



**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, May 11, 2021
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: May 6, 2021



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, May 11, 2021

11:00 a.m.

****Virtual****

Location

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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. *Daniel Roth v. East Bay Municipal Utility District, et al.*
Alameda County Superior Court, Case No. RG19005344
 - b. *Woodbridge Irrigation District v. East Bay Municipal Utility District*
Sacramento County Superior Court, Case No. 34-2018-00232142-CU-CO-GDS
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): two matters.

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

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

PRESENTATION:

- National Association of Clean Water Agencies Award for the District's collaborative approach to protect San Francisco Bay water quality through the San Francisco Bay Regional Monitoring Program.

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 8 recommendations.)

1. File correspondence with the Board.
2. Award a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in an amount not to exceed \$1,471,000 for construction of the Upper San Leandro Water Treatment Plant Control Systems Improvements project under Specification 2151.
3. Authorize an agreement beginning on or after July 1, 2021 with MARS Company for five years for a total amount not to exceed \$530,000 for annual maintenance, calibration, and software services of the District's water meter testing bench.
4. Authorize an amendment to the sewer billing agreement between the District and the City of Oakland (Oakland), previously authorized under Board Motion No. 079-13, to include an incremental credit to be applied to sewer charges, starting at 12 percent to reach 35 percent by July 1, 2023, for Oakland customers participating in the District's Customer Assistance Program.

CONSENT CALENDAR: (Continued)

5. Authorize an amendment to the agreement previously authorized under Board Motion No. 051-11 with the City of San Pablo (San Pablo) to extend the agreement term to May 15, 2031 for the District to provide Utility Users Tax billing and collection services for approximately 6,200 San Pablo ratepayers.
6. Authorize amendments to agreements for equal employment opportunity (EEO) investigative services.
 - 6.1. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Municipal Resource Group, LLC to increase the agreement amount by \$30,000 to a total amount not to exceed \$110,000 and extend the agreement term to September 30, 2021 for EEO investigative services.
 - 6.2. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Shaw Law Group, PC to increase the agreement amount by \$30,000 to a total amount not to exceed \$110,000 and extend the agreement term to September 30, 2021 for EEO investigative services.
7. Authorize amendments to agreements for paving and other related services.
 - 7a. Authorize amendments to the agreements previously authorized under Board Motion No. 152-20 to increase the aggregate amount of those agreements by \$3,500,000 to a total aggregate amount not to exceed \$7,500,000 and extend the term of the agreements to May 12, 2022 for paving and other related services with the following service providers: American Asphalt Repair & Resurfacing Co., Inc.; Bond Blacktop, Inc.; Bruce Enterprises; Carone & Company, Inc.; J.V. Lucas Paving, Inc.; MCK Services, Inc.; O.C. Jones & Sons, Inc.; and Public Agencies.
 - 7b. Authorize additional agreements for paving and other related 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. Adopt the Fiscal Year 2021 Affirmative Action Program.

PUBLIC HEARING:

9. Conduct a Public Hearing to accept comments on the District's Draft Urban Water Management Plan 2020 and Draft Water Shortage Contingency Plan 2020 in compliance with the Urban Water Management Planning Act of the California Water Code.

DETERMINATION AND DISCUSSION:

10. Legislative Update:
 - Receive Legislative Report No. 05-21 and consider positions on the following bills: AB 315 (Stone) Voluntary Stream Restoration Property Owner Liability: Indemnification; AB 1110 (R. Rivas) Zero-Emission Vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program; AB 1371 (Friedman) Recycling: Plastic: Packaging and Carryout Bags; and SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
11. File a report and set a Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees.
 - 11.1. File the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees.
 - 11.2. Set a Public Hearing for Tuesday, June 8, 2021, during the Board's regular meeting, to consider the report and recommendation, and to comply with Proposition 218 requirements.
12. Introduction and first reading on an ordinance amending Section 21 and Section 41 of the EBMUD Employees' Retirement System Ordinance No. 40 to update the Mortality Tables and the minimum distribution age based on the Setting Every Community Up for Retirement Enhancement Act of 2019. (Introduction and First Reading – Ordinance No. 372-21)
13. Update on the District's 2021-2022 redistricting efforts and establish and appoint a Redistricting Ad Hoc Committee.
14. General Manager's Report:
 - Coronavirus Update
 - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update
 - Water Conservation Activities and Messaging
 - Monthly Report – April 2021

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 25, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

The dates and times of future meetings are subject to change.

Date	Meeting	Time/Location	Topics
Tuesday, May 11	Planning Committee	8:30 a.m. Virtual	<ul style="list-style-type: none"> • Strategic Communications Plan • Paving and Other Related Services • 2020 Mokolumne Fall-run Chinook Salmon and Steelhead Returns • Annual Recreation Report 2020 • Hydrogen Fueling Station at the Main Wastewater Treatment Plant
	Legislative/Human Resources Committee	10:15 a.m. Virtual	<ul style="list-style-type: none"> • Legislative Update • Fiscal Year 2021 Affirmative Action Program Report
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, May 17	EBRPD/EBMUD Liaison Committee	1:30 p.m. Virtual	
Tuesday, May 25	Finance/Administration Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, June 8	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

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



Closed Session and Regular Business Meetings
Tuesday, May 11, 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
- 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.

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/>
