



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440


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***Notice of Location Change***

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Thursday, August 24, 2021  
*\*\*Virtual\*\****

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, a physical location will not be provided for these meetings. 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 webinar and teleconference only.**

Dated: August 19, 2021

  
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Rischa S. Cole  
Secretary of the District

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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA**  
**REGULAR CLOSED SESSION**

**Tuesday, August 24, 2021**

**11:00 a.m.**

**\*\*Virtual\***

**Location**

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

**\*\*\*Please see appendix for public participation instructions\*\*\***

**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.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *City of Oakland v. East Bay Municipal Utility District*  
Alameda County Superior Court, Case No. RG19043863
  - b. *Contra Costa Transportation Authority v. East Bay Municipal Utility District*  
Contra Costa County Superior Court, Case No. MSC20-00719
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):  
one matter.
3. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with David A. Briggs, Director of Operations & Maintenance; Laura A. Acosta, Manager of Human Resources; Niger M. Edwards, Manager of Employee Relations; and Lisa Sorani, Manager of Employee Services.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:** (Continued)

4. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.
5. Conference with Board designated representatives President Doug Linney and Director Lesa R. McIntosh regarding the compensation of the General Manager pursuant to Government Code section 54957.6.

*(The Board will discuss Closed Session agenda items via webinar or teleconference.)*

**REGULAR BUSINESS MEETING**

**1:15 p.m.**

**\*\*Virtual\*\***

**Location**

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

**\*\*\*Please see appendix for public participation instructions\*\*\***

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**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.

**CONSENT CALENDAR:** (Single motion and vote approving 10 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of August 10, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$7,072,886 for construction of Pump Station M Rehabilitation and Force Main Investigation under Specification SD-398.
4. Authorize an amendment to the concession contract for the San Pablo Reservoir Recreation Area previously awarded under Board Motion No. 015-21 with Ortega National Parks, LLC to extend the contract term to December 31, 2026.
5. Authorize an agreement beginning on or after August 24, 2021 with TJKM Transportation Consultants in an amount not to exceed \$85,000 for a traffic and road improvement study of Pardee Dam Road.
6. Authorize agreements with Backstrom McCarley Berry & Co. LLC and Montague DeRose and Associates, LLC for municipal advisor services beginning on or after September 13, 2021 for five years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,940,000.
7. Authorize actions related to the rental of fully maintained and operated (FM&O) dump truck services.
  - 7a. Authorize amendments to the agreements previously authorized under Board Motion No. 211-20 with the following service providers to increase the aggregate amount of those agreements by \$3,700,000 to a total aggregate amount not to exceed \$14,250,000 and extend the term of the agreements to August 24, 2022 for the rental of 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.
  - 7b. Authorize additional agreements for FM&O dump truck 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.
8. Authorize the General Manager to purchase 2,000 acre-feet of Central Valley Project water from Contra Costa Water District for an amount not to exceed \$875,000.
9. Approve the June 2021 and July 2021 Monthly Investment Transactions Reports.

**CONSENT CALENDAR:** (Continued)

10. Adopt Policy 2.27 – Lactation Accommodation and approve revisions to the following District policies: Policy 3.02 – California Environmental Quality Act Implementation; Policy 3.04 – Coordination of District Construction and Maintenance Work with Other Agencies; Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way; Policy 7.11 – Use of District Bay Area Facilities; Policy 7.15 – Climate Action; and Policy 8.04 – Establishing Wastewater Capacity Fees. (Resolution)

**DETERMINATION AND DISCUSSION:**

11. Take actions related to the declaration of a District emergency for repair of Mokelumne Aqueduct No. 2. (Resolution)
- 11.1. Ratify the General Manager’s August 18, 2021 declaration of a District emergency in accordance with Policy 7.03 as a result of structural deterioration to Mokelumne Aqueduct No. 2 due to corrosion.
- 11.2. Authorize expenditure of sums as needed in response to such emergency.
12. General Manager’s Report:
- Coronavirus Update
  - Los Vaqueros Reservoir Expansion Project Update
  - Capital Project Construction Update

**REPORTS AND DIRECTOR COMMENTS:**

13. Committee Reports:
- Planning
  - Redistrict Ad Hoc
  - Finance/Administration
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, September 14, 2021.***

**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, August 24</b>	<b>Redistricting Ad Hoc Committee</b>	8:45 a.m. Virtual	<ul style="list-style-type: none"> <li>Review Redistricting Guidelines and Next Steps</li> </ul>
	<b>Finance/Administration Committee</b>	10:00 a.m. Virtual	<ul style="list-style-type: none"> <li>Monthly Investment Transactions Reports</li> <li>Quarterly Financial Reports</li> <li>Water Infrastructure Finance and Innovation Act Loan Update</li> <li>Annual Internal Audit Report</li> <li>Adopt New Policy and Approve Revisions to Existing District Policies</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
<b>Monday, September 6</b>	<b>Labor Day</b>		<i>District Offices Closed</i>
<b>Tuesday, September 14</b>	<b>Planning Committee</b>	TBD Virtual	
	<b>Legislative/Human Resources Committee</b>	TBD Virtual	
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
<b>Tuesday, September 28</b>	<b>Redistricting Ad Hoc Committee</b>	TBD Virtual	
	<b>Finance/Administration Committee</b>	TBD Virtual	
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>

### 2021 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon
Redistricting Ad Hoc	Coleman, Linney, Young



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**Closed Session and Regular Business Meetings**  
**Tuesday, August 24, 2021**  
**11:00 a.m. and 1:15 p.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Please note that Board meetings are recorded, live-streamed, and posted on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

**Providing public comment**

The EBMUD 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 wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment  
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
  - If you participate by phone, press \*9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when the allotted time has concluded

**Submitting written comments or materials**

- Email written comments or other materials for the Board of Directors to [SecOffice@ebmud.com](mailto:SecOffice@ebmud.com)
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

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**To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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