



BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

REGULAR CLOSED SESSION
10:30 AM
and
REGULAR BUSINESS MEETINGS
1:15 PM
Tuesday, December 14, 2021
****Virtual****

Notice is hereby given that the Tuesday, December 14, 2021 Regular Closed Session Meeting of the Board of Directors has been rescheduled from 11:00 a.m. to 10:30 a.m.

In accordance with Government Code section 54953(e), the Regular Closed Session Meeting scheduled for 10:30 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: December 9, 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, December 14, 2021
10:30 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. *Shaunte Scott v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG20062324
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, Director of Human Resources, 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

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 including 1 resolution.)

1. Approve the Regular Meeting Minutes of November 23, 2021 and the Special Closed Session Meeting Minutes of December 2, 2021.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after December 14, 2021 with ADS Corp. in an amount not to exceed \$9,609,396 for the Consent Decree Performance Evaluation Plan Flow and Precipitation Monitoring.
4. Authorize agreements beginning on or after December 14, 2021 with Fehr & Peers and Sandis Civil Engineers Surveyors Planners in an aggregate amount not to exceed \$400,000 for two years for preparation of signed, stamped, and site-specific traffic control plans.
5. Authorize an agreement beginning on or after December 14, 2021 with National Plant Services, Inc. for five years for a total amount not to exceed \$3,000,000 for sanitary sewer inspection and cleaning services in support of the East Bay communities' infiltration and inflow reduction activities in the communities' collection systems.
6. Authorize agreements beginning on or after January 1, 2022 with Occupational Health Centers of California dba Concentra Medical Centers, Emeryville Occupational Medical Center, Kaiser Permanente On-the-Job, Mobile-Med Work Health Solutions, Inc., and Alshifa Medical Group dba Trinity Urgent Care & Occupational Health for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$250,000 for providing medical evaluations required by federal and state regulations.

CONSENT CALENDAR: (Continued)

7. Authorize actions related to the Special Structures Rehabilitation Phase 1 Project.
 - 7.1. Award a contract to the lowest responsive/responsible bidder, JMB Construction, Inc., in an amount not to exceed \$8,433,652 for construction of the Special Structures Rehabilitation Phase 1 project under Specification SD-404.
 - 7.2. Authorize an amendment to the agreement previously authorized under Board Motion No. 191-20 with CDM Smith, Inc. to increase the agreement amount by \$508,612 to a total amount not to exceed \$1,502,817 and extend the agreement term to December 31, 2023 for additional construction inspection and engineering services during construction for the Special Structures Rehabilitation Phase 1 Project.
8. Authorize the General Manager to execute an option agreement with Sycamore Mutual Water Company (Sycamore) at a maximum total cost of \$230,000 whereby EBMUD would secure the right of first refusal to negotiate with Sycamore for the purchase of up to 6,000 acre-feet of transfer water in 2022.
9. Authorize a second amendment to the Memorandum of Agreement (MOA) for the Bay Area Regional Reliability partnership to extend the term of the MOA through March 31, 2023, update the signatory authorities and the delegated contacts, and include Marin Municipal Water District as a participating partner to work collaboratively to develop the Bay Area Shared Water Access Program.
10. 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.
11. Adopt resolutions to Amend and Restate the East Bay Municipal Utility District 401(a), 401(k) and 457 Deferred Compensation Plans to comply with tax law requirements enacted under the Setting Every Community Up for Retirement Enhancement Act of 2019. (Resolutions)

PUBLIC HEARING:

12. Conduct a public hearing and adopt the East Bay Plain Subbasin Groundwater Sustainability Plan.
 - 12a. Conduct a public hearing to receive comments on the East Bay Plain Subbasin Groundwater Sustainability Plan.
 - 12b. Adopt the East Bay Plain Subbasin Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act. (Resolution)

DETERMINATION AND DISCUSSION:

13. Appointment of Assistant Attorney. (Resolution)
14. Declare an end to the District emergency initiated on November 3, 2021 and ratified on November 9, 2021 under Board Resolution No. 35253-21 to install temporary chemical storage tanks at the Oakport Wet Weather Facility. (Resolution)
15. 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)
16. Legislative Update:
 - State Legislative Initiatives for 2022 Legislative Year
 - Update on Legislative Issues of Interest to EBMUD
17. Authorize actions related to Wheeling Principles with Marin Municipal Water District.
 - 17.1. Adopt the Proposed Wheeling Principles (EBMUD Principles) to govern negotiation of a potential wheeling agreement with Marin Municipal Water District (Marin Water) in furtherance of Marin Water's Marin East Bay Emergency Intertie Project.
 - 17.2. Authorize the General Manager to begin negotiating a wheeling agreement with Marin Water based on the EBMUD Principles for potential future consideration by the Board.
18. General Manager's Report:
 - Water Supply Update
 - 2021 Drought Update
 - Monthly Report – November 2021

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Redistricting Ad Hoc
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
20. Other Items for Future Consideration.
21. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 11, 2022.

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, December 14	Planning Committee	8:45 a.m. Virtual	<ul style="list-style-type: none"> • DSRSD/EBMUD Recycled Water Authority (DERWA) Side Agreement • Oakland Inner Harbor Pipeline Crossing Update • Fiscal Year 2021 Annual Readiness Report
	Legislative/Human Resources Committee	9:45 a.m. Virtual	<ul style="list-style-type: none"> • State Legislative Initiatives for 2022 Legislative Year • Contract Equity Program Annual Report – Fiscal Year 2021
	Board of Directors	10:30 a.m. Virtual 1:15 p.m. Virtual	<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	<i>Cancelled</i>	
	Board of Directors	<i>Cancelled</i>	
Friday, December 31	New Year’s Day Holiday <i>observed</i>		<i>District Offices Closed</i>
Tuesday, January 11	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

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, December 14, 2021
10:30 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 10:30 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/>
