



**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, April 14, 2020

11:00 a.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via 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 via teleconference

Public Participation

**To participate via telephone: Dial 855-369-0450;
Enter participant pin 49-281-364 # when prompted**

To listen to the live audio stream of the public portion of the meeting, *but not provide public comment*, visit <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Woodbridge Irrigation District v. East Bay Municipal Utility District*
Sacramento County Superior Court, Case No. 34-2018-00232142-CU-CO-GDS
 - b. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01348
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Town of Moraga
Claim No. 2017-L-290
 - b. William Strauss and Suzanne Strauss
Claim No. 2018-L-076
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Clifford C. Chan, Director of Operations and Maintenance; and Laura A. Acosta,
Manager of Human Resources.

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

REGULAR BUSINESS MEETING

1:15 p.m.

Location

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ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATION:

- National Association of Clean Water Agencies' Award for Regional Wet Weather Collaboration to Significantly Reduce Infiltration and Inflow

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

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- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- Comments **on agenda items** will follow the same process and will be heard when the item is up for consideration.

CONSENT CALENDAR: (Single motion and vote approving 10 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of March 24, 2020.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after April 14, 2020 with AdMail Express, Inc. to fulfill customer orders from the District's online store, provide warehousing services, and fulfill on-demand special large volume District mailings for three years with two options to renew for additional one-year periods, for a total amount not to exceed \$225,000.
4. Authorize an agreement beginning on or after April 14, 2020 with Blocka Construction, Inc., in an amount not to exceed \$426,740 for the removal and replacement of the Makeup Air Units at Upper San Leandro and Sobrante Water Treatment Plants.
5. Authorize actions related to Fully Maintained and Operated (FM&O) concrete repair services.
 - 5a. Authorize agreements with AJW Construction, Bruce Enterprises, Cornerstone Paving Co., Pacific General Engineering, Ransome Company and Sonnikson and Stordahl Construction in an amount not to exceed \$1,980,000 for FM&O concrete repair services beginning on or after April 14, 2020 for one year.
 - 5b. Authorize additional agreements for FM&O concrete repair services with vendors that meet District standards and offer pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of concrete repair services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

CONSENT CALENDAR: (Continued)

6. Authorize actions related to the District's Diversity and Inclusion Program.
 - 6.1. Adopt the Fiscal Year 2020 Diversity and Inclusion Program.
 - 6.2. Authorize an agreement beginning on or after April 14, 2020 with The Winters Group, Inc., in an amount not to exceed \$275,000 for the development of a Diversity and Inclusion Master Plan.
7. Authorize an amendment to the agreement awarded under Board Motion No. 107-19 with S.R. Bray, LLC, dba Power Plus to increase the amount by \$697,599 to a total amount not to exceed \$1,106,331 for rental of portable generators including delivery services through December 31, 2020.
8. Authorize an extension of the agreements awarded under Board Motion Nos. 065-15 and 127-17 with Bentley Systems, Inc. to increase the agreement amount by \$1,013,250 to a total not to exceed \$2,022,000 for providing Microstation and ProjectWise Construction Management software licenses and maintenance through August 1, 2023.
9. Reauthorize the Accounting Systems Supervisor, Manager of Security and Emergency Preparedness, and Controller to execute for and on behalf of the District, all documents required for the purpose of obtaining federal and/or state financial assistance, through the California State Office of Emergency Services including Form 130 – Designation of Applicant's Agent Resolution. Form 130 is effective for three years starting April 14, 2020 and designates the Accounting Systems Supervisor as the primary District contact. (Resolution)
10. Adopt a resolution fixing the ward boundaries from which the East Bay Municipal Utility District Directors are elected for the November 3, 2020 General Election. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update:
 - Receive Legislative Report No. 02-20 and consider positions on the following bills: SB 928 (Committee on Governance and Finance) Validations, SB 929 (Committee on Governance and Finance) Validations, and SB 930 (Committee on Governance and Finance) Validations; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
12. Consider the introduction and first reading of an ordinance to amend the EBMUD Employees' Retirement System Ordinance (Retirement Ordinance) to update Section 5(d) of the Retirement Ordinance to allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System. (Introduction and First Reading – Ordinance No. 371-20)
13. General Manager's Report:
 - Coronavirus Update
 - Water Supply Update
 - Monthly Report – March 2020

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 28, 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 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, April 14	Planning Committee Linney {Chair}, McIntosh, Mellon	8:45 a.m.	<ul style="list-style-type: none"> • 2019 Mokelumne Fall-run Chinook Salmon and Stealhead Returns • Water Quality Program Annual Update – 2019 • Regulatory Compliance Semi-Annual Report – September 2019 through March 2020 • Diversity and Inclusion Master Plan Agreement • Fiscal Year 2020 Diversity and Inclusion Program • Legislative Update • Electrical Engineer Recruitment Efforts and Honeywell Staffing Update
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	9:30 a.m.	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, April 28	Sustainability/Energy Committee Linney {Chair}, Katz, Mellon	TBD	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Finance/Administration Committee Patterson {Chair}, Coleman, Katz	10:00 a.m.	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, May 12	Planning Committee Linney {Chair}, McIntosh, Mellon	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	