



**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 12, 2021
Virtual**

In accordance with Government Code section 54953(e), 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: October 7, 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, October 12, 2021

11:00 a.m.

****Virtual***

Location

In accordance with Government Code section 54953(e), **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. 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 regarding MOUs: 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.
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 Government Code section 54953(e), **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 9 recommendations.)

1. Approve the Regular Meeting Minutes of September 28, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, McGuire and Hester, in an amount not to exceed \$1,495,000 for construction of District-Owned North Orinda Sports Fields Temporary Maintenance Facilities, and consent to withdrawal of the low bid of Angotti & Reilly, Inc., under Specification 2178.
4. Award a sole source contract to Tibco Software, Inc., to supply a license and technical support for JasperReports Enterprise software for three years, beginning on or after October 13, 2021 for a total cost, after the addition of taxes, not to exceed \$64,000.
5. Authorize an agreement beginning on or after October 12, 2021 with CPM Associates, Inc., in an amount not to exceed \$166,856 to provide construction management support services consisting of construction inspection for installation of 2,500 feet of recycled water pipeline as part of Alameda County Transportation Commission and Caltrans Interstate 80/Gilman Street Interchange Improvements Project in Berkeley.
6. Authorize an amendment to the agreement previously authorized under Board Motion No. 226-20 with The Tharpe Company, Inc., dba Engage2Excel to increase the agreement amount by \$95,000 to a total amount not to exceed \$160,000 and extend the agreement term to September 30, 2022, for the provision of employee service awards and an online peer recognition platform per the District's Employee Recognition and Service Awards Program.

CONSENT CALENDAR: (Continued)

7. Authorize an amendment to the agreement previously authorized under Board Motion No. 062-18 with West Yost & Associates to increase the agreement amount by \$276,369 to a total amount not to exceed \$1,852,946 and extend the agreement term to December 31, 2023 for additional construction inspection and engineering services during construction for the Pump Station M Rehabilitation and Force Main Investigation Project.
8. Authorize an amendment to an agreement previously authorized under Board Resolution No. 35171-20 with WorkCare, Inc., to increase the agreement amount by \$250,000 to a total amount not to exceed \$750,000 to provide COVID-19 self-collection test kits and physician oversight.
9. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters.

DETERMINATION AND DISCUSSION:

10. Declare an end to the District emergency initiated on August 18, 2021 and ratified on August 24, 2021 under Board Resolution No. 35244-21 to repair Mokelumne Aqueduct No. 2. (Resolution)
11. General Manager's Report:
 - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan and Semi-Annual Values Update
 - Coronavirus Update
 - 2021 Drought Update
 - Monthly Report – September 2021

REPORTS AND DIRECTOR COMMENTS:

12. Committee Reports:
 - Redistricting Ad Hoc
 - Finance/Administration
 - Planning
13. Other Items for Future Consideration.
14. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 26, 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, October 12	Planning Committee	9:30 a.m. Virtual	<ul style="list-style-type: none"> • Fontaine Pumping Plant Replacement Project Update and Availability of the Draft Mitigated Negative Declaration • Interceptor Level Monitoring Station and Overflow Structure Improvements Project • Wet Weather Program Management Update • Water System Capital Construction Support Agreements for FY 2022-2023
	Legislative/Human Resources Committee	<i>Cancelled</i>	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	
Tuesday, October 26	Redistricting Ad Hoc Committee	TBD Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Sustainability/Energy Committee	TBD Virtual	
	Finance/Administration Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	
Tuesday, November 9	Planning Committee	TBD	
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	

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, October 12, 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/j/97065086667>

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/>

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