



**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, December 8, 2020
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: December 3, 2020



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, December 8, 2020

11:00 a.m.

****Virtual****

Location

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, **this meeting will be conducted by webinar and teleconference only.** In compliance with said orders, a physical location will not be 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.

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. *Jeffrey Brand v. East Bay Municipal Utility District*
WCAB Case No. ADJ10256308
 - b. *Jose Angel Romo Barajas v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. MSC16-01414
 - c. *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):
 - a. One matter.

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

REGULAR BUSINESS MEETING

1:15 p.m.

****Virtual****

Location

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, **this meeting will be conducted by webinar and teleconference only.** In compliance with said orders, a physical location will not be 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.

Board members will participate by webinar or teleconference

*****Please see appendix for public participation instructions*****

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATION:

- Association of California Water Agencies for Huell Howser Best in Blue Award: Achieving Communications Excellence

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, including 1 resolution.)

1. Approve the Regular Meeting Minutes of November 24, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, ERA Construction Inc., in the amount of \$980,000 for construction of North Richmond Water Reclamation Plant Facility Improvements Phase 2 under Specification SD-405.
4. Award a contract to the lowest responsive/responsible bidder, Innovative Construction Solutions, in the amount of \$792,100 for construction of Main Wastewater Treatment Plant Process and Gas Piping Replacement under Specification SD-426.
5. Authorize an agreement beginning on or after December 8, 2020 with Trussell Technologies, Inc. in an amount not to exceed \$1,445,316 for design services for the Water Quality Research Facility.

CONSENT CALENDAR: (Continued)

6. Authorize an agreement beginning on or after December 8, 2020 with The Tharpe Company, Inc. dba Engage2Excel in an amount not to exceed \$65,000 for one year for services that support the District's Employee Recognition and Appreciation Program.
7. Authorize amendments to agreements for dry weather and wet weather biosolids handling services at the Main Wastewater Treatment Plant (MWWTP).
 - 7.1. Authorize an amendment to the agreement previously authorized under Board Motion No. 190-17 with Denali Water Solutions, LLC to increase the agreement amount by \$1,870,000 to a total amount not to exceed \$5,470,000 and extend the agreement term to June 30, 2022 for dry weather biosolids handling services at the MWWTP.
 - 7.2. Authorize an amendment to the agreement previously authorized under Board Motion No. 190-17 with Synagro-WWT, Inc. to increase the agreement amount by \$4,796,000 to a total amount not to exceed \$11,996,000 and extend the agreement term to June 30, 2022 for wet weather biosolids handling services at the MWWTP.
8. Authorize the continued employment of two law firms.
 - 8.1. 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.
 - 8.2. Authorize the Office of General Counsel to continue the employment of the law firm of Meyers Nave Riback Silver & Wilson for specialized legal services related to labor and employment matters.
9. Take actions related to preparation and implementation of the East Bay Plain Subbasin Groundwater Sustainability Plan.
 - 9.1. Authorize an agreement beginning on or after December 8, 2020 with Luhdorff and Scalmanini Consulting Engineers, Inc. in an amount not to exceed \$424,376 for consulting services for the provision of monitoring well installation engineering support and the performance of aquifer testing and isotopic analysis.
 - 9.2. Direct staff not to issue any notices to proceed with optional services under the agreement until the completion of any necessary California Environmental Quality Act environmental review regarding construction of the proposed monitoring wells.
10. Adopt new District Policy 4.28 – Cybersecurity, and approve revisions to District Policy 2.18 – Training. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update:
 - State Legislative Initiatives for 2021 Legislative Year
 - Update on Legislative Issues of Interest to EBMUD
12. Approve actions related to the Orinda Water Treatment Plant Disinfection Improvements Final Supplemental Environmental Impact Report. (Resolution)
 - 12a. Certify the Final Supplemental Environmental Impact Report for the Orinda Water Treatment Plant Disinfection Improvements Project (Project).
 - 12b. Make findings in accordance with the California Environmental Quality Act (CEQA).
 - 12c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
 - 12d. Approve the Project.
13. Adopt a resolution authorizing the use of flow restrictors as part of the payment collection process, and directing staff to develop an implementation plan that shall not take effect prior to the lifting of the State of Emergency declared on March 4, 2020 by Governor Newsom. (Resolution)
14. General Manager's Report:
 - Coronavirus Update
 - Racial Equity and Justice and Diversity and Inclusion Strategic Plan Projects Update
 - Monthly Report – November 2020

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - Finance/Administration
 - Planning
 - Legislative/Administration
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, January 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, December 8	Planning Committee Linney {Chair}, McIntosh, Mellon	9:00 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Orinda Water Treatment Plant Disinfection Improvements Project Update and Final Supplemental Environmental Impact Report • Wastewater Pretreatment and Pollution Prevention Programs Update • Facility Landscape Maintenance Update • Review New Policy 4.28 – Cybersecurity and Revisions to Policy 2.18 – Training
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:00 a.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Legislative Update • State Legislative Initiatives for 2021 Legislative Year • Contract Equity Program Annual Report
	Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, December 22	Finance/Administration Committee		<ul style="list-style-type: none"> • Canceled
	Board of Directors		<ul style="list-style-type: none"> • Canceled
Friday, December 25 and Monday, December 28	Christmas Holiday		<ul style="list-style-type: none"> • <i>District Offices Closed</i>
Friday, January 1, 2021	New Year Holiday		<ul style="list-style-type: none"> • <i>District Offices Closed</i>
Tuesday, January 12, 2021	Planning Committee Linney {Chair}, McIntosh, Mellon	TBD <i>Virtual</i>	
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	TBD <i>Virtual</i>	
	Board of Directors	11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting



Closed Session and Regular Business Meetings
Tuesday, December 8, 2020
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>

11:00 a.m. Closed Session Meeting (Public Comment)

Online

<https://zoom.us/j/91417475649?pwd=Vnc0aTFNaVZSTjI3bVNEd1dDaDVwUT09>

Webinar ID: 914 1747 5649

Passcode: 269274

By Phone

Telephone: 1 669 900 6833

Webinar ID: 914 1747 5649

Passcode: 269274

International numbers available: <https://zoom.us/u/aYSOkLRyQ>

1:15 p.m. Regular Business Meeting

Online

<https://zoom.us/j/96540105270?pwd=Z01EV1VnbVNISTREWnpwdWVSZzZHZz09>

Webinar ID: 965 4010 5270

Passcode: 183259

By Phone

Telephone: 1 669 900 6833

Webinar ID: 965 4010 5270

Passcode: 183259

International numbers available: <https://zoom.us/u/adJ3sWEOR4>

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 his/her allotted time has concluded

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/>
