

MINUTES

Tuesday, July 14, 2020

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. She 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 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.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call (all via teleconference).

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Saji T. Pierce (Item 1a), Manager of Human Resources Laura A. Acosta (Items 1a and 2), Diversity and Inclusion Officer Dorian West Blair (Item 1a), Attorney Lourdes Matthew (Item 2), Director of Wastewater Eileen M. White (Item 2), Acting Director of Operations and Maintenance David A. Briggs (Item 2), and Manager of Risk Management Vladimir Bessarabov (Item 2).

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Eric Larsen, President, AFSCME Local 444 commented janitorial staff should be recognized for performing additional work in response to the COVID-19 pandemic and accommodations for Local 444 staff that are asymptomatic, but may be required to self-quarantine because of potential exposure to COVID-19 at work; and 2) Joseph Pangelinan, Chief Steward, AFSCME Local 444 commented on potential loss of pay and benefits for employees who may be deployed for extended periods during the pandemic.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened for discussion (via teleconference).

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:46 p.m. She 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 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.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call. Director Andy Katz joined the meeting at 1:48 p.m. (all via teleconference). 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 Young 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

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-12 on the Consent Calendar carried (7-0), by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 130-20** – Approved the Regular Meeting Minutes of June 23, 2020.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “EBMUD’s Racial Equity and Justice Project Update,” dated July 14, 2020; and **2)** Speakers’ Bureau and Outreach Record CY20, dated July 14, 2020.
 3. **Motion No. 131-20** – Authorized a direct award contract to Digital Map Products, L.P. in an annual amount not to exceed \$45,812 for Landvision parcel data, software, and support for three years, beginning on or after July 14, 2020, with two options to renew for additional one-year periods for a total cost of \$229,060.
 - 4.1 **Motion No. 132-20** – Awarded a contract to the lowest responsive/responsible bidder, Golden Gate Freightliner, Inc. dba Golden Gate Truck Center in an annual amount, after the addition of taxes, not to exceed \$2,778,273 for supplying medium and heavy duty trucks for the District fleet for three years, beginning on or after July 15, 2020 with two options to renew for additional one-year periods for a total cost of \$13,891,365 under Request for Quotation (RFQ) No. 2002.

- 4.2. **Motion No. 133-20** – Authorized agreements in accordance with the timing and pricing specified in the relevant State of California's Statewide Contracts for Fleet Vehicles in the aggregate amount not to exceed \$12,566,200, after the addition of taxes, for the purchase of cars, trucks, vans, and sport utility vehicles that will remain in effect until June 30, 2025.
5. **Motion No. 134-20** – Authorized agreements beginning on or after July 14, 2020 with ten firms for inflow and infiltration investigations of the regional wastewater collection system for two years with three options to renew for additional one-year periods for a total combined cost not to exceed \$11,000,000. ADS Corp., Hoffman Southwest Corp dba Professional Pipe Services, Infrastructure Engineering Corporation, National Plant Services, Inc., Pipe and Plant Solutions, Inc., Sewer AI Corporation, Subtronic Corporation, Total Flow Inc., Trekk Design Group LLC, V &A Consulting Engineers, Inc.
- 6.1. **Motion No. 135-20** – Authorized a direct award agreement beginning on or after July 14, 2020 with Langan Engineering and Environmental Services, Inc. in an amount not to exceed \$971,025 for geotechnical, environmental and civil engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.
- 6.2. **Motion No. 136-20** – Authorized a direct award agreement beginning on or after July 14, 2020 with Wiss, Janney, Elstner Associates, Inc. in an amount not to exceed \$601,306 for structural engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.
- 7a-b. **Motion No. 137-20** – Authorized agreements with the following six vendors in the aggregate amount not to exceed \$600,000 annually during the period July 15, 2020 to July 15, 2023 for disposal and recycling of District asphalt, concrete, asphalt grindings, and petromat trench spoils with two options to renew for additional one year periods for a total cost of \$3,000,000: Argent Materials, Inc., Calmat Co. dba Vulcan Materials Company, County Quarry Products, LLC, The Dutra Group, Gallagher & Burk, Nor-Cal Rock, Inc.; and authorized additional agreements with other disposal and recycling vendors that meet District standards and offer pricing at or below the range described in the proposed agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
8. **Motion No. 138-20** – Authorized an amendment to the contract awarded under Board Motion No. 044-19 with Honeywell International, Inc., doing business as Honeywell Process Solutions, extending the software support services for the completed Distributed Control System upgrades under this contract to include the same services at Orinda Water Treatment Plant, without change to the existing maximum agreement ceiling of \$3,700,000.
9. **Motion No. 139-20** – Authorized the execution of a 110-day ground lease with United Parcel Service, Inc. for approximately six acres of land located within the District's Oakport property for \$272,000.
- 10.1. **Motion No. 140-20** – Authorized the Office of General Counsel to continue the employment of the law firm of Foster Employment Law, for specialized legal services related to labor and employment law and litigation matters in an additional amount not to exceed \$120,000.

- 10.2. **Motion No. 141-20** – Authorized the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett LLP, for specialized legal services related to tax, public pension law, litigation, and construction matters in an additional amount not to exceed \$100,000.
11. **Motion No. 142-20** – Cancelled the August 25, 2020 Closed Session and Regular Meetings of the Board of Directors.
12. **Resolution No. 35191-20** – Amend Resolution No. 35145-19 Authorizing the Number and Character of Positions and Authorizing the General Manager to Take Action in Connection Therewith and Add One Limited-Term Senior Human Resources Analyst for Fiscal Year 2021.

DETERMINATION AND DISCUSSION:

13. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine reviewed three State bills and one Federal resolution in Legislative Report No. 06-20. Legislative/Human Resources Committee Chair John A. Coleman reported the Committee, in its meeting earlier today, supported the staff recommendations in the report. Ms. Dumaine discussed how the bills could potentially impact or benefit the District and explained how the Federal resolution supports Strategies 7 and 8 in Board Resolution No. 35190-20 – Authorizing Principles and Action Plan for EBMUD’s Response to Racial Discrimination and Violence Against Black and African Americans as Most Recently Exemplified by the Killing of George Floyd. She responded to Board questions regarding AB 2060 and whether AB 2421 evaluated fire safety and potential effects on site security. Next, she provided an update on a potential federal COVID-19 relief package; State legislators impacted by COVID-19; State bills pending resolution; status of State legislators, the bills pending resolution and said staff will provide an update to the Board regarding ACA 5 in September.

- Motion by Director Patterson, seconded by Director Coleman, to approve the recommended actions for Item 13 carried (7-0), by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 143-20 – Received Legislative Report No. 06-20 and approved positions on the following bills: 1) SUPPORT AB 2060 (Holden) Drinking Water: Pipes and Fittings: Lead Content; 2) SUPPORT AB 2421 (Quirk) Land Use: Permitting: Wireless Communications: Emergency Standby Generators; 3) SUPPORT and AMEND SB 1348 (Stern) Fire Prevention: Vegetation Management: Public Education: Grants: Defensible Space: Fire Hazard Severity Zones: Forest Management; and 4) SUPPORT H. Res. 988 Condemning All Acts of Police Brutality, Racial Profiling, and the Use of Excessive and Militarized Force Throughout the Country; and received information on State and Federal Government Actions Related to the Corona virus Disease 2019 (COVID-19).

14. General Manager's Report.

Manager of Employee and Organizational Development Derry L. Moten presented an update on the District's Racial Equity and Justice Project. He reviewed the project management team and key stakeholders, actions taken to date, and staff plans to implement the project. At its June 23, 2020 meeting, the Board adopted Resolution No. 35190-20 – Authorizing Principles and Action Plan for EBMUD's Response to Racial Discrimination and Violence Against Black and African Americans as most Recently Exemplified by the Killing of George Floyd. Staff is developing an action plan that will address the eight strategies in the resolution in three phases. Mr. Moten reviewed processes implemented since the resolution was adopted and reported the District has contracted with a consultant to provide project management services. Additionally, recruitment will commence for the Limited-Term Senior Human Resources Analyst position approved under Agenda Item 12 to support the project. He discussed how the strategies will be sequenced in the three project phases, the Senior Management Advisory team members assigned to each strategy, and plans to coordinate project activities in conjunction with the District's Diversity and Inclusion Master Plan project. Based on feedback from the Legislative/Human Resources Committee earlier in the day, he reported staff will provide bi-monthly project updates to the Board.

The Board thanked staff for their work and reiterated the importance of maintaining the momentum to develop and execute the project action plan. Mr. Moten responded to Board questions on the approach staff will use to implement Resolution Strategy 8 and how the District's Employee Assistance Program can be used to implement Resolution Strategy 6. Following additional Board discussion, the Board requested monthly instead of bi-monthly project updates to the Legislative/Human Resources Committee and the full board, and for the updates to include information on staff concerns regarding the District's actions on this issue. Additionally, the Board asked staff to continue soliciting feedback from the Committee and the Board; to evaluate the Employee Assistance Program's ability to assist employees dealing with harassment by the public or law enforcement; and for an evaluation by the Office of General Counsel on whether current laws could potentially reinforce structural racism and how some laws might provide remedies to support employees.

General Manager Clifford C. Chan announced he was available to answer questions regarding the topics listed in the Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2020 and Summary of 2020 Committee and Workshop Topics memorandum and the June 2020 General Manager's Monthly Report.

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports.

- Filed with the Board were the June 23, 2020 Finance/Administration Committee.
- Planning Committee Chair Doug Linney reported the Committee met earlier in the day (via teleconference) and received an update on the Pipeline Rebuild Program.

- Legislative/Human Resources Chair John A. Coleman reported the Committee met earlier in the day (via teleconference) and received an update on Legislative Report No. 06-20 and the District's Racial Equity and Justice Project.

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

None.

17. **Director Comments.**

- Director Coleman reported on plans to participate in the UMRWA Board meeting (remotely) on July 24.
- Directors Katz, Linney, McIntosh, Mellon, Patterson and President Young had no report.

ADJOURNMENT

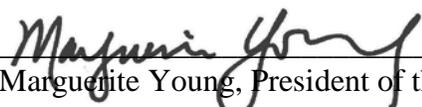
President Young adjourned the meeting at 2:37 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: July 28, 2020



Marguerite Young, President of the Board