



**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
Thursday, August 10, 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: August 5, 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, August 10, 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. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.
2. 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*
Contra Costa County Superior Court, Case No. C20-01714
 - c. *Herbert Brown and Rebecca Brown v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. C20-02480
3. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Kathmandu, Inc.
Claim No. 2019-L-178-1
 - b. Kathmandu Market and Deli
Claim No. 2019-L-178-3
 - c. Two matters.

ANNOUNCEMENT OF CLOSED SESSION AGENDA: (Continued)

4. Threat to public services or facilities pursuant to Government Code section 54957: Conference with David A. Briggs, Director of Operations & Maintenance; Niger M. Edwards, Manager of Employee Relations; and Lisa Sorani, Manager of Employee Services.
5. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Richard G. Jung, Acting Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: 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 and 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:

PRESENTATION:

- National Association of Clean Water Agencies' Peak Performance Award for 21 consecutive years of permit compliance for the Main Wastewater Treatment Plant's discharges

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 14 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of July 13, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Lucero Manufacturing, for supplying flanged nipples for three years, beginning on or after August 11, 2021 with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$3,676,345 under Request for Quotation No. 2108A.
4. Award a contract to the lowest responsive/responsible bidder, Cummins, Inc., for supplying one diesel generator for the Main Wastewater Treatment Plant Power Generation Station for a total cost, after the addition of taxes, not to exceed \$99,950 under Request for Quotation No. 2116.
5. Award a contract to the lowest responsive/responsible bidder, Chart Inc., for supplying three liquid carbon dioxide storage tank and vaporizer systems for the Orinda, Lafayette, and Walnut Creek Water Treatment Plants, beginning on or after August 13, 2021 for a total cost, after the addition of taxes and fees, not to exceed \$1,658,410 under Request for Quotation No. 2117.
6. Award a contract to the lowest responsive/responsible bidder, Cratus, Inc., in an amount not to exceed \$8,262,025 for construction of Summit Pressure Zone South Pipeline Replacement, Phase 1 under Specification 2173.
7. Award a contract to the lowest responsive/responsible bidder, NTK Construction, Inc., in an amount not to exceed \$2,378,000 for construction of the Digester Gas Flare Rehabilitation project under Specification SD-416.
8. Award a direct award contract to NuSpective, Inc. for supplying security log collection and analysis cloud software and implementation services for three years, beginning on or after August 10, 2021 for a total cost, after the addition of taxes, not to exceed \$375,505.
9. Authorize an agreement beginning on or after August 10, 2021 with Inspection Services, Inc. in an amount not to exceed \$4,000,000 for shop inspection support services for five years.
10. Authorize an agreement beginning on or after August 10, 2021 with Utilis, Inc. in an amount not to exceed \$665,000 for satellite remote leak detection services for five years.
11. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Alpha Analytical Laboratories, Inc. to increase the agreement amount by \$247,425 in an aggregate amount, including option years, not to exceed \$300,000 and extend the agreement term to December 31, 2023 with two options to renew for additional one-year periods for supplemental analytical services.
12. Authorize an amendment to the agreement previously authorized under the General Manager's authority with McCampbell Analytical, Inc. to increase the agreement amount by \$227,842 to a total amount not to exceed \$307,264 and extend the agreement term to September 30, 2022 for the laboratory analysis of samples for the Split-Plant Nutrient Reduction Pilot Study at the Main Wastewater Treatment Plant.

CONSENT CALENDAR: (Continued)

13. Authorize the Office of General Counsel to continue the employment of the law firm of Somach, Simmons & Dunn, P.C., for services of special counsel related to providing representation in litigation arising under the California Environmental Quality Act and/or the National Environmental Policy Act.
14. Authorize execution of legal documents associated with an amendment to the existing interest rate swap agreement for the District's Water System Revenue Refunding Bonds Series 2008A and related documents with The Bank of New York Mellon. (Resolution)

DETERMINATION AND DISCUSSION:

15. Appointment of Special Assistant III in the Office of Diversity, Equity, and Culture. (Resolution)
16. Appointment of Assistant Attorney. (Resolution)
17. Coronavirus Update.
18. General Manager's Report:
 - 2021 Drought Update
 - Excessive Water Use Penalty Ordinance Amendment
 - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update
 - Monthly Report – July 2021

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Planning
 - Legislative/Human Resources
20. Other Items for Future Consideration.
21. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 24, 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, August 10	Planning Committee	9:00 a.m. Virtual	<ul style="list-style-type: none"> • Research and Innovation at EBMUD • Groundwater Sustainability Plan Update • Dam Safety Program Annual Report • Dump Truck Services <p style="text-align: center;"><i>Cancelled</i></p>
	Legislative/Human Resources Committee		
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, August 24	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
Monday, September 6	Labor Day		<i>District Offices Closed</i>
Tuesday, September 14	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, September 28	Finance/Administration	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, August 10, 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=eUdZSGh5SG82akZiRDh2UDg2b0IyUT09>

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/>
