

## **MINUTES**

**Tuesday, November 10, 2020**

**East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California  
*\*Virtual\****

### **Regular Closed Session Meeting**

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:20 a.m. She announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, and President Marguerite Young were present at roll call (remotely). Director William B. Patterson was absent (excused).

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1a and 1c), Attorney Ayriel A. Bland (Item 1a), Manager of Risk Management Vladimir Bessarabov (Item 1a), Attorney Lourdes Matthew (Items 1b and 3), Director of Operations and Maintenance David A. Briggs (Items 1b and 3), Manager of Human Resources Laura A. Acosta (Items 1b and 3), Engineering Manager Elizabeth Z. Bialek (Item 1c), Attorney Rachel R. Jones (Item 2), Attorney Anna P. Gunderson (Item 2), Director of Water and Natural Resources Michael T. Tognolini (Item 2), Engineering Manager David J. Rehnstrom (Item 2), and Manager of Water Conservation Alice E. Towey (Item 2).

### **PUBLIC COMMENT**

- Addressing the Board was the following person: 1) Justin Young, Chair, AFSCME Local 2019's Contracting Out Committee commented on the amended agreement for the Water Treatment Plant Chemical Systems Safety Improvements Project scheduled for Board consideration on November 24, 2020.

### **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Young announced the closed session agenda and the Board convened for discussion (remotely).

### **Regular Business Meeting**

Secretary of the District Rischa S. Cole informed staff that due to an extended closed session discussion, the Regular Business meeting would be delayed and start at 2:25 p.m. President Young called to order the Regular Business Meeting of the Board of Directors at 2:25 p.m. She announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, and President Marguerite Young were present at roll call (remotely). Director William B. Patterson was absent (excused). Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

### **BOARD OF DIRECTORS**

President Young led the Pledge of Allegiance.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

- Addressing the Board was the following person: 1) John Patricio, EBMUD Information Services Supervisor asked the Board to consider offering optional military service credits for staff with prior military service similar to a program offered by CalPERS.

### **CONSENT CALENDAR**

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-8 on the Consent Calendar carried (6-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, and Young); NOES (None); ABSTAIN (None); ABSENT (Patterson).
1. **Motion No. 207-20** – Approved the Special Meeting Minutes of October 20, 2020 and the Regular Meeting Minutes of October 27, 2020.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update,” dated November 10, 2020; **2)** Presentation entitled, “Coronavirus Update,” dated November 10, 2020; and **3)** Document entitled, “A Guide to Your CalPERS Military Service Credit Options.”

3. **Motion No. 208-20** –Awarded a contract to the lowest responsive/responsible bidder, C. Overaa & Co., in the amount of \$4,423,000, for construction of Sobrante Water Treatment Plant Maintenance and Safety Improvements under Specification 2159.
- 4.1. **Motion No. 209-20** – Authorized an agreement beginning on or after November 10, 2020 with Groupware Technology, Inc. in an amount not to exceed \$373,389 for the delivery and five-year support and maintenance of Dell server hardware and VMware vSphere software licenses, and the delivery and one-year support and maintenance of Red Hat Enterprise Linux software licenses.
- 4.2. **Motion No. 210-20** – Authorized an agreement beginning on or after November 10, 2020 with Dynamic Systems, Inc., in an amount not to exceed \$24,401 for the delivery of Oracle University Database Learning Subscriptions.
- 5a-b. **Motion No. 211-20** – Authorized amendments to the agreements previously authorized under Board Motion No. 104-19 with the vendors listed below to increase the combined amount of those agreements by \$3,750,000 to a total combined amount not to exceed \$10,550,000 and extend the terms of the agreements to November 10, 2021 for the rental of fully-maintained and operated (FM&O) dump truck services: Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; JD Trucking Company; Darrah Trucking & Excavating, Inc.; Tri Valley Water Trucks, Inc.; E.M. Blair Trucking; Gloria Washington Trucking, Inc.; Hills Trucking; Ibarra Trucking; Inder Trucking; Jackson Transportation; Just Because Trucking, Inc.; Mae Trucking; Royal Trucking/Maintenance; S&L Enterprises; S&L Trucking LLC; Sky Rock, Inc.; S.M.G. Trucking; Sudden Sam’s Trucking; Sunny Motors Transport, Inc.; Tom Aiken General Engineering; and Wide Area, Inc.; and authorized additional agreements for FM&O dump truck services, on an as-needed basis, with vendors that meet District standards and offer pricing at or below the range in the proposed agreements with the vendors above 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.
6. **Motion No. 212-20** – Authorized an amendment to the agreement previously authorized under Board Motion No. 181-16 with National Plant Services, Inc. to increase the agreement amount by \$500,000 to a total amount not to exceed \$3,500,000 and extend the agreement term to October 31, 2022 for flow monitoring and related services for the Satellite Field Services Project in support of the East Bay communities’ infiltration and inflow reduction activities in their collection systems. The agreement costs will be reimbursed to the District by the participating Satellite agencies.
7. **Motion No. 213-20** – Cancelled the December 22, 2020 Meetings of the Board of Directors.
8. **Resolution No. 35207-20** – Authorizing Renewal and Extension of an Exclusive Negotiating Agreement with K to College, Doing Business as SupplyBank.org.

## **DETERMINATION AND DISCUSSION**

### **9. General Manager's Report.**

#### Coronavirus Update

Director of Operations and Maintenance David A. Briggs presented an overview of the statewide system for monitoring Coronavirus transmission which now includes metrics for healthy equity quartiles by tiers. Mr. Briggs discussed the tier and positivity rate status in Alameda, Contra Costa, San Joaquin, Amador and Calaveras counties as of November 4 noting that trends are moving upward. He reviewed PPE supply levels and employee COVID-related leave statistics and remarked the District is preparing for all scenarios, including complications with the flu season, and will likely extend its current approach to telecommuting past December 31.

#### Racial Equity and Justice (REJ) and Diversity and Inclusion Master Plan Projects Update

Manager of Employee and Organizational Development Derry L. Moten introduced Senior Human Resources Analyst Jaisha White who will be working with the task forces for REJ Strategies 7 and 8, and provided updates on both projects. Mr. Moten reviewed the recommendations from the task forces for REJ Strategies 1 and 6 and said both groups received input on next steps during updates to the Project Steering Committee on November 3. For Strategies 7 and 8, staff has initiated conversations with various law enforcement agencies, task force members have been selected, and the first task force meeting will be held this month. Diversity and Inclusion Master Plan Project training continues for the Core and Senior Management team members and the District is modifying its approach to conducting SB 1343 (Sexual Harassment Prevention) training for staff to move beyond legal compliance to create a culture of inclusion and belonging by integrating racial equity, emotional intelligence, and District values concepts into the training modules. He reviewed next steps for the projects and requested feedback on the Global Diversity and Inclusion Benchmarks categories and Diversity and Inclusion Master Plan /REJ outcomes list discussed with the Board at its October 13 meeting. The Board agreed with expanding the training modules for SB 1343 and asked staff to consider in-person trainers for SB 1343 training sessions. Staff was also asked to consider having supervisors and their direct reports participate in the same SB 1343 training sessions. President Young asked staff to spell out Diversity and Inclusion Master Plan in future documents and presentations in lieu of using an acronym and asked Board members to contact Mr. Moten if they had additional input on the projects or the Global Diversity and Inclusion Benchmarks categories and Diversity and Inclusion Master Plan /REJ outcomes list.

General Manager Clifford C. Chan announced he was available to respond to questions regarding the October 2020 monthly report. Director Coleman acknowledged information in the report regarding PG&E public safety power shutoffs and salmon returns and commended staff for their work responding to the PG&E public safety power shutoffs. Director of Water and Natural Resources Michael T. Tognolini responded to questions regarding the salmon returns.

## **REPORTS AND DIRECTOR COMMENTS**

### **10. Committee Reports.**

- Planning Committee Chair Doug Linney reported the Committee met earlier in the day (remotely) and received updates on the Urban Water Management Plan 2020 and Revised Drought Management Program Guidelines.
- Upper Mokelumne River Watershed Authority member John A. Coleman reported the Authority met on October 29, 2020 (remotely) and approved a Proposition 1 Grant Award; the Youth Watershed Stewardship Program 2021 Agreement; and the Amador Calaveras Consensus Group Memorandum of Agreement. The Authority also discussed possible action of the Forest Projects Report and possible action of Legislative Issues Update.
- Filed with the Board were the meeting minutes for the October 27, 2020 Sustainability/Energy Committee and Finance/Administration Committee.

### **11. Other Items for Future Consideration.**

None.

### **12. Director Comments.**

- Director Coleman reported attending the UMRWA Board meeting (remotely) on October 29 and plans to attend the DERWA Board meeting (remotely) on November 23.
- Director Mellon thanked those who voted on November 3.
- President Young announced she would be participating in the next Board meeting while out of the country.
- Directors Katz, Linney, and McIntosh had no report.

**ADJOURNMENT**

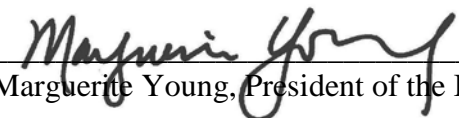
President Young announced that in recognition of Veteran's Day, which will be observed on November 11, the District is recognizing and honoring employees and Board members who have self-identified to the District as having served in the U.S. military. The Board stood by as the names of these employees and Board members were displayed onscreen.

President Young adjourned the meeting at 3:17 p.m.

SUBMITTED BY:

  
\_\_\_\_\_  
Rischa S. Cole, Secretary of the District

APPROVED: November 24, 2020

  
\_\_\_\_\_  
Marguerite Young, President of the Board