

## MINUTES

**Tuesday, September 14, 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 11:02 a.m. He announced that in accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

### 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 Derek T. McDonald, Assistant General Counsel Jonathan D. Salmon (Item 1a), Director of Wastewater Eileen M. White (Item 1a), Assistant General Counsel Lourdes Matthew (Items 2, 3 and 4) Director of Operations and Maintenance David A. Briggs (Items 2 and 3), Manager of Security and Emergency Preparedness Steven G. Frew (Item 2), Manager of Human Resources Laura A. Acosta (Items 3 and 4), Manager of Employee Relations Niger M. Edwards (Items 3 and 4), Director of Finance Sophia D. Skoda (Item 4), and IEDA representatives Jeff Bailey and Gregory Ramirez (Item 4).

### PUBLIC COMMENT

- Addressing the Board were the following: 1) Justin Young, EBMUD Associate Electrical Engineer and Chair of the AFSCME Local 2019 Contracting Out Committee commented on a contract for plant inspection services scheduled for Board consideration on September 28 and said the union is requesting the District review staffing for the Design and Construction Divisions once the District completes the study regarding capital project staffing resources; 2) Eric O. Larsen, President, AFSCME Local 444 commented on the Bay Area CPI, fair wages for employees, the compensation study conducted by the District, equity adjustments for some Local 444 classifications, requests for COVID-19 data, and the union's opposition to the District's vaccination mandate. He asked the Board to offer weekly testing for employees as an option to mandatory vaccinations; 3) Ivette Rivera, EBMUD employee commented on the civil rights lawsuit filed by former EBMUD employees Ayriel Bland and Saji Pierce, the civil rights lawsuit she previously filed against the District, and asked the Board to review the U.S. EEOC 2016 manual; 4) Brandon Batteate, 2<sup>nd</sup> Vice President, AFSCME Local 444 commented the District should not mandate vaccines for employees and cited data from the CDC VAERs site/system; and 5) Kasie Evans, AFSCME Local 2019 commented on the District's vaccine mandate and expressed opposition to mandatory vaccinations for employees.

Director Mellon requested a copy of the information cited by Brandon Batteate.

## **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

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

### **Regular Business Meeting**

President Doug A. Linney called to order the Regular Business Meeting of the Board of Directors at 1:20 p.m. He announced that in accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. Director Lesa R. McIntosh joined the meeting at 1:25 p.m. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, 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**

- Addressing the Board were the following: 1) Justin Young, EBMUD Associate Electrical Engineer commented on equity adjustments for the Associate Electrical Engineer classification and the total compensation study for the classification; 2) George Cleveland, Chief Steward, AFSCME Local 2019 commented on the District's vaccination mandate, a data breach during testing notifications to employees, the Bay Area CPI, and concerns regarding the consent form employees are required to sign for COVID-19 testing; 3) Nick Lawrence, customer commented on dangerous conditions on Tappan Terrace in Orinda, calculations he was expecting from District staff, and his potential exposure to poison oak during a visit to the Lafayette Reservoir on September 10. He said he would be submitting a Public Records Act request for information; and 4) Ivette Rivera, EBMUD employee commented on Kasie Evans' comments during the Closed Session public comment period and former General Manager Craig Spencer's separation from the District. She said she would be submitting a Public Records Act request for information.

Staff was asked to reach out to Mr. Lawrence about the incident at Lafayette Reservoir and to provide information on how rubber or metal piping material would perform if there is a fire in Tappan Terrace.

## **CONSENT CALENDAR**

- Motion by Director McIntosh, seconded by Director Mellon to approve the recommended actions for Items 1-9 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. 151-21** – Approved the Regular Meeting Minutes of August 24, 2021.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, “2021-2022 Redistricting Guidelines and Criteria,” dated September 14, 2021; **2)** Presentation entitled, “Los Vaqueros Reservoir Expansion,” dated September 14, 2021; **3)** Presentation entitled, “First Reading of Amendments to the Excessive Water Use Penalty Ordinance,” dated September 14, 2021; **4)** Presentation entitled, “Drought Update,” dated September 14, 2021; and **5)** Presentation entitled, “Coronavirus Update,” dated September 14, 2021.
  3. **Motion No. 152-21** – Awarded a contract to the lowest responsive/responsible bidder, Frank A. Olsen Company LLC, to supply four butterfly valves for the Upper San Leandro Water Treatment Plant beginning on or after September 14, 2021 for a total cost, after the addition of taxes and fees, not to exceed \$308,700.
  4. **Motion No. 153-21** – Awarded a contract to the lowest responsive/responsible bidder, Atlas Performance Industries, Inc., for supplying a 48-ft by 60-ft commercial modular building for the District-Owned North Orinda Sports Fields Temporary Maintenance Facilities Project for a total cost, after the addition of taxes and fees, not to exceed \$402,652 under Request for Quotation No. 2119.
  5. **Motion No. 154-21** – Authorized an agreement beginning on or after September 15, 2021 with Jacobs Associates, Inc. dba McMillen Jacobs Associates in an amount not to exceed \$562,340 for entry plans and inspection services for the San Pablo Supply Tunnel and the Upper San Leandro Supply Tunnel.
  6. **Motion No. 155-21** – Authorized an amendment to the agreement previously amended under Board Motion No. 077-19 with Pacific States Environmental Contractors, Inc. to increase the agreement amount by \$6,800,000 to a total amount not to exceed \$28,106,000 and extend the agreement term to October 3, 2023 for trench soils management and removal services.
  7. **Motion No. 156-21** – Authorized an amendment to the agreement previously authorized under Board Motion No. 073-21 with Oppenheimer Investigations Group to increase the agreement amount by \$30,000 to a total amount not to exceed \$140,000 and extend the agreement term to June 30, 2022, for Equal Employment Opportunity investigative services.
  8. **Motion No. 157-21** – Approved a 65-month lease agreement with 25 Orinda Way LLC, for 4,461 square feet of office space located at 25 Orinda Way, Orinda to support the District’s Orinda Water Treatment Plant’s Disinfection Improvements and Chemical Systems Safety Improvement Projects construction management team. The term of the lease is March 2022 through July 2027. The base monthly rent is \$17,621 with a three percent annual escalation and pass-through costs.

9. **Motion No. 158-21** – Authorized the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett LLP, for specialized legal services related to construction, public contracts and procurement, claims, intellectual property and technology matters, tax, public pension law, labor and employment, and litigation matters in an additional amount not to exceed \$175,000.

## **DETERMINATION AND DISCUSSION**

10. **Board of Directors Vacation Schedule.**

President Linney announced the Board would discuss its 2022 and future vacation schedules. The Board has traditionally canceled its meetings scheduled for the fourth Tuesday in August provided it did not adversely impact the operations of the District, to accommodate planned vacations of Directors and staff. At its May 26, 2020 meeting, the Board voted to cancel its meetings scheduled for the fourth Tuesday in July 2021 instead of the meetings scheduled for the fourth Tuesday in August, and to calendar a discussion on revising its summer vacation schedule after July 2021. The Board discussed revisions to its 2022 and future vacation schedules and Secretary of the District Rischa S. Cole provided background on key District actions and activities (e.g., processing information for the District's Multi-Family Residential Lien Program, the Wet Weather Facility Charge and Board elections). After additional Board discussion regarding potential impacts to these and other activities, General Manager Clifford C. Chan said staff would conduct an additional review, including an option for the Board to consider canceling its meetings scheduled for the second Tuesday in August, and present this information at a future meeting. The Board did not take action on this item.

11. **Approve Guidelines and Criteria for the District's 2021-2022 Redistricting Efforts.**

Secretary of the District Rischa S. Cole presented an overview of the draft guidelines and criteria. The Board's Redistricting Ad Hoc Committee met on June 22, 2021 and reviewed the redistricting guidelines and criteria from 2011-2012 as well as provisions of the FAIR MAPS Act (AB 849 – Bonta) to determine guidelines and criteria for 2021-2022. Based on feedback from the Committee, staff presented draft guidelines and criteria for the District's 2021-2022 redistricting efforts at the August 24, 2021 Redistricting Ad Hoc Committee meeting. During the August 24 meeting, the Committee directed staff to maintain transparency with redistricting efforts and adjust redistricting efforts based on the public's interest and costs; and to make an additional revision to the guidelines and criteria to clarify the Board will "adhere to provisions of the FAIR MAPS Act as much as reasonable." The draft guidelines and criteria were updated and include information on how the Board will, as much as reasonable, adopt provisions of the FAIR MAPS Act as best practices when establishing ward boundary lines; a reference to communities of interest; and updated criteria language to clarify actions to be completed by the Committee and meetings and hearings to be conducted by the full Board. Ms. Cole said the updated guidelines and criteria will ensure the Board is conducting its redistricting efforts in accordance with the Municipal Utility District Act and the Elections Code. Next, she reviewed the redistricting activity schedule which was updated based on input from the Committee during its August 24 meeting. President Linney announced the Committee is recommending the guidelines and criteria as well as the redistricting activity schedule for Board approval.

- Addressing the Board was George Cleveland who commented on whether the definition of communities of interest include unincorporated communities and asked the Board to consider moving the City of El Sobrante from Ward 3 to Ward 1 when redistricting plans are being developed.
- Motion by Director Coleman, seconded by Director Patterson to approve the recommended actions for Item 11 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**12.1- Authorize Actions Related to the District's Participation in the Los Vaqueros Reservoir  
12.3 Expansion Project.**

Director of Water and Natural Resources Michael T. Tognolini presented an overview of the District's plan to participate in Contra Costa Water District's (CCWD) proposed Los Vaqueros Reservoir Expansion Project. Staff is requesting the Board adopt a resolution authorizing the General Manager to sign the Los Vaqueros Reservoir Joint Exercise of Powers Agreement on behalf of the District. Once fully executed, the agreement would form the Los Vaqueros Reservoir Joint Powers Authority (JPA), a new public agency. EBMUD will join the JPA and continue to work with other participating water districts to negotiate a set of agreements to govern the proposed project. Joining the JPA will not irrevocably commit EBMUD to the project. Rather, EBMUD may withdraw from the JPA at any time before a Service Agreement is executed between the JPA and EBMUD along with a Final Funding Agreement between the JPA and the California Water Commission. He highlighted some of the key off-ramps that would allow the District to withdraw from the JPA before a Final Funding Agreement is executed and actions taken by the other participating water districts to join the JPA. If the Board authorizes the District to join the JPA, within 30 days, the Board will need to appoint a representative to serve as a Director of the JPA's Board of Directors and an alternate. Each JPA member's Director and alternate will serve without compensation from the JPA. The appointees will serve at the pleasure of EBMUD, hold office until their successor is selected by EBMUD, and may be removed at any time by EBMUD, with or without cause. Each appointee may be a member of EBMUD's Board of Directors or a management-level employee. The primary Director must be designated by name. The alternate Director, if a management-level employee, may be designated by name or position title. He reviewed the appointees from the other participating water districts noting appointees are a combination of Board members and staff. In conclusion, Mr. Tognolini reviewed the proposed amendments to the project's Multiparty Agreement which expires on December 31, 2021. The amendments propose to increase the agreement amount by \$897,120 to a total amount not to exceed \$2,264,910 and extend the agreement term to December 31, 2022 to fund planning and other pre-construction activities for the proposed project. Although the total cost of the additional work in the amended Multiparty Agreement is \$22,831,798, he said EBMUD's share of the cost is \$897,120. The total capital costs of the project are currently estimated at approximately \$900 million, of which \$470 million is funded by a California Water Commission grant awarded to CCWD. Although the details of cost allocation are still being negotiated, staff estimates that EBMUD's portion of capital costs for 30,000 acre-feet of storage in Los Vaqueros Reservoir is approximately \$50 to \$100 million depending on whether federal grant funding is secured. President Linney asked Board members to advise if they were interested in serving as the representative and alternate on the LVE JPA. Director Coleman said he would serve as the representative and Director McIntosh said she would serve as the alternate.

- Motion by Director Coleman, seconded by Director McIntosh to approve the recommended actions for Item 12.1 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

12.1. **35245-21** – Authorizing the General Manager to Execute the Los Vaqueros Reservoir Joint Exercise of Powers Agreement.

- Motion by Director Coleman, seconded by Director McIntosh to approve the recommended actions for Item 12.2 to appoint Director John A. Coleman to serve as representative and Director Lesa R. McIntosh to serve as an alternative representative to the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

12.2. **35246-21** – Appointing a Representative and an Alternative Representative to the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority.

- Motion by Director Young, seconded by Director McIntosh to approve the recommended actions for Item 12.3 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

12.3. **Motion No. 160-21** – Authorized an amendment to the cost-sharing agreement previously authorized under Board Motion Nos. 039-19 and 203-20 with seven other water agencies to increase the agreement amount by \$897,120 to a total amount not to exceed \$2,264,910 and extend the agreement term to December 31, 2022 to fund planning and other pre-construction activities for the proposed Los Vaqueros Reservoir Expansion Project.

13. **Introduction and First Reading of the Excessive Water Use Penalty Ordinance.**

Manager of Water Conservation Alice E. Towey introduced the first reading of the new Excessive Water Use Penalty Ordinance, which repeals Ordinance No. 364-15 entitled "Excessive Water Use Penalty Ordinance for Drought Stages 3 and 4" and reenacts its provisions as amended to (i) conform with requirements of Chapter 3.3 of Division 1 of the California Water Code by prohibiting and penalizing excessive water use during a declared Stage 2 drought while mandatory water use restrictions are in effect and/or when the District is affected by a Governor-declared drought emergency based on local conditions, (ii) modify the definition of excessive water use in certain circumstances, (iii) fix the penalty amount, and (iv) make other changes necessary or appropriate for the effective implementation of the Ordinance. Ordinance No. 364-15 was enacted in 2015 during the last drought to discourage excessive discretionary use of water by single family residential (SFR) customers during a Stage 3 and 4 drought. She reviewed the requirements in SB 814 which was signed into law in 2016 and said while Ordinance No. 364-15 complies with SB 814 requirements in most respects, the new Water Shortage Contingency Plan adopted by the Board in June 2021 revised the District's Drought Management Program guidelines to include mandatory rationing as part of Stage 2 droughts; prior to this revision, rationing at this stage was voluntary. To comply with state law, the ordinance must be amended. The amendments would prohibit excessive water use during a declared Stage 2 drought and authorize penalties while mandatory rationing is in effect and/or when the District is affected by a drought emergency declared by the Governor based on local conditions. The amendments would also adjust the

existing excessive water use thresholds for Stage 3 drought, provide customers an opportunity to correct an apparent violation before a penalty is imposed, fix a penalty amount which applies whenever the Ordinance's prohibitions take effect, and make other changes to conform to state law or to improve the effective implementation of the Ordinance. Staff evaluated the penalty thresholds and is recommending a threshold of 66 CCF/month, or approximately 1,646 gallons per day (gpd) for a Stage 2 drought. This represents approximately 7.3 times the average 2020 SFR water use of 225 gpd. In 2020, approximately 1.5 percent of SFR customers had at least one billing cycle that exceeded this threshold. For a Stage 3 drought, staff is recommending the threshold be lowered to 59 CCF/month. This represents about 6.5 times the average 2020 SFR water use. Approximately two percent of SFR customers would be affected by this threshold based on 2020 billing data. The Stage 4 thresholds would remain unchanged. Ms. Towey discussed the plan to proactively reach out to high water users in advance of activating the new ordinance, proposed amendments to the enforcement process, and the exceptions and appeals process. The second reading and vote on the ordinance is scheduled for September 28, 2021 and the ordinance would become effective 30 days after enactment.

There was considerable Board discussion regarding the penalty amount for the recommended thresholds for a Stage 2 drought and a recommendation to consider reducing the penalty amount from \$2 per CCF to \$1 per CCF; the California Public Records Act requirement to disclose the name, address, and usage data of residential customers that violate the ordinance; the Board's ability to set different penalty amounts for each drought stage; the proactive outreach outlined in the proposed ordinance; a recommendation to send certified letters to customers who were assessed an excessive use penalty during the last drought; and a proposal from Director Katz to revise provisions in the ordinance to provide a "preemptive warning" by proactively communicating with customers whose billing history indicates they may be approaching or near a penalty threshold when the District is declaring a drought. Staff responded to questions from the Board regarding the State's legal authority to dictate which drought stage could be declared by the District; if the District could face legal jeopardy from releasing the names, addresses and usage data of residential customers that violate the ordinance; how staff accounted for evapotranspiration and lot size while developing the penalty thresholds; potential legal issues or other impacts to implementing the ordinance if revisions are needed based on today's discussion; how the District would process leak adjustments if a customer has been assessed an excessive use penalty; clarification on the definition of a first exceedance during a drought cycle; whether a certified letter to a customer regarding high use would be considered a notice of violation; a proposal to add a second trigger to the warning provisions in the ordinance; and strengthening the proactive outreach plan.

- Addressing the Board was George Cleveland who asked for clarification on when, during the billing cycle, a customer who may have experienced a leak would receive a warning or a penalty for excessive use and how the District would address an account if a customer does not pay their bill after losing an appeal of the excessive use penalty.

Ms. Towey and Manager of Customer and Community Services Andrew L. Lee provided clarification for Mr. Cleveland's questions. After additional discussion, General Manager Chan said staff will keep the proposed ordinance language but will update the outreach plan language based on feedback received today. He also confirmed the penalty amounts for drought Stages 2 through 4 would remain at the proposed \$2 per CCF.

**Ordinance No. 373-21** – Introduction and first reading of the Excessive Water Use Penalty Ordinance (*repeals Ordinance No. 364-15 entitled "Excessive Water Use Penalty Ordinance for Drought Stages 3 and 4" and reenacts its provisions as amended to (i) conform the Ordinance to the requirements of Chapter 3.3 of Division 1 of the California Water Code by prohibiting and penalizing excessive water use during a declared Stage 2 drought while mandatory water use restrictions are in effect and/or when the District is affected by a Governor-declared drought emergency based on local conditions, (ii) modify the definition of excessive water use in certain circumstances, (iii) fix the penalty amount, and (iv) make other changes necessary or appropriate for the effective implementation of the Ordinance*). (Introduction and first reading only).

14. **General Manager's Report.**

2021 Coronavirus Update

Director of Operations and Maintenance David A. Briggs presented an update on daily positive COVID-19 cases in Alameda and Contra Costa counties which he noted were trending downward; the most recent vaccination rates for the District, state and the counties; the number of positive employee and contractor COVID-19 cases at the District to date noting 54 percent of cases in the last three months involved fully vaccinated staff; the number of staff currently quarantined; and implementation of the District's vaccination policy. Regular COVID-19 testing began on Monday, September 13 and is required for all employees reporting to a District worksite who do not have proof of full vaccination on file with the District. Testing is being performed on District time and is being paid for by the District. All employees are required to be vaccinated by November 1, 2021; however, exemptions will be granted to employees with legitimate medical and religious reasons. After November 1, the District will continue paying for testing for exempted employees. He reviewed the District's paid leave policy and said after September 30, the District will only provide paid leave for employees who are vaccinated or exempted, and quarantined due to close contact at work and for employees feeling ill and needing leave after receiving a vaccine. The District continues completing other policy implementation actions including meeting and conferring with the unions; communicating with employees; providing an online process for employees to upload vaccination status; negotiating change orders with contractors and vendors to include the District's COVID-19 safety requirements; and finalizing a frequently asked questions document for staff. He said staff recently amended two contracts executed by the General Manager in January 2021 under the emergency declaration in response to the COVID-19 pandemic. Under an emergency declaration, the General Manager is authorized to enter into contracts for up to \$500,000 each. The contract for COVID-19 contact tracing was amended to increase the amount from \$50,000 to \$220,175 and the contract for COVID-19 testing kits was increased from \$257, 975 to \$500,000. Staff will ask the Board to consider authorizing additional funding for the COVID-19 testing kit contract within the next few weeks.

- Addressing the Board were the following: 1) Rachel Varao, EBMUD employee commented on a letter she sent to the Board and Human Resources requesting a letter of informed consent, Statement of Economic Interest filings for the Board, the dependent verification audit recently conducted by the District, how vaccinated individuals can also transmit COVID-19, and concerns her personal medical information is being provided to supervisors during COVID-19 testing; 2) Kasie Evans, EBMUD employee began commenting on the District's vaccination policy but experienced technical difficulties; and 3) Gary Walters II,



EBMUD employee commented on clarification regarding breakthrough cases for vaccinated individuals versus unvaccinated individuals, information in the Coronavirus update presentation, and the ability for the Board to use this time as an opportunity to bring the agency together.

### Drought Plan Update

General Manager Clifford C. Chan reported customers have responded to the District's conservation messaging and reduced overall water use by 8.5 percent in July, 9 percent in August, and to date approximately 8 percent in September as compared to 2020. Director of Operations and Maintenance David A. Briggs said the end of the water year is about two weeks away and the District is projecting approximately 435,000 acre-feet (AF) of carry over storage. Diversions of the 33,250 AF of Central Valley Project (CVP) allocation through the Freeport Regional Water Authority (FRWA) will begin in early October to take advantage of off-peak energy pricing. Emergency repairs on the District's Mokelumne Aqueduct No. 2 began September 13 and are scheduled to be completed by the end of the month. Until then, CVP water will only flow through Mokelumne Aqueduct No. 1. Director of Water and Natural Resources Michael T. Tognolini said the District is working with the U.S. Bureau of Reclamation (USBR) and Contra Costa Water District (CCWD) to obtain 2,000 AF of previously stored water in Los Vaqueros Reservoir based on a prior agreement with CCWD. The water will be delivered to the District via FRWA by dedicating 2,000 AF of CCWD's CVP contract allocation to the District in exchange for the water stored in Los Vaqueros Reservoir. In addition, FRWA and the District will divert and wheel another 3,200 AF of CCWD's CVP allocation for CCWD pursuant to existing agreements. Staff is developing the 2022 water transfers supply strategy if conditions remain dry next year. Staff initiated discussions with potential sellers and is developing a plan to secure up to 50,000 AF of supplemental supply for next year if needed. Transfer water would be delivered through FRWA. He provided an update on Marin Municipal Water District's (MMWD) request for the District to potentially wheel water for MMWD in 2022. A memorandum of understanding for a planning study is being developed to review capacity restraints, sources of supply and how water can be moved through the system if capacity is available. Mr. Tognolini noted the District has limited operational and staffing resources available to support MMWD activities as staff works on planning for EBMUD's water needs in 2022. In August, the state issued an initial curtailment order for the District's diversions of its Mokelumne and Bixler water rights. These orders do not have a significant impact on the District's water supply. The District is also required to increase its monthly reporting on calendar year 2021 diversions to include projected diversions. Senior Public Information Representative Andrea A. Pook provided an overview of the newly developed Water Supply Reliability fact sheet which highlights the District's commitment to diversify and increase water supplies and describes efforts taken since 1970 that have helped the District weather continued cycles of drought. The fact sheet is available on [ebmud.com/watersupply](http://ebmud.com/watersupply). Staff continues outreach on the District's social media platforms and is including "drought myth busters" in social media posts. In 2021, staff has conducted approximately 70 interviews with local media and conducted 50 presentations. Director McIntosh asked about the District's outreach to homeowners associations and to consider increasing outreach to customers living in homeowners associations. The Board requested an electronic copy of the Water Supply Reliability fact sheet.

- Addressing the Board was Rachel Varao, EBMUD employee who commented on the District's vaccination policy and asked when employees would receive a copy of the District's written vaccination policy.

August 2021 Monthly Report

General Manager Clifford C. Chan said he is available to answer questions regarding the monthly report provided in the Board agenda materials.

**REPORTS AND DIRECTOR COMMENTS**

**15. Committee Reports.**

- Filed with the Board were the Minutes for the May 17, 2021 EBMUD/EBRPD Liaison Committee meeting and the August 24, 2021 Redistricting Ad Hoc and Finance/Administration Committee meetings.
- Planning Committee Chair Marguerite Young reported the Committee met earlier in the day (remotely) and received updates on the Orinda Water Treatment Plant Disinfection and Chemical Systems Safety Improvements Projects; Water Quality Semi-Annual Report; Regulatory Compliance Semi-Annual Report; Main Wastewater Treatment Plant Seismic Retrofit Program; and Camanche-Riverview Campground Fire Protection.

**16. Other Items for Future Consideration.**

None.

**17. Director Comments.**

- Director Coleman reported participating in the following: meeting with representatives from AFSCME Local 2019 on September 2 (remotely); presentation at the Rotary Club of Livermore Valley in Livermore on September 7; and presentation at the Pleasant Hill City Council on September 13 (remotely). He reported on plans to participate in the following: presentation at the Walnut Creek Chamber of Commerce on September 14 (remotely); ACWA Federal Affairs Committee on September 16 (remotely); legal deposition for EBMUD on September 15 and 16 (remote and in person); East Bay Leadership Council Board meeting on September 17 (remotely); Retirement event for EBMUD employee Steve Frew in Lafayette on September 17; Pleasant Hill Rotary in Pleasant Hill on September 23; Bay Area Council Water Task Force on September 23 (remotely); DERWA Board meeting in Dublin on September 27; and UMWRA Board meeting in Valley Springs on October 1.
- Directors Katz, McIntosh, Mellon, Patterson, Young, and President Linney had no reports.

**ADJOURNMENT**

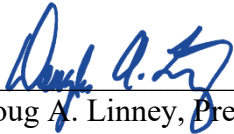
President Linney adjourned the meeting at 4:05 p.m.

SUBMITTED BY:



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Rischa S. Cole, Secretary of the District

APPROVED: September 28, 2021



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Doug A. Linney, President of the Board