



**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, September 8, 2020
Teleconference**

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 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: September 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, September 8, 2020

11:00 a.m.

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 via 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.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via 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. *Water Rights Hearing on Amador Water Agency's Petition for Partial Assignment of State Filed Application 5647 and Accompanying Application 5647X03, and Reversion of Rights Previously Assigned to Jackson Valley Irrigation District Under State Filed Application 5648 (Permit 12167)*
California State Water Resources Control Board
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one matter.
3. Conference with Labor Negotiators Clifford C. Chan, General Manager, and Laura A. Acosta, Manager of Human Resources, pursuant to Government Code section 54957.6: Employee Organization American Federation of State, County and Municipal Employees, Locals 444 and 2019.
4. Conference with Board designated representatives Marguerite Young, Doug Linney and Lesa R. McIntosh regarding employment contract of the General Counsel pursuant to Government Code section 54957.6.

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

REGULAR BUSINESS MEETING

1:15 p.m.

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 via 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.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via 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 11 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of August 11, 2020 and Special Meeting Minutes of August 18, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder AqueoUS Vets in an annual amount, after the addition of taxes, not to exceed \$3,500,000 for supplying ductile iron pipe and fittings for the District's pipeline replacement program for one year, beginning on or after September 8, 2020 with four options to renew for additional one-year periods for a total cost of \$17,500,000 under Request for Quotation No. 2005.
4. Award a sole source contract to E. G. Solutions, Inc., in the amount not to exceed \$120,000 to replace two rotary screw traps and one accompanying trailer beginning on or after September 8, 2020.
5. Authorize an agreement beginning on or after September 8, 2020 with the City of San Ramon in an amount not to exceed \$217,140 to upgrade District gate valve boxes after street paving.
6. Authorize an agreement beginning on or after September 8, 2020 with Diede Construction, Inc. in an amount not to exceed \$120,000 for removal and replacement of siding on two residences and a garage at the Mokelumne River Fish Hatchery.

CONSENT CALENDAR: (Continued)

7. Authorize an agreement beginning on or after September 8, 2020 with Trussell Technologies, Inc. in an amount not to exceed \$1,042,777 to conduct a water quality improvements pilot study for the East Bayshore Recycled Water Project.
8. Authorize agreements for the rental of fully maintained and operated (FM&O) welding services.
 - 8a. Authorize agreements with the following vendors for the rental of FM&O welding services in the aggregate amount of \$250,000 during the period September 9, 2020 to September 9, 2021: Eyeball Enterprise, Inc.; Ferguson Welding Service, Inc.; Mid Mountain Mechanical, Inc.; and Woods Welding.
 - 8b. Authorize additional agreements for FM&O welding services with vendors that meet District standards and offer pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
9. Authorize an amendment to agreements for the purchase of automobile and light, medium, and heavy truck tires for District vehicles.
 - 9a. Authorize an amendment to the agreements awarded under Board Motion No. 091-16 with the following vendors to increase the amount by \$550,000 to a total amount not to exceed \$2,050,000 and extend the agreement term to June 30, 2021 for the purchase of automobile and light, medium, and heavy truck tires for District vehicles: Don's Tire Service, Inc.; East Bay Tire Co.; George Oren Tire Specialist; Inland Industrial Tire, Inc.; Morgan Tire of Sacramento; Melvin A. Wikerson Jr. dba Dusty and Sons Truck Tire Services; Rubber Dust, Inc. dba J&O Commercial Tire; Fleet Tire, Inc. dba Brannon Tire; Goodyear Commercial Tire Sales; Jackson Tire Service, Inc.; Thiel's Tire Service, LLC; and Bridgestone Americas, Inc. dba GCR Tires and Service.
 - 9b. Authorize additional agreements for the purchase of automobile and light, medium, and heavy truck tires for District vehicles with vendors that meet District standards and offer the Government and Utility Price Schedules program, to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
10. Authorize the Ergonomic Home Office Equipment Loan Program to allow employees to purchase ergonomic home office equipment through an interest-free loan program.
11. Appoint Manager of Employee Relations. (Resolution)

DETERMINATION AND DISCUSSION:

12. Legislative Update:
 - Receive Legislative Report No. 08-20 and consider positions on the following ballot initiatives: Proposition 15 - Increases Funding Sources for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property (Initiative Constitutional Amendment); Proposition 16 - Allows Diversity as a Factor in Public Employment, Education, and Contracting Decisions (Legislative Constitutional Amendment); and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019
 - Update on Legislative Issues of Interest to EBMUD
13. Adopt a resolution supporting Proposition 16 - Allows Diversity as a Factor in Public Employment, Education, and Contracting Decisions (Legislative Constitutional Amendment).
(Resolution)
14. General Manager's Report:
 - Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update
 - Coronavirus Update
 - Monthly Report – August 2020

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - Planning
 - Legislative/Human Resources
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, September 22, 2020.

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, September 8	<p>Planning Committee Linney {Chair}, McIntosh, Mellon</p> <p>Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson</p> <p>Board of Directors</p>	<p>8:45 a.m. <i>Teleconference</i></p> <p>10:00 a.m. <i>Teleconference</i></p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> • Water Quality Program Semi-Annual Update • Regulatory Compliance Semi-Annual Report – April 2020 through August 2020 • Fiscal Year 2020 Annual Readiness Report • Dam Safety Program Annual Report • Legislative Update • Ergonomic Home Office Equipment Loan Program • Racial Equity and Justice and Diversity and Inclusion Master Plan Projects Update • Closed Session • Regular Meeting
Tuesday, September 22	<p>Finance/Administration Committee Patterson {Chair}, Coleman, Katz</p> <p>Board of Directors</p>	<p>10:00 a.m. TBD</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, October 13	<p>Planning Committee Linney {Chair}, McIntosh, Mellon</p> <p>Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson</p> <p>Board of Directors</p>	<p>9:15 a.m. TBD</p> <p>10:15 a.m. TBD</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting



APPENDIX

Closed Session and Regular Business Meetings
(11:00 a.m. and 1:15 p.m.)

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.

To participate in the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting via telephone, please:

DIAL 855-369-0450 and ENTER 49-281-364 # when prompted

To listen to the live audio stream of the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, *but not provide public comment*, please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

If you participate via telephone and wish to speak on **an agenda or non-agenda item**, you will be asked to:

- State your name, affiliation if applicable, and topic
 - The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
 - The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
 - Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
 - Comments **on agenda items** will follow the same process and will be heard when the item is up for consideration.
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