



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, September 28, 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: September 23, 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, September 28, 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. *David Estopinal v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. C20-01593
 - b. *Carl Bennett and Dawn Bennett v. East Bay Municipal Utility District, et al.*,
Contra Costa County Superior Court, Case No. C20-01714
 - c. *Herbert Brown v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. C20-02480
2. Conference with Labor Negotiators Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6 regarding COVID-19 response-vaccine directive: American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

(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.)

1. Approve the Regular Meeting Minutes of September 14, 2021.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after September 28, 2021 with InfraTerra, Inc. in an amount not to exceed \$1,035,105 for specialized consulting services for the seismic retrofit design of the Main Wastewater Treatment Plant Administrative Facilities under SD-433.
4. Authorize actions related to concrete repair services.
 - 4a. Authorize agreements with Arrowhead Concrete Construction, Bruce Enterprises, Gary Golobe dba Cornerstone Paving, Pacific General Engineering, and Sonnikson and Stordahl Construction for concrete repair services beginning on or after September 28, 2021, for one year, in an aggregate amount not to exceed \$1,900,000.
 - 4b. Authorize additional agreements for concrete repair 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.

CONSENT CALENDAR: (Continued)

5. Authorize staff to continue using the state contract previously authorized under Board Motion No. 057-21 with Enterprise Holdings, Inc. to increase the authorized amount by \$180,000 to a total amount not to exceed \$410,000 and extend the duration to February 28, 2022 for long-term vehicle rental.
6. Approve the assignment of the agreement previously authorized under Board Motion No. 174-16 from Altivon, LP, to ConvergeOne, Inc. for Contact Center telephony services.
7. Authorize payment in the amount of \$450,000 to Marina Village Office Park for the acquisition of a one-year temporary construction easement and a permanent pipeline easement for the Oakland Inner Harbor Pipeline Crossing.
8. Authorize the continued purchase of gasoline and diesel fuel at market prices for five years, beginning on or after October 1, 2021 for a total cost, after the addition of taxes, not to exceed \$15,000,000.
9. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental issues and regulatory compliance.
10. Approve the August 2021 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION:

11. Adopt a proclamation in recognition of the 100th Birthday of United States National Park Ranger Betty Reid Soskin. (Resolution)
12. Adopt a resolution to declare October 6, 2021 to be “Clean Air Day” at the District and encourage all employees to participate in California Clean Air Day. (Resolution)
13. Board of Directors Vacation Schedule.
14. Conduct a second and final reading and vote on the new Excessive Water Use Penalty Ordinance, which repeals Ordinance No. 364-15 entitled "Excessive Water Use Penalty Ordinance for Drought Stages 3 and 4" and reenacts its provisions as amended to (i) conform the Ordinance to the requirements of Chapter 3.3 of Division 1 of the California Water Code by prohibiting and penalizing excessive water use during a declared Stage 2 drought while mandatory water use restrictions are in effect and/or when the District is affected by a Governor-declared drought emergency based on local conditions, (ii) modify the definition of excessive water use in certain circumstances, (iii) fix the penalty amount, and (iv) make other changes necessary or appropriate for the effective implementation of the Ordinance.
(2nd Reading and Vote – Ordinance No. 373-21)
15. Make requisite findings and adopt a resolution to continue to hold meetings of the Board of Directors via teleconference under Assembly Bill 361 until such time as the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person. (Resolution)

DETERMINATION AND DISCUSSION: (Continued)

16. General Manager's Report:
- Coronavirus Update
 - 2021 Drought Update

REPORTS AND DIRECTOR COMMENTS:

17. Committee Reports:
- Planning
 - Redistricting Ad Hoc
 - 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, October 12, 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

Date	Meeting	Time/Location	Topics
Tuesday, September 28	Redistricting Ad Hoc Committee	9:00 a.m. Virtual	<ul style="list-style-type: none"> • Determine Target Ward Population Deviation and Redistricting Software Demonstration
	Finance/Administration Committee	10:30 a.m. Virtual	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Fiscal Year 2022 Insurance Summary
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, October 12	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
Tuesday, October 26	Redistricting Ad Hoc Committee	TBD Virtual	
	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

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



**Closed Session and Regular Business Meetings
Tuesday, September 28, 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/>
