



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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***Notice of Location Change***

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, April 13, 2021  
*\*\*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: April 8, 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, April 13, 2021**

**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. *Sidney E. Wanetick, M.D. v. East Bay Municipal Utility District, et al.*  
Contra Costa County Superior Court, Case No. C20-00420
  - b. *American Federation of State, County and Municipal Employees, Local 444 v. East Bay Municipal Utility District*  
Public Employment Relations Board, Case No. SF-CE-1829-M
2. Conference with Labor Negotiators Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; Niger M. Edwards, Manager of Employee Relations; and Lisa A. Sorani, Manager of Employee Services, pursuant to Government Code Section 54957.6 regarding COVID-19 response: 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.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:** (Continued)

3. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; 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 & 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**

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

**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 7 recommendations.)

1. Approve the Special and Regular Meeting Minutes of March 23, 2021 and the Special Meeting Minutes of March 29, 2021.
2. File correspondence with the Board.

**CONSENT CALENDAR:** (Continued)

3. Award a contract to the lowest responsive/responsible bidder, McGuire and Hester, in an amount not to exceed \$1,218,000 for construction of the San Ramon Pumping Plant Drainage Improvements project under Specification 2161.
4. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$5,480,080 for construction of the Main Wastewater Treatment Plant Secondary Reactors Rehabilitation Phase 1 project under Specification SD-415.
5. Authorize an agreement beginning on or after April 13, 2021 with S.R. Bray, LLC, dba Power Plus for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,120,040 for rental of portable generators including delivery services.
6. Authorize direct award contracts with VWR International, LLC and Fisher Scientific Company, LLC for supplying chemicals and supplies for the District's Laboratory for three years, beginning on or after April 13, 2021 with one option to renew for an additional two-year period, in an aggregate amount, after the addition of taxes, including option years, not to exceed \$1,250,000.
7. Take actions related to the Gilman Interchange Recycled Water Pipeline Project.
  - 7a. Find that the Board considered the environmental effects of the Gilman Interchange Recycled Water Pipeline Project as analyzed in the June 2019 Interstate 80/Gilman Street Interchange Improvement Project – Initial Study Negative Declaration/ Environmental Assessment with Finding of No Significant Impact.
  - 7b. Approve the Gilman Interchange Recycled Water Pipeline Project.
  - 7c. Authorize a utility agreement with Alameda County Transportation Commission (Alameda CTC) in an amount not to exceed \$1,760,015 for installation of the District's recycled water pipeline as part of Alameda CTC's Interstate 80/Gilman Street Interchange Improvement Project.

**DETERMINATION AND DISCUSSION:**

8. Legislative Update:
  - Receive Legislative Report No. 04-21 and consider positions on the following bills: AB 622 (Friedman) Washing Machines: Microfiber Filtration; AB 697 (Chau) Forest Resources: National Forest Lands: Good Neighbor Authority Fund: Ecological Restoration and Fire Resiliency Projects; AB 1110 (R. Rivas) Zero-Emission Vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; AB 1200 (Ting) Plant-Based Food Packaging: Cookware: Hazardous Chemicals; AB 1570 (Committee on Natural Resources) Public Resources: Omnibus Bill; SB 1 (Atkins) Coastal Resources: Sea Level Rise; SB 260 (Wiener) Climate Corporate Accountability Act; SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and SB 804 (Glazer) California Conservation Corps: Forestry Training Center; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
  - Update on Legislative Issues of Interest to EBMUD

**DETERMINATION AND DISCUSSION:** (Continued)

9. Take actions related to the Central Reservoir Replacement Project (Project). (Resolution)
  - 9a. Certify the Final Environmental Impact Report for the Project.
  - 9b. Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
  - 9c. Adopt the Mitigation Monitoring and Reporting Plan (MMRP) in accordance with CEQA.
  - 9d. Adopt the Practices and Procedures Monitoring and Reporting Plan.
  - 9e. Approve the Project.
  - 9f. Authorize the General Manager or the General Manager's designee to negotiate and execute a lease with Redwood Day School (School) for School construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property, consistent with the requirements of Mitigation Measure TRA-1 in the MMRP, in a form approved by General Counsel.
10. Authorize an increase to the agreement previously authorized under Board Motion No. 136-16 with Wells Fargo Bank, N.A. in the amount of \$1,300,000 to a total amount not to exceed \$2,650,000, to exercise optional services of the agreement, specifically lockbox services for mailed-in payment processing.
11. Adopt a resolution condemning all manifestations and expressions of racism, xenophobia, discrimination, scapegoating, and intolerance against the Asian American Pacific Islander community. (Resolution)
12. General Manager's Report:
  - Water Supply Update
  - Coronavirus Update
  - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update
  - Monthly Report – March 2021

**REPORTS AND DIRECTOR COMMENTS:**

13. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
14. Other Items for Future Consideration.
15. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 27, 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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

*The dates and times of future meetings are subject to change.*

Date	Meeting	Time/Location	Topics
Tuesday, April 13	<b>Planning Committee</b>	8:30 a.m. Virtual 9:15 a.m. Virtual	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• 2020 Mokelumne Fall-run Chinook Salmon and Steelhead Returns</li> <li>• Annual Recreation Report – 2020</li> <li>• Central Reservoir Replacement Project Update and Final Environmental Impact Report</li> <li>• San Pablo Reservoir Monterey Pine Management Plan</li> </ul>
	<b>Legislative/Human Resources Committee</b>	10:15 a.m. Virtual	<ul style="list-style-type: none"> <li>• Legislative Update</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
Tuesday, April 27	<b>Sustainability/Energy Committee</b>	TBD Virtual	
	<b>Finance/Administration Committee</b>	TBD Virtual	
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
Tuesday, May 11	<b>Planning Committee</b>	TBD Virtual	
	<b>Legislative/Human Resources Committee</b>	TBD Virtual	
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b><u>2021 Board Committee Members</u></b>			
Finance/Administration		Patterson {Chair}, Coleman, Katz	
Legislative/Human Resources		Coleman {Chair}, McIntosh, Patterson	
Planning		Young {Chair}, McIntosh, Mellon	
Sustainability/Energy		Young {Chair}, Katz, Mellon	





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**Closed Session and Regular Business Meetings**  
**Tuesday, April 13, 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 his/her allotted time has concluded

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**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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