



**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, October 13, 2020  
*\*\*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 or 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: October 8, 2020

  
\_\_\_\_\_

Rischa S. Cole  
Secretary of the District

This page is intentionally left blank.



**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, October 13, 2020**

**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 or 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.

*Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young 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):
  - a. Waste Management of Alameda County, Inc.  
Claim No. 2017-L-183-1
  - b. One matter.

*(The Board will discuss Closed Session agenda items via 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 or 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.

*Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate by webinar or teleconference*

**\*\*\*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 9 recommendations.)

1. Approve the Regular Meeting Minutes of September 22, 2020.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after October 13, 2020 with Aetypic, Inc. in an amount not to exceed \$428,157 for planning, design, and engineering services during construction for the Main Wastewater Treatment Plant Operations Center Building Improvements Project.
4. Authorize an agreement beginning on or after October 13, 2020 with irth Solutions, LLC in an amount not to exceed \$94,000 for three years for implementing and providing irth Utilisphere software licenses and maintenance, and \$9,000 in optional services for a total of \$103,000.
5. Authorize an agreement beginning on or after October 13, 2020 with Microsoft Corporation in an estimated annual amount not to exceed \$77,580 for expedient support of Office 365's cloud-based systems through January 15, 2023 for a total cost of \$176,860.
6. Authorize a direct award agreement beginning on or after October 13, 2020 with Terradex, Inc. in an estimated annual amount not to exceed \$25,000 through June 30, 2021 with four options to renew for additional one-year periods, and \$25,000 in optional services, for a total cost not to exceed \$150,000 for providing WhatsDown environmental hazard data aggregating software licenses and maintenance.

**CONSENT CALENDAR:** (Continued)

7. Authorize an amendment to the agreement awarded under Board Motion No. 134-19 with CDM Smith, Inc. to increase the amount by \$393,002 to a total amount not to exceed \$994,205 for engineering consulting services during repairs of the wastewater interceptor system.
8. Approve the assignment of the agreement originally awarded under Board Motion No. 123-19 from Garcia and Associates to Kleinfelder, Inc. for on-call cultural and paleontological resource management services (on-call services).
9. Authorize an agreement with Apex Employment Law, LLP for specialized legal services related to public sector labor and employment law and litigation matters.

**DETERMINATION AND DISCUSSION:**

10. Legislative Update:
  - Receive Legislative Report No. 09-20 and consider a position on the following bill: H.R. 6745 (DeFazio) Clean Water for All Act; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019
  - Final Status of EBMUD Position Bills for the 2019-20 State Legislative Session
  - Update on Legislative Issues of Interest to EBMUD
11. General Manager's Report:
  - Live and Self-Guided Virtual Tours and Speaker Series
  - Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update
  - Coronavirus Update
  - Monthly Report – September 2020

**REPORTS AND DIRECTOR COMMENTS:**

12. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
13. Other Items for Future Consideration.
14. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 27, 2020.***

**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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<b>Tuesday, October 13</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	9:30 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> <li>• Wet Weather Program Management Update</li> <li>• Los Vaqueros Reservoir Expansion Project - Multi-party Agreement Amendment and Memorandum of Understanding with Contra Costa Water District</li> </ul>
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	10:15 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Final Status of EBMUD Position Bills for the 2019-20 State Legislative Session</li> <li>• Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, October 20</b>	<b>Main Wastewater Treatment Plant Infrastructure Tour</b>	9:00 a.m. <i>Virtual</i>	
<b>Tuesday, October 27</b>	<b>Sustainability/Energy Committee</b> Linney {Chair}, Katz, Mellon	TBD <i>Virtual</i>	
	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz	TBD <i>Virtual</i>	
	<b>Board of Directors</b>	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, November 10</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	TBD <i>Virtual</i>	
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	TBD <i>Virtual</i>	
	<b>Infrastructure Workshop</b>	TBD <i>Virtual</i>	
	<b>Board of Directors</b>	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>



---

**Closed Session and Regular Business Meetings**  
**October 13, 2020**  
**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/95302819130?pwd=OGI0dUtPeElNV2J6bVR3RmpTWXM1dz09>

Webinar ID: 953 0281 9130

Passcode: 751987

By Phone

Telephone: 1 669 900 6833

Webinar ID: 953 0281 9130

Passcode: 751987

International numbers available: <https://ebmud.zoom.us/j/95302819130?pwd=OGI0dUtPeElNV2J6bVR3RmpTWXM1dz09>

**1:15 p.m. Regular Business Meeting**

Online

<https://ebmud.zoom.us/j/91949827173?pwd=S3J3TIFWYzIzZEV5YWJ0cE5zeER6UT09>

Webinar ID: 919 4982 7173

Passcode: 707229

By Phone

Telephone: 1 669 900 6833

Webinar ID: 919 4982 7173

Passcode: 707229

International numbers available: <https://ebmud.zoom.us/j/91949827173?pwd=S3J3TIFWYzIzZEV5YWJ0cE5zeER6UT09>

**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/>**

---