



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, March 24, 2020**

These meetings will be conducted pursuant to the provisions of California Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act to allow for greater flexibility in conducting public meetings via teleconferencing and allowing public participation telephonically. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing measures.

REGULAR CLOSED SESSION

11:00 a.m., Boardroom

To participate via telephone use this access information:

Dial telephone number 855-369-0450; Enter participant pin 49-281-364 # when prompted.

*Directors John Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh,
and William B. Patterson will participate via teleconference*

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. 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 convene to Conference Room 8 to discuss Closed Session agenda items.)

REGULAR BUSINESS MEETING
1:15 p.m., Boardroom

To participate via telephone use this access information:
Dial telephone number 855-369-0450; Enter participant pin 49-281-364 # when prompted.

*Directors John Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh,
and William B. Patterson will participate via teleconference*

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- National Association of Clean Water Agencies' Award for Public Service through the Employee/Retiree Coastal Cleanup Day Event

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:*

- 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
- 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 7 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of March 10, 2020.
2. File correspondence with the Board.
3. Award a contract to CXT Incorporated in an amount not to exceed \$251,028 for the removal of eight existing wood-frame restrooms and the installation of three new pre-fabricated concrete restrooms at Lafayette Reservoir Recreation Area.

CONSENT CALENDAR: (Continued)

4. Award contracts to vendors for supplying backfill material to locations throughout the District.
 - 4.1. Award contracts to the following nine lowest responsive/responsible bidders in an aggregate annual amount, after the addition of taxes, not to exceed \$9,189,093 for supplying backfill material to locations throughout the District for three years, beginning on or after March 24, 2020, with two options to renew for additional one-year periods for a total cost of \$45,945,465 under Request for Quotation No. 2006: Bradley Tanks, Inc.; Buildingpicks, Inc. dba Rockery; Cemex; CM Excavating, Inc.; Darrah Trucking & Excavating, Inc.; Green Dream International LLC; Sky Rock, Inc.; S.N. Sands Corp. dba S&S Trucking; and Toby's Trucking.
 - 4.2. Award additional contracts with qualified bidders that meet District standards and offer pricing at or below the range described in the current proposed contracts to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
5. Approve the February 2020 Monthly Investment Transactions Report.
6. Authorize the purchase of a 25.65 acre parcel located at 11 Bearinda Lane, Orinda from Mr. John Naylor for \$2,868,000 including closing costs. (Resolution)
7. Approve revisions to the following District policies: Policy 2.03 – Performance Management; Policy 4.14 – Reimbursement of Director Expenses; Policy 7.03 – Emergency Preparedness/Business Continuity; Policy 8.03 – New Wastewater Service Connections During Restricted Periods; and Policy 9.05 – Non-Potable Water. (Resolution)

PUBLIC HEARING:

8. Conduct a public hearing and authorize actions related to the acquisition of property rights for the property adjacent to 2430 Willow Street in Oakland, site of the new Central Area Service Center. (Resolution)
 - 8.1. Conduct a public hearing to receive comments on a Resolution of Necessity to acquire fee property rights for the property adjacent to 2430 Willow Street in Oakland, site of the new Central Area Service Center.
 - 8.2. Adopt a Resolution of Necessity for eminent domain proceedings for the acquisition of fee property rights from Burlington Northern Santa Fe Railway and Union Pacific Railroad Company; and authorize the General Counsel to file eminent domain actions in Alameda County Superior Court.

DETERMINATION AND DISCUSSION:

9. Authorize actions related to employee salary ranges, salaries and wage rates. (Resolution)
- 9a. Approve implementation of the fourth year general salary increase of 3.0% in accordance with the 2017-2021 Memoranda of Understanding between the District and AFSCME Locals 2019 and 444, IUOE Local 39 and IFPTE Local 21.
- 9b. Authorize a 3.0% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Resolution No. 35074-18. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Manager of Customer and Community Services, Manager of Human Resources, Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).
10. Approve actions related to the General Manager's declaration of a District emergency. (Resolution)
- 10.1. Ratify the General Manager's March 17, 2020 declaration of a District emergency in accordance with Policy 7.03 – Emergency Preparedness/Business Continuity (Policy) as a result of the federal, state, and county response to the coronavirus disease 2019 (COVID-19).
- 10.2. Confirm the authority of the General Manager to respond to the emergency.
11. General Manager's Report:
- Coronavirus Update
 - Water Supply Update
 - Customer Notification of Water Outages

REPORTS AND DIRECTOR COMMENTS:

12. Committee Reports:
- Planning
 - Finance/Administration
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, April 14, 2020 in the Administration Building Boardroom, 375 Eleventh Street, Oakland, California.

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 24	Finance/Administration Committee Patterson {Chair}, Coleman, Katz Board of Directors	10:15 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Semi-Annual Internal Audit Report • Revisions to District Policies • Monthly Investment Transactions Report • Coronavirus Disease 2019 Impact on Variable Rate Debt Market • Closed Session • Regular Meeting
Tuesday, March 31	Cesar Chavez Day 2020		<i>District Offices Closed</i>
Tuesday, April 14	Planning Committee Linney {Chair}, McIntosh, Mellon Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson Board of Directors	9:15 a.m. Training Resource Center 10:15 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	
Tuesday, April 28	Finance/Administration Committee Sustainability/Energy Committee Board of Directors	10:00 a.m. TBD Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • <i>Closed Session</i> • <i>Regular Meeting</i>
Tuesday, May 12	Planning Committee Legislative/Human Resources Committee Board of Directors	9:15 a.m. Training Resource Center 10:15 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • <i>Closed Session</i> • <i>Regular Meeting</i>