

MINUTES

Tuesday, March 10, 2020

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:12 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1a, 1b, 2a, and 2b), Manager of Risk Management Vladimir Bessarabov (Item 1a), Attorney Ayriel A. Bland (Items 1b, 2a, and 2b), Director of Engineering and Construction Olujimi Yoloye (Items 1b, 2a, and 2b), Engineering Manager Elizabeth Z. Bialek (Items 1b, 2a, and 2b), Attorney Anna P. Gunderson (Item 3), Director of Water and Natural Resources Michael T. Tognolini (Item 3), Manager of Customer and Community Services Andrew L. Lee (Item 3), Manager of Real Estate Services Matt Elawady (Item 3), Attorney Lourdes Matthew (Item 4), Manager of Human Resources Laura A. Acosta (Item 4), and Manager of Recruitment and Classification Richard G. Jung (Item 4).

PUBLIC COMMENT

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented on the coronavirus' impact on the administration and use of District employee leave.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:17 p.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the District was recently recognized as the State of California Reciprocity Partner of the Year Bronze Award winner for ongoing support of the State's efforts to promote small and disabled veteran business programs and the District's small business contract awards. The District is the first recipient of this new award along with the Gold and Silver Awards winners, Sacramento Municipal Utility District and Metropolitan Water District of Southern California, respectively. Ms. Danetta Jackson, Business Outreach Program Manager with the State of California Department of General Services presented the award to Contract Equity Administrator Beverly D. Johnson and expressed appreciation for the partnership between the State and EBMUD. The Board thanked Ms. Johnson for her work and Ms. Jackson for presenting the award.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Items 1-8 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 042-20** – Approved the Special and Regular Meeting Minutes of February 25, 2020.
 2. The following correspondence was filed with the Board: 1) Presentation entitled, "Water Supply Update," dated March 10, 2020; 2) Presentation entitled, "Public Safety Power Shutoff 2020 Preparations," dated March 10, 2020; 3) Presentation entitled, "Communicable Disease Emergency Response Plan," dated March 10, 2020; and 4) Speakers' Bureau and Outreach Record CY20, dated March 10, 2020.
 3. **Motion No. 043-20** – Awarded a contract to the lowest responsive/responsible bidder Valley Truck and Tractor, Inc., in an amount, after the addition of taxes, not to exceed \$120,174 for supplying one John Deere tractor and one Alamo mower for the District's fleet to support vegetation management under Request for Quotation No. 2004.
 4. **Motion No. 044-20** – Awarded a contract to the lowest responsive/responsible bidder, Western Water Constructors, in the amount of \$6,439,450 for the Orinda Water Treatment Plant Maintenance and Scouring Air System Upgrade under Specification 2143.

5. **Motion No. 045-20** – Authorized an agreement beginning on or after March 10, 2020 with M. E. Simpson Company, Inc. in an amount not to exceed \$126,160 to prepare a large meter improvements plan.
6. **Motion No. 046-20** – Authorized an amendment to the agreement awarded under Board Motion No. 037-13 with Athens Administrators to increase the amount by \$250,000 annually for three years to a total amount not to exceed \$2,500,000 to serve as the District's Third Party Administrator in support of the District's Liability and Subrogation program.
- 7a-b. **Motion No. 047-20** – Authorized a second amendment to agreements awarded under Board Motion No. 152-18 to increase the amount by \$700,000 to an amount not to exceed \$4,050,000 for tree trimming and related services from the vendors listed below through September 26, 2021: A-Plus Tree, Inc., Arborwell, Inc., Arborworks, Inc., The F.A. Barlett Tree Experts Co., East Bay Tree Service, Arbor Products dba Expert Tree Service, Graham Tree Services, Inc., Hamilton Tree Service, The Professional Tree Care Co.; and authorized additional agreements for tree trimming and related services with vendors that meet District standards and offer pricing at or below the range in the amended agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of tree trimming services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
8. **Motion No. 048-20** – Authorized the Office of General Counsel to continue the employment of the law firm of Olson Remcho, LLP, for specialized legal services related to elections and conflicts of interest in an additional amount not to exceed \$50,000.

DETERMINATION AND DISCUSSION

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

Manager of Maintenance and Construction/Water Operations David A. Briggs presented the Water Supply Update which included information on the District's and California's current water supply. He reported on gross water production, the snow depth and snow water content at Caples Lake. He noted that through March 8, 2020, precipitation in the East Bay is 39% of average and 52% of average in the Mokelumne. As of March 8, the District's total system storage was 591,610 acre feet, which is 99% of average and 77% of capacity. He discussed projected total system storage through the end of Water Year 2020 and said the District is preparing for all possible water supply scenarios. Staff is scheduled to bring the Water Supply Availability and Deficiency Report to the Board in April.

- Director Mellon left the room at 1:23 p.m. and returned at 1:25 p.m.

Director of Operations and Maintenance Clifford C. Chan presented an update on plans for managing potential Public Safety Power Shutoff (PSPS) events in 2020. He summarized the District's actions in response to the 2019 events noting the triggers for a PSPS event remain unchanged i.e., red flag conditions, low humidity, dry fuel, and high wind. Staff updated the District's PSPS mitigation plan which was prepared in early 2019 to incorporate lessons learned, and is scheduled to meet with PG&E in April to review the District's plans for 2020. Prior to the start of the 2020 fire season, staff will pre-deploy equipment, including portable

generators and pumps; this advance preparation was key to the District's successful response in 2019. He reviewed the District's vegetation management schedules, the status of business continuity plans, and existing portable equipment availability. The Board will be asked to consider a contract for rental generators at its meeting on April 14. Next, Special Assistant to the General Manager Kelly A. Zito presented an overview of outreach plans and notification mechanisms, noting staff will use the same communication plan implemented during the 2019 events. Mr. Chan concluded with an overview of customer water consumption during the 2019 events and summarized upcoming actions to be taken by staff and the Board. Mr. Chan responded to Board questions regarding costs for responding to PSPS events, future plans to purchase generators instead of renting, location of vegetation management information on the website, and the availability of natural gas generators. The Board asked staff to include the cost of responding to PSPS events in communications to customers and to check the availability of natural gas as a fuel source for backup generators used during PSPS events.

General Counsel Craig S. Spencer announced staff would be presenting information regarding the District's planning and response to the coronavirus (COVID-19) outbreak. Due to the rapidly evolving nature of the situation and the pace at which updates and guidance are being provided by local and national authorities, the need to present this information is immediate, and was unforeseen at the time the March 10, 2020 Regular meeting agenda was posted. He reviewed the Ralph M. Brown Act (Brown Act) provisions that allow the Board to discuss an item which was not previously placed upon an agenda at a Regular meeting when the Board determines that (1) there is need for immediate action or discussion which cannot reasonably wait for the next regularly scheduled meeting; and (2) where the need for immediate action has come to the attention of the District after the agenda for the Regular meeting has already been posted. Both criteria have been met for the Board to consider adding an item to the March 10, 2020 Regular meeting agenda under Item 9, entitled "Communicable Disease Emergency Response Plan." Mr. Spencer stated that under these circumstances, the Board may, by two-thirds vote of its members (or all members if less than two-thirds are present) add an item to the March 10, 2020 Regular meeting agenda, and provide direction to staff regarding the District's coronavirus (COVID-19) response, as appropriate.

- Motion by Director Coleman, seconded by Director Linney, to confirm the need for immediate action which cannot reasonably wait for the next regularly scheduled Board meeting to add an item to the March 10, 2020 Regular meeting agenda to receive an update on the District's planning and response to the coronavirus (COVID-19) outbreak, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 049-20 – Confirmed the need for immediate action which cannot reasonably wait for the next regularly scheduled Board meeting to add an item to the March 10, 2020 Regular meeting agenda to receive an update on the District's planning and response to the coronavirus (COVID-19) outbreak.

- Motion by Director Mellon, seconded by Director McIntosh, to confirm that the need for immediate action or discussion regarding the District's planning and response to the coronavirus (COVID-19) outbreak came to the attention of the District after the March 10, 2020 Regular meeting agenda had already been posted, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 050-20 – Confirmed that the need for immediate action or discussion regarding the District's planning and response to the coronavirus (COVID-19) outbreak came to the attention of the District after the March 10, 2020 Regular meeting agenda had already been posted.

Director of Operations and Maintenance Clifford C. Chan presented information on the District's planning and response to the COVID-19 outbreak. He provided an update on the status of COVID-19 cases in California and nationwide, and said the District activated its Communicable Disease Emergency Working Group. The group is meeting regularly to review the latest information from the Centers for Disease Control and California Department of Public Health, and to assess any potential impacts to the District and employees. He reviewed the objectives of the District's Communicable Disease Emergency Response Plan noting the District is currently at Communicable Disease Outbreak level two in the plan (i.e., general impact to the service area). Staff is continually monitoring the situation and if the District moves to level three (moderate impact) or four (severe impact), the Emergency Operations Team will be activated to coordinate the District's response to COVID-19. The District has increased cleaning procedures for all facilities, particularly in high traffic areas; is regularly communicating with staff; meeting with the unions; and posting information on social media regarding the safety of the water supply. Staff is reviewing current policies and procedures and assessing information technology capabilities to facilitate remote meetings, teleconferencing, and telecommuting for staff. Additional actions include evaluating potential restrictions on employee travel and conference participation and postponing or canceling non-critical public events. Next, Manager of Human Resources Laura A. Acosta provided an overview of leave options available for employees that may be impacted by COVID-19. She reported the District will work with employees that may request accommodations and staff will continue meeting with the unions as the situation evolves. Mr. Chan and Ms. Acosta responded to Board questions regarding the protocols for employees to notify the District regarding their status or the status of family members impacted by COVID-19; probability assessments for worse case scenarios; and reminding employees about HIPAA privacy rules. The Board thanked staff for the information and asked that employees be informed about HIPAA requirements to protect the privacy of employee information in the face of COVID-19 and that the District keep the public informed about the safety of the water supply.

General Manager Alexander R. Coate announced the February 2020 Monthly Report had been provided in the Board's agenda materials and responded to a question regarding the significant wastewater violator listed in the District's 2019 Annual Pretreatment Report.

REPORTS AND DIRECTOR COMMENTS

10. Committee Reports.

- Filed with the Board were the February 25, 2020 Finance/Administration Committee Meeting Minutes.
- Planning Committee Chair Doug Linney reported the Committee met earlier in the day and received updates on the following: Orinda Water Treatment Plant Disinfection Improvements Project; Private Sewer Lateral Program; Railroad Property Acquisition - Initiation of Eminent Domain Proceedings; and the 2019 Annual Recreation Report. Due to time constraints, the 2019 Mokelumne Fall-run Chinook Salmon and Steelhead Returns update was held over to the next Planning Committee meeting.

11. Other Items for Future Consideration.

- Provide analysis and staff report in late spring 2020 for the Board to consider revising its 2021 summer vacation schedule.

12. Director Comments.

- Director Coleman reported attending CASA and ACWA conferences February 22-27 in Washington D.C. He reported on plans to participate in the following events: East Bay Real Estate meeting speech on March 12 in Danville and the DERWA Board meeting on March 23 in Dublin.
- Director Linney reported attending the Planning and Conservation League Environmental Assembly on January 25 in Sacramento.
- Director Mellon reported attending the Contra Costa Mayors' Conference on March 5 in Danville and plans to attend the San Ramon Mayors' Breakfast update on March 28 in San Ramon.
- Director Patterson reported attending the Multi-Ethnic Sports Hall of Fame event on February 28 in Oakland and a West Oakland Community meeting regarding TCE hazards in homes and schools on March 3 in Oakland.
- President Young put forth a proposal to revise the Board's summer vacation schedule and calendar canceling the Board meetings scheduled for the 2nd Tuesdays in August instead of the Board meetings scheduled for the 4th Tuesdays in August. Following Board discussion, General Manager Coate advised staff will provide information in late spring 2020 for the Board to consider revising its 2021 summer vacation schedule.
- Directors Katz and McIntosh had no report.

ADJOURNMENT

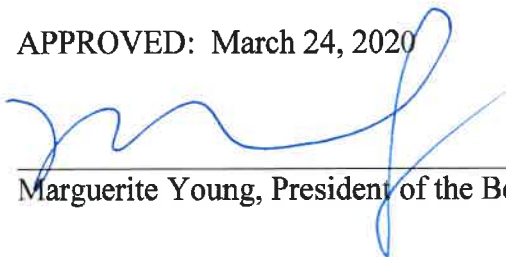
President Young adjourned the meeting at 2:33 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: March 24, 2020



Marguerite Young, President of the Board

