

MINUTES

Tuesday, February 23, 2021

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

Regular Closed Session Meeting

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:07 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

ROLL CALL

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

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Items 1a and 2), Manager of Human Resources Laura A. Acosta (Items 1a and 2), Director of Operations and Maintenance David A. Briggs (Item 1a), Director of Finance Sophia D. Skoda (Item 2), Manager of Employee Relations Niger M. Edwards (Item 2), and Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 2).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

Regular Business Meeting

President Linney called to order the Regular Business Meeting of the Board of Directors at 1:16 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

ROLL CALL

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, Marguerite Young, William B. Patterson, and President Doug A. Linney were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Linney led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Items 9 and 10 were pulled from the Consent Calendar for discussion.
 - Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-8 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 030-21** – Approved the Special Meeting Minutes and the Regular Meeting Minutes of February 9, 202
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Coronavirus Update,” dated February 23, 2021; **2)** Presentation entitled, “2021 Preliminary Water Supply Availability and Deficiency Report,” dated February 23, 2021; and **3)** Speakers’ Bureau and Outreach Record CY21, dated February 19, 2021.
 3. **Motion No. 031-21** – Awarded a contract to the lowest responsive/responsible bidder, International Corrosion Control, for supplying zinc anodes for one year, beginning on or after March 1, 2021, with four options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$1,519,252.35 under Request for Quotation No. 2103.
 4. **Motion No. 032-21** – Authorized an agreement beginning on or after February 23, 2021 with the City of Oakland in an amount not to exceed \$350,000 for the Leimert Bridge Pipeline – Contract Services for Pipeline Improvements.

5. **Motion No. 033-21** – Authorized an agreement beginning on or after February 23, 2021 with Woodard & Curran, Inc. in an amount not to exceed \$2,246,768 for specialized consulting services for the condition assessment and design of the Main Wastewater Treatment Plant Oxygen Plant Rehabilitation under SD-428.
6. **Motion No. 034-21** – Authorized an amendment to the contract previously awarded under Board Motion No. 193-00 with Western Area Power Administration to extend the contract term to December 31, 2054 for the purchase of federal hydropower under the Base Resource Contract.
7. **Motion No. 035-21** – Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment matters in an additional amount not to exceed \$150,000.
8. **Motion No. 036-21** – Approved the January 2021 Monthly Investment Transactions Report.
9. **Resolution No. 35214-21** – Appointing Maria Lourdes Matthew to the position of Assistant General Counsel (*effective March 1, 2021*).
 - Director Mellon pulled Item 9 to congratulate Ms. Matthew on her appointment. Ms. Matthew thanked the Board and said it is an honor and a privilege to work at the District.
 - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 9 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
10. **Resolution No. 35215-21** – Appointing Jonathan D. Salmon to the position of Assistant General Counsel (*effective March 1, 2021*).
 - Director Mellon pulled Item 10 to congratulate Mr. Salmon on his appointment. Mr. Salmon also thanked the Board and said he is looking forward to continue serving the District in his new role.
 - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 10 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION

11. **General Manager's Report.**

Preliminary Water Supply Availability and Deficiency Report

Director of Operations and Maintenance David A. Briggs presented the water supply update and the Preliminary Water Supply Availability and Deficiency Report. For the water supply update he reviewed gross water production; East Bay and Mokelumne precipitation through February 17; snow depth at Caples Lake which was 92% of average as of February 17; state water supply projections based on data for February 18; and current storage at Pardee, Camanche and East Bay reservoirs. He said current total system storage is 555,8400 acre-feet or 96% of average and 72%

of capacity and provided an overview of projected District total system storage for 2021. For the Preliminary Water Supply Availability and Deficiency Report, he reviewed the Drought Management Program guidelines from the District's 2015 Urban Water Management Plan and potential water supply options for Board consideration if dry conditions continue. Some options include demand reduction (wise water use) and purchasing supplemental supplies from the Central Valley Project, Placer County Water Agency, or Contra Costa Water District. The Final Water Supply Availability and Deficiency Report will be presented to the Board on April 27. Mr. Briggs responded to Board questions regarding the amount of precipitation or rainfall needed in the District's watershed to reduce the need to require customer rationing.

Coronavirus Update

Director of Operations and Maintenance David A. Briggs presented an update on state regulations and guidance. As of today, all District counties remain in the Purple Tier (most restrictive), but he noted that most pandemic-related health metrics continue to improve. There have been no significant changes to District safety protocols and no significant impacts are expected to District operations. He reviewed the status of the state's vaccination efforts and policies and said while the District's vaccination plan has not changed, staff will begin focusing on promoting and facilitating vaccinations for employees. Human Resources staff is currently tracking employee vaccination rates and management is recommending employees be required to confidentially disclose their vaccination status which can help inform the District's Safe Return to Workplace Plan. Management will reach out to the unions and employees on the vaccination plan and on finalizing details in The Safe Return to Workplace Plan. Mr. Briggs said the plan will be implemented incrementally and comply with state and local orders, laws and regulations. In conclusion, he provided an update on the number of employees and contractors that have tested positive for the coronavirus, the number of staff in quarantine, and on the pilot testing program which concluded on February 11. The District began using a contractor on an as-needed basis to support its COVID-19 employee hotline. Mr. Briggs and General Manager Chan responded to Board questions on when the Board would resume in-person meetings.

REPORTS AND DIRECTOR COMMENTS

Committee Reports.

- Filed with the Board were the Minutes for the February 9, 2021 Legislative/Human Resources Committee meeting.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received an update on the Fiscal Year 2021 Semi-Annual Budget Performance Report; the January 2021 Monthly Investment Transactions Report; the Semi-Annual Internal Audit Report; and the Invitation to Apply for a Water Infrastructure Finance and Innovation Act Loan.

Other Items for Future Consideration.

None.

Director Comments.

Director Coleman reported attending the East Bay Economic Development Alliance – Land Use and Infrastructure meeting (remotely) on February 10; the East Bay Leadership Council – Water Task Force meeting (remotely) and ACWA Federal Affairs Committee meeting (remotely) on February 16; and the East Bay Leadership Council Board meeting (remotely) on February 19. He reported on plans to attend the ACWA Washington D.C. program (remotely) on February 24.

- Directors Katz, McIntosh, Mellon, Patterson, and Young and President Linney had no report.

ADJOURNMENT

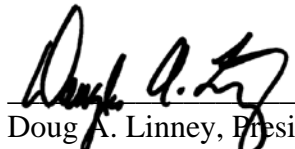
President Linney adjourned the meeting at 1:56 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: March 9, 2021



Doug A. Linney, President of the Board