



**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 MEETING  
Tuesday, May 26, 2020  
*\*\*Teleconference\*\****

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), 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 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: May 21, 2020

A handwritten signature in blue ink that reads "Rischa S. Cole".

Rischa S. Cole  
Secretary of the District

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

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**AGENDA**

**REGULAR CLOSED SESSION**

**Tuesday, May 26, 2020**

**11:00 a.m.**

**Location**

Due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 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**

***Dial 855-369-0450 to participate via telephone;  
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. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Town of Moraga  
Claim No. 2017-L-290
2. 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.
3. Personnel exception pursuant to Government Code section 54957.6 to meet with and provide instructions to the Board's designated representatives, President Marguerite Young and Vice-President Doug Linney, on negotiating an employment contract with General Manager candidate.

*(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

**PRESENTATIONS:**

- Government Finance Officers Association's Excellence in Government Finance Award
- Government Finance Officers Association's Distinguished Budget Award
- California Society of Municipal Finance Officers Budget Excellence Award

**ANNOUNCEMENTS FROM CLOSED SESSION:**

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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 8 recommendations.)

1. Approve the Regular Meeting Minutes of May 12, 2020 and Special Meeting Minutes of May 16, 2020 and May 20, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Rogue Jet Boatworks, Inc. in an amount, after the addition of taxes, not to exceed \$100,644 for supplying one Rogue Jet 22' Fastwater boat and one Guardian 22' aluminum boat trailer for the District's Mokelumne Ranger/Patrol Facility under Request for Quotation No. 2011.
4. Authorize agreements beginning on or after May 26, 2020 with Badger Daylighting Corporation, Bess Testlab, Inc., Exaro Technologies Corporation, Pipe and Plant Solutions, Inc., and Subtronic Corporation in an amount not to exceed \$250,000 annually for utility locating and vacuum excavation potholing services for three years, with two options to renew for an additional one-year period for a total cost of \$1,250,000.
5. Authorize an agreement beginning on or after May 26, 2020 with McMillen Jacobs Associates in an amount not to exceed \$2,078,023 to complete a tunnel alignment study for the East of Hills System Study.

**CONSENT CALENDAR:** (Continued)

6. Authorize an agreement beginning on or after May 26, 2020 with SEL Engineering Services, Inc., in an amount not to exceed \$140,000 annually for the purchase of protection relay equipment and programming services at the Main Wastewater Treatment Plant and remote wastewater facilities for four years with an option to renew for an additional one-year period for a total cost of \$700,000.
7. Authorize an amendment to the agreement awarded under Board Motion No. 145-19 with Bradley Tanks, Inc. to increase the amount by \$2,598,000 to a total amount not to exceed \$3,298,000 and to add an additional one-year option for increased slurry management, treatment, hauling and disposal at two District sites.
8. Approve the April 2020 Monthly Investment Transactions Report.

**PUBLIC HEARING:**

9. Conduct a public hearing and adopt a Resolution of Necessity for eminent domain proceedings for acquisition of an easement. (Resolution)
  - 9.1. Conduct a public hearing to receive comments on a Resolution of Necessity to acquire an easement on a Union Pacific Railroad Company property (APN: 74-906-41-1), adjacent to Barnhill Marina, in support of the Oakland Inner Harbor Pipeline Crossing Project.
  - 9.2. Adopt a Resolution of Necessity for eminent domain proceedings for the acquisition of an easement from Union Pacific Railroad Company; and authorize the General Counsel to file eminent domain actions in Alameda County Superior Court.

**DETERMINATION AND DISCUSSION:**

10. Board of Directors Vacation Scheduling
11. Direct the Secretary of the District to schedule August 2020 meetings of the Board of Directors to allow the Board to exercise its Assembly Bill 408 authority within the narrow timeframe set forth in Section 11852.5 of the Municipal Utility District Act for the 2020 general election.
12. General Manager's Report.

**REPORTS AND DIRECTOR COMMENTS:**

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

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 9, 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
Tuesday, May 26	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz  <b>Long-Term Financial Stability, Strategic Plan Update and Mid-Cycle Budget Workshop</b>  <b>Board of Directors</b>	  8:30 a.m. <i>Teleconference</i>  11:00 a.m. 1:15 p.m.	<i>Cancelled</i>   <ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
Tuesday June 9	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon  <b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	9:15 a.m. TBD  10:15 a.m. TBD	
Tuesday, June 23	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz  <b>Board of Directors</b>	10:00 a.m. TBD  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
Tuesday, July 14	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon  <b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson  <b>Board of Directors</b>	9:15 a.m. TBD  10:15 a.m. TBD  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>