

MINUTES

Tuesday, January 26, 2021

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

Regular Closed Session Meeting

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:20 a.m. He 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, Lesa R. McIntosh, Frank Mellon, Marguerite Young, and President Doug A. Linney were present at roll call. Director William B. Patterson joined the meeting at 11:34 a.m. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1a and 2a), Manager of Risk Management Vladimir Bessaborov (Items 1a and 2a), Attorney Rachel R. Jones (Item 2b), Attorney Anna P. Gunderson (Item 2b), Director of Engineering and Construction Olujimi O. Yoloye (Item 2b), Director of Water and Natural Resources Michael T. Tognolini (Item 2b), Engineering Manager David J. Rehnstrom (Item 2b), Manager of Water Conservation Alice E. Towey (Item 2b), Attorney Lourdes Matthew (Items 4 and 5), Director of Operations and Maintenance David A. Briggs (Item 4), Manager of Human Resources Laura A. Acosta (Items 4 and 5), Manager of Employee Relations Niger M. Edwards (Items 4 and 5), and Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 5). Due to time constraints Item 3 was deferred to a future meeting.

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Joey D. Smith, President, AFSCME Local 2019 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 2) Eric Larsen, President, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 3) Tyrell Jackson, Executive Board Member, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 4) Joe Pangelinan, Chief Steward, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 5) Lisa Davis, Business Agent, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program. Ms. Davis said AFSCME Local 444 is against mandatory testing; and 6) Demetrius Broussard, Steward, AFSCME Local 444 commented on hazard pay for janitorial staff, the District's pilot COVID-19 testing program being mandatory, and the disciplinary aspects of the program.

President Linney thanked the speakers and said the Board would take their comments into consideration when discussing the testing program with staff.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

At 1:05 p.m. General Manager Clifford C. Chan informed Secretary Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. At 1:25 p.m., General Manager Chan informed Secretary Cole the Regular Business Meeting would start at 1:45 p.m. President Linney called to order the Regular Business Meeting of the Board of Directors at 1:46 p.m. He 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, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. 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 Linney led the Pledge of Allegiance.

2021 Board Committee Assignments

President Linney reviewed the proposed updates to the 2021 Board Committee Assignments.

- Motion by Director Mellon, seconded by Director Coleman, to approve the 2021 Committee assignments, carried (7-0) by the following roll call: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 019-21 – Approved the following 2021 Board Committee assignments:

Planning

Director Young, Chair
Director McIntosh
Director Mellon

2nd Tuesday of the month at 9:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Legislative/Human Resources

Director Coleman, Chair
Director McIntosh
Director Patterson

2nd Tuesday of the month at 10:15 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Patterson, Chair
Director Coleman
Director Katz

4th Tuesday of the month at 10:00 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Young, Chair
Director Katz
Director Mellon

4th Tuesday, quarterly, time to be determined
Administration Center Building
Training Resource Center, 2nd Floor

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Coleman
Director Mellon
Director Young, Alternate

1st Monday in Feb.;
3rd Monday in May;
4th Monday in March, July, Sept., and Nov. meets at 6:00 p.m.
Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Director Coleman
Director Patterson
Director Katz, Alternate

2nd Thursday, quarterly at 10:00 a.m. with locations to be announced

Retirement Board

Director Mellon
President Young

3rd Thursday odd numbered months at 8:30 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Upper Mokelumne River Watershed Authority

Director Coleman
Director Patterson, Alternate
Director Katz, Alternate
Director Young, Alternate

4th Friday, quarterly at 1:30 p.m.
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Coleman
Director Katz
Director Patterson
Director Mellon, Alternate

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Katz
Director Mellon
Director Young, Alternate

*Meeting dates, times, and location to be
determined*

Oakland Chamber of Commerce

Director Young
Director Katz, Alternate
Director Patterson, Alternate

**Special Districts Association of Alameda County/Special Districts
Selection Committee**

Director Mellon, Member
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director McIntosh, Member
Director Mellon, Alternate
Director Coleman, Alternate

Presentation of Past President Plaque

President Linney acknowledged Director Marguerite Young for her service as Board President in 2019 and 2020. President Linney highlighted Director Young's involvement in water quality and water policy issues; advocacy for environmental protection; and a passion for protecting waterways including championing efforts to secure the Wild and Scenic designation for the Mokelumne River. He reviewed some key District accomplishment during Director Young's tenure as president including involvement on critical District projects and the Pipeline Rebuild program; advocating for increasing the District's investment in renewable energy projects and taking action to reduce District greenhouse gas emissions; efforts on water affordability and accessibility, and the District's assistance to customers struggling with water bills especially during the pandemic. Director Young was a driving force behind the District's resolution on Racial Equity and Justice and the Diversity and Inclusion Strategic Plan and for continued improvements on how we provide service to the community. The Board thanked Director Young for her service. Director Young displayed the Past President Plaque and thanked the Board for the recognition.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

President Linney made note of the comments received during the Public Comment period for Closed Session regarding the pilot COVID-19 testing program. He said the Board directed staff to revise the program's parameters that state testing is mandatory. Management will make the revisions and provide the updated parameters to the unions. Director Young said the Board directed staff to change the program parameters to make testing mandatory in light of the surge in COVID-19 cases in the state.

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) George Cleveland, Chief Steward, AFSCME Local 2019 and EBMUD Raining Pride Committee member thanked Director Young for continued support for the Raining Pride Committee; 2) Eric Larsen, President, AFSCME Local 444 thanked President Linney and Director Young for their comments regarding changes to the pilot COVID-19 testing program and commented on challenges locating information on how to provide public comment and accessing Zoom links for Board meetings on the District's website; and 3) Nathan Lawton, EBMUD Paving Raker B commented on the District's vaccination plan.

Secretary Cole advised the District's website would be updated with information on how to provide public comment and how to access Zoom links for Board meetings.

CONSENT CALENDAR

- Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-8 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 020-21** – Approved the Regular Meeting Minutes of January 12, 2021.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Water Supply Update," dated January 26, 2021; and **2)** Presentation entitled, "Coronavirus Update," dated January 26, 2021.
- 3a-3b. **Motion No. 021-21** – Authorized agreements with T.G.'s Backflow Service and 4th of July Backflow Testing for testing residential backflow devices beginning on or after January 26, 2021 for three years in an aggregate amount not to exceed \$180,000 and authorize additional agreements for services to test residential backflow devices on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report
- 4a-4b. **Motion No. 022-21** – Authorized agreements with D.P. Nicoli, Inc. and Trench Plate Rental Co. for shoring and trench plate rental services beginning on or after January 26, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,500,000, and authorized additional agreements for shoring and trench plate rental services on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

5. **Motion No. 023-21** – Authorized an amendment to the agreement previously authorized under Board Motion No. 020-16 with Systems Consulting, Inc. to increase the agreement amount by \$417,876 to a total amount not to exceed \$2,266,346 and extend the agreement term to February 28, 2022 with two options to renew for additional six-month periods for services supporting the Materials Management Information System.
- 6a-6b. **Motion No. 024-21** – Ratified the extension of the agreement and the payment of \$66,761 to Morneau Shepell, Limited (Morneau Shepell) for the continuous work of health and welfare benefits administration through January 31, 2021 and authorized an amendment to extend the agreement previously authorized under Board Motion No. 195-14 with Morneau Shepell through December 31, 2025, and to increase the agreement amount by \$2,100,000, which incorporates the ratified amount of \$66,761, for a total amount not to exceed \$5,000,000 for health and welfare benefits administration.
7. **Motion No. 025-21** – Approved the November 2020 and December 2020 Monthly Investment Transactions Reports.
- 8.1- **Resolution No. 35213-21** – Confirming Appointment of Standby Officers for the Board of
8.2. Directors Under the Emergency Succession Plan for the Board of Directors.

President Linney acknowledged the Standby Officers for their willingness to serve another term and Director Young acknowledged the appointment of former General Manager Alexander R. Coate as Standby Officer #3 for Ward 3.

DETERMINATION AND DISCUSSION

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

Water Supply Update

Director of Operations and Maintenance David A. Briggs presented the Water Supply Update and an overview of gross water production; East Bay and Mokelumne precipitation through January 19; snow depth at Caples Lake which was 51% of average as of January 19; and current storage at Pardee, Camanche and East Bay reservoirs. He said current total system storage is 559,150 acre-feet or 100% of average and 72% of capacity. He concluded with a report on projected District total system storage for 2021. The Board raised no questions.

- Director Mellon left the meeting at 2:07 p.m.

Coronavirus Update

Director of Operations and Maintenance David A. Briggs presented an update on state regulations and guidelines and reported the governor lifted the regional stay-at-home order today. He reported there have been minimal impacts on District operations as a result of the stay-at-home mandate, local health orders, and the health orders in Amador, Calaveras and Sacramento Counties. The District will continue piloting the COVID-19 testing program and developing its vaccination plan. He explained the District is not planning to make vaccinations mandatory but will encourage and facilitate vaccinations for staff. The State's vaccination plan continues to

evolve and Mr. Briggs said the District will register with counties as an essential employer so certain employees can receive vaccinations in Phase 1C of the State's plan. The timing for the first vaccinations is currently unknown but staff is preparing for some time in February. In conclusion, he reported on the most recent number of employees and contractors that have tested positive for the virus; the number of employees that have returned to work as of January 21; and the number of employees that are currently in quarantine. The Board raised no questions.

REPORTS AND DIRECTOR COMMENTS

10. Committee Reports.

- Filed with the Board were the Minutes for the January 12, 2021 Planning Committee and Legislative/Human Resources Committee meetings.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received an update on the November 2020 and December 2020 Monthly Investment Transaction Reports; the Interest Rate Swap Portfolio Summary Report; and Quarterly Financial Reports for the quarter ended December 31, 2020.
- Sustainability/Energy Committee Chair Doug A. Linney reported the Committee met earlier in the day (remotely) and received an update on the Climate Action Plan and Reduction in Paper Footprint.

11. Other Items for Future Consideration.

None.

12. Director Comments.

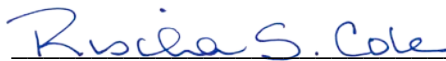
- Director Coleman reported attending the FRWA Board meeting (remotely) on January 14 and the UMRWA Board meeting (remotely) on January 22.
- Director Patterson thanked the Board for their condolences on the passing of his wife and said the UMRWA Board adjourned its January 22 meeting in her honor.
- Directors Katz, McIntosh, Mellon and Young and President Linney had no report.

ADJOURNMENT

President Linney announced today's meeting would be adjourned in honor of Tom Guarino, who passed away in December. He said Mr. Guarino was a collaborative partner of the District through his works at PG&E, the San Leandro Chamber, with various ethnic chambers of commerce and his many other endeavors. He was well known to many Board members and staff and his dedication and presence will be missed.

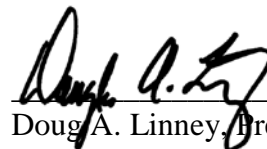
President Linney adjourned the meeting in honor of Tom Guarino at 2:30 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: February 9, 2021



Doug A. Linney, President of the Board