



**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 28, 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**

***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. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *United States of America, et al. v. East Bay Municipal Utility District, et al.*  
USDC, N.D. Cal., Case No. CV 09-0186 RS
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 to consider selection for the position of General Manager.

*(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:**

- American Society of Civil Engineers Region 9 Wastewater Treatment Project of the Year Award

**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 14 recommendations, including 2 resolutions.)

1. Approve the Special Closed Session Meeting Minutes of April 7, 2020 and the Regular Meeting Minutes of April 14, 2020.
2. File correspondence with the Board.
3. Authorize actions related to Main Wastewater Treatment Plant projects.
  - 3.1. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in the amount of \$4,512,000 for construction of the Main Wastewater Treatment Plant Hypochlorite Piping Replacement Phase 2 and Liquid Oxygen Storage Tanks Improvements Project under Specification SD-390.
  - 3.2. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in the amount of \$842,000 for construction of the Main Wastewater Treatment Plant Grit Dewatering Equipment Replacement Phase 2A under Specification SD-417.
  - 3.3. Authorize an agreement beginning on or after April 28, 2020 with Black & Veatch Corporation in an amount not to exceed \$1,390,835 for condition assessment, design services, and engineering services during construction for the Main Wastewater Treatment Plant Power Generation Station Reliability Improvements Phase 3 Project.
4. Authorize actions related to leak detection equipment and services.
  - 4.1. Authorize an agreement beginning on or after April 28, 2020 with Echologics, LLC, for leak detection equipment and services for a period of five years in an amount not to exceed \$3,498,000.
  - 4.2. Award a contract to Fluid Conservation Systems in an amount not to exceed \$132,000 beginning on or after April 28, 2020 for the purchase of leak detection equipment.

**CONSENT CALENDAR:** (Continued)

5. Authorize a direct award contract to Pyungwha Pipe Industries in an amount, after the addition of taxes, not to exceed \$925,000 for supplying Polyvinyl Chloride pipe for the District's pipeline replacement projects to upgrade aging distribution system pipes beginning on or after April 28, 2020.
6. Authorize an agreement beginning on or after May 1, 2020 with Optimatics, LLC, in an amount not to exceed \$645,000 for Optimizer and OptiCritical, a pipeline criticality analysis software package, until December 31, 2026.
7. Authorize an agreement beginning on or after April 28, 2020 with Sherwood Design Engineers in an amount not to exceed \$1,689,806 for engineering design services for the Recreation Area Water and Wastewater Collection System Improvements Project.
8. Authorize actions related to Orinda Water Treatment Plant Disinfection Improvements projects.
  - 8.1. Authorize an agreement beginning on or after April 28, 2020 with Xylem Water Solutions USA, Inc., in an amount not to exceed \$121,720 for equipment design and engineering support services for the ultraviolet disinfection system to be included in the Orinda Water Treatment Plant Disinfection Improvements Project.
  - 8.2. Authorize an amendment to the agreement awarded under Board Motion No. 019-18 with Carollo Engineers, Inc., to increase the amount by \$2,098,929 to a total amount not to exceed \$10,278,113 for additional design services and California Environmental Quality Act analysis for the Orinda Water Treatment Plant Disinfection Improvements Project.
9. Authorize an amendment to the contract awarded under Board Motion No. 097-15 with Alliant Insurance Services, Inc., to increase the amount by \$108,000 annually for three years with an option to extend for two additional one-year periods to a total amount not to exceed \$1,080,000 for providing group benefits brokerage and consulting services.
10. Correct an administrative error under Board Motion No. 181-19 to change the authorized total amount from not to exceed \$6,400,000 to not to exceed \$5,400,000 for the rental of Fully Maintained and Operated asphaltic cement/concrete saw-cutting services with the following vendors: Bay Line Cutting & Coring, Inc.; Cal-West Concrete Cutting, Inc.; Concrete Demo Works, Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company.
11. Approve the March 2020 Monthly Investment Transactions Report.
12. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental issues and regulatory compliance.
13. Approve revisions to Policy 4.07 – Investment Policy which was last revised on April 23, 2019, and renew existing delegation of authority for the management of investments on behalf of the District and Joint Powers Authorities to the Director of Finance, as the Treasurer of the District.

(Resolution)
14. Remove the suspension on Wells Fargo & Company enacted on October 25, 2016 for certain financial and investment activities.

(Resolution)

**DETERMINATION AND DISCUSSION:**

15. File the Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency; and declare that the District’s water supply is sufficient for meeting customer demands in 2020.
16. Authorize execution of legal documents associated with extending the Standby Letter of Credit and Reimbursement Agreement and Related Fee Agreement with Sumitomo Mitsui Banking Corporation for the Commercial Paper Notes (Water Series), Tax-Exempt Subseries A-1, until May 6, 2024 at a fee of 0.30 percent (30 basis points) per annum. (Resolution)
17. Conduct a second and final reading, and vote on 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. (Second Reading and Vote – Ordinance No. 371-20)
18. General Manager’s Report:
  - Coronavirus Update

**REPORTS AND DIRECTOR COMMENTS:**

19. Committee Reports:
  - Planning
  - Legislative/Human Resources
  - Sustainability/Energy
  - Finance/Administration
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, May 12, 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, April 28</b>	<b>Sustainability/Energy Committee</b> Linney {Chair}, Katz, Mellon	8:45 a.m. <i>via teleconference</i>	<ul style="list-style-type: none"> <li>• Renewable Energy Update</li> <li>• Integrated Pest Management Program Update</li> <li>• Electric Vehicle Charging Stations</li> </ul>
	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz	9:45 a.m. <i>via teleconference</i>	<ul style="list-style-type: none"> <li>• Energy Policy Update</li> <li>• Investment Policy Annual Review</li> <li>• Extend Standby Letter of Credit and Reimbursement Agreement for Commercial Paper Notes (Water Series) Tax-exempt Subseries A-1</li> <li>• Remove Suspension on Wells Fargo for Certain Financial and Investment Activities</li> <li>• Fiscal Impacts of COVID-19</li> <li>• Monthly Investment Transactions Report</li> <li>• Quarterly Financial Reports</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m. <i>via teleconference</i>	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, May 12</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Mellon	9:15 a.m. Training Resource Center	
	<b>Legislative/Human Resources Committee</b> Coleman {Chair}, McIntosh, Patterson	10:15 a.m. Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Monday, May 25, 2020</b>	<b>Memorial Day</b>		<i>District Offices Closed</i>
<b>Tuesday, May 26, 2020</b>	<b>Finance/Administration Committee</b> Patterson {Chair}, Coleman, Katz	TBD Training Resource Center	
	<b>Financial Stability/Strategic Plan/Mid-Cycle Budget Workshop</b>	TBD Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>