



**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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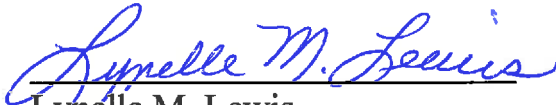
**Notice of Time Change**

**BOARD OF DIRECTORS  
CLOSED SESSION MEETING**

**Tuesday, March 22, 2016  
11:30 a.m.**

Notice is hereby given that on Tuesday, March 22, 2016 the Closed Session Meeting of the Board of Directors has been rescheduled from 11:00 a.m. to 11:30 a.m. The meeting will be held in the Board Room of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: March 17, 2016

  
Lynelle M. Lewis  
Secretary of the District





**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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**AGENDA  
Tuesday, March 22, 2016**

**REGULAR CLOSED SESSION  
11:30 a.m., Board Room**

**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. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Kwok 'Tony' Fong  
Claim No. 2015-L-186-1
  - b. Three matters.

*(The Board will hold Closed Session in Conference Room 8A/B)*

**REGULAR BUSINESS MEETING  
1:15 p.m., Board Room**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance.

**PRESENTATION:**

- Present a Champion of Youth Advocacy award to the District from Earn & Learn East Bay, a shared initiative of the Workforce Development Board, the Contra Costa Economic Partnership and the Diablo Gateways to Innovation Consortium.

**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 Meeting and Regular Meeting Minutes of March 8, 2016.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder KW Emerson in an amount not to exceed \$359,316 for construction of an Americans with Disabilities Act accessible ramp for visitors to the Camanche South Shore marina.
4. Authorize a sole source contract with GE Energy Power Conversion USA, Inc. in an amount, after the addition of taxes, not to exceed \$250,000 for the purchase of spare parts for the main pump drive systems at the Main Wastewater Treatment Plant influent and effluent pump stations.
5. Authorize a sole source agreement beginning on or after April 1, 2016 with Sanexen Water, Inc. in an amount not to exceed \$1,850,000 for structural rehabilitation of Asbestos Cement water mains using a cured-in-place pipe lining system.
6. Authorize an agreement with AECOM Technical Services, Inc. in an amount not to exceed \$224,127 to perform a geophysical survey, potholing, soil characterization, and a pipeline condition assessment for the Crockett Aqueduct Realignment Study.
7. Extend the contract awarded to Sage Designs, Inc. on April 14, 2009 under Board Motion 042-09 from April 14, 2016 to April 14, 2021 to continue supplying Remote Terminal Units and accessories to the District for an estimated annual amount of \$70,804 and a total amount of \$354,020.

**DETERMINATION AND DISCUSSION:**

8. Legislative Update:
  - Receive Legislation Report No. 04-16 and consider positions on the following bills:  
AB 1928 (Campos) Water Efficiency: Landscape Irrigation Equipment; ACA 8 (Bloom) Local Government Financing: Water Facilities and Infrastructure: Voter Approval; and SB 995 (Pavley) Well Standards
  - Update on Legislative Issues of Interest to EBMUD
9. Adopt a resolution supporting Measure AA, the "San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program," which will appear on the June ballot for the nine Bay Area counties. (Resolution)
10. Adopt a resolution supporting the ratification of SB 270 on the "Referendum to Overturn Ban on Single-Use Plastic Bags." (Resolution)
11. Adopt the Revised Drought Management Program Guidelines.
12. General Manager's Report:
  - Water Supply Update
  - 2016 Critical Drought Action Plan Update

**REPORTS AND DIRECTOR COMMENTS:**

13. Committee Reports:
  - 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 12, 2016 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.***

**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).*

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## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<b>Tuesday, March 22</b>	<b>Finance/Administration Committee</b> Coleman {Chair}, Katz, Patterson  <b>Food Waste Program Workshop</b>  <b>Board of Directors</b>	  9:30 a.m. Training Resource Center  11:30 a.m. 1:15 p.m.	<i>Cancelled</i>   <ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Thursday, March 31</b>	<b>Cesar Chavez' Birthday Holiday</b>		<i>District Offices Closed</i>
<b>Tuesday, April 12</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Young  <b>Legislative/Human Resources Committee</b> Patterson {Chair}, Coleman, Young  <b>Board of Directors</b>	9:15 a.m. Training Resource Center  10:15 a.m. Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, April 26</b>	<b>Finance/Administration Committee</b> Coleman {Chair}, Katz, Patterson  <b>Board of Directors</b>	10:00 a.m. Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, May 10</b>	<b>Planning Committee</b> Linney {Chair}, McIntosh, Young  <b>Legislative/Human Resources Committee</b> Patterson {Chair}, Coleman, Young  <b>Board of Directors</b>	9:15 a.m. Training Resource Center  10:15 a.m. Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>

## **MINUTES**

**Tuesday, March 8, 2016**

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

### **Special Meeting**

President Frank Mellon called to order the Special Meeting of the Board of Directors at 9:00 a.m. in the Training Resource Center. The Board met in workshop session to receive an update on the long-term water supply.

### **ROLL CALL**

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and Frank Mellon were present at roll call. Director Andy Katz was absent at roll call but arrived at 9:11 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Water and Natural Resources Richard G. Sykes, Manager of Water Supply Improvements Michael T. Tognolini, Engineering Manager Lena L. Tam, Senior Civil Engineer Jan R. Lee, Senior Civil Engineer Thomas B. Francis, Manager of Water Conservation Richard W. Harris, Senior Civil Engineer Linda H. Hu, Acting Special Assistant to the General Manager Andrea A. Pook, and Secretary of the District Lynelle M. Lewis.

### **PUBLIC COMMENT**

There was no public comment.

### **DISCUSSION**

- Filed with the Board was a presentation entitled "Long Term Water Supply" dated March 8, 2016.

General Manager Alexander R. Coate provided introductions and announced that staff would be providing a status update on EBMUD's progress in ensuring an adequate long-term water supply. Manager of Water Supply Improvements Michael T. Tognolini provided an update on drought lessons learned and EBMUD's planning for the future. He said that staff will consider multiple projects in our portfolio as a way to plan for uncertainty. Mr. Tognolini concluded by reviewing components of the Water Supply Management Program 2040 Portfolio.

Engineering Manager Lena L. Tam reported that staff is in the process of updating the Urban Water Management Plan 2015 which supports EBMUD's long-term water resources planning. She said staff anticipates releasing a draft for public review in April 2016, holding a community meeting in May 2016, and a Board hearing on May 24, 2016. Board adoption of the final draft is scheduled for June 28, 2016 and the updated document will be forwarded to the Department of Water Resources by July 1, 2016. Next, Ms. Tam reviewed the Drought Management Program Guidelines and said that EBMUD's water use reduction goals will be reviewed once the state

mandated customer demand reduction is set. She reviewed Policy 9.03-Water Supply Availability and Deficiency and announced two proposed changes to the policy: 1) removal of Allowable Maximum Level of Demand and 2) addition of a Preliminary Water Supply Availability and Deficiency Report in February of a potential dry year.

Senior Civil Engineer Jan R. Lee presented an update on efforts to maximize the Freeport Regional Water Project during the drought. These efforts include water deliveries under the existing Central Valley Project along with water transfer opportunities with the Placer County Water Agency, Yuba County Water Agency, and Sacramento River contractors. Senior Civil Engineer Thomas B. Francis presented status updates on District efforts to develop regional solutions to improve water supply reliability. He highlighted District participation with the Bay Area Regional Reliability Drought Contingency Plan Task Force, efforts to partner with Contra Costa Water District on water transfers to Los Vaqueros Reservoir, progress on the San Joaquin-EBMUD Groundwater Demonstration Project, and participation in statewide groundwater management efforts.

Senior Civil Engineer Linda H. Hu presented an update on existing and proposed recycled water projects. She also provided updates on commercial fill stations at the Main Wastewater Treatment Plant and Richmond and other potential residential fill stations in the service area. Ms. Hu reported on refinery reuse opportunities (Chevron and Phillips 66) and efforts to develop operational strategies to optimize recycled water production. She also reported on small-scale onsite satellite recycled water projects that are being evaluated at Diablo and Moraga Country Clubs.

Manager of Water Conservation Richard W. Harris presented an update on the Water Conservation Master Plan (WCMP) implementation strategies. The strategies for 2011-2015 included: water management, education and outreach, conservation incentives, regulations and legislation, supply side conservation, along with research and development. He pointed out that the recent drought has caused a significant drop in single-family residential water use and demand is below the Year 2020 target. Future strategies will focus on outdoor water efficiency and savings; sunset of the toilet and clothes washer rebates due to diminishing participation; continuing the on-bill financing pilot program; expanding customer management services; adopting District advanced metering infrastructure standards and accelerating phased installations; achieving demand reductions to cost-effectively meet 2020 and 2040 savings goals; and preparing an updated WCMP for 2021-2030. There was discussion about the recommendation to sunset the toilet and clothes washer rebates in December 2016. Mr. Harris said that this recommendation would allow these funds to be redirected to incentives through custom rebates and the on-bill financing pilot.

### Board Discussion

Board members offered their comments on the presentations and requested that staff provide presentation slides in advance for future workshops. The Board also requested that staff provide the following information:

- Does a change in Demand Management Program guidelines trigger any requirements under Proposition 218? How would it impact the use of the Freeport Regional Water Project?



Special Meeting Minutes of

March 8, 2016

Page 3 of 3

- Bay Area Regional Reliability-Drought Contingency Plan Task Force stakeholders list.
- Investigate the potential use for the BART dewatering water from the 19<sup>th</sup> Street station.
- How are we using water for the Bayside Project?
- Provide a copy of the “DERWA San Ramon Valley Recycled Water Program Current & Future Facilities Location map.”
- What is the potential for use of the Shell pipeline to provide a recycled water fill station to the Lafayette area?
- How will ending the toilet and clothes washer rebates impact low-income customers?  
What will be the process for notifying customers of the proposal?
- What are issues related to use of conservation program financing for golf course scalping projects?
- Provide an additional conservation update to the full Board later in 2016 on conservation implementation strategies (include information on graywater reuse).

**ADJOURNMENT**

President Mellon adjourned the Special Meeting at 11:32 a.m.

SUBMITTED BY:

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Lynelle M. Lewis, Secretary of the District

APPROVED: March 22, 2016

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Frank Mellon, President of the Board

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## **MINUTES**

**Tuesday, March 8, 2016**

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

### **Regular Closed Session Meeting**

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:45 a.m. in the Administration Center Board Room.

### **ROLL CALL**

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda (Item 1a), Assistant General Counsel Xanthe M. Berry (Items 1a and 2b), Workers' Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), Director of Operations and Maintenance Michael J. Wallis (Item 2a), Attorney Jonathan D. Salmon (Item 2a), Director of Wastewater Bennett K. Horenstein (Item 2b), and Manager of Wastewater Engineering Vincent P. De Lange (Item 2b).

### **PUBLIC COMMENT**

There was no public comment.

### **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8a/b for discussion.

### **Regular Business Meeting**

President Mellon called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Center Board Room.

### **ROLL CALL**

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

### **BOARD OF DIRECTORS**

President Mellon 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 persons: 1) Jodi Pincus, Rising Sun Energy Center, thanked the District for supporting the center which provides workforce development and water conservation assistance; 2) Brad Altbaum, Energy Specialist, Rising Sun Energy Center, California Youth Energy Services Program, commented that his work experience as an intern taught him valuable lessons and interpersonal skills; 3) Julia Hatton, Rising Sun Energy Center, California Youth Energy Services Program, provided an overview of the agency's accomplishments and thanked EBMUD for its funding and supplying conservation devices; and 4) Frank Gordo, Jackson, CA property owner, asked the Board to grant access to EBMUD property so he would be able to reach his personal property to perform maintenance work. President Mellon referred Mr. Gordo to staff and asked staff to provide a status update to the Board.

### **CONSENT CALENDAR**

- Items 7 and 8 were removed from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-6 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 048-16** – Approved the Regular Meeting Minutes of February 23, 2016.
  2. The following correspondence was filed with the Board: 1) Letter (undated) submitted by Frank Gordo, regarding access to his personal property in Jackson, CA; 2) Presentation entitled “Chabot Dam Seismic Upgrade Spec 2107” dated March 8, 2016; 3) Presentation entitled “Water Supply Board Briefing” dated March 8, 2016; 4) Map entitled “DERWA San Ramon Valley Recycled Water Program Current & Future Facilities Location (May 2015);” and 5) Bay Area Regional Reliability-Drought Contingency Plan Task Force Invitee List.
  3. **Motion No. 049-16** – Awarded a contract to the lowest responsive/responsible bidder Agilent Technologies Inc. in an amount, after the addition of taxes, not to exceed \$214,080 for providing an Inductively Coupled Plasma Mass Spectrometry instrument to the District, under Request for Quotation No. 1606A.
  4. **Motion No. 050-16** – Rejected the low bid by Con-Quest Contractors, Inc., and awarded a contract to the lowest responsive/responsible bidder, JMB Construction, Inc., in the amount of \$3,421,800 for construction of Alameda Interceptor Rehabilitation Phase 2 under Specification SD-381.

5. **Motion No. 051-16** – Authorized execution of an extension of the current five-year Joint Exercise of Powers Agreement with the City of Alameda for continued operation and maintenance of the Alameda Point water system from April 1, 2016 to September 30, 2016.
6. **Motion No. 052-16** – Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment matters, in an additional amount not to exceed \$85,000.
7. **Resolution No. 34072-16** – Appointing Tony J. Montano As Manager Of Facilities Maintenance And Construction (effective March 21, 2016).
  - President Mellon pulled Item 7 from the Consent Calendar to make congratulatory remarks. Mr. Montano thanked the Board for this opportunity and said he looked forward to serving in the new position.
  - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 7, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
8. **Resolution No. 34073-16** – Appointing Alison A. Kastama As Special Assistant IV (Manager of Public Affairs) (effective April 4, 2016).
  - President Mellon pulled Item 8 from the Consent Calendar to make congratulatory remarks. Ms. Kastama thanked the Board and General Manager for the opportunity and said she looked forward to working with the District.
  - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 8, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

## **DETERMINATION AND DISCUSSION**

### **9. Legislative Update.**

Director John A. Coleman reported that the Legislative/Human Resources Committee supported the staff recommendations in the Legislative Report.

- Motion by Director Coleman, seconded by Director Young, to approve the recommended positions carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

**Motion No. 053-16** – Received Legislative Report No. 03-16 and approved positions on the following bills: INFORMATION AB 1713 (Eggman) Sacramento-San Joaquin Delta: Peripheral Canal; SUPPORT AB 1882 (Williams) Oil and Gas: Groundwater Monitoring;

and SUPPORT RATIFICATION OF SB 270 Referendum to Overturn Ban on Single-Use Plastic Bags.

Manager of Legislative Affairs Marlaigne K. Dumaine reported that Anthony Rendon had been appointed as the Speaker of the California Assembly. She also provided a status update on federal drought legislation. In concluding, she noted that a resolution on Measure AA, San Francisco Bay Restoration Authority "Clean and Healthy Bay," will be presented to the Board for consideration on March 22, 2016.

10. **Award a Contract to DMZ Builders for Construction of Chabot Dam Seismic Upgrade Under Specification 2107.**

Director of Engineering and Construction Xavier J. Irias gave a presentation on the project phases and the next steps which include: issue notice to proceed (April 2016); close parks/start field work (May 2016); Chabot Dam earthwork (June to November 2016); outlet/works retrofit (December 2016 to May 2017); and contract completion/open parks (Summer 2017). Director Coleman requested information on the estimated amount of sediment collected in Chabot Reservoir including information on lost capacity.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 10 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

**Motion No. 054-16** – Awarded a contract to the lowest effective responsive/responsible bidder, DMZ Builders, in the amount of \$11,998,600 for construction of Chabot Dam Seismic Upgrade under Specification 2107.

11. **Authorize an Agreement with Kleinfelder, Inc. for Construction Support Services for The Chabot Dam Seismic Upgrade and Upper San Leandro Reservoir Tower Upgrade Projects.**

Director of Engineering and Construction Xavier J. Irias reported that District staff will be performing construction management for the projects and Kleinfelder, Inc. will provide supplemental personnel to blend with District staff and support the construction management efforts during anticipated peak workload periods. Director Mellon asked staff to provide materials on this project for the March 21 San Leandro City Council meeting.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 11 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

**Motion No. 055-16** – Authorized an agreement with Kleinfelder, Inc. in an amount not to exceed \$1,720,000 for construction support services for the Chabot Dam Seismic Upgrade and Upper San Leandro Reservoir Tower Upgrade projects.

**12. General Manager's Report.**

Operations and Maintenance Department Manager Eileen M. White presented updates on the statewide and local water supply. She reported on the following Water Year 2016 results: Mokelumne River Basin runoff at 202 thousand acre feet (TAF); projected end of water year storage is 535-630 TAF; Mokelumne River watershed season to date precipitation is 108 percent of average; East Bay watershed season to date precipitation is 95 percent of average; and the precipitation accumulation season is 74 percent complete. The water supply schedule activities include: Department of Water Resources (DWR) Snow Survey in early March; U. S. Bureau of Reclamation initial allocation on March 20; water supply updates and continued public outreach March through April; DWR Snow Survey April 1; and Water Supply Availability and Deficiency Report presentation and consideration of changes in the drought stage on April 26. Ms. White said that overall, there has been significant improvement in the water supply compared to 2015. There was discussion about the District's approach to setting water use reduction goals if our system is full. Ms. White said the District is waiting for the state to issue its drought guidelines before considering modification to EBMUD's Drought Management Program.

Next, General Manager Coate reported that staff had provided the Board with information on the 2016 Critical Drought Action Plan Update for March; the Monthly Report for February 2016, Bay Area Regional Reliability-Drought Contingency Plan Task Force Invitee List, and the DERWA San Ramon Valley Recycled Water Program Current & Future Facilities Location Map (May 2015). Mr. Coate announced that a food waste workshop has been planned for March 22. Director Coleman asked staff to provide a memorandum detailing water theft by city and the amount stolen.

**REPORTS AND DIRECTOR COMMENTS**

**13. Committee Reports.**

- Filed with the Board were the Finance/Administration Committee Minutes of February 23, 2016.

**14. Other Items for Future Consideration.**

- Workshop on future water supply.

**15. Director Comments.**

- Director Coleman reported attending/participating in the following events: California Association of Sanitation Agencies and Association of California Water Agencies (ACWA) conferences from February 21-24 in Washington, D.C.; ACWA Executive Committee teleconference meeting on March 1 in Oakland; Bishop Ranch Economic Forum on March 2 in San Ramon; moderating a panel at the California League of Cities meeting on March 2 in San Ramon; Contra Costa Mayors' Conference on March 3 in Lafayette; ACWA Executive Committee teleconference meeting on March 7 in Oakland; and presentation to the Walnut Creek Garden Club on March 8 in Walnut Creek. He reported plans to attend/ participate in the following upcoming events: Dublin San Ramon Services District (DERWA)/EBMUD

Board of Directors meeting on March 14 via teleconference from Washington, D.C.; meetings on March 14-18 in Washington, D.C.; and ACWA Executive Committee teleconference meeting on March 21 in Oakland.

- Director Katz had no comment.
- Director Linney reported attending the West Oakland Liaison Committee meeting on March 2 at the Adeline Maintenance Center in Oakland. He thanked staff for organizing the meeting and for their presentations.
- Director McIntosh reported attending/participating in the following events: ACWA Federal Affairs Committee teleconference meeting on March 7 and presenting a water supply update to Richmond Heights Neighborhood Council on March 7 in Richmond.
- Director Patterson thanked Rising Sun Energy Center for their work in the service area. He also noted that Bishop O'Dowd High School, which is in Ward 6, has also been recognized for its active environmental clubs.
- Director Young commented that March 8 is International Women's Day and asked that the meeting be closed in recognition of the women who make numerous contributions at the District.
- President Mellon commented on his recent trip to Yosemite National Park.

### **ADJOURNMENT**

President Mellon closed the meeting in recognition of International Women's Day and he thanked all women who make significant contributions to EBMUD.

President Mellon adjourned the meeting at 2:18 p.m.

SUBMITTED BY:

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Lynelle M. Lewis, Secretary of the District

APPROVED: March 22, 2016

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Frank Mellon, President of the Board





AGENDA NO.  
MEETING DATE

3.  
March 22, 2016

**TITLE** CAMANCHE SOUTH SHORE MARINA AMERICANS WITH DISABILITIES ACT  
ACCESS RAMP CONSTRUCTION

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, KW Emerson, in an amount not to exceed \$359,316 for construction of an Americans with Disabilities Act (ADA) accessible ramp for visitors to the Camanche South Shore marina.

**DISCUSSION**

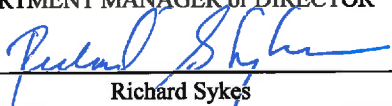

The project consists of the demolition of the existing 90 feet of concrete steps, followed by the installation of approximately 500 feet of accessible walkway and associated steel handrails. The existing concrete stairs providing access to the marina at Camanche South Shore are more than 50 years old and in poor condition. The floating marina at this location was of similar age and condition, and was replaced in 2013. In addition, the existing stairs do not provide full ADA accessibility. The project as designed will provide a gradually sloping concrete ramp with handrails designed and built to current ADA accessibility standards.

**BID RESULTS**

Requests for quotations were sent to 3 resource organizations and to 5 potential proposers. In addition, the project was advertised in three local newspapers. Five bids were received ranging from \$174,446 to \$479,184. The bid summary is attached. The engineer's estimate for this project was \$339,000. The lowest bidder, BRM Construction, was deemed nonresponsive because they could not meet the contract's bonding requirements. The second lowest bidder, KW Emerson, is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. KW Emerson and its listed subcontractors are properly registered with the State DIR. In the past five years, KW Emerson has not filed a Government Code Claim against the District, and has not initiated any litigation against the District.

**CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

Funds Available: FY 2016		Budget Code: WSC 490 2009619 5511
DEPARTMENT SUBMITTING  Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR   Richard Sykes	APPROVED   General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **FISCAL IMPACT**

Funds for this work are available in the FY16-17 capital budget.

## **PREVAILING WAGE**

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

## **UNION NOTIFICATION**

Local 444 was notified of this contract on February 3, 2016. Local 444 did not raise any objections related to this contract.

## **CEQA/ENVIRONMENTAL COMPLIANCE**

A Notice of Exemption was filed with Calaveras County in December 2014.

## **ALTERNATIVES**

**Do not replace the current access stairs to the marina.** This alternative is not recommended as the condition of the current stairs is deteriorating and does not provide the ADA access that the District strives for at its facilities.

**Reject all bids and re-bid the work.** This alternative is not recommended because the bids are reasonable for the scope of work involved and rebidding the work would result in a significant delay in construction. Any delay in construction will likely result in the project being postponed for six months or longer due to the rising levels of Camanche Reservoir.

## **Attachments**

### **Bid Summary**

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

EAST BAY MUNICIPAL UTILITY DISTRICT

MARCH 9, 2016

CAMANCHE SOUTH SHORE MARINA  
AMERICANS WITH DISABILITIES ACT  
ACCESS RAMP CONSTRUCTION

BID SUMMARY

BIDDER		TOTAL BID
1.	BRM*	\$174,446
2.	<b>KW Emerson**</b>	<b>\$359,316</b>
3.	A.M. Stephens	\$379,500
4.	Richard Townsend Construction	\$442,729
5.	Dede Construction	\$479,184

\*Non-Responsive Bidder

\*\*Apparent Low Bidder

Number of Proposals sent to Contractors	5
Number of Proposals sent to Resource Orgs	3
Number of Proposals sent to MBEs	0
Number of Proposals sent to WBEs	1
Number of Proposals sent to SBs	4
Number of bids received	5

Engineer's Estimate	\$339,000
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# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>CONTRACT NO.:</b> 16-492-02 <b>Camanche South Shore Marina ADA Access Ramp Construction</b>						<b>DATE:</b> <b>March 11, 2016</b>							
<b>CONTRACTOR:</b> K. W. Emerson, Inc. San Andreas, CA					<b>Local/Small Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b> \$359,316		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>62.2%</b>		<b>Participation</b>			
<b>Ethnicity</b>		<b>Gender</b>		<b>White Women</b>		<b>9%</b>		<b>37.8%</b>		<b>Participation</b>			
<b>White</b>		<b>Women</b>		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>		<b>Participation</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>													
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION								
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign		
<b>PRIME:</b> K. W. Emerson, Inc. \$119,816 White X 33.3%													
<b>SUBS:</b> Ross F. Carroll, Inc. \$222,000 White X 61.8%													
Stockton Fence \$16,000 White X 4.5%													
Womack Striping, Inc. \$1,500 White X 0.4%													
TOTAL \$359,316 62.2% 37.8% 0.0% 0.0% 0.0% 0.0% 0.0%													
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>					
<b>No. of Employees:</b>		12		2		10		24					
<b>Percent of Total Employees:</b>		50.0%		8.3%		41.7%							
<b>MSA Labor Market %:</b>		28.1%		24.5%		47.4%							
<b>MSA Labor Market Location:</b>		Stockton - Lodi											
<b>COMMENTS</b>													
Contract Equity Participation - 62.2% White Men participation and 37.8% White Women participation													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>					
NA				YES									





# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title: <b>Camanche South Shore Marina ADA Access Ramp Construction</b>			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
<b>Contract No.:</b> 16-492-02	<b>DATE:</b> 3/11/2016	<b>Number of Ethnic Minority Employees</b>							
<b>R=Recmmd P=Prime S=Sub</b>	<b>Composition of Ownership</b>								
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
<b>RP</b>	<b>WW: L/SBE</b>	<b>Company Wide</b>	0	10	0	0	10	41.7%	47.4%
K. W. Emerson Rusti Emerson 413 W. Saint Charles Street San Andreas, CA 95249  209-754-3839		Manager/Prof	0	1	0	0	0	14.3%	
		Technical/Sales	0	2	0	0	0	100.0%	
		Clerical/Skilled	0	1	0	0	0	25.0%	
		Semi/Unskilled	0	6	0	0	0	54.5%	
		<b>Bay Area</b>	0	0	0	0	0	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		6/2/2014		
		Co. Wide MSA:	Stockton - Lodi		# Employees-Co. Wide:		24		Bay Area: 0
<b>S</b>	<b>WM</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Ross F. Carroll, Inc.  P. O. Box 1308 Oakdale, CA 95361  209-848-5959		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							39.9%
		Co. Wide MSA:	Stanislaus		# Employees-Co. Wide:		0		Bay Area: 0
<b>S</b>	<b>WW: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT APPLICABLE						
Stockton Fence  P. O. Box 8314 Stockton, CA 95208  209-466-3166		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		0		Bay Area: 0
<b>S</b>	<b>WM: SBE</b>	<b>Company Wide</b>	INFORMATION NOT APPLICABLE						
Womack Striping, Inc.  1336 Lone Palm Avenue Modesto, CA 95351  209-550-0771		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		0		Bay Area: 0
<b>P</b>	<b>WM: LBE</b>	<b>Company Wide</b>	1	23	2	20	46	37.7%	47.4%
Diede Construction Steven Diede 12393 N. Highway 99, W. Front Road Lodi, CA 95240  209-369-8255		Manager/Prof	1	3	0	0	4	10.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	13	2	17	32	51.6%	
		Semi/Unskilled	0	7	0	3	10	55.6%	
		<b>Bay Area</b>	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Stockton-Lodi		# Employees-Co. Wide:		122		Bay Area: 0

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Camanche South Shore Marina ADA Access Ramp Construction</b>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
Construction Agreement	DATE: 3/11/2016	Number of Ethnic Minority Employees							
R=Recmmd P=Prime S=Sub	Composition of Ownership								
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
P	WM: L/SBE	Company Wide	1	7	0	0	8	33.3%	47.4%
A. M. Stephens Construction Co. Inc. Andrew Stephens 177 South Stockton Street Lodi, CA 95244  209-333-0136		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	-	NA	
		Semi/Unskilled	1	7	0	0	8	38.1%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: Stockton - Lodi	# Employees-Co. Wide: 24				Bay Area: 0		
P	WM: SBE	Company Wide	0	8	0	0	8	53.3%	48.4%
BRM Bill Miller 50 Marguerite Drive Hollister, CA 95023  406-261-5350		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	6	0	0	6	66.7%	
		Semi/Unskilled	0	2	0	0	2	50.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 15				Bay Area: 0		
P	WM: SBE	Company Wide	INFORMATION NOT PROVIDED						
Richard Townsend Construction Richard Townsend 8873 Warnerville Road Oakdale, CA 95361  209-841-1171		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide: 0				Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide: 0				Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide: 0				Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide: 0				Bay Area: 0		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)





AGENDA NO.  
MEETING DATE

4.  
March 22, 2016

**TITLE PURCHASE OF SPARE PARTS FOR THE MAIN WASTEWATER TREATMENT  
PLANT INFLUENT AND EFFLUENT PUMP DRIVES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

**RECOMMENDED ACTION**

Authorize a sole source contract with GE Energy Power Conversion USA, Inc. (GE) in an amount, after the addition of taxes, not to exceed \$250,000 for the purchase of spare parts for the main pump drive systems at the Main Wastewater Treatment Plant (MWWTP) influent and effluent pump stations.

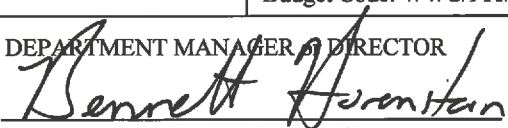

**SUMMARY**

A total of ten pump systems at the influent and effluent pump stations are used to control wastewater flow into and out of the MWWTP. The main pump drive systems used to control these pumps are obsolete and are no longer manufactured or supported by the manufacturer. GE purchased the original pump drive manufacturer (Converteam) and remains the sole supplier for all spare parts. Because GE has indicated it has a limited supply of spare parts remaining, staff is recommending purchase of these pump drive system components to ensure the continued operational reliability of these critical pumping systems.

**DISCUSSION**

The pump systems at the influent and effluent pump stations have been in service for over 25 years. A main pump drive system is an integrated system of power electronic components and assemblies that is used to drive electric motors by varying the supply voltage and frequency. This functionality is critical to adjusting pump motor speed to meet variations in wastewater flow.

Staff is recommending purchase of four sets of critical spare parts for the drive systems as a cost-effective approach to extending the life of the existing equipment. GE has confirmed that these are the last remaining spare parts in its inventory for the existing main pump drive systems at the influent and effluent pump stations. Staff is assessing the long-term approach to maintaining operational reliability for these ten pump systems, including potential future replacement within the next ten years.

Funds Available: FY16		Budget Code: WWC/911/2010645/5521	
DEPARTMENT SUBMITTING  Wastewater	DEPARTMENT MANAGER / DIRECTOR  Bennett K. Horenstein		APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **VENDOR SELECTION**

The procurement of spare parts for the influent and effluent main pump drives is a sole source purchase. The original manufacturer of the District's main pump drive systems and associated components was Converteam. GE has acquired Converteam and is the sole supplier for all spare parts.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

Funds are available for this purchase in the FY16 budget under the Routine Capital Equipment Replacement Project.

## **ALTERNATIVE**

**Do not purchase spare parts for the main drive systems at this time.** This alternative is not recommended because spare parts are required to maintain the functionality of this critical system in the event of a failure. GE has extremely limited spare parts availability in its inventory.


### **Attachments**

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Materials &amp; Supplies</b> Purchase of Spare Parts for the Main Wastewater Treatment Plant Influent and Effluent Pump Drives							<b>DATE:</b> January 4, 2016					
<b>CONTRACTOR:</b> GE Energy Power Conversion USA, Inc. Sole Source Pittsburgh, PA					<b>PERCENTAGE OF CONTRACT DOLLARS</b>							
<b>BID/PROPOSER'S PRICE:</b> \$250,000 *		<b>FIRM'S OWNERSHIP</b> Publicly Held		<b>Availability Group</b> White Men		<b>Contracting Objectives</b> 25%		<b>Participation</b> 0.0%				
		<b>Ethnicity</b> Publicly Held		<b>Gender</b> White Women		6%		0.0%				
				<b>Ethnic Minorities</b>		25%		0.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b> M W		<b>CONTRACTING PARTICIPATION</b>						
						White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> GE Energy Power Conversion USA, Inc.		\$250,000	Publicly Held			---	---	---	---	100.0%	---	---
<b>SUBS:</b> None						---	---	---	---	---	---	---
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<b>TOTAL</b>		\$250,000				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		217		50		331		598				
<b>Percent of Total Employees:</b>		36.3%		8.4%		55.4%						
<b>MSA Labor Market %:</b>		39.0%		33.7%		27.2%						
<b>MSA Labor Market Location:</b>		Total USA										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - Zero Contract Equity participation since firm is a publicly held corporation.												
*Total not to exceed \$250,000.												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title: <b>Purchase of Spare Parts for the Main Wastewater Treatment Plant Influent and Effluent Pump Drives</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Materials & Supplies Award		DATE: 1/4/2016	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
RP	Publicly Held	Company Wide	10	299	21	-	330	55.2%
GE Energy Power Conversion USA, Inc. Joan Hutfles 610 Epsilon Dr Pittsburgh, PA 15238  412-967-0765		Manager/Prof	2	159	17	-	178	56.0%
		Technical/Sales	7	122	4	-	133	54.5%
		Clerical/Skilled	-	5	-	-	5	50.0%
		Semi/Unskilled	1	13	-	-	14	53.8%
		Bay Area	-	-	-	-	-	NA
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		598 Bay Area: 0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

5.  
March 22, 2016

**TITLE** PILOT OF CURED-IN-PLACE PIPE LINING

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize a sole source agreement beginning on or after April 1, 2016 with Sanexen Water, Inc. in an amount not to exceed \$1,850,000 for structural rehabilitation of Asbestos Cement (AC) water mains using a cured-in-place pipe (CIPP) lining system (Aqua-Pipe).

**SUMMARY**



This agreement includes the purchase and installation of the Aqua-Pipe CIPP lining system by Sanexen Water, Inc. for a pilot project. The scope of work includes cleaning and inspecting the existing water mains, lining the water mains, and reinstating services less than 2 inches in diameter. District staff will perform construction tasks including installing temporary water mains, transferring customer services from existing mains to temporary water mains, providing traffic control, digging and shoring access pits, documenting construction inspection during the lining process, performing disinfection, isolating and connecting to the distribution system, and completing all trench restoration including backfilling and paving. A presentation of District pipeline rehabilitation efforts including CIPP lining was provided to the Planning Committee on December 8, 2015.

Four locations (see Location Map) were selected for the pilot project to cover a range of construction conditions. The project locations are:

- Regatta Boulevard, Richmond – 640 feet of 12-inch;
- Glenn Avenue, I-80 Crossing, San Pablo – 2,000 feet of 12-inch;
- El Camino Corto, Walnut Creek – 5,000 feet of 8-inch; and
- Upper Happy Valley Road, Lafayette – 5,200 feet of 12-inch.

**DISCUSSION**

In 2012 the District completed the AC Pipe Corrosion Study, which concluded there are multiple factors that negatively affect the condition of the 1,100 miles of AC mains in the distribution system, and that an effective replacement plan is needed. In 2015 the District partnered with the Water Research Foundation to complete a study titled *Development of an Effective Management Strategy for Asbestos Cement Pipe*, which recommended consideration of internal structural rehabilitation of AC pipe as an alternative to open trench replacement. Aqua-Pipe is currently the only CIPP lining system for potable water distribution mains that meets the District's pipeline renewal selection criteria. Upon successful completion, and should this

Funds Available: FY16-17; CIP #000554; Page 29		Budget Code: WSC/535/7999/5231/2009523
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

technology be used more often as a long-term pipeline renewal strategy, the District will investigate training and certification of field staff for CIPP installation as it becomes available.

## **VENDOR SELECTION**

Sanexen Water, Inc. is currently the only vendor, worldwide, that can supply and install the Aqua-Pipe CIPP product.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

Funds are available for this work in the FY16-17 Capital Improvement Program for the Pipeline Infrastructure Renewals Project.

## **PREVAILING WAGE**

Work under this contract is subject to the payment of current prevailing wages according to determination for each craft as established by the State of California Department of Industrial Relations.

## **UNION NOTIFICATION**

Local 444 was notified of this pilot project on November 23, 2015. Subsequent to the written notification, meetings with Local 444 were held on December 3, 2015 and January 5, 2016 to discuss project details and the union did not raise any specific issues or concerns related to this contract.

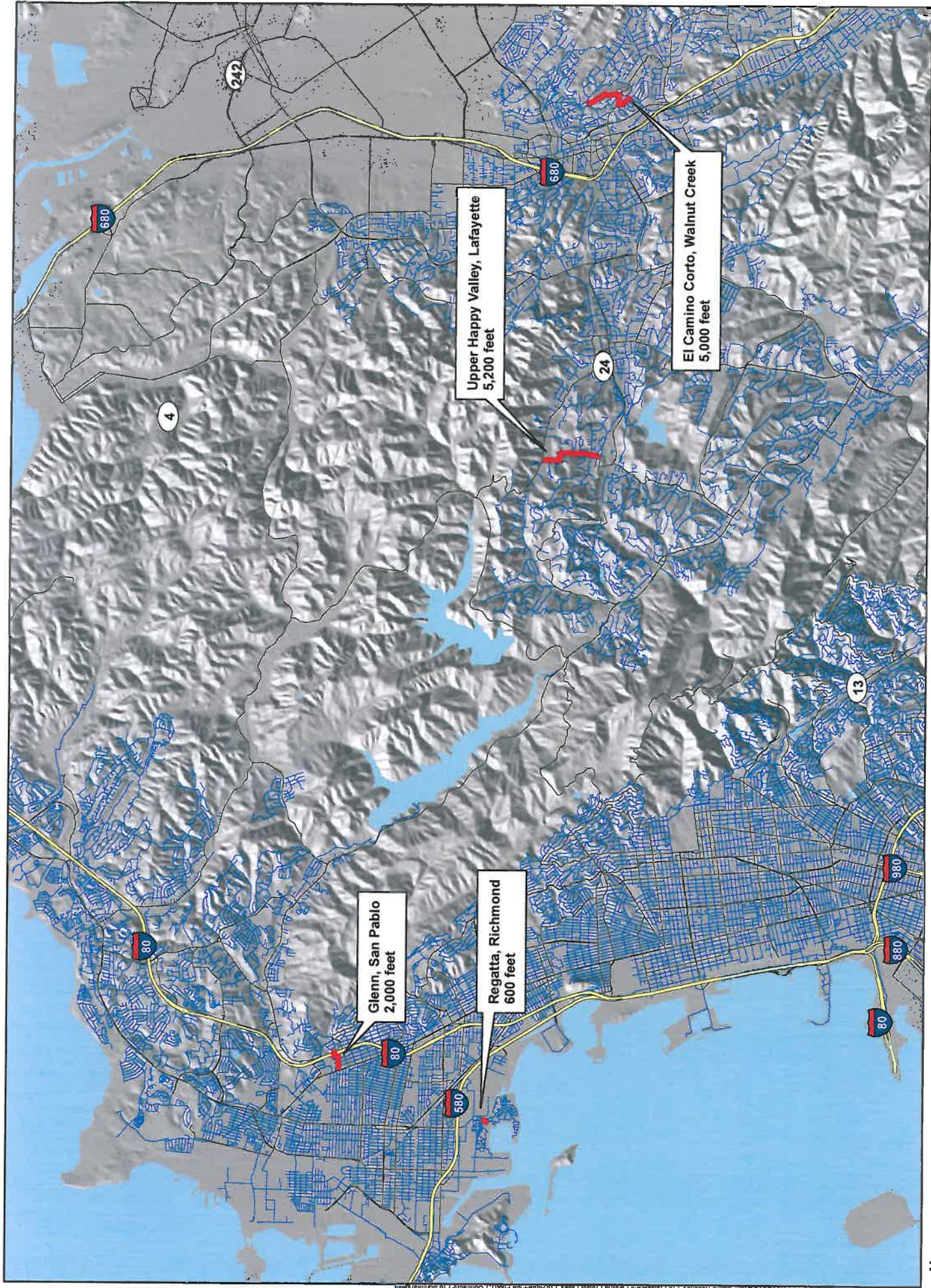
## **ALTERNATIVES**

**Perform the work with District forces.** This alternative is not recommended because the Aqua-Pipe CIPP product is proprietary and can only be installed by Sanexen Water, Inc.

**Do not perform the work.** This alternative is not recommended because the District should continue to test new rehabilitation technologies that could increase the number of miles of pipeline renewal and at the same time reduce the construction impact to customers.

Attachments: Location Map  
Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)





# FY16 Aqua-Pipe Pilot Projects












# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>SPECIFICATION NO.:</b> NA <b>Pilot of Cured-In-Place Pipe Lining</b>						<b>DATE:</b> <b>March 1, 2016</b>							
<b>CONTRACTOR:</b> Sanexen Water, Inc. Littleton, CO 80125					<b>Sole Source</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b> \$1,850,000 *		<b>FIRM'S OWNERSHIP</b> Ethnicity: White Gender: Men		<b>White Men</b> 25%		<b>White Women</b> 9%		<b>Ethnic Minorities</b> 25%		<b>Contracting Objectives</b> 100.0% 0.0% 0.0%			
<b>CONTRACT EQUITY PARTICIPATION</b>													
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION								
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign		
<b>PRIME:</b> Sanexen Water, Inc.	\$1,850,000	White	X		100.0%	---	---	---	---	---	---		
<b>SUBS:</b> None					---	---	---	---	---	---	---		
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<b>TOTAL</b>	\$1,850,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
	<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>	<b>Total Employees</b>									
<b>No. of Employees:</b>	9	0	1	10									
<b>Percent of Total Employees:</b>	90.0%	0.0%	10.0%										
<b>MSA Labor Market %:</b>	39.0%	33.7%	27.2%										
<b>MSA Labor Market Location:</b>	Total USA												
<b>COMMENTS</b>													
Contract Equity Participation - 100.0% White Men participation													
*Total Not to Exceed \$1,850,000.													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>					
NA				NA									



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s) P-025 Form regarding their workforce.

Title: <b>Pilot of Cured-In-Place Pipe Lining</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: <b>NA</b>		DATE: <b>3/1/2016</b>	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
RP	WM	Company Wide	1	0	0	0	1	10.0%
Sanexen Water, Inc. Matt Wassam 8505 W. Mountain Lane, Unit B Littleton, CO 80125  (800) 263-7870		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	1	0	0	0	1	5.9%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	-	NA
		AA Plan on File: <b>NA</b>	Date of last contract with District: <b>NA</b>					
		Co. Wide MSA: <b>Total USA</b>	# Employees-Co. Wide: <b>10</b>			Bay Area: <b>0</b>		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

6.  
March 22, 2016

TITLE CROCKETT AQUEDUCT REALIGNMENT STUDY

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

### RECOMMENDED ACTION

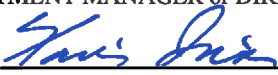

Authorize an agreement with AECOM Technical Services, Inc. in an amount not to exceed \$224,127 to perform a geophysical survey, potholing, soil characterization, and a pipeline condition assessment for the Crockett Aqueduct Realignment Study.

### SUMMARY

The Crockett Aqueduct Realignment Study will assess and evaluate alternatives for the repair and/or relocation of two parallel 6,000-foot-long water transmission pipelines, known as the Crockett Aqueducts, which traverse the Phillips 66 Refinery (see attached map). To better understand the current conditions surrounding the aqueducts and proposed relocation alternatives, technical support from experienced specialists is required to complete a geophysical survey to determine the ground cover of the existing alignments and to verify potential refinery encroachment(s); pothole to verify the depth of the aqueducts and to collect soil samples for characterization; conduct soil characterization to determine the presence of contaminants, corrosive properties, and level of hazard for each alignment; and conduct a pipeline condition assessment to assess the condition and integrity of the existing aqueducts.

### DISCUSSION

The Crockett Aqueducts consist of two parallel transmission mains (a 24-inch steel pipe installed in 1936 and a 48-inch steel pipe installed in 1972) located in a 20-foot-wide, District-owned parcel within the Phillips 66 Refinery located off of San Pablo Avenue in the City of Rodeo. The aqueducts are the sole supply of water to the refinery and all customers to the north of the refinery including C&H Sugar, the Town of Crockett, and approximately 1,650 services. Because the aqueducts are located behind secure refinery gates, accessing the pipelines has become increasingly difficult. District staff are required to have a special refinery escort at the time of entry or possess a Transportation Worker Identification Credential card distributed by the Transportation Security Administration of the U.S. Department of Homeland Security. Staff are also required to complete refinery-specific training to work on site and wear fire-retardant clothing upon entering certain hazardous zones.

Funds Available: FY16-17; CIP 000130; Page 16		Budget Code: WSC 521/2009924:13/5231
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

The aqueducts are aging infrastructure and leaks on the 24-inch aqueduct have occurred to the north and south of the refinery. Consequently, both the District and the refinery face the risk of property damage and periods of interruption if the aqueducts should fail. In addition, the soil surrounding the aqueducts needs to be characterized as it could potentially be a health and safety concern for District crews working on site. The study will assess the aqueducts and evaluate repair and/or relocation options.

## CONSULTANT SELECTION

Requests for proposals (RFPs) were sent to three firms from the District's FY14-15 Engineering Consultant Roster with expertise related to geophysical survey, potholing, and soil characterization. In addition, an RFP site walk was conducted at the project site. The District received two proposals, and AECOM Technical Services, Inc. was selected based on a strong proposal that demonstrated extensive understanding of the project challenges including complex site conditions, potential of encountering contaminated or hazardous soil, and the inherent limitations of geophysical survey equipment and potholing technologies. Furthermore, AECOM Technical Services, Inc. has an experienced team with relevant local experience in pipeline field location, drilling and environmental investigation, soil characterization, pipe condition assessment, and pipeline relocation within a refinery.

## CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

## FISCAL IMPACT

This item is included in the FY16-17 Capital Improvement Program under Distribution System Upgrades.

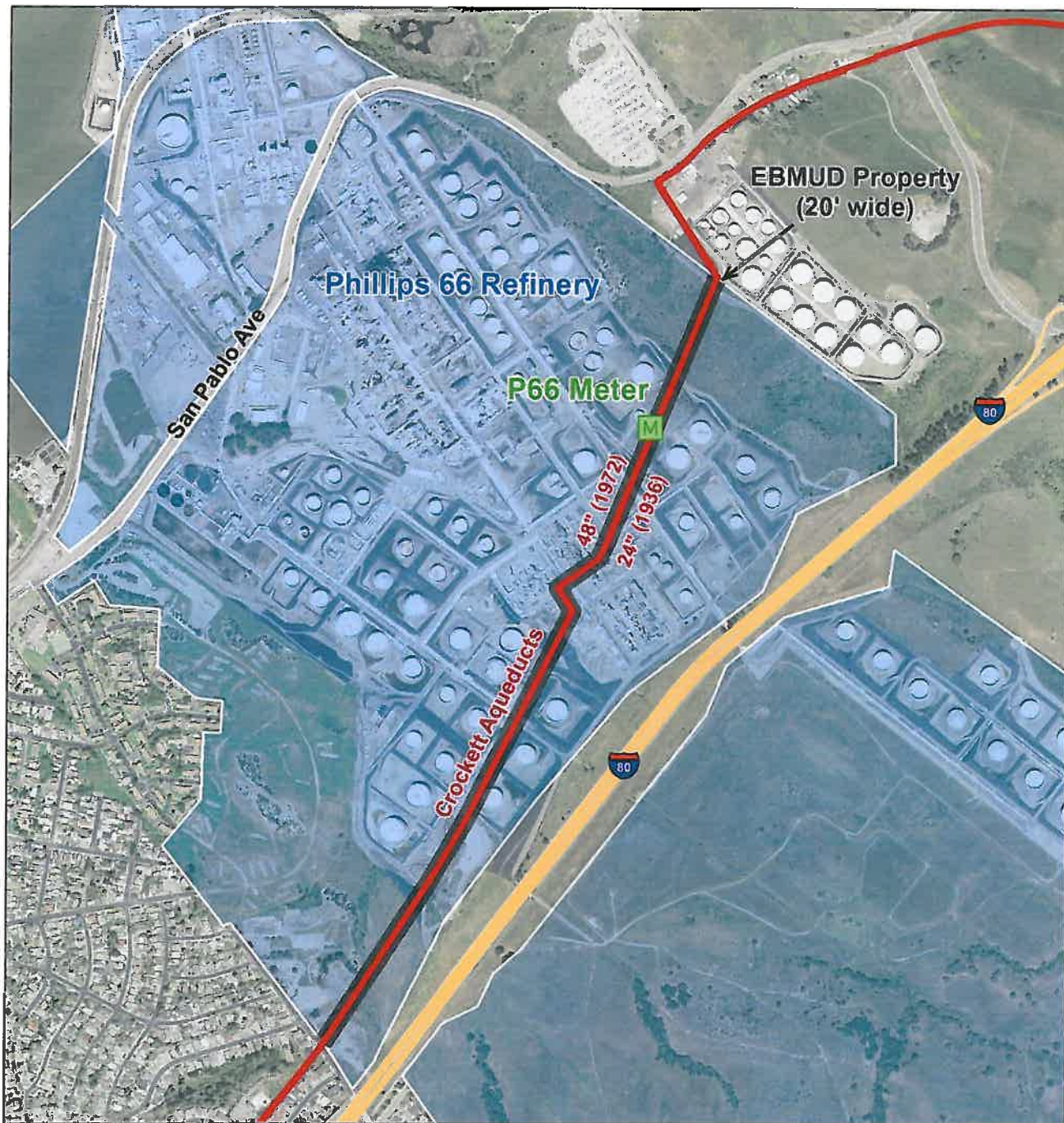
## ALTERNATIVES

**Do not perform the work.** This alternative is not recommended because analyzing and understanding the condition and risk along the Crockett Aqueducts is critical for planning maintenance and emergency response of a key water distribution system facility.

**Perform the work with District forces.** This alternative is not recommended because District staff does not have the equipment or expertise to perform the proposed work.

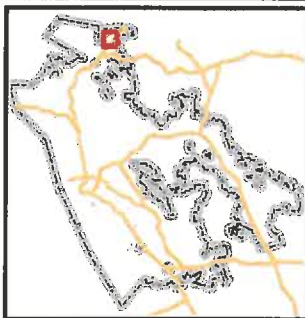
Attachments: Location Map  
P-035 – Contract Equity Program Summary  
P-061 – Affirmative Action Summary





### Legend

- Primary Access or Interstate Highway
- Primary Access or State Highway
- Ramp
- Crockett Aqueduct (24" & 48")
- M Phillips 66 Water Meter
- EBMUD Property
- Phillips 66 Property



### Crockett Aqueduct Realignment Study

#### Project Site Location Map

Date Created: 2/29/2016

Author: WDPD



0 462.5 925 1,850 Feet








# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Professional Services Agreement</b> <b>Crockett Aqueduct Realignment Study</b>						<b>DATE:</b> <b>March 8, 2016</b>															
<b>CONTRACTOR:</b> <b>AECOM Technical Services, Inc.</b> <b>Oakland, CA</b>					<b>LBE</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>											
<b>BID/PROPOSER'S PRICE:</b> <b>\$224,127</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b> <b>25%</b>		<b>Contracting Objectives</b> <b>25%</b>		<b>Participation</b> <b>66.1%</b>		<b>White Women</b> <b>6%</b>		<b>0.3%</b>									
<b>Ethnicity</b> <b>White</b>		<b>Gender</b> <b>Men</b>		<b>Ethnic Minorities</b> <b>25%</b>		<b>25%</b>		<b>33.6%</b>													
<b>CONTRACT EQUITY PARTICIPATION</b>																					
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>		<b>ETHNICITY</b>		<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>													
						<b>M</b> <b>W</b>		<b>White-Men</b>		<b>White-Women</b>		<b>Ethnic Minorities</b>		<b>Unclassified</b>		<b>Publicly Held Corp.</b>		<b>Gov't/Non Profit</b>		<b>Foreign</b>	
<b>PRIME:</b> <b>AECOM Technical Services, Inc.</b>		<b>\$148,162</b>		<b>White</b>		<b>X</b>		<b>66.1%</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>	
<b>SUBS:</b> <b>V &amp; A Consulting Engineers</b>		<b>\$44,135</b>		<b>Hispanic</b>		<b>X</b>		<b>---</b>		<b>---</b>		<b>19.7%</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>	
<b>Belshire Environmental Services</b>		<b>\$700</b>		<b>White</b>		<b>X</b>		<b>---</b>		<b>0.3%</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>	
<b>Penecore Drilling</b>		<b>\$20,280</b>		<b>Asian/PI</b>		<b>X</b>		<b>---</b>		<b>---</b>		<b>9.0%</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>	
<b>Torrent Laboratory, Inc.</b>		<b>\$10,870</b>		<b>Asian/PI</b>		<b>X</b>		<b>---</b>		<b>---</b>		<b>4.8%</b>		<b>---</b>		<b>---</b>		<b>---</b>		<b>---</b>	
<b>TOTAL</b>		<b>\$224,127</b>						<b>66.1%</b>		<b>0.3%</b>		<b>33.6%</b>		<b>0.0%</b>		<b>0.0%</b>		<b>0.0%</b>		<b>0.0%</b>	
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>																					
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>													
<b>No. of Employees:</b>		<b>30,292</b>		<b>8,423</b>		<b>10,526</b>		<b>49,241</b>													
<b>Percent of Total Employees:</b>		<b>61.5%</b>		<b>17.1%</b>		<b>21.4%</b>															
<b>MSA Labor Market %:</b>		<b>39.0%</b>		<b>33.7%</b>		<b>27.2%</b>															
<b>MSA Labor Market Location:</b>		<b>Total USA</b>																			
<b>COMMENTS</b>																					
<b>Contract Equity Participation</b> - 66.1% White Men participation, 0.3% White Women participation and 33.6% Ethnic Minority participation.																					
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>						<b>Good Faith Outreach Efforts Requirement Satisfied</b>						<b>Award Approval Recommended</b>									
<b>NA</b>						<b>YES</b>															



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Crockett Aqueduct Realignment Study</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 3/8/2016	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
RP	WM - LBE	Company Wide	3,785	3,659	2,803	289	10,536	21.4%
AECOM Technical Services, Inc. Joe Morgan III 1333 Broadway, Suite 800 Oakland, CA 94612  510-893-3600		Manager/Prof	1,204	1,338	2,155	116	4,813	17.8%
		Technical/Sales	311	322	189	25	847	21.1%
		Clerical/Skilled	1,764	1,220	325	90	3,399	25.0%
		Semi/Unskilled	506	779	134	58	1,477	31.9%
		Bay Area	22	90	248	0	360	35.7%
		AA Plan on File:	NA		Date of last contract with District:		11/24/2014	
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		49,241	
					Bay Area:		1,009	
S	EMM: H-L/SBE	Company Wide						
V & A Consulting Engineers Joe Villalobos 155 Grand Ave. #700 Oakland, CA 94612  510-446-1989		Manager/Prof	Information Not Applicable					
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
S	WW: SBE	Company Wide						
Belshire Environmental Services Adam Burton 25971 Towne Centre Drive Foothill Ranch, CA 92610  949-460-521-		Manager/Prof	Information Not Applicable					
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
S	EMW:A/PI - SBE	Company Wide						
Torrent Laboratory, Inc. Mukesh Jani 483 Sinclair Frontage Road Milpitas, CA 95035  408-263-5258		Manager/Prof	Information Not Applicable					
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
S	EMM:A/PI - SBE	Company Wide						
PeneCore Drilling Mike Sperber 220 N. East Street Woodland, CA 95776  530-661-3600		Manager/Prof	Information Not Applicable					
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
P	EMW:A/PI - LBE	Company Wide	3	28	24	3	58	29.0%
Engineering/Remediation Resources Group Cynthia Lu 4585 Pacheco Blvd, Suite 200 Martinez, CA 94553  925-969-0750		Manager/Prof	-	2	10	1	13	13.4%
		Technical/Sales	-	4	4	-	8	22.2%
		Clerical/Skilled	1	4	1	1	7	33.3%
		Semi/Unskilled	2	18	7	1	28	60.9%
		Bay Area	3	28	24	3	58	29.0%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		200	
					Bay Area:		200	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)





AGENDA NO.

7.

MEETING DATE

March 22, 2016

TITLE **REMOTE TERMINAL UNIT REPLACEMENT CONTRACT EXTENSION**☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Extend the contract awarded to Sage Designs, Inc. On April 14, 2009 under Board Motion 042-09 from April 14, 2016 to April 14, 2021 to continue supplying Remote Terminal Units (RTUs) and accessories to the District for an estimated annual amount of \$70,804 and a total amount of \$354,020.

**SUMMARY**

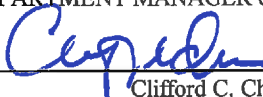

The District has over 300 RTUs throughout its water system that are a necessary part of the District's Supervisory Control and Data Acquisition (SCADA) system. The SCADA system is used to monitor and control the power production, water supply, transmission, water treatment, and water distribution facilities. Board Motion 042-09 authorized the purchase of RTUs for the first phase of the RTU Replacement Project. This extension will allow the District to complete the second phase of replacements of the remaining RTUs and ensure that all the RTUs are of similar design which will simplify future maintenance.

**DISCUSSION**

The District's SCADA system is used to monitor and control the District's water system. The RTUs are used to send and receive signals from remote facilities such as the distribution reservoirs and pumping plants. The existing RTUs are over 25 years old, have reached the end of their useful life and are no longer manufactured. In 2009, the District began a program to replace the RTUs to meet the current and future requirements of the District's SCADA system. This was a multi-year project and consisted of two phases. In the first phase, 210 RTUs were targeted for replacement. Phase II will replace the remaining RTUs. RTUs are also replaced during the rehabilitation of existing facilities, and this contract will supply the RTUs for those projects.

**VENDOR SELECTION**

Requests for proposals (RFP) were sent to six (6) resource organizations and forty-four (44) potential vendors when the RFP was originally conducted under Proposal 0905. Three bids were received and Sage Designs, Inc. was selected because they were the lowest responsive bidder.

Funds Available: FY16-FY17		Budget Code: WSC/MCD/739/2000065/5523
DEPARTMENT SUBMITTING Maintenance and Construction	DEPARTMENT MANAGER or DIRECTOR  Clifford C. Chan	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

This expenditure has been budgeted in the FY16-17 capital budget.

## **ALTERNATIVES**

**Purchase the product on the open market.** This alternative is not recommended. A contract extension is the best approach to ensure continued volume pricing, consistent quality, and reliable delivery.

**Do not extend the current contract.** This alternative is not recommended because it could lead to being forced to purchase dissimilar equipment and risk increased pricing. Sage Designs, Inc. has committed to continue to provide a 25 percent discount on price relative to current list prices.

## **Attachments**

P-035 CEP Summary

P-061 Affirmative Action Summary



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Amendment to Materials &amp; Supplies</b> Remote Terminal Unit (RTU) Replacement Extension - Five-Year Contract						<b>DATE:</b> February 23, 2016						
<b>CONTRACTOR:</b> Sage Designs, Inc. Mill Valley, CA				Small Business				<b>PERCENTAGE OF CONTRACT DOLLARS</b>				
				<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>				
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>2%</b>		<b>100.0%</b>				
\$70,804 */year		White	Women	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Sage Designs, Inc.		\$70,804	White		X	---	100.0%	---	---	---	---	---
<b>SUBS:</b> None						---	---	---	---	---	---	---
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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: March 17, 2016

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Legislative Report No. 04-16

The following issues are being referred to the Board of Directors for action, as appropriate.

### **RECOMMENDED ACTION**

Approve positions on the following bills: 1) Support AB 1928 (Campos) Water Efficiency: Landscape Irrigation Equipment, 2) Support ACA 8 (Bloom) Local Government Financing: Water Facilities and Infrastructure: Voter Approval, and 3) Support SB 995 (Pavley) Well Standards.

### **STATE LEGISLATION**

### **RECOMMENDED POSITION**

**AB 1928  
(Campos)**

**WATER EFFICIENCY: LANDSCAPE  
IRRIGATION EQUIPMENT**

**SUPPORT**

Existing law requires, to the extent that funds are available, the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the Department of Water Resources (DWR), to adopt performance standards and labeling requirements for landscape irrigation controllers and moisture sensors by January 1, 2010. Existing law also prohibits that equipment from being sold after January 1, 2012 unless the equipment meets the adopted performance standards and labeling requirements.

AB 1928 (Campos), as introduced on February 12, 2016, would establish a new deadline of January 1, 2018 by which the Energy Commission must adopt performance standards and labeling requirements for landscape irrigation controllers and moisture sensors. It would also prohibit the sale of that equipment, after January 1, 2020, unless it meets those performance standards and labeling requirements. The bill would require the Energy Commission to consider developments in landscape irrigation efficiency since 2010, as well as the Irrigation Association's Smart Water Application Technology Program testing protocols. The bill does not identify a funding source to support this work.

According to the Association of California Water Agencies, more than 50 percent of residential water use takes place outdoors. One way to conserve water is to reduce outdoor watering, such as

through the use of efficient landscape watering equipment. However, while water efficiency standards for indoor water fixtures and appliances have been in place for many years, few standards or labeling requirements exist for landscape irrigation equipment. According to the Energy Commission, the required standards for landscape irrigation equipment were not developed by the current 2010 statutory deadline due to a lack of available funding and insufficient technical data.

AB 1928 is intended to facilitate outdoor water conservation by establishing a new deadline for the adoption of performance standards and labeling requirements for landscape irrigation equipment and prohibiting the sale of such equipment after January 1, 2020 unless it meets those standards. AB 1928's objective is consistent with EBMUD's efforts to promote water conservation in its service area and to provide residents and homeowners with additional options to conserve water.

EBMUD has historically supported measures to facilitate outdoor water conservation. In 2015, EBMUD supported AB 1 (Brown) to protect Californians from being penalized by a city or county for not watering their lawns during a governor declared drought. AB 1 was signed into law (Chapter 62). In 2014, EBMUD supported a number of measures to facilitate outdoor water conservation, including AB 2100 (Campos), AB 2104 (Gonzalez) and SB 992 (Nielsen). AB 2100 prohibited a common interest development (CID) from penalizing homeowners for reducing or eliminating watering of plants or lawns during a governor or locally declared drought. AB 2104 precluded a CID from prohibiting the replacement of existing turf with low water-using plants. SB 992 provided similar protections as AB 2100 but only during times of a governor declared drought. All three bills were signed into law (Chapter 164, Chapter 421, and Chapter 434, respectively).

There are currently no entities listed in support or opposition to AB 1928.

<b>ACA 8 (Bloom)</b>	<b>LOCAL GOVERNMENT FINANCING: WATER FACILITIES AND INFRASTRUCTURE: VOTER APPROVAL</b>	<b>SUPPORT</b>
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The California Constitution generally prohibits the ad valorem tax rate on real property from exceeding one percent of the value of the property but provides exceptions for specified school entities. In addition, the California Constitution permits the imposition of a special tax by a city, county, or special district upon the approval of two-thirds of the voters in the affected area. Certain school entities though have the authority to levy an ad valorem property tax for specified purposes with the approval of 55 percent of the vote within the affected jurisdiction. The California Constitution also prohibits a county, city, town, township, board of education, or school district from incurring any indebtedness in one year that exceeds the income and revenue provided in that same year unless it is approved by a two-thirds vote and is subject to other conditions.

ACA 8 is a constitutional amendment that, pending voter approval, would do three things. First, similar to the existing exception for certain school entities, ACA 8 would create an additional exception to the one percent limit on the property tax rate for taxes imposed by cities, counties, and special districts to service bonded indebtedness. Under ACA 8, this new exception would apply only if: 1) the indebtedness is approved by 55 percent of the vote; 2) the indebtedness is incurred to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water and nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure; and 3) the voter-approved proposition imposing the tax includes specified accountability requirements.

Second, ACA 8 would change the two-third voter approval requirement for special taxes to, instead, authorize a city, county, or special district to impose, extend or increase a special tax with the approval of 55 percent of its voters voting on the tax if the tax is for funding “wastewater, stormwater and water treatment, supply and delivery facilities and infrastructure projects.”

Finally, ACA 8 would lower to 55 percent the voter approval threshold for a city, county, or city and county to incur bonded indebtedness in one year that exceeds the income and revenue provided in that same year, if the bonded indebtedness is in the form of general obligation bonds to fund specified projects. This limit does not apply to special districts and thus would not impact EBMUD.

Special taxes are a form of parcel tax based on characteristics of the parcel, not the property value. Special districts use revenues from both special taxes and local property taxes to fund public improvements and vital public services. For example, in November 2012, voters in the Santa Clara Valley Water District approved Measure B to renew an existing special parcel tax for 15 years in order to fund specified projects within the district, such as those to reduce pollution in waterways or to provide flood protection. Passage of Measure B required approval of two-thirds of the voters.

ACA 8’s special tax provisions, to lower the voter threshold to 55 percent for water and wastewater treatment, supply and delivery facilities and infrastructure projects, would apply to special districts, including EBMUD. Thus, in its current form, ACA 8 would benefit EBMUD by enabling it, if it so chooses in the future, to gain voter approval of special taxes by the lower voter threshold of 55 percent, rather than the now required two-thirds vote. This would provide a more viable avenue for EBMUD to obtain revenue than currently exists.

EBMUD has supported similar measures to lower the vote threshold for approval of bonded indebtedness and special taxes. In April 2015, the Board adopted a “support” position on SCA 5 (Hancock) to lower the vote threshold for approval of special taxes to 55 percent. Subsequent to the Board adopting a position, SCA 5 was amended to address commercial and industrial

property taxation. EBMUD does not have a position on the amended version of SCA 5. In 2013, the Board adopted a “support” position on SCA 11 (Hancock) to lower the vote threshold for approval of special taxes to 55 percent. SCA 11 failed to advance out of the legislature. In 2009, EBMUD supported ACA 9 (Huffman), which was substantially similar to ACA 8, to create a new exemption to the one percent limit on the property tax rate for bonded indebtedness to fund specified public improvements and lower the voter threshold for special taxes. ACA 9 failed to advance out of the legislature.

There are currently no entities listed in support or opposition to ACA 8.

**SB 995  
(Pavley)**

**WELL STANDARDS**

**SUPPORT**

Under existing law the Department of Water Resources (DWR) is responsible for developing standards for wells in order to protect water quality and the State Water Resources Control Board (SWRCB) is responsible for adopting a model water well, cathodic protection well and monitoring well drilling and abandonment ordinance to implement the standards developed by DWR. Existing law also requires each city, county, or water agency having permit authority over well drilling to adopt an ordinance that meets or exceeds DWR’s standards. If an appropriate local ordinance is not adopted, existing law requires the SWRCB’s model ordinance be implemented.

SB 995 (Pavley), as introduced on February 10, 2016, is intended to provide a mechanism to evaluate and update current well standards based on state-of-the-art drilling practices. Specifically, SB 995 would do four things: 1) require DWR to update well standards for water wells, cathodic protection wells and monitoring wells, on or before, January 1, 2019; 2) require DWR to establish an advisory panel to identify critical gaps in existing knowledge and conduct scientific research to address the gaps; 3) require the advisory panel to make recommendations for improvements in well regulations by January 1, 2022; and, 4) require the SWRCB to revise its model well ordinance based on the advisory panel’s recommendations.

Improperly constructed, altered, maintained or destroyed wells are a potential pathway for contaminants to reach groundwater supplies. Well standards establish the minimum requirements for well construction, abandonment and destruction of water wells, cathodic protection wells and monitoring wells (water wells) and can aid in the prevention of groundwater contamination. Current water well standards were developed in the 1980s and last updated in 1990, over 25 years ago.

According to the author’s office, “advances in new drilling techniques and new well materials have emerged making the current standards critically out of date. Furthermore, all water well standards – especially those developed nearly 40 years ago – need to be evaluated to make sure they are still accurate” given the ongoing implementation of the Sustainable Groundwater



Management Act, approved by the Legislature and Governor in 2014, and the state's reliance on groundwater during the current drought.

Local groundwater resources are a key component of EBMUD's future supplemental water supply strategy. EBMUD led the effort to develop the South East Bay Plain Basin Groundwater Management Plan to safeguard this valuable basin that underlies a portion of EBMUD's service territory and is working with other stakeholders to determine how best to manage the North and South East Bay Plain Basin in the future to comply with the Sustainable Groundwater Management Act. EBMUD has also constructed the first phase of the Bayside Groundwater Project, within the South East Bay Plain Basin, which is one way EBMUD may provide a portion of much-needed drought supplies to its customers by storing wet year water underground for use in dry years.

While more stringent well standards may apply to EBMUD for the future installation or decommissioning of wells which could result in increased costs, the overall impact to EBMUD is expected to be minimal. Updated well standards are expected to benefit EBMUD as well as the state by helping to protect groundwater resources, including those associated with the Bayside Groundwater Project.

EBMUD has previously supported measures to facilitate protection of the State's groundwater resources. On March 8, 2016 the Board adopted a "support" position on AB 1882 (Williams) to protect groundwater resources by enhancing the oversight of underground injection projects using Class II wells. AB 1882 is currently before the legislature. In 2015, EBMUD supported AB 356 (Williams) to require regular review of, as well as groundwater monitoring plans for, oil and gas injection projects using Class II wells. AB 356 failed to advance out of the legislature.

There are currently no entities listed in support or opposition to SB 995.

ARC:MD:JW



**ASSEMBLY BILL**

**No. 1928**

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**Introduced by Assembly Member Campos**

February 12, 2016

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An act to amend Section 25401.9 of the Public Resources Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1928, as introduced, Campos. Water efficiency: landscape irrigation equipment.

Existing law requires, to the extent that funds are available, the State Energy Resources Conservation and Development Commission, in consultation with the Department of Water Resources, to adopt, by January 1, 2010, performance standards and labeling requirements for landscape irrigation controllers and moisture sensors and, on or after January 1, 2012, prohibits that equipment from being sold unless it meets the performance standards and labeling requirements.

This bill would postpone the date by which the commission is to adopt the performance standards and labeling requirements to January 1, 2018, and would prohibit, on and after January 1, 2020, the sale of that equipment unless it meets the performance standards and labeling requirements. The bill would additionally require the commission, in adopting those standards and requirements, to consider developments in landscape irrigation efficiency occurring on or after January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25401.9 of the Public Resources Code  
2 is amended to read:

3 25401.9. (a) To the extent that funds are available, the  
4 commission, in consultation with the Department of Water  
5 ~~Resources~~, *Resources and in consideration of developments in*  
6 *landscape irrigation efficiency occurring on and after January 1,*  
7 *2010*, shall adopt by regulation, after holding one or more public  
8 hearings, performance standards and labeling requirements for  
9 landscape irrigation equipment, including, but not limited to,  
10 irrigation controllers, moisture sensors, emission devices, and  
11 valves, for the purpose of reducing the wasteful, uneconomic,  
12 inefficient, or unnecessary consumption of energy or water.

13 (b) For the purposes of complying with subdivision (a), the  
14 commission shall do both of the following:

15 (1) Adopt performance standards and labeling requirements for  
16 landscape irrigation controllers and moisture sensors on or before  
17 January 1, ~~2010~~; *2018*.

18 (2) Consider the Irrigation Association's Smart Water  
19 Application Technology Program testing protocols when adopting  
20 performance standards for landscape irrigation equipment,  
21 including, but not limited to, irrigation controllers, moisture  
22 sensors, emission devices, and valves.

23 (c) On and after January 1, ~~2012~~, *2020*, an irrigation controller  
24 or moisture sensor for landscape irrigation uses may not be sold  
25 or installed in the state unless the controller or sensor meets the  
26 performance standards and labeling requirements established  
27 pursuant to this section.

## Assembly Constitutional Amendment

No. 8

**Introduced by Assembly Member Bloom**

February 18, 2016

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Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of, and by adding Section 4.5 to, Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to water facilities and infrastructure.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 8, as introduced, Bloom. Local government financing: water facilities and infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water producing facilities and related infrastructure, nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements, and would authorize a city, county, city and county, or special district to levy a 55% vote ad valorem tax.

(2) The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of  $\frac{2}{3}$  of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would instead condition the imposition, extension, or increase of a special tax by a city, county, city and county, or special district for the purpose of funding wastewater, stormwater, and water treatment, supply and delivery facilities and infrastructure, upon the approval of 55% of its voters voting on the proposition, if the proposition meets specified requirements. This measure would also make conforming changes to related provisions.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of  $\frac{2}{3}$  of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water producing facilities and related infrastructure, nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring, That the*
- 2 *Legislature of the State of California at its 2015–16 Regular*
- 3 *Session commencing on the first day of December 2014, two-thirds*
- 4 *of the membership of each house concurring, hereby proposes to*

1 the people of the State of California, that the Constitution of the  
2 State be amended as follows:

3 First— That Section 1 of Article XIII A thereof is amended to  
4 read:

5 SECTION 1. (a) The maximum amount of any ad valorem  
6 tax on real property shall not exceed ~~One 1 percent (1%)~~ of the  
7 full cash value of ~~such~~ *that* property. The ~~one 1 percent (1%)~~ tax  
8 ~~to shall~~ be collected by the counties and apportioned according to  
9 law to the districts within the counties.

10 (b) The limitation provided for in subdivision (a) shall not apply  
11 to ad valorem taxes or special assessments to pay the interest and  
12 redemption charges on any of the following:

13 (1) Indebtedness approved by the voters prior to July 1, 1978.

14 (2) Bonded indebtedness ~~for to fund~~ the acquisition or  
15 improvement of real property approved on or after July 1, 1978,  
16 by two-thirds of the votes cast by the voters voting on the  
17 proposition.

18 (3) Bonded indebtedness incurred by a school district,  
19 community college district, or county office of education for the  
20 construction, reconstruction, rehabilitation, or replacement of  
21 school facilities, including the furnishing and equipping of school  
22 facilities, or the acquisition or lease of real property for school  
23 facilities, approved by 55 percent of the voters of the district or  
24 county, as appropriate, voting on the proposition on or after ~~the~~  
25 ~~effective date of the measure adding this paragraph. November 8,~~  
26 ~~2000.~~ This paragraph shall apply only if the proposition approved  
27 by the voters and resulting in the bonded indebtedness includes  
28 all of the following accountability requirements:

29 (A) A requirement that the proceeds from the sale of the bonds  
30 be used only for the purposes specified in ~~Article XIII A, Section~~  
31 ~~1(b)(3); this paragraph~~ and not for any other purpose, including  
32 teacher and administrator salaries and other school operating  
33 expenses.

34 (B) A list of the specific school facilities projects to be funded  
35 and certification that the school district board, community college  
36 board, or county office of education has evaluated safety, class  
37 size reduction, and information technology needs in developing  
38 that list.

39 (C) A requirement that the school district board, community  
40 college board, or county office of education conduct an annual,

1 independent performance audit to ensure that the funds have been  
2 expended only on the specific projects listed.

3 (D) A requirement that the school district board, community  
4 college board, or county office of education conduct an annual,  
5 independent financial audit of the proceeds from the sale of the  
6 bonds until all of those proceeds have been expended for the school  
7 facilities projects.

8 (4) (A) *Bonded indebtedness, approved by 55 percent of the*  
9 *voters of the city, county, city and county, or special district, as*  
10 *appropriate, voting on the proposition on or after the effective*  
11 *date of the measure adding this paragraph, incurred by a city,*  
12 *county, city and county, or special district to fund the construction,*  
13 *reconstruction, rehabilitation, or replacement of wastewater*  
14 *treatment facilities and related infrastructure, potable water*  
15 *producing facilities and related infrastructure, nonpotable water*  
16 *producing facilities and related infrastructure, and stormwater*  
17 *treatment facilities and related infrastructure. This paragraph*  
18 *shall apply only if the proposition approved by the voters and*  
19 *resulting in the bonded indebtedness includes all of the following*  
20 *accountability requirements:*

21 (i) *A requirement that the proceeds from the sale of the bonds*  
22 *be used only for the purposes specified in this paragraph and not*  
23 *for any other purpose.*

24 (ii) *A list of any and all specific facilities and projects to be*  
25 *funded.*

26 (iii) *A requirement that the governing board of the city, county,*  
27 *city and county, or special district conduct an annual independent*  
28 *performance audit to ensure that the funds have been expended*  
29 *only on the specific projects listed.*

30 (iv) *A requirement that the governing board of the city, county,*  
31 *city and county, or special district conduct an annual independent*  
32 *financial audit of the proceeds from the sale of the bonds until all*  
33 *of those proceeds have been expended for the projects identified.*

34 (B) *For purposes of this paragraph, "special district" has the*  
35 *same meaning as that term is used in subdivision (c) of Section 1*  
36 *of Article XIII C, excluding a school district and redevelopment*  
37 *agency.*

38 (c) *Notwithstanding any other provisions of law or of this*  
39 *Constitution, school districts, community college districts, and*



1 county offices of education may levy a 55 percent vote ad valorem  
2 tax pursuant to *paragraph (3) of subdivision (b)*.

3 *(d) Notwithstanding any other provisions of law or of this*  
4 *Constitution, a city, county, city and county, or special district*  
5 *may levy a 55 percent vote ad valorem tax pursuant to paragraph*  
6 *(4) of subdivision (b).*

7 Second— That Section 4 of Article XIII A thereof is amended  
8 to read:

9 SEC. 4. ~~Cities, Counties and special districts, Except as~~  
10 ~~provided by Section 4.5, a city, county, or special district, by a~~  
11 ~~two-thirds vote of the qualified electors of such district, its voters~~  
12 ~~voting on the proposition, may impose special taxes on such~~  
13 ~~district, a special tax within that city, county, or special district,~~  
14 ~~except an ad valorem taxes tax on real property or a transaction~~  
15 ~~transactions tax or sales tax on the sale of real property within~~  
16 ~~such City, County that city, county, or special district.~~

17 Third— That Section 4.5 is added to Article XIII A thereof,  
18 to read:

19 SEC. 4.5. (a) The imposition, extension, or increase of a special  
20 tax by a city, county, city and county, or special district, as may  
21 otherwise be authorized by law for the purpose of funding  
22 wastewater, stormwater, and water treatment, supply and delivery  
23 facilities and infrastructure projects, is subject to approval by 55  
24 percent of the voters in the city, county, city and county, or special  
25 district, as applicable, voting on the proposition, if all of the  
26 following conditions are met:

27 (1) The proposition is approved by a majority vote of the  
28 membership of the governing board of a city, county, city and  
29 county, or special district.

30 (2) The proposition contains all of the following accountability  
31 requirements:

32 (A) A list of the specific projects that are to be funded.

33 (B) A requirement that the proceeds be used only for the projects  
34 specified in the proposition, and not for any other purpose.

35 (C) To ensure compliance with subparagraph (B), a requirement  
36 that the governing board of a city, county, city and county, or  
37 special district conduct an annual, independent financial audit of  
38 the amount of special tax proceeds collected and expended, and  
39 the specified projects funded.

(D) To ensure compliance with subparagraph (B), a requirement that the governing board of a city, county, city and county, or special district establish a citizens' oversight committee to review all expenditures of proceeds and financial audits, and report its findings to the governing board and to the public.

(b) For purposes of this section, "wastewater, stormwater, and water treatment, storage, supply, and delivery facilities and infrastructure projects" include, but are not limited to, projects that promote any of the following:

(1) Water reuse and recycling for nonpotable reuse and direct and indirect potable reuse.

(2) Local and regional surface and underground water storage, including groundwater aquifer cleanup or recharge projects.

(3) Regional water conveyance facilities that improve integration of separate water systems.

(4) Watershed protection, restoration, and management projects, including projects that reduce the risk of wildfire or improve water supply reliability.

(5) Stormwater resource management, including, but not limited to, the following:

(A) Projects to reduce, manage, treat, or capture rainwater or stormwater.

(B) Projects that provide multiple benefits such as water quality, water supply, flood control, or open space.

(6) Conjunctive use of surface and groundwater storage facilities.

(7) Water desalination.

(8) Improvement of water quality, including drinking water treatment and distribution, groundwater and aquifer remediation, matching water quality to water use, wastewater treatment, water pollution prevention, and management of urban and agricultural runoff.

Fourth— That Section 2 of Article XIII C thereof is amended to read:

SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding any other provision of this Constitution:

(a) ~~All taxes—Any tax~~ imposed by any local government ~~shall be deemed to be~~ *is* either a general ~~taxes tax~~ or a special ~~taxes. Special purpose districts tax. A special district or—agencies, agency~~

1 including a school ~~districts, shall have no power~~ district, has no  
2 authority to levy a general ~~taxes. tax.~~

3 (b) ~~No~~ A local government may *not* impose, extend, or increase  
4 any general tax unless and until that tax is submitted to the  
5 electorate and approved by a majority vote. A general tax ~~shall is~~  
6 ~~not be~~ deemed to have been increased if it is imposed at a rate not  
7 higher than the maximum rate so approved. The election required  
8 by this subdivision shall be consolidated with a regularly scheduled  
9 general election for members of the governing body of the local  
10 government, except in cases of emergency declared by a unanimous  
11 vote of the governing body.

12 (c) Any general tax imposed, extended, or increased, without  
13 voter approval, by any local government on or after January 1,  
14 1995, and prior to the effective date of this article, ~~shall may~~  
15 continue to be imposed only if *that general tax is* approved by a  
16 majority vote of the voters voting in an election on the issue of the  
17 imposition, which election shall be held ~~within two years of the~~  
18 ~~effective date of this article no later than November 6, 1996,~~ and  
19 in compliance with subdivision (b).

20 (d) ~~No~~ *Except as provided by subdivision (c) or (d) of Section*  
21 *1 of, or Section 4.5 of, Article XIII A,* a local government may *not*  
22 impose, extend, or increase any special tax unless and until that  
23 tax is submitted to the electorate and approved by a two-thirds  
24 vote. A special tax ~~shall is~~ *not be* deemed to have been increased  
25 if it is imposed at a rate not higher than the maximum rate so  
26 approved.

27 Fifth— That Section 3 of Article XIII D thereof is amended  
28 to read:

29 SEC. 3. ~~Property Taxes, Assessments, Fees and Charges~~  
30 ~~Limited.~~ (a) ~~No~~ *An agency shall not assess a tax, assessment, fee,*  
31 *or charge shall be assessed by any agency* upon any parcel of  
32 property or upon any person as an incident of property ownership  
33 except:

34 (1) The ad valorem property tax imposed pursuant to Article  
35 XIII and Article XIII A.

36 (2) Any special tax receiving a two-thirds vote pursuant to  
37 Section 4 of Article XIII A *or, as applicable, a 55 percent vote*  
38 *pursuant to subdivision (c) or (d) of Section 1 of, or Section 4.5,*  
39 *of Article XIII A.*

40 (3) Assessments as provided by this article.

1 (4) Fees or charges for ~~property-related~~ *property-related* services  
2 as provided by this article.

3 (b) For purposes of this article, fees for the provision of electrical  
4 or gas service ~~shall are not be~~ deemed charges or fees imposed as  
5 an incident of property ownership.

6 Sixth— That Section 18 of Article XVI thereof is amended to  
7 read:

8 SEC. 18. (a) ~~No~~ *A* county, city, town, township, board of  
9 education, or school ~~district~~, *district* shall *not* incur any  
10 indebtedness or liability in any manner or for any purpose  
11 exceeding in any year the income and revenue provided for ~~such~~  
12 *that* year, without the assent of two-thirds of the voters of the public  
13 entity voting at an election to be held for that purpose, except that  
14 with respect to any ~~such~~ public entity ~~which~~ *that* is authorized to  
15 incur indebtedness for public school purposes, any proposition for  
16 the incurrence of indebtedness in the form of general obligation  
17 bonds for the purpose of repairing, ~~reconstructing~~ *reconstructing*,  
18 or replacing public school buildings determined, in the manner  
19 prescribed by law, to be structurally unsafe for school use, shall  
20 be adopted upon the approval of a majority of the voters of the  
21 public entity voting on the proposition at ~~such~~ *that* election; nor  
22 unless before or at the time of incurring ~~such indebtedness~~ *the*  
23 *indebtedness*, provision shall be made for the collection of an  
24 annual tax sufficient to pay the interest on ~~such~~ *the* indebtedness  
25 as it falls due, and to provide for a sinking fund for the payment  
26 of the principal thereof, on or before ~~maturity, which~~ *maturity that*  
27 shall not exceed ~~forty~~ *40* years from the time of contracting the  
28 indebtedness.

29 (b) Notwithstanding subdivision (a), on or after ~~the effective~~  
30 ~~date of the measure adding this subdivision~~, *November 8, 2000*,  
31 in the case of any school district, community college district, or  
32 county office of education, any proposition for the incurrence of  
33 indebtedness in the form of general obligation bonds for the  
34 construction, reconstruction, rehabilitation, or replacement of  
35 school facilities, including the furnishing and equipping of school  
36 facilities, or the acquisition or lease of real property for school  
37 facilities, shall be adopted upon the approval of 55 percent of the  
38 voters of the district or county, as appropriate, voting on the  
39 proposition at an election. This subdivision shall apply only to a  
40 proposition for the incurrence of indebtedness in the form of

1 general obligation bonds for the purposes specified in this  
2 subdivision if the proposition meets all of the accountability  
3 requirements of paragraph (3) of subdivision (b) of Section 1 of  
4 Article XIII A.

5 *(c) Notwithstanding subdivision (a), on or after the effective*  
6 *date of the measure adding this subdivision, in the case of any city,*  
7 *county, or city and county, any proposition to incur indebtedness*  
8 *in the form of general obligation bonds shall be adopted by 55*  
9 *percent of the voters of the city, county, or city and county, as*  
10 *applicable, voting on the proposition at an election, where the*  
11 *general obligation bonds would fund the construction,*  
12 *reconstruction, rehabilitation, or replacement of wastewater*  
13 *treatment facilities and related infrastructure, potable water*  
14 *producing facilities and related infrastructure, nonpotable water*  
15 *producing facilities and related infrastructure, and stormwater*  
16 *treatment facilities and related infrastructure.*

17 (e)

18 (d) When two or more propositions for incurring any  
19 indebtedness or liability are submitted at the same election, the  
20 votes cast for and against each proposition shall be counted  
21 separately, and when two-thirds ~~or a majority~~ or 55 percent *or a*  
22 *majority* of the voters, as the case may be, voting on any one of  
23 those propositions, vote in favor thereof, the proposition shall be  
24 deemed adopted.



**Introduced by Senator Pavley**

February 10, 2016

---

An act to add Sections 232 and 13801.5 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 995, as introduced, Pavley. Well standards.

Existing law requires the Department of Water Resources to investigate and survey conditions of damage to quality of underground waters that are, or may be, caused by improperly constructed, abandoned, or defective wells. Existing law requires the department to report to the appropriate California regional water quality control board its recommendations for minimum standards for well construction in any particular locality in which it deems regulation necessary to protection of quality of underground water.

This bill, on or before January 1, 2019, would require the department to update well standards for certain types of wells based on existing knowledge. This bill would require the department to establish an advisory panel to identify critical gaps in existing knowledge about the best practices for well construction, alteration, maintenance, and destruction for these wells. This bill would, on or before January 1, 2022, require the advisory panel to make recommendations for improvements in well regulations and the department to submit the recommendations to the State Water Resources Control Board.

Existing law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing prescribed standards of the department.

This bill would require the state board to revise the model ordinance upon the receipt of the recommendations for improvements in well regulations from the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 232 is added to the Water Code, to read:  
2 232. (a) On or before January 1, 2019, the department shall  
3 update the well standards contained in Bulletin 74-81 and Bulletin  
4 74-90 based on existing knowledge for the following types of  
5 wells:  
6 (1) Water wells.  
7 (2) Monitoring wells.  
8 (3) Cathodic protection wells.  
9 (b) (1) The department shall establish an advisory panel to  
10 identify critical gaps in existing knowledge about the best practices  
11 for well construction, alteration, maintenance, and destruction for  
12 the types of wells described in subdivision (a).  
13 (2) If the advisory panel identifies knowledge gaps that need  
14 further research, the department shall conduct scientific research  
15 to address those needs.  
16 (3) On or before January 1, 2022, the advisory panel shall make  
17 recommendations for improvements in well regulations and the  
18 department shall submit the recommendations to the board.  
19 SEC. 2. Section 13801.5 is added to the Water Code, to read:  
20 13801.5. Upon the receipt of recommendations for  
21 improvements in well regulations from the department pursuant  
22 to Section 232, the state board shall revise the model water well,  
23 cathodic protection well, and monitoring well drilling and  
24 abandonment ordinance adopted pursuant to Section 13801.





AGENDA NO.  
MEETING DATE

9.  
March 22, 2016

TITLE RESOLUTION IN SUPPORT OF MEASURE AA

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

### RECOMMENDED ACTION

Adopt a resolution supporting Measure AA, the "San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program," which will appear on the June ballot for the nine Bay Area counties

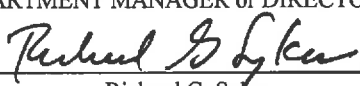

### SUMMARY

Measure AA is a ballot initiative for a parcel tax intended to "protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access." Voters are requested to approve a special parcel tax of \$12 per year in the nine Bay Area counties, generating approximately \$500 million over twenty years to achieve these goals. This measure was discussed during the Legislative/Human Resources Committee on March 8, 2016.

### DISCUSSION

The "Yes on Measure AA" is a regional campaign sponsored by Save the Bay, the Bay Area Council, the Resources Legacy Fund, and the Silicon Valley Leadership Group. Senator Dianne Feinstein is an honorary chair for this effort by the San Francisco Bay Restoration Authority to accelerate the restoration of tidal wetlands in the Bay. Specifically, the measure would support:

1. Safe, Clean Water and Pollution Prevention Program to improve water quality, conduct shoreline cleanup and trash removal, restore wetlands, and clean and enhance creek outlets;
2. Vital Fish, Bird and Wildlife Habitat Program to enhance the San Francisco Bay National wildlife refuge, protect and restore wetlands, and provide for stewardship, maintenance and monitoring of habitat restoration projects;
3. Integrated Flood Protection Program to provide nature-based flood protection through wetland and habitat restoration and build and/or improve flood protection levees that are a necessary part of wetland restoration activities; and
4. Shoreline Public Access Program to construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities, and provide interpretive materials and special outreach events.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## Resolution in Support of Measure AA

March 22, 2016

Page 2

4. Shoreline Public Access Program to construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities, and provide interpretive materials and special outreach events.

The measure also provides that it would:

- Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program, and be consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy;
- Ensure that 50 percent of the total net revenue generated during the 20-year term of the Special Tax is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), East Bay (Alameda and Contra Costa Counties), West Bay (City and County of San Francisco and San Mateo County) and South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census; and
- Allocate 50 percent of funds according to criteria such as providing the greatest long-term impact on the Bay, benefiting economically disadvantaged communities, leveraging state and federal resources and public/private partnerships, and supporting the region's economy through local workforce development and providing employment opportunities for Bay Area residents.

EBMUD has long supported environmental stewardship of the San Francisco Bay both locally in our watershed and through pollution prevention programs in our service area and upstream in the Delta. Measure AA would help advance District goals related to the health of the Bay, and also provide infrastructure benefits including improved flood control and shoreline protection. The measure requires a 2/3 majority vote to pass.

### FISCAL IMPACT

As a public agency, EBMUD is not subject to property taxes including the special tax under this measure. Therefore, there is no fiscal impact from Measure AA.

### ALTERNATIVE

**Do not pass a resolution supporting the parcel tax.** This alternative is not recommended because Measure AA supports numerous District goals, including the elements of its mission "To manage the natural resources with which the District is entrusted" and "Promote environmental responsibility and sustainability."

RESOLUTION NO. \_\_\_\_\_

SUPPORTING MEASURE AA, THE SAN FRANCISCO BAY RESTORATION  
AUTHORITY'S CLEANWATER, POLLUTION PREVENTION AND HABITAT  
RESTORATION SPECIAL PARCEL TAX MEASURE

Introduced by Director

; Seconded by Director

WHEREAS, the East Bay Municipal Utility District (EBMUD) owns and manages approximately 28,000 acres of open space land and water surface in Contra Costa and Alameda Counties that, among other uses, protects water quality, biological diversity, and provides public recreational opportunities for Bay Area residents including use of hiking and equestrian trails; and

WHEREAS, EBMUD also provides water service to approximately 1.4 million customers and wastewater service to approximately 685,000 customers; and

WHEREAS, EBMUD has long supported environmental stewardship of the San Francisco Bay, both upstream in the watershed (locally and in the Delta), as well as with many pollution prevention programs under the Wastewater Department; and

WHEREAS, in 2008, state law established the San Francisco Bay Restoration Authority (the "Authority"), to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline; and

WHEREAS, the Authority has proposed Ballot Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the "Measure"), which if passed would authorize a parcel tax of \$12 per year, raising approximately \$25 million annually for 20 years to enable the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline; and

WHEREAS, the purpose of the Measure is to protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from flood and increasing shoreline public access and recreational areas; and

WHEREAS, the specifics of the Measure are as follows:

- The Measure would meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program, and be consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.

- The Measure would ensure that 50% of the total net revenue generated during the 20-year term of the Special Tax is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), East Bay (Alameda and Contra Costa Counties), West Bay (City and County of San Francisco and San Mateo County) and South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census, and would allocate the remaining 50% of funds according to criteria such as providing the greatest long-term impact on the Bay, benefiting economically disadvantaged communities, leveraging state and federal resources and public/private partnerships, and supporting the region's economy through local workforce development and providing employment opportunities for Bay Area residents.
- The Measure would fund four programs: the Safe, Clean Water and Pollution Prevention Program, Vital Fish, Bird and Wildlife Habitat Program, Integrated Flood Protection Program, and Shoreline Public Access Program.
- The Measure would create an Independent Citizens Oversight Committee to annually review the Authority's conformance with the Measure; and

WHEREAS, a decision by the EBMUD Board of Directors to support Measure AA is not intended to influence or attempt to influence the action of the voters for or against Measure AA;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Municipal Utility District does hereby express support for Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure, which has been placed on the June 7, 2016 election ballot in the nine counties of the Bay Area.

BE IT FURTHER RESOLVED that the Secretary is authorized to provide a copy of this resolution upon request consistent with the provisions of state law.

ADOPTED this 22nd day of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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President

---

Secretary

APPROVED AS TO FORM AND PROCEDURE

---

General Counsel

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AGENDA NO.  
MEETING DATE

10.  
March 22, 2016

**TITLE      ADOPT A RESOLUTION SUPPORTING RATIFICATION OF SB 270 ON  
REFERENDUM TO OVERTURN BAN ON SINGLE-USE PLASTIC BAGS**

☐ MOTION      ☒ RESOLUTION      ☐ ORDINANCE

**RECOMMENDED ACTION**

Adopt a resolution supporting the ratification of SB 270 on the "Referendum to Overturn Ban on Single-Use Plastic Bags."

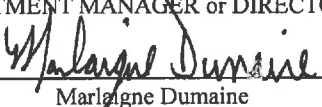

**SUMMARY**

The "Referendum to Overturn Ban on Single-Use Plastic Bags" (Referendum) is a ballot measure that will provide California voters the opportunity to ratify or reject SB 270 (Padilla) regarding a ban on single-use carryout bags which was signed into law in 2014 (Chapter 850). The Referendum has qualified for the November 2016 ballot.

**DISCUSSION**

The California Constitution vests the legislative power of the State in the Legislature but reserves a right of referendum for the people, providing voters the power to challenge and either ratify or reject laws or parts of law, with certain exceptions, that have been approved by the Legislature and the Governor. If a referendum petition receives enough valid signatures it is deemed to be qualified for the ballot and is placed on the next statewide general election ballot. Once the referendum qualifies for the ballot, the challenged law does not go into effect unless it is approved by a majority of voters. In practice this means that a "yes" vote on a referendum is a vote to *ratify* the law being challenged and a "no" vote is a vote to *reject* the challenged law. Therefore, if voters cast more "no" votes than "yes" votes on a referendum the challenged law is repealed.

As enacted, SB 270 (Padilla) would have prohibited, as of July 1, 2015, most stores from providing single-use carryout bags to customers. In lieu of providing single-use carryout bags, SB 270 would require stores to make reusable bags available for purchase, authorize stores to provide reusable bags, and allow stores to make recycled paper bags and compostable bags available for purchase by customers. A city, county, or the state would be authorized to impose civil penalties of \$1,000 per day for a first violation of these requirements, \$2,000 per day for a second violation, and \$5,000 per day for a third and subsequent violation. However, opponents of SB 270 gathered enough signatures to qualify a referendum on the law,

Funds Available: FY		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Office of Intergovernmental Affairs	 Marlaigne Dumaine		 General Manager

Adopt a Resolution Supporting Ratification of SB 270 on Referendum to Overturn Ban on Single-Use Plastic Bags  
March 22, 2016  
Page 2

and implementation of SB 270 has been suspended until voters either ratify or reject the measure at the November 2016 general election.

Arguments in favor of ratifying SB 270 assert that since plastic bags harm fish and wildlife and are a major source of litter, a ban on single-use carryout bags will help protect the environment by reducing the amount of litter and plastic marine debris caused by plastic bags.

Arguments against ratifying SB 270 (and thus urging its repeal) assert that the law would ban a 100 percent recyclable product, impose fees on consumers for other bag alternatives, and jeopardize manufacturing jobs in California.

#### **FISCAL IMPACT**

EBMUD may benefit indirectly if SB 270 is ratified by voters and fewer single-use carryout bags, including plastic bags, are released into the environment, thereby reducing the amount of litter found on EBMUD lands and natural waterways.

#### **ALTERNATIVES**

**Do not take a position on the referendum.** This alternative is not recommended because even though EBMUD did not have a position on SB 270, EBMUD did support several similar measures prior to SB 270 that failed to advance out of the legislature, including AB 298 (Brownley) in 2012 and AB 1998 (Brownley) in 2010, on the basis that they would help reduce the amount of plastic bag debris found on EBMUD lands and natural waterways and would contribute to watershed habitat improvements. A “support ratification of SB 270” position on the Referendum to uphold SB 270’s statewide ban on single-use carryout bags is consistent with EBMUD’s prior support of legislation seeking to ban the use of single-use carryout bags.

**Adopt a resolution opposing the referendum.** This alternative is not recommended as it would run counter to EBMUD’s prior support for AB 298 (Brownley) in 2012 and AB 1998 (Brownley) in 2010 on the basis that they would help reduce the amount of plastic bag debris found on EBMUD lands and natural waterways.



RESOLUTION NO. \_\_\_\_\_

SUPPORTING RATIFICATION OF SB 270 ON  
REFERENDUM TO OVERTURN BAN ON SINGLE-USE PLASTIC BAGS

Introduced by Director

; Seconded by Director

WHEREAS, the East Bay Municipal Utility District (District) is a municipal utility district responsible for supplying water and providing wastewater treatment service to customers in portions of Alameda and Contra Costa counties; and

WHEREAS, the District's extensive water supply system begins at the Mokelumne River watershed in the Sierra Nevada and extends 90 miles to the East Bay; and

WHEREAS, the District has demonstrated leadership in resource management and protection of natural resources, including the development and adoption of watershed master plans to inform land management and watershed protection and investment in the protection and enhancement of the Mokelumne River fishery; and

WHEREAS, discarded single-use carryout bags, such as plastic bags, which are released into the environment can end up in rivers and streams which can harm the health of freshwater and marine organisms, disrupt fish habitat, adversely impact water quality, and disturb the aesthetic values of natural waterways; and

WHEREAS, SB 270, as passed by the legislature and signed by the governor in 2014, would have prohibited most stores from providing single-use carryout bags to customers as of July 1, 2015 and would have required or authorized stores to make recycled, compostable, and reusable bags available for purchase by customers; and

WHEREAS, a ballot measure entitled "Referendum to Overturn Ban on Single-Use Plastic Bags" has qualified for the November 2016 ballot, and the implementation of SB 270 has therefore been suspended pending the ratification or rejection of SB 270 at the November 2016 general election; and

WHEREAS, ratification of SB 270 would reduce the amount of single-use carryout bag debris found in the environment, including on District lands and natural waterways, and would contribute to watershed habitat improvements; and

WHEREAS, a decision by the Board of Directors of the East Bay Municipal Utility District to support ratification of SB 270 on the Referendum to Overturn Ban on Single-Use Plastic Bags is not intended to influence or attempt to influence the action of voters for or against the measure;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby express support for ratification of SB 270 on the Referendum to Overturn Ban on Single-Use Plastic Bags, which has qualified to appear on the November 8, 2016 general election ballot.

BE IT FURTHER RESOLVED that the Secretary is authorized to provide a copy of this resolution upon request consistent with the provisions of state law.

ADOPTED this 22nd day of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

President

ATTEST:

---

Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

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AGENDA NO.  
MEETING DATE

11.  
March 22, 2016

TITLE **ADOPT THE REVISED DROUGHT MANAGEMENT PROGRAM GUIDELINES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

### RECOMMENDED ACTION

Adopt the Revised Drought Management Program Guidelines.

### SUMMARY

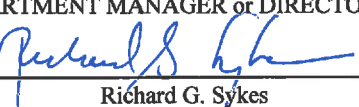

The District's Drought Management Program (DMP) Guidelines establish the level of customer water use reduction that the District may consider and the amount of Central Valley Project (CVP) and dry year water supplies that the District may need based on the projected total system storage at the end of the water year. The recommended action would revise the District's current DMP Guidelines, a component of the Water Shortage Contingency Plan (WSCP) in the 2010 Urban Water Management Plan (UWMP), to allow flexibility in the first year of a drought when considering District response to customer demand reduction levels, acquiring CVP and supplemental water supply, and State Water Resources Control Board's (SWRCB) mandatory conservation requirements.

### DISCUSSION

The District's existing DMP Guidelines (Table 1) were adopted by the Board on April 14, 2015 to reflect the development of a four-stage system of drought rates and the District's experience successfully using the Freeport facilities to deliver CVP and supplemental supplies.

**Table 1: Existing Drought Management Program Guidelines**

Stage		Projected Total System Storage (TAF)	Quantity of Supplemental Supply Needed (TAF)	District-Wide Water Use Reduction Goal
0	Normal	500 or more	0	Wise water use
1	Moderate	500 – 425	0	Voluntary 0-15%
2	Significant	425 – 390	0-35	Voluntary 0-15%
3	Severe	390 – 325	35-65	Mandatory up to 15%
4	Critical	<325	>65	Mandatory $\geq$ 15%

Funds Available: N/A		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Water & Natural Resources	 Richard G. Sykes		 General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

Staff is recommending changes to the DMP Guidelines based on experience gained during this current drought and specifically in the critically dry year of 2015. The recommended changes would provide additional flexibility to enable the District to consider earlier drought actions which are advantageous and to meet the SWRCB's mandatory water reduction targets.

### ***Increasing Stage 2 Trigger***

In the current DMP Guidelines, Stage 1 "Moderate" drought transitions to a Stage 2 "Significant" drought when the projected Total System Storage (TSS) at the end of September drops below 425 thousand acre-feet (TAF). Staff is recommending increasing the threshold for Stage 2 from 425 TAF to 450 TAF, as outlined in Table 2, in order to provide the Board with more flexibility, particularly early in a drought, when dry year CVP supplies are more readily available.

In the most recent drought, the U.S. Bureau of Reclamation (USBR) reduced the allocation of CVP water to the District. In 2014, the District and other municipal and industrial CVP contractors received only a 50% allocation of their contracted amount from the USBR. In 2015, the allocation was reduced further to 25%. Although the District was able to secure additional supplies through water transfer agreements in 2015 to compensate for the reduced CVP allocation, these supplies were more expensive than CVP supply, and can also be difficult to obtain. Having more flexibility in the first year of a drought to secure an early or higher CVP allocation saves money in the long term and helps the District prepare for a multi-year or prolonged drought.

If the trigger between Stage 1 and 2 of the drought increases from 425 to 450 TAF, hydrologic modeling analysis shows that, at 2040 customer demand levels, the District would secure CVP supplies in four additional years out of the 91 year hydrologic record. The modeling analysis also shows that fishery or environmental flows would increase during two more years in the Mokelumne River because TSS would increase if the District secured CVP supplies at the 450 TAF threshold. Looking at the last 51 years of historical record of District operations, there has only been one year (1987) that would have been affected by changing the Stage 2 trigger. Operating the Freeport facilities earlier in the drought could result in additional electricity use in these four years; however, delaying the use of the Freeport facilities would likely result in use of the facilities later for water transfers. As a result, electricity use under the proposed changes to the DMP Guidelines would be unlikely to differ substantially from electricity use under the current DMP Guidelines.

**Table 2: Drought Management Program Guidelines - TSS Scenario**

Stage		April Projected End-of- September Total System Storage (TAF)	Quantity of CVP and Supplemental Supply Needed (Acre-Feet)	Customer Demand Reduction	Rate/Penalty Impacts	Regulations in Effect or Potentially Enacted
0	Normal	500 or more	0	Wise water use	Normal Rates	Section 29
1	Moderate	500 - 425 450	0	Voluntary up to 15%	Normal Rates	Section 29
2	Significant	425 450 - 390	0-35,000	Voluntary up to 15%	- Normal Rates - Drought Surcharge	Section 29
3	Severe	390 - 325	35,000-65,000	Mandatory up to 15%	- Normal Rates - Drought Surcharge - Excessive Use Penalty	- Section 28 - Section 29 - Excessive Use Ordinance
4	Critical	<325	>65,000	Mandatory ≥ 15%	- Normal Rates - Drought Surcharge - Excessive Use Penalty	- Section 28 - Section 29 Excessive Use Ordinance

**Notes:**

- Maximum Total System Storage capacity through November 5 is 767 TAF, which includes Pardee, Camanche, Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro reservoirs. After November 5, maximum TSS is 600 TAF due to required releases for flood control purposes.
- Drought Surcharges will reflect the most recently adopted Proposition 218 rates.
- Under Drought Stage 3 or 4, the Board can enact Section 28 to implement conservation saving measures, along with the Excessive Use Ordinance to achieve the targeted customer water demand reductions.

***Incorporation of State Mandate Scenario***

Recent state mandates also make it necessary to revise the District's DMP Guidelines. The District has historically declared differing drought stages based upon projected end-of-September TSS, as shown in Table 2. However, for the first time ever, during the current drought the SWRCB required urban water agencies to achieve mandatory water use reduction goals to address statewide water shortages. The SWRCB's actions thus far have been driven by statewide conditions, not local conditions within each urban water agency. The SWRCB may seek to impose similar actions during future droughts.

Given current improvements in the District's local water supply conditions, this year it is possible that the level of water use reductions required of the District by SWRCB mandate could exceed the water use reductions that would otherwise be called for based upon the District's end-of-September TSS in Table 2. If this occurs, the drought stage and associated response actions would be guided by Table 3 which establishes stages based on state mandated customer demand reduction goals. Staff developed Table 3 to provide a framework for the Board to use in such a scenario and is recommending its incorporation into the District's DMP Guidelines. Table 3 could be used to guide the District's drought response actions this year and in future years if a similar scenario were to occur.

Table 3 allows the Board to enact the provisions of Section 28 of its Regulations Governing Water Service during Stage 2, 3, and 4 droughts. During these stages of drought the Board can also implement drought surcharges up to the most recently adopted Proposition 218 rates. While the District may not need to purchase CVP or supplemental supplies in the State Mandate Scenario, the drought surcharge could help recover expenses such as costs associated with drought outreach and customer service and lost revenue from reduced water sales.

Under the State mandate scenario, it is assumed that the District is not in a declared water shortage emergency and therefore, the excessive use penalty ordinance would not be enacted.

**Table 3: Drought Management Program Guidelines – State Mandate Scenario**

Stage	State Mandated Customer Demand Reduction	Rate Impacts	Regulations in Effect or Potentially Enacted
0 or 1	≤10%	Normal Rates	Section 29
2	10-15%	- Normal Rates - Drought Surcharge	- Section 28 - Section 29
3	15-20%	- Normal Rates - Drought Surcharge	- Section 28 - Section 29
4	≥20%	- Normal Rates - Drought Surcharge	- Section 28 - Section 29

Notes:

- a) Drought Surcharges will reflect the most recently adopted Proposition 218 rates.
- b) The Board can enact Section 28 to implement conservation measures to achieve desired customer demand reductions.

***Proposition 218***

The proposed changes to the DMP Guidelines are covered under the District's Proposition 218 notification. When EBMUD adopted its staged system of drought surcharges in 2015, it underwent a Proposition 218 process explaining that drought surcharges could be in effect when the District declares a Stage 2, 3, or 4 drought. Revising the DMP Guidelines and changing the water supply triggers for the varying drought stages will not change the District's ongoing ability to impose drought surcharges during these major drought stages. Revenue generated from the drought surcharge would be used to recover the District's drought expenses that could include costs of dry year supplies and water treatment, drought outreach and customer service, and lost revenue from reduced water sales.

**ALTERNATIVE**

**Do not adopt the Revised DMP Guidelines.** This alternative is not recommended because the existing DMP Guidelines do not provide sufficient flexibility in the first year of a drought and are potentially inconsistent with the SWRCB conservation mandate.

ITEM 12

WATER SUPPLY UPDATE

WILL BE GIVEN AS AN  
ORAL REPORT





## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: March 22, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Andrea Pook, Special Assistant to the General Manager *Andrea*

SUBJECT: 2016 Critical Drought Action Plan Update

### SUMMARY

This memo provides a brief update on recent activities related to the Critical Drought Action Plan. There have been no significant variances from the adopted plan.

### DISCUSSION

**Statewide Drought Report.** The District submitted its latest monthly report on water production data to the State Water Resources Control Board on March 14, 2016. We reported that:

- EBMUD's February 2016 production was 10 percent lower than February 2013 production (3625 million gallons compared to 4016 million gallons).
- On average, residential customers used 56 gallons per capita per day (gpcd) in February 2016, compared to 64 gpcd in February 2013 and 68 gpcd on average in February 2005 through 2007.
- EBMUD received 176 water waste complaints in February. Since June, a total of 94 water waste incidents have been reported on the State Board's website and followed up on by District staff.
- From the declaration of Water Shortage Emergency by EBMUD in April 2015 to February 2016, customers cut back 24% and thereby surpassed EBMUD's water use reduction goal of 20%. For the State Water Resources Control Board compliance period of June 2015 to February 2016, customers saved 24% surpassing the mandated target of 16%.

**Customer Outreach.** Staff continues to implement the Critical Drought Action Plan. The top of bill message state: "EBMUD and State drought mandates are still in effect. Recent rains are not enough to end the drought, but they are enough to eliminate the need to water landscaping. Hand water only as necessary. Please continue to conserve. We appreciate your efforts!" Water waste calls are being followed up on, Supersavers are receiving acknowledgement in their bills and continue to save at a high rate (more than 40 percent) due to the cooler wet weather, and more than 60,000 customers receive Home Water Reports.

**Excessive Use.** In response to the media's public records requests for the names, addresses and consumption for customers who violated the Excessive Water Use Penalty Ordinance, on February 25, 2016, the District released the sixth list of 417 customer records with columns noting billing period from/to dates, billing days and calculated gallons per day to place customer water use in context. The number of accounts on the list continues to decrease from the cooler weather and continued messaging to conserve. Staff continues to reach out to the largest users and especially those who have also been noted as potential water wasters to offer audits, home water reports, and conservation tips to help comply with water use restrictions.

## **NEXT STEPS**

The next list of customers who violated the Excessive Water Use Penalty Ordinance will be released on March 24, followed by monthly releases until declaration of a Stage 4 or Stage 3 drought is lifted. Staff will continue to reach out to customers to aid their conservation efforts.

Extended Emergency Regulations were adopted and on March 14 staff submitted a credit request to account for growth that has occurred from residential and commercial, industrial, and institutional accounts. The credit would reduce the State Board's current District conservation target from 16 percent to 14 percent.

Staff will continue to provide a comprehensive monthly report on the Critical Drought Action Plan at the first Board meeting of each month and a brief summary highlighting recent activities and significant changes at the second Board meeting of each month.

ARC:AAP

## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: March 17, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Lynelle M. Lewis, Secretary of the District

SUBJECT: Legislative/Human Resources Committee Minutes – March 8, 2016

Director John A. Coleman called to order the Legislative/Human Resources Committee at 8:30 a.m. in the Training Resource Center. Director Marguerite Young was present at roll call and Chair William B. Patterson was absent. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Legislative Affairs Marlaigne K. Dumaine, Acting Special Assistant to the General Manager Andrea A. Pook, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Legislative Report.** Manager of Legislative Affairs Marlaigne K. Dumaine presented an overview of the recommended positions in Legislative Report No. 03-16. She reported that staff is not recommending a position at this time on AB 1713 (Eggman) Sacramento-San Joaquin Delta: Peripheral Canal. She said that EBMUD has previously supported measures to facilitate groundwater management and recommends a “support” position on AB 1882 (Williams) Oil and Gas: Groundwater Monitoring. Ms. Dumaine also reported on the Referendum to Overturn Ban on Single-Use Plastic Bags and said the measure will provide voters the opportunity to ratify or reject SB 270 regarding a ban on single-use carryout bags. Staff recommends “support ratification of SB 270.” Eric Larsen, representing AFSCME Local 444, commented that the union supported AB 1882 and SB 270. It was moved (Young), seconded (Coleman) and carried (2-0) to adopt the staff recommended positions in Legislative Report No 03-16.

There was brief discussion regarding Measure AA which is a ballot initiative for a parcel tax intended to “protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access.” Voters are requested to approve a special parcel tax of \$12 per year in the nine Bay Area counties to achieve these goals. The Committee voiced their support for this measure.

**Adjournment.** Director Coleman adjourned the meeting at 8:42 a.m.

ARC/LML

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