 2019 members and asked the Board to consider Local 2019's counteroffer to the District's two-year proposal presented to the bargaining units.

Secretary Cole advised Ivette Rivera to contact the Secretary's Office to obtain a copy of the memo responding to Ms. Font's comments and explained how the public should submit documents to the Board while meetings are being conducted remotely.

Director Mellon asked George Cleveland about his inquiry regarding the job title for the Secretary. After a brief discussion Mr. Cleveland said he would get the information from an alternative source.

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

President Linney announced that on Saturday, April 10, 2021, after the agenda for the regular Board meeting for April 13 had been posted, the Ad Hoc Committee for the General Counsel recruitment, comprised of Director Coleman, Director Young, and President Linney met to interview candidates for the General Counsel position. At the completion of the interviews, the Ad Hoc Committee determined the need to meet in closed session with the entire Board today to discuss the recruitment.

The Brown Act provides that the Board may discuss an item which was not previously placed on an agenda prior to the agenda being posted when two-thirds of the members present determine there is a need to take immediate action and that need came to the attention of the Board after the agenda was posted. The Ad Hoc Committee determined that given the impending retirement of the General Counsel and the information provided to the Ad Hoc Committee during the interviews on April 10, there is a need for the Ad Hoc Committee to consider selection for the position of General Counsel in closed session today under Government Code section 54957. President Linney called for a motion.

- Motion by Director Young, seconded by Director Coleman for the Board to add Item 4 to the April 13, 2021 closed session agenda to consider selection for the position of General Counsel in closed session today under Government Code section 54957 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

### **Regular Business Meeting**

President Linney called to order the Regular Business Meeting of the Board of Directors at 1:22 p.m. He 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, Lesa R. McIntosh, Marguerite Young, Frank Mellon, William B. Patterson, and President Doug A. Linney were present at roll call. All Directors participated 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 Linney led the Pledge of Allegiance.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

- Addressing the Board was Ivette Rivera, EBMUD Gardener Foreman who commented the March 23, 2021 draft Regular Board meeting minutes did not accurately reflect remarks made by Kristen Font during public comment and asked the Board to have the minutes revised to broadly reflect Kristen Font's comments which included a comment on an unfair labor practice.

Secretary Cole explained the Board meeting minutes are summary and not verbatim minutes and that video recordings of Board meetings are available online for those wishing to review verbatim comments. The Board briefly discussed the request and agreed to pull Item 1 from the Consent Calendar for discussion.

### **CONSENT CALENDAR**

- Items 1 and 5 were pulled from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Katz, to approve the recommended actions for Items 2-4 and 6-7 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 064-21** – Approved the Special and Regular Meeting Minutes of March 23, 2021 and the Special Meeting Minutes of March 29, 2021.

- Item 1 was pulled based on the request from Ivette Rivera, EBMUD Gardener Foreman to revise the March 23, 2021 draft Regular Board meeting minutes to broadly reflect Kristen Font's comments made during public comment at the March 23 meeting. The Board reviewed the minutes and after a brief discussion, there was consensus to approve the minutes as written.
- Motion by Director Young, seconded by Director Mellon, to approve the recommended actions for Item 1 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
- 2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Central Reservoir Replacement Project Final Environmental Impact Report and Project Approval," dated April 13, 2021; **2)** Presentation entitled, "Increase to Depository and Disbursement Bank Services to Activate Lockbox Services," dated April 13, 2021; **3)** Presentation entitled, "Water Supply Update," dated April 13, 2021; **4)** Presentation entitled, "Coronavirus Update," dated April 13, 2021; **5)** Presentation entitled, "Racial Equity and Justice and Diversity, Equity and Inclusion Strategic Plan Update," dated April 13, 2021; **6)** Presentation entitled, "Diversity, Equity, and Inclusion at EBMUD – Cultural Audit Key Findings, Presentation of Results" from The Winters Group Inc., dated April 2021; and **7)** Speakers' Bureau and Outreach Record CY21, dated April 9, 2021.
- 3. **Motion No. 060-21** – Awarded a contract to the lowest responsive/responsible bidder, McGuire and Hester, in an amount not to exceed \$1,218,000 for construction of the San Ramon Pumping Plant Drainage Improvements project under Specification 2161.
- 4. **Motion No. 061-21** – Awarded a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$5,480,080 for construction of the Main Wastewater Treatment Plant Secondary Reactors Rehabilitation Phase 1 project under Specification SD-415.
- 5. **Motion No. 065-21** – Authorized an agreement beginning on or after April 13, 2021 with S.R. Bray LLC, dba Power Plus for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,120,040 for rental of portable generators including delivery services.
  - Director Coleman pulled Item 5 and General Manager Chan responded to questions about the cost to rent portable generators; whether renting for four months is adequate considering the District is headed towards a dry weather season; the potential for PG&E Public Safety Power Shutoffs to last longer than four months; when the District will consider purchasing additional portable generators; the estimated cost if District forces fueled and maintained portable generators instead of a contractor; and the potential for wind events to start a Public Safety Power Shutoff event.
  - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended action for Item 5 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

6. **Motion No. 062-21** – Authorized direct award contracts with VWR International, LLC and Fisher Scientific Company, LLC for supplying chemicals and supplies for the District’s Laboratory for three years, beginning on or after April 13, 2021 with one option to renew for an additional two-year period, in an aggregate amount, after the addition of taxes, including option years, not to exceed \$1,250,000.
  
- 7a-c. **Motion No. 063-21** – Took the following actions related to the Gilman Interchange Recycled Water Pipeline Project: a) Found that the Board considered the environmental effects of the Gilman Interchange Recycled Water Pipeline Project as analyzed in the June 2019 Interstate 80/Gilman Street Interchange Improvement Project – Initial Study Negative Declaration/Environmental Assessment with Finding of No Significant Impact; b) Approved the Gilman Interchange Recycled Water Pipeline Project.; and c) Authorized a utility agreement with Alameda County Transportation Commission (Alameda CTC) in an amount not to exceed \$1,760,015 for installation of the District’s recycled water pipeline as part of Alameda CTC’s Interstate 80/Gilman Street Interchange Improvement Project.

## **DETERMINATION AND DISCUSSION**

### **8. Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine provided an overview of the nine bills in Legislative Report No. 04-21. Based on direction received during the Legislative/Human Resources Committee earlier in the day, she reported staff is recommending positions on eight of the bills; staff will not be asking the Board to vote on a position for SB 260 (Wiener) and will return with position recommendations once the bill has been amended and staff has performed additional bill analysis. Ms. Dumaine responded to a question raised during the Legislative/Human Resources Committee on how Good Neighbor Authority funds in AB 697 (Chau) have been used historically. Director Young asked if AB 1110 (R. Rivas) and SB 372 (Leyva) contain “buy or built American” provisions or if such provisions are being considered for inclusion in the bills. Legislative/Human Resources Committee Chair Coleman reported the Committee voted to support the staff recommendations for AB 1110 and SB 372. Director Young asked the Board to delay taking action on the bills until staff could confirm whether “buy or built American” provisions are being considered for inclusion in the bills. There was a brief discussion on the merits of not voting on AB 1110 and SB 372 and general Board consensus to delay taking action on the bills. Ms. Dumaine summarized the key points in SB 260 and responded to a question seeking clarification on whether the bill would impose additional cost burdens on EBMUD ratepayers if increased costs accrued by companies are passed onto consumers. She noted the bill has not been printed and reiterated staff would bring it back to the Board for consideration in May. Regarding SB 804 (Glazer), Legislative/Human Resources Committee Chair Coleman disclosed he had been contacted by Senator Glazer’s office and that he, along with Ms. Dumaine and General Manager Chan participated in a call with representatives from Senator Glazer’s office to discuss the bill and the feasibility of siting a forestry training facility either upcountry or in the District’s East Bay service area. He also stated he shared this information with California Conservation Corps Delta Center District Director Marie Mijares. Director Coleman said staff was directed to forward AB 697, AB 1570, and

SB 804 to the Upper Mokelumne River Watershed Authority for review and consideration. President Linney clarified that the Board agreed to delay taking action on AB 1110 (R. Rivas) Zero-emission vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; SB 260 (Wiener) Climate Corporate Accountability Act; and SB 372 (Leyva) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 8 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 066-21** – Received Legislative Report No. 04-21 and approved positions on the following bills: 1) SUPPORT AB 622 (Friedman) Washing Machines: Microfiber Filtration; 2) SUPPORT AB 697 (Chau) Forest Resources: National Forest Lands: Good Neighbor Authority Fund: Ecological restoration and fire resiliency projects; 3) SUPPORT AB 1200 (Ting) Plant-Based Food Packaging: Cookware: Hazardous Chemicals; 4) SUPPORT AB 1570 (Committee on Natural Resources) Public Resources: Omnibus Bill; 5) SUPPORT SB 1 (Atkins) Coastal Resources: Sea Level Rise; and 6) SUPPORT SB 804 (Glazer) California Conservation Corps: Forestry Training Center; and received information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

Next, President Linney and Director Patterson commented on Vice President Harris and Governor Newsom's tour of the District's Upper San Leandro Water Treatment Plant on April 5. The goal of the tour was to highlight the need for water-related infrastructure investments as part of the Biden Administration's American Jobs Plan. President Linney commented how the event was an opportunity for the District to show the connection between the District work, the District's infrastructure, and jobs for people, and reported on the brief discussions he had with the Vice President and Governor Newsom regarding the District's infrastructure needs and no water shutoff policy. Director Patterson highlighted his comments to the Vice President and Governor Newsom about the District, overall infrastructure needs, and the homeless situation in Oakland. President Linney and Director Patterson thanked General Manager Chan and staff for coordinating the event. General Manager Chan introduced Walter C. Coty, EBMUD Construction Inspector and Nalani Heath-Delaney, EBMUD Carpenter, who participated in the tour as representatives of hundreds of EBMUD employees who have participated in District apprenticeship programs. They spoke on how their participation in the apprenticeship programs impacted their lives and helped their careers. They highlighted their discussions with the Vice President and Governor Newsom about working at the District, their participation in EBMUD's apprenticeship programs and the benefits and importance of workforce development programs. They thanked the Board for the opportunity to participate in such a momentous occasion. The Board thanked them for their participation and for representing the District.

Ms. Dumaine stated while there was no clear indication why the Vice President's team requested a tour of the Upper San Leandro Water Treatment Plant, she recognized that the District's reputation as a utility of excellence and the Board's leadership were likely key factors in the decision-making process. She restated the point of the tour was to promote President Biden's American Jobs Plan and highlighted key points in the plan. She thanked the Board for their leadership and felt pride in representing the District during the tour. Next, she responded to Board questions regarding the District's eligibility for funding under the Biden Administration's infrastructure package; President Biden's supplemental budget proposal; the Biden Administration's plans for funding for the Get the Lead Out program; and how earmarks will be addressed by the federal legislature.

Ms. Dumaine provided an update on federal legislative activities relating to ratepayers assistance noting the funding has not been distributed to the states and responded to questions regarding state legislative activities including the status of SB 222 (Dodd), SB 223 (Dodd), and AB 1434 (Friedman).

- 9a-f. **Certify the Final Environmental Impact Report (EIR) for the Central Reservoir Replacement Project (Project); make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations; adopt the Mitigation Monitoring and Reporting Plan (MMRP) in accordance with CEQA; adopt the Practices and Procedures Monitoring and Reporting Plan; approve the Project; and authorize the General Manager or the General Manager’s designee to negotiate and execute a lease with Redwood Day School (School) for School construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property, consistent with the requirements of Mitigation Measure TRA-1 in the MMRP, in a form approved by General Counsel.**

Associate Civil Engineer Aaron L. Hope presented an update on the project to replace the Central Reservoir, a 154-million gallon (MG) open-cut reservoir located on a 27-acre site in Oakland. The project will replace the existing open-cut reservoir with three 17-MG concrete tanks within the existing reservoir basin with a water level approximately 20 feet higher than the current reservoir to improve water service reliability, water quality operations, and long-term maintenance. The reservoir site will include a bioretention area, a new rate control station, and security fencing all within the existing property. The project also includes a design option to allow the neighboring Redwood Day School to construct a private driveway along the northern end of the property. A Draft EIR was circulated for public review from November 15, 2019 through January 13, 2020. Mr. Hope reviewed public outreach efforts and reported comments received focused on truck trip traffic, noise, hazardous materials handling during demolition, and the proposed driveway for the Redwood Day School. The project’s Draft EIR evaluated twelve environmental factors and concluded there are potential impacts from construction noise that may exceed the City of Oakland’s daytime noise standards during demolition, site preparation, valve structure construction, and site restoration. He reviewed key mitigation measures and revisions included in the Final EIR to address noise levels and to clarify standard specifications related to hazardous material handling. Planning Committee Chair Marguerite Young reported at its meeting earlier in the day, the Committee voted to support the staff recommendation and that staff had responded to questions about how equity measures are considered during project planning.

- Motion by Director Patterson, seconded by Director young, to approve the recommended actions for Items 9a-f carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35218-21** – Certifying the Final Environmental Impact Report for the Central Reservoir Replacement Project, Making Findings, Adopting the Mitigation Monitoring and Reporting Plan and Practices and Procedures Monitoring and Reporting Plan, and Approving the Project.

10. **Authorize an increase to the agreement previously authorized under Board Motion No. 136-16 with Wells Fargo Bank, N.A. in the amount of \$1,300,000 to a total amount not to exceed \$2,650,000, to exercise optional services of the agreement, specifically lockbox services for mailed-in payment processing.**

Customer and Community Services Manager Andrew L. Lee reviewed the staff recommendation to transition to lockbox services for processing mailed-in payments. In addition to ensuring business continuity, these services would also eliminate the need for periodic purchase of expensive processing machines with annual software and hardware maintenance costs. He reviewed the trends for electronic bill presentment and payment; the benefits of lockbox services and how implementing these services will ensure business continuity; tasks staff will perform in place of processing mailed-in payments; and the initial costs and anticipated savings as electronic payments increase, and mailed-in payments decrease. These services are an option within the suite of treasury management services under the District's existing agreement with Wells Fargo Bank. This item was presented to the Finance/Administration Committee on April 23, 2019 and March 23, 2021. Finance/Administration Committee Chair William B. Patterson said the Committee supported the staff recommendation at its meeting on March 23. Mr. Lee responded to a question on whether the District had received input from the public or community organizations regarding this proposal.

- Motion by Director Patterson, seconded by Director McIntosh, to approve the recommended action for Item 10 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 067-21** – Authorized an increase to the agreement previously authorized under Board Motion No. 136-16 with Wells Fargo Bank, N.A. in the amount of \$1,300,000 to a total amount not to exceed \$2,650,000, to exercise optional services of the agreement, specifically lockbox services for mailed-in payment processing.

11. **Adopt a resolution condemning all manifestations and expressions of racism, xenophobia, discrimination, scapegoating, and intolerance against the Asian American Pacific Islander community.**

General Manager Clifford C. Chan announced Item 11 would be taken out of order and presented before Agenda Item 10. He introduced Item 11 and commented on his personal experience with racism. He stated the District will be a better and strong organization as staff works together through these challenges and thanked the Board for their support on this issue. He introduced Ken K. Minn, Associate Civil Engineer and President of the EBMUD Asian Pacific Employee Association. Mr. Minn commented on his years working at the District and the impacts of anti-Asian hate in America. He announced the Asian Pacific Employee Association will host listening sessions for employees to have a safe space to share their feelings and concerns regarding these issues. He reviewed the four key actions in the proposed resolution and asked the Board to adopt the resolution. Board members expressed their support and thanked General Manager Chan and Mr. Minn for their comments. President Linney said it was helpful to hear the key points from the resolution and asked that staff read key points in future resolutions presented for Board consideration.

- Motion by Director Patterson, seconded by Director McIntosh, to approve the recommended action for Item 11 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35219-21** – Resolution Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders.

12. **General Manager’s Report.**

*\*The Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update was presented before the Water Supply and Coronavirus updates.*

Water Supply Update

Director of Operations and Maintenance David A. Briggs provided the latest precipitation data for the Mokelumne and in the East Bay; reviewed the District’s projected 2021 total system storage; reported this is the driest year on record for the East Bay.

Director of Water and Natural Resources Michael T. Tognolini reviewed alternatives if the weather remains dry and the District reaches a Stage 1 drought; discussed key messages and issues for the Board to consider when making decisions at the April 27, 2021 Board meeting regarding water supply availability and deficiency and whether to take actions regarding the District’s Water Supply Contingency Plan; and reported on reductions in State water project and Central Valley Project (CVP) allocations. The District received a letter from the State Water Resources Control Board on March 22 warning of dry conditions and drought impacts. EBMUD’s CVP allocation is still at 55 percent (73 thousand acre-feet (TAF)); however, there is risk the allocation can be reduced further if dry weather conditions continue. He explained when curtailment orders could be put in place and how this action could impact the District’s water supply. He discussed how Bay Area water agencies are responding to current conditions and coordinating messaging and noted that most agencies have indicated they will make decisions about drought declarations in late April. He went over the District’s proposed Drought Management Program (DMP) Guidelines which recommends shifting the recommended total system storage trigger for delivery of supplemental supply through the Freeport Regional Water Project from 450 TAF to 475 TAF and adjusting the threshold for declaring a Stage 1 drought from 500 TAF to 475 TAF. It would also implement mandatory rationing at 425 TAF instead of 390 TAF of total system storage. These updated DMP Guidelines will be considered by the Board in May 2021 and if adopted, would take effect in June 2021. He highlighted demand reductions, supply alternatives, and actions needed if the Board declares a Stage 1 drought. Demand reductions would include voluntary rationing up to 10 percent, result in 7 TAF of supply, and a revenue loss of approximately \$20 million. Taking the District’s 73 TAF of CVP allocation through Freeport would increase the District’s supply by 58 TAF due to gainsharing and cost approximately \$35 million including up to \$80,000 for carbon offsets. If the District takes 50 TAF, supplies would increase by 40 TAF due to gainsharing and cost \$25 million. Taking a reduced allocation would keep the District closer to its 2021 emission goal and provide flexibility to delay pumping if needed. If the Board votes to take the CVP allocation as outlined in the proposed DMP Guidelines, staff would have to immediately begin the notification, implementation and payment processes in order for the District to start operating Freeport. Because the District’s monthly Freeport capacity is 8.5 TAF, the water will need to be diverted through Freeport between June 2021 and February 2022. He reviewed the estimated

greenhouse gas emissions if the District diverts 73 TAF or 50 TAF through Freeport. Staff will develop initial strategies and messaging around demand reductions; present the 2021 Water Supply Availability and Deficiency Report and proposed demand reduction and supplemental supply actions for Board consideration at its April 27 meeting; continue to track actions at the state level for potential impacts to the District; and review the District's Excessive Use Ordinance in advance of 2022 actions. Mr. Tognolini and General Manager Chan responded to Board questions regarding the amount of funds available in the District's rate stabilization fund; how the District handles compliance to its own energy policy; the base year used for imposing voluntary rationing; the option to use renewable energy tariffs instead of carbon offsets if the District operates Freeport; and additional information on the proposed revisions to the drought stages and definitions in the DMP Guidelines.

### Coronavirus Update

General Manager Clifford C. Chan said staff would be presenting information on the District's and the Board of Directors Safe Return to Workplace Plans at the April 27, 2021 Board meeting and provided the current data on employees that have reported being vaccinated.

General Manager Chan announced he was available if the Board had questions on the General Manager's March 2021 Monthly Report.

### Racial Equity and Justice Project and Diversity, Equity, and Inclusion (DEI) Strategic Plan Update

Manager of Employee and Organizational Development Derry L. Moten said the District is currently focused on three primary areas related to DEI – the District existing diversity, equity, and inclusion efforts, the internal audit work performed by The Winters Group, and five pilot projects being developed with assistance from the O and G Racial Equity group, a subcontractor for The Winters Group. The five pilot projects will be the basis of the District's DEI Strategic Plan. He introduced The Winters Group representatives Mareisha Reece, Chief Operating Officer and Thamara Subramanian, Equity Audit and Strategy Manager who presented the results of the Cultural Audit conducted for the District. Ms. Subramanian reviewed key findings from each of the following assessment components, which were conducted using a justice-focused, mixed method approach: key stakeholder interviews; employee focus groups; an intercultural development inventory; an inclusion insights survey; a review of existing EBMUD human resources data; and an analysis of District policies, practices and procedures. She discussed stakeholder recommendations to move beyond talk to implementation; increased support from leadership; and an increase in external DEI initiatives. Strategic recommendations from The Winters Group on District DEI efforts include creating a five-year DEI strategy for the District; building on leadership support of DEI inclusion; investing in DEI education; building management competency around DEI; designing and implementing accountability systems; refreshing the District's promotion process; analyzing and improving the District's hiring processes; and increasing support for District Affinity Groups. There was considerable Board discussion, comments and questions regarding the information presented. Mr. Moten, Ms. Reece and Ms. Subramanian responded to Board questions on the information presented and specifically regarding the members of the Core Team, the District's Senior Management Team, and non-Core Team members working on these efforts; how the cultural audit assessments were made; clarification on the review of existing human resources data and if the data in the full report includes a break down showing voluntary versus involuntary employee separations; assumptions on why Baby Boomers separate from the District and whether data in the full report is broken out

by separation type; whether the opportunities presented in the findings from the intercultural development inventory equate to weaknesses; if the data in the full report categorizes the people of color at the District; if the cultural audit determined that non-people of color are in charge of hiring at the District; if the data sample in the report includes information on the percentages of participation across District groups; methodology used to conduct the key stakeholder interviews – recorded or written; whether the interviewers were able to include their own interpretations in the responses from the key stakeholder interviews; whether key stakeholder interviewees were able to review what the interviewers wrote; and clarification on the recommendation regarding Affinity Group programming.

The Board thanked The Winters Group and there was Board consensus that more information and further discussions are needed. The Board requested a copy of the full cultural audit report and District census data. The Board indicated it would be willing to conduct a special meeting if needed to discuss the report findings with The Winters Group. Also requested was benchmark information on where the District is in its diversity, equity and inclusion efforts as compared to other agencies; information on specific areas of improvement and actionable items around diversity, equity and inclusion efforts; and for staff to consider including retirees in any additional cultural audits conducted by The Winters Group.

- Director McIntosh left the meeting at 5:18 p.m.
- Director Mellon left the meeting at 5:50 p.m.

## **REPORTS AND DIRECTOR COMMENTS**

### **13. Committee Reports.**

- Filed with the Board were Minutes for the March 23, 2021 Finance/Administration Committee meeting.
- Planning Committee Chair Marguerite Young reported the Committee met earlier in the day (remotely) for a closed session and regular Committee meeting. During the closed session, the Committee received an update on a threat to public services or facilities pursuant to Government Code section 54957 and at the regular Committee meeting, received updates on the Central Reservoir Replacement Project Update and Final Environmental Impact Report and the San Pablo Reservoir Monterey Pine Management Plan. She reported that due to time constraints the updates on the 2020 Mokelumne Fall-run Chinook Salmon and Steelhead Returns and the 2020 Annual Recreation Report were deferred to a later time.
- Legislative/Human Resources Committee Chair John A. Coleman reported the Committee met earlier in the day (remotely) and received updates on Legislative Report No. 04-21. The Committee did not receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

### **14. Other Items for Future Consideration.**

None.

15. **Director Comments.**

- Director Coleman reported attending a Special Closed Session meeting of the EBMUD Board on March 29; the ACWA Washington D.C. Leadership Program #3 on March 31; and interviews for the EBMUD General Counsel position on April 10. He reported on plans to participate in the following: address the San Ramon Exchange Club on April 14; FRWA Board meeting on April 15; Los Vaqueros Expansion Ad Hoc Committee meeting on April 20; UMRWA Board meeting on April 23; address the Lafayette Rotary on May 5; address the San Ramon/Danville Real Estate group on May 13; and address the San Ramon Rotary on May 13. All meetings and events were/will be attended remotely.
- Director Patterson reported on his participation in the tour of the Upper San Leandro Water Treatment Plant with Vice President Harris and Governor Newsom on April 5 and speaking at a meeting of the NAACP Oakland Branch (remotely) on April 10. He reported the NAACP Oakland Branch will recognize him and his service to the Oakland Parks and Recreation Department at the dedication ceremony of the inaugural introduction of the Oakland Black Family Weekend: Celebrity Charity Golf Tournament on Sunday, June 20, 2021 at Tilden Golf Course. Proceeds of the tournament will be issued annually to three non-profit partners of the NAACP Oakland Branch as the William "Bill" Patterson Community Grant. Director Patterson thanks the NAACP Oakland Branch for the honor and recognition.
- Directors Katz, McIntosh, Mellon, and Young and President Linney had no report.

**ADJOURNMENT**

President Linney adjourned the meeting at 5: 56 p.m.

SUBMITTED BY:

  
Rischa S. Cole, Secretary of the District

APPROVED: April 27, 2021

  
Doug A. Linney, President of the Board