



**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 MEETINGS
Tuesday, October 27, 2020
Virtual**

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, 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 webinar and 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: October 22, 2020



Rischa S. Cole
Secretary of the District

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**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, October 27, 2020

11:00 a.m.

****Virtual****

Location

Due to COVID-19 and in accordance with the most recent 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 by webinar and 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.

Board members will participate by webinar or teleconference

*****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. *Robert Hickman, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC20-00264
 - b. *Ivette Rivera v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C15-00380-SBA

REGULAR BUSINESS MEETING

1:15 p.m.

****Virtual****

Location

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Board members will participate by webinar or teleconference

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- Toastmasters Corporate Award from Toastmasters International for enhancing employee engagement through continuing support of the Toastmasters communication and leadership programs
- Recognition and Presentation of the FY 2019 Certificate of Achievement for Excellence in Financial Reporting 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.

CONSENT CALENDAR: (Single motion and vote approving 15 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of October 13, 2020.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after October 27, 2020 with Divert, Inc. for five years for delivery and acceptance of clean liquid food waste at the Main Wastewater Treatment Plant at a reduced rate in exchange for meeting various delivery targets.
4. Authorize an agreement beginning on or after October 27, 2020 with Environmental Systems Research Institute in an estimated annual amount of \$522,000 for three years for a total amount not to exceed \$1,566,000 for Geographical Information System software licensing, maintenance, and support.

CONSENT CALENDAR: (Continued)

5. Authorize an agreement beginning on or after October 27, 2020, with Horizon Water and Environmental, LLC in an amount not to exceed \$140,171 for environmental assessments of the Recoat Mokelumne Aqueduct No. 1 Phase 13 Project.
6. Authorize an agreement beginning on or after December 1, 2020 with Lone Tree Trucking, Inc. in an estimated annual amount of \$540,000 for three years with two options to renew for additional one-year periods for a total amount not to exceed \$2,700,000 for hauling and disposal of wastewater treatment residuals from the Main Wastewater Treatment Plant.
7. Authorize agreements beginning January 1, 2021 through December 31, 2025 with East Bay Community Energy for the sale of Resource Adequacy capacity and unscheduled Renewable Energy Credits from Camanche and Pardee hydropower facilities.
8. Authorize agreements for heating, ventilation, air conditioning, refrigeration (HVAC/R) and related services.
 - 8a. Authorize agreements with Heathorn & Associates dba American Air Conditioning, Plumbing and Heating; Bel Air Mechanical, Inc.; and Prime Mechanical Service, Inc. for HVAC/R and related services beginning on or after October 27, 2020 for three years with two options to renew for additional one-year periods in the aggregate annual amount of \$453,276 for a total amount not to exceed \$2,266,380 under Request for Proposal No. FMC736-21-01.
 - 8b. Authorize additional agreements with other HVAC/R service providers that meet District standards and offer pricing at or below the range described in the proposed agreements above. These additional agreements may be issued on an as-needed basis to increase flexibility. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
9. Authorize an amendment to the cooperating agreement previously authorized under Board Motion No. 077-18 with the City of Hayward to increase the District's cost-share agreement amount by \$235,580 for a total amount not to exceed \$620,017 for the District's total cost-share for development of a Groundwater Sustainability Plan for the East Bay Plain Subbasin.
10. Authorize an amendment to the cost-sharing agreement previously authorized under Board Motion No. 039-19 with eight other water agencies for the Los Vaqueros Expansion Project that will increase EBMUD's authorized cost-share agreement amount by \$1,013,661 to a total amount not to exceed \$1,367,790 to fund activities necessary to further evaluate the Project and maintain grant eligibility without committing EBMUD to final project participation.
11. Authorize an amendment to the agreement previously authorized under Board Motion No. 062-18 with West Yost & Associates to increase the authorized amount by \$343,977 to a total amount not to exceed \$1,497,977 for engineering services for the Pump Station M Rehabilitation and Interceptor Force Main Improvements Design Project.

CONSENT CALENDAR: (Continued)

12. Approve five-year grazing leases with the following tenants for livestock grazing on District watershed lands in the Mokelumne watershed from November 1, 2020 to October 31, 2025, with an option to renew for an additional five-year lease term: Stanford Dell'Orto, J.W. Dell'Orto, and Mattley Dell'Orto; Eloise Fischer and Matthew Fischer; John and Patricia Garamendi; Robert Garamendi; Doug and Loree Joses; Daniel and Teresa Kuiken; Norbert Olivera; and Marden Wilber and Tim Wilber.
13. Approve the September 2020 Monthly Investment Transactions Report.
14. Authorize the District to apply to the U.S. Bureau of Reclamation for the inclusion and exclusion of the lands resulting from boundary reorganization between the District and the City of Hayward in the Central Valley Project Contractor's Service Area. (Resolution)
15. Appoint Director of Operations and Maintenance. (Resolution)

DETERMINATION AND DISCUSSION:

16. General Manager's Report:
 - Budget – Coronavirus Impact Update
 - Collection Strategy for Delinquent Accounts – Flow Restrictors

REPORTS AND DIRECTOR COMMENTS:

17. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Sustainability/Energy
 - Finance/Administration
18. Other Items for Future Consideration.
19. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 10, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, October 27	Sustainability/Energy Committee Linney {Chair}, Katz, Mellon	8:45 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Biosolids Management Program Update • Resource Recovery Program Update • 2019 Greenhouse Gas Inventory • Renewable Energy Update
	Finance/Administration Committee Patterson {Chair}, Coleman, Katz	10:00 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Financial Review of Fiscal Year 2020 • Fiscal Year 2020 Key Performance Indicators Report • Quarterly Financial Reports • Monthly Investment Transactions Report • Water Infrastructure Finance and Innovation Act Loan Letter of Interest • Fiscal Year 2020 Annual Power Sales Report
	Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, November 10	Planning Committee Linney {Chair}, McIntosh, Mellon	TBD <i>Virtual</i>	<i>Cancelled</i>
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson		
	Infrastructure Workshop	TBD <i>Virtual</i>	
Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting 	



Closed Session and Regular Business Meetings
October 27, 2020
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>

11:00 a.m. Closed Session Meeting (Public Comment)

Online

<https://ebmud.zoom.us/j/95103778268?pwd=azFDYS9UQ1NUNENxSDVxN0JSblZvZz09>

Webinar ID: 951 0377 8268

Passcode: 933047

By Phone

Telephone: 1 669 900 6833

Webinar ID: 951 0377 8268

Passcode: 933047

International numbers available: <https://ebmud.zoom.us/u/adsxz758EF>

1:15 p.m. Regular Business Meeting

Online

<https://ebmud.zoom.us/j/96660465007?pwd=V3R2YkgxeGUvL1dMTHpwR2I4alNhZz09>

Webinar ID: 966 6046 5007

Passcode: 419242

By Phone

Telephone: 1 669 900 6833

Webinar ID: 966 6046 5007

Passcode: 419242

International numbers available: <https://ebmud.zoom.us/u/aeq2ivsf9T>

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 his/her allotted time has concluded

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/>
