



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, February 14, 2017**

REGULAR CLOSED SESSION

11:00 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. Existing litigation pursuant to Government Code section 54956.9(d)(1):
 - a. *Ivette Rivera v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C15-00380-DMR
2. Conference with Labor Negotiators Bruce Heid and Glenn Berkheimer from the Industrial Employers Distributors Association, Alexander R. Coate, Sophia D. Skoda, Laura A. Brunson, and Lisa A. Sorani, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.
3. Personnel exception pursuant to Government Code section 54957 to consider selection for the position of Secretary of the District.
4. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluations: General Manager and General Counsel.

(The Board will hold Closed Session in Conference Room 8)

REGULAR BUSINESS MEETING

1:15 p.m., Board Room

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

CONSENT CALENDAR: (Single motion and vote approving 11 recommendations, including 3 resolutions.)

1. Approve the Special and Regular Meeting Minutes of January 24, 2017.
2. File correspondence with the Board.
3. Award contracts to the lowest responsive/responsible bidders Northstar Chemical, Hill Brothers Chemicals Co., Univar USA, Inc., and Sierra Chemical Co. in an annual amount, after the addition of taxes, not to exceed \$262,683, for supplying mini-bulk wastewater treatment chemicals for the Richmond Advanced Recycling Expansion Water Treatment Plant and the East Bayshore Recycled Water Treatment Facility for three years, beginning on or after February 14, 2017, with two options to renew for an additional one-year period, for a total cost of \$1,313,414 under Request for Quotation No. 1624.
4. Authorize an agreement beginning on or after February 14, 2017, with BC Laboratories, Inc., in an amount not to exceed \$30,000 annually for sample kits, mailers, data entry, analytical support, and reporting to implement a customer tap lead sampling program, for one year with four options to renew for an additional one-year period, for a total cost of \$150,000.
5. Award a contract to CDW Government, LLC, in an annual amount, after the addition of taxes, not to exceed \$91,666 for an Enterprise Agreement for Microsoft's workstation operating system and management software required to manage the District's workstation fleet, for three years beginning on or after February 15, 2017, for a total cost not to exceed of \$275,000.
6. Authorize an amendment to Board Motion No. 145-13 dated October 8, 2013 for the rental of fully maintained and operated dump trucks.
 - 6a. Authorize an amendment to Board Motion No. 145-13 dated October 8, 2013, to increase the estimated combined amount by \$5,000,000 for the rental of fully maintained and operated 10-yard dump trucks, 20-yard end-dump and transfer trucks, and 20-yard super dump trucks from the following vendors, beginning on or after February 14, 2017 through the remainder of the agreement period ending October 31, 2018: A.I.P. Trucking; Adam Moreno & Sons, Inc.; Allied Materials, Inc.; D & S Trucking, LLC; De Bibb Trucking; E. M. Blair Trucking; Gloria Washington Trucking, Inc.; Haver Transport; Ibarra Trucking; Inder Trucking; Jackson Transportation; JD Trucking Co.; Mae Trucking; Roby Trucking; Royal Trucking; Sky Rock, Inc.; S&L Enterprises; S&L Transport; SMG Trucking; Sudden Sam's Trucking Co.; Tom Aikens General Engineering; Tri Valley Water Trucks, Inc.; Uris Kemp Trucking; and V. Dolan Trucking, Inc.
 - 6b. Authorize additional agreements for fully maintained and operated dump truck rental services with vendors that meet District standards and offer pricing at or below the range in the amended agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility and ensure availability of fully maintained and operated dump truck rental services to the District.

CONSENT CALENDAR: (Continued)

7. Authorize 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.
8. Adopt the FY 2017 Diversity and Inclusion Program.
9. Authorize the District to apply for the annexation of three separate single-family residential properties into the Central Valley Project Contractor's Service Area through the U.S. Bureau of Reclamation to include the Larabell, Morris, and 80 Carr Ranch Road properties. (Resolution)
10. Authorize District staff to acquire property through the California Federal Surplus Personal Property Program. (Resolution)
11. Declare an end to the District emergency initiated on January 13, 2017 and ratified by the Board of Directors on January 24, 2017, per Board Resolution No. 35022-17, to repair a landslide and secure the integrity of the Briones Aqueduct. (Resolution)

DETERMINATION AND DISCUSSION:

12. Legislative Update:
 - Receive Legislative Report No. 01-17 and consider positions on SB 206, SB 207, SB 208 (Committee on Governance and Finance) Validations and H.R. 448 (Huffman) Water Conservation Rebate Tax Parity Act
 - Update on Legislative Issues of Interest to EBMUD
13. Adopt a resolution approving an update to the East Bay Municipal Utility District Employee Recognition and Service Award Program. (Resolution)
14. General Manager's Report:
 - Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel
 - Water Supply and Storm Update
 - Monthly Report – January 2017

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 28, 2017 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, February 14	Planning Committee Mellon {Chair}; Linney; Young	9:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Annual Recreation Report – 2015 and 2016 Customer Assistance Programs Update
	Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Legislative Update Fiscal Year 2017 Diversity and Inclusion Program District Employee Recognition and Service Award Program
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Monday, February 13	Lincoln’s Birthday Holiday		<i>District Offices Closed</i>
Monday, February 20	Washington’s Birthday Holiday		<i>District Offices Closed</i>
Tuesday, February 28	Sustainability/Energy Committee Young {Chair}; Katz; Linney	TBD Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Finance/Administration Committee Patterson {Chair}; Coleman; Mellon	10:00 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, March 14	Planning Committee Mellon {Chair}; Linney; Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young	10:15 a.m. Training Resource Center	
	Budget Workshop #2	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	

MINUTES

Tuesday, January 24, 2017

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

Special Meeting

Vice-President William B. Patterson called to order the Special Meeting of the Board of Directors at 9:33 a.m. in the Training Resource Center. The Board met in workshop session for Budget Workshop #1.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, and Marguerite Young were present at roll call. President Lesa R. McIntosh arrived at 10:12 a.m. (due to a medical appointment).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Special Assistant to the General Manager Alison A. Kastama, Assistant to the General Manager Rischa S. Cole, and Secretary of the District Lynelle M. Lewis.

DISCUSSION

- Filed with the Board was a presentation entitled "FY 18 & FY 19 Budget Workshop #1" dated January 24, 2017.

Director of Finance Sophia D. Skoda presented an overview of the workshop topics which included a review of the December 2016 workshop on financial planning, trends in California water rates, FY18/FY19 budget and rates, non-rate revenue, and an update on the FY18/FY19 expense/revenue gap. In December 2016 staff reported that the annual expenses exceeded annual revenue and that debt and reserves have been used to fund the expense/revenue gap. Staff also reported that projected water sales are a major variable in the financial plan and that shortfalls in water sales have significant cash and debt coverage implications.

The FY18/FY19 Capital Improvement Program (CIP) for the Water System was increased to include: infrastructure upgrade projects, pipeline replacement, treatment plant upgrades, reservoir rehabilitation, service lateral projects, and recycled water projects. Additionally, the Wastewater System CIP was increased to include development of a new nutrients program and major treatment plant infrastructure rehabilitation. The CIP was also impacted by reduced income resulting from removal of the large-scale food waste project. There were also staff increases in both the Water and Wastewater Systems for new projects/programs. Non-rate revenue opportunities include increased power generation, property leases and sales of surplus property, revenue from the Oursan Ridge Conservation Bank credits, use of unassigned Freeport capacity by other agencies, laboratory services income, and grants and low costs loans.

Staff reported that the expense/revenue gap has increased from previous projections and will increase in FY18/FY19. Key impacts include decreased water sales, an updated CIP, operations and maintenance programs, and staffing changes to carry out planned projects. The Wastewater System's expense/revenue gap is only slightly impacted by the drought, but staff pointed out that expenses decreased due to removal of the large-scale food waste program operating costs.

Development of the proposed FY18/FY19 biennial budget, rates, fees and charges is underway. Staff is reviewing financial planning concepts and considering options to reduce the expense/revenue gap while balancing progress on District priorities (i.e. infrastructure rebuild, treatment plant updates, recycled water goals, lead sampling program, and additional wastewater projects). The FY18/FY19 budget will require use of the Rate Stabilization Fund and rate increases of nine percent for the Water System and five percent in the Wastewater System.

PUBLIC COMMENT

There was no public comment.

DISCUSSION

The Board asked questions and provided comments related to the budget assumptions. The Board requested that staff provide the following:

- Additional detail on System Capacity Charges for infill versus new development along with clarification on the policy for accessory units;
- Summary of cost for pipeline relocation work for local agency projects and possible reimbursement of costs;
- Cost benefit analysis of the “additional items for consideration in Proposed FY18/19 Budget—Water;”
- Explanation of duties for “staff for water control system management;”
- Summary of inspection of construction materials and handling of counterfeit materials;
- Summary of the food waste program budget and rationale for removing it from the CIP budget;
- Summary of costs for conducting a proactive customer lead sampling program;
- Assessment of issues related to growth and EBMUD's potential to sell water to areas outside the service area;
- Cost analysis on overtime use versus full staffing for preventative maintenance work (i.e. pipeline);
- Cost analysis on increasing Laboratory staff to provide revenue-generating services;
- Details on technology that could proactively identify pipe breaks, reduce costs, and increase productivity;
- Comparative analysis of 9.0, 9.5, 9.75, and 10 percent rate increases;
- Report on other agency's revenue generation efforts; and
- Opportunities for state or federal assistance for EBMUD's Customer Assistance Program.

ADJOURNMENT

President McIntosh adjourned the Special Meeting at 11:37 a.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 14, 2017

Lesa R. McIntosh, President of the Board

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MINUTES

Tuesday, January 24, 2017

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

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:44 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Water and Natural Resources Richard G. Sykes (Item 1), Assistant General Counsel Frederick S. Etheridge (Item 1), Manager of Real Estate Services Matt Elawady (Item 2), Attorney Derek T. McDonald (Item 2), Director of Finance Sophia D. Skoda (Item 3), Manager of Human Resources Laura A. Brunson (Item 3), Attorney Lourdes Matthew (Item 3), and Industrial Employers Distributors Association representatives Glenn Berkheimer and Bruce Heid (Item 3).

PUBLIC COMMENT

- There was no comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Lesa R. McIntosh announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:27 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh 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 McIntosh led the Pledge of Allegiance.

2017 Committee Assignments

President McIntosh announced amendments to the 2017 Board committee assignments as follows: EBMUD/EBRPD Liaison (Director Katz changed to an alternate; Director Mellon changed to a member); Special Districts Association of Alameda County (removed President McIntosh and added Director Mellon as a member); and the Freeport Regional Water Authority (removed Director Katz and added Director Linney as an alternate).

- Motion by Director Linney, seconded by Director Mellon, to approve the 2017 Committee Assignments, as amended, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 012-17 – Approved the following 2017 Board Committee assignments:

Planning

Director Mellon, Chair
Director Linney
Director Young

2nd Tuesday of the month at 9:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor
Training Resource Center, 2nd Floor

Legislative/Human Resources

Director Coleman, Chair
Director Patterson
Director Young

2nd Tuesday of the month at 10:15 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Patterson, Chair
Director Coleman
Director Mellon

4th Tuesday of the month at 10:00 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Young, Chair
Director Katz
Director Linney

Meets quarterly on 4th Tuesday

Administration Center Building
Training Resource Center, 2nd Floor

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Coleman
President Mellon
Director Linney, Alternate

4th Monday of even calendar months at 6:00 p.m.

Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Directors Coleman
Director Patterson
Director Linney, Alternate

*2nd Thursday at 10:00 a.m. on a quarterly basis,
with locations to be announced*

Retirement Board

Director Mellon
Director Young

3rd Thursday odd numbered months at 8:30 a.m.

Administration Center Building
Training Resource Center, 2nd Floor

**Upper Mokelumne River Watershed
Authority**

Director Coleman
Director Patterson
Director Young, Alternate
Director Katz, Alternate

4th Friday, quarterly at 1:30 p.m.

McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Coleman
Director Katz
Director Patterson
Director Mellon, Alternate

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Linney
Director Mellon
Director Katz, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Linney
Director Patterson, Alternate
Director Katz, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Mellon, Member
Director Katz, Alternate
Director Linney, Alternate

Special Districts Association of Contra Costa County

President McIntosh, Member
Director Mellon, Alternate
Director Young, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh announced that the Board, in closed session, by a unanimous vote of the Directors attending, authorized the General Counsel to initiate litigation in one matter. The actions, defendants and other particulars will be disclosed, upon inquiry, once the action has formally commenced.

PRESENTATION

General Manager Coate announced that the District received recognition as a "Utility of the Future Today" from a partnership of water sector organizations including the Water Environment Federation, National Association of Clean Water Agencies, Water Environment & Reuse Foundation, WaterReuse,

and the United States Environmental Protection Agency. The District received this designation in recognition of multiple programs it has adopted, many of which are innovative and pioneering, including resource recovery, renewable energy generation, water recycling, biosolids management, commitment to workplace safety, values and organizational improvements, community partnerships, and pollution prevention.

General Manager Coate introduced the following Wastewater Department staff in acknowledgement of their roles in bringing this recognition to EBMUD: Manager of Wastewater Engineering Vincent P. De Lange, Manager of Wastewater Environmental Services Jackie Zipkin, Senior Civil Engineer Alicia R. Chakrabarti, Senior Civil Engineer John M. Hake, Senior Civil Engineer Yuyun Shang, Supervising Wastewater Control Representative Gabriel A. Dib, Assistant Wastewater Shift Supervisor Jeffrey M. Bruel, Power Plant Supervisor David A. Allen, Wastewater Treatment Superintendent Jeffery L. Cloherty, and Research Chemist Artem A. Dyachenko.

Vice-President Patterson presented the plaque and banner to staff on behalf of the Board and thanked them for providing reliable, affordable and responsible wastewater treatment to its ratepayers with innovative and exceptional practices. The Board applauded staff for its accomplishment.

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Ivette Rivera, Ratepayer, read a letter to the Board (filed) requesting amendments to clarify her comments in the Draft January 10, 2017 Regular Meeting Minutes; 2) Devina Ojascastro, Co-President of the Asian Pacific Employees Association (APEA), presented Senior Community Affairs Representative Gregory L. Chan with a Certificate of Appreciation honoring his numerous contributions to the organization and being a community champion, and wished him well in retirement; 3) Vivian Ling-Wong, representing APEA, commented on Senior Community Affairs Representative Gregory L. Chan's contributions to build a positive image for the District, visibility in the community, being a role model for the APEA members, and wished him well in retirement; 4) Maria S. Berbano, Human Resources Analyst, representing APEA, expressed appreciation and thanks to Senior Community Affairs Representative Gregory L. Chan for his legacy of building bridges and providing leadership to the APEA, the community and the District; 5) District Director Carolina Salazar Herrera representing Assemblymember Bill Quirk and Lorena Lopez Navarro representing Assemblymember Rob Bonta's office presented Senior Community Affairs Representative Gregory L. Chan a resolution on behalf of the State Legislature and the East Bay delegation to thank Mr. Chan for his work in keeping legislators and local officials informed on policy issues over the years. Board members expressed their appreciation and thanks to Mr. Chan for outstanding work in representing the District over the years, his role as a community liaison, and his support to Board members. Mr. Chan expressed thanks for the recognition, the accolades, and for the opportunity to work with everyone over the past 20 years. He encouraged the District to continue efforts to integrate the District's core values of stewardship, integrity, respect, and teamwork; and 6) Rosa Merced, EBMUD employee, read a letter (filed) regarding continued issues related to her personal workers' compensation job injury claim and ask the Board to look into why more District employees are requiring legal representation. The Board requested a response on the issues raised by Ms. Merced.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-8 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 013-17** – Approved the Regular Meeting Minutes of January 10, 2017.
 2. The following correspondence was filed with the Board: 02.1) Letter (with attachments) dated January 24, 2017, to Board of Directors from Ivette Rivera, regarding “Item #1 on the Agenda”; 02.2) Letter dated January 24, 2017, to Board of Directors et al from M. Rosa Merced, Emp. 14076, regarding “Continued Issues: Workers Comp/Job Injury Retiring Under Distress”; 02.3) Presentation entitled “Briones Aqueduct Emergency Landslide Repair,” dated January 24, 2017; 02.4) Presentation entitled “Water Supply Board Briefing,” dated January 24, 2017; and 02.5) Presentation entitled “EBMUD Board Member Succession Plan,” dated January 24, 2017.
 3. **Motion No. 014-17** – Awarded a contract to the lowest responsive/responsible bidder, Kiewit Infrastructure West Co., in the amount of \$6,495,000 for construction of Upper San Leandro Reservoir Tower Upgrade under Specification 2106.
 4. **Motion No. 015-17** – Authorized an agreement beginning on or after January 24, 2017 with RouteSmart Technologies, Inc., to provide RouteSmart software, analysis services, and training for one year in an amount not to exceed \$195,450, with four one-year options to renew for an average of \$31,939 annually thereafter, for a total cost of \$323,206.
 5. **Motion No. 016-17** – Approved a direct award contract to Philadelphia Mixing Solutions Limited in an amount not to exceed \$175,000, after addition of taxes and freight, for supplying two mixers for food waste processing at the Main Wastewater Treatment Plant.
 6. **Motion No. 017-17** – Authorized an amendment to the agreement with Construx Software Builders, Inc., beginning on or after January 25, 2017 to extend the agreement for four years for software training and consulting. This amendment increases the total agreement ceiling by \$300,000 to an amount not to exceed \$390,000.
 7. **Motion No. 018-17** – Authorized an amendment to the agreement with Kleinfelder, Inc., beginning on or after January 24, 2017 in an amount not to exceed \$799,798 for construction support services for the Chabot Dam Seismic Upgrade and Upper San Leandro Reservoir Tower Upgrade projects. The amendment will increase the agreement to a new maximum cost ceiling of \$2,519,798.
 8. **Resolution No. 35021-17** –Authorizing Application To The United States Department Of The Interior, Bureau Of Reclamation For A WaterSMART Drought Resiliency Grant To Fund The Bay Area Regional Reliability Regional Exchange Demonstration Project.

DETERMINATION AND DISCUSSION

9. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine reported that the new California Attorney General Xavier Becerra was sworn in early in the day. Governor Brown presented the 2017 State of the State Address which focused on immigration, health care, climate change and infrastructure. She highlighted components of California Budget 2017-18 and reported that Senator Hertzberg indicated that he does not intend to move the wastewater prohibition bill forward. On federal issues, Ms. Dumaine reported on infrastructure spending, proposed appointments for the Environmental Protection Agency, Department of the Interior, and U.S. Bureau of Reclamation, along with President Trump's Executive Orders. Ms. Dumaine said staff will report back to the Board as more information is received.

10. Briones Aqueduct Slide Declaration of Emergency.

Operations and Maintenance Department Manager Eileen M. White reported that following continued wet weather during the week of January 9th, the District identified a significant storm-induced slide on San Pablo Creek adjacent to the Briones Aqueduct. On January 13, 2017 the General Manager, in consultation with the Board President, declared the Briones Aqueduct Slide Repairs Emergency in accordance with Policy 7.03 (Emergency Preparedness/Business Continuity). The Policy authorizes suspension of the competitive bid process and the General Manager to enter into emergency contracts not to exceed \$350,000, per contract. It further requires that the General Manager report to the Board of Directors all expenditures made and contracts awarded in response to the emergency declaration.

Staff recommended ratifying the General Manager's January 13, 2017 declaration of a District emergency in accordance with Policy 7.03 as a result of a storm-induced slide in Orinda threatening the structural integrity of the Briones Aqueduct with possible resultant major damage to public safety, the environment, and the District's water facilities.

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

Resolution No. 35022-17 – Resolution Ratifying General Manager's Declaration Of The Existence Of An East Bay Municipal Utility District Emergency.

11. Board's Annual Review of Directors' Compensation.

President McIntosh announced that this topic was referred to the Finance/Administration Committee meeting for deliberation. Director Coleman reported that the Committee voted 2-1 to support the recommendation to increase the Board's monthly compensation. General Manager Coate reported that at the request of the Board, staff conducted a salary survey of respective agencies. The results indicate that while there is some variability in

compensation, Bay Area water and wastewater agencies provide their Board of Directors compensation comparable to the District. There was Board discussion.

- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who urged the Board to adopt an increase that is equal to what staff receives as a show of equality.
- Motion by Director Linney, seconded by Director Patterson, that effective February 1, 2017, the Board's monthly compensation be increased by \$45 per month or 3.7 percent, which will result in the Board's monthly compensation changing from \$1,218 to \$1,263. The motion carried (5-2) by the following roll call vote: AYES (Katz, Linney, Patterson, Young, and McIntosh); NOES (Coleman and Mellon); ABSTAIN (None); ABSENT (None).

Motion No. 019-17 – Approved increasing the Board of Directors' monthly compensation by \$45 per month or 3.7 percent, which will result in the Board's compensation changing from \$1,218 to \$1,263, effective February 1, 2017.

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

Attorney Derek T. McDonald presented findings on the legal authority for developing a Board Succession Plan. He provided details on what the law provides for appointing, seating and maintaining the services of standby officers. Next steps include: finalize the Board Succession Plan with staff; draft and adopt revisions to Policy 7.03 to include board succession; adopt a resolution approving the Board Succession Plan; proceed with the selection of Standby Officers; and adopt a resolution appointing Standby Officers. There was a question and answer period and the Board requested that staff provide the following additional information: 1) Explore whether nepotism exclusions exist for potential successors and whether the Municipal Utility District Act or California Emergency Services Act applies; and 2) clarify language describing "available" and "emergency".

General Manager Coate announced that discussion on appointing an Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel would be deferred. Next, Operations and Maintenance Department Manager Eileen M. White presented the Water Supply Briefing, which included updates on recent storms, flood control operations, water supply projections, water production, and water savings. She highlighted recent rain storm activity which significantly increased water supplies within the state and locally. From January 1 to January 22, state reservoir storage increased up to 25% of capacity and snow water content increased from 70% to 193% of average. Total system current storage is 670,820 acre feet with Pardee Reservoir at 99% capacity, Camanche Reservoir at 75% capacity, and East Bay reservoirs at 102% capacity. She pointed out that flooding occurred January 7 on Redwood Canyon Golf Course and a landslide on the Briones Aqueduct and the Sobrante Water Treatment Plant. In concluding, Ms. White presented a summary of Water Year 2017 which is 49% complete and noted that total system storage is 304,000 acre feet more than last year at this time.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of January 10, 2017.

14. Other Items for Future Consideration.

None.

15. Director Comments.

- Director Coleman reported attending/participating in the following events: EBMUD Recycled Water meeting on January 11 in Orinda; ACWA teleconference meeting on January 11 in Oakland; Happy Valley Pipeline meeting on January 11 in Lafayette; Contra Costa County Mayors' Conference on January 12 in Danville; ACWA teleconference meeting on January 17 in Oakland; East Bay Economic Development Alliance Legislative Reception on January 19 in Oakland; and an ACWA teleconference meeting on January 23 in Oakland. He reported on plans to attend/participate in the following upcoming events: Meeting with constituent David Bowlby on January 26 in Oakland; East Bay Leadership Council dinner on January 26 in Concord; Upper Mokelumne River Watershed Authority Board meeting on January 27 in Pardee; ACWA teleconference meeting on January 30 in Oakland; meeting with state legislators on February 1 in Sacramento; ACWA Board Workshop and Dinner on February 2 in Sacramento; ACWA Executive Committee and Board of Directors meeting on February 3 in Sacramento; and ACWA teleconference meeting on February 13 in Oakland.
- Director Katz had no comment.
- Director Linney had no comment.
- Director Mellon reported attending/participating in the following events: Alameda County Special Districts Association meeting on January 11 at Oro Loma Sanitary District in San Lorenzo; Alameda County Mayors' Conference on January 11 in Oakland; Contra Costa County Mayors' Conference meeting on January 12 in Danville; National Electrical Contractors Association Retirement Dinner for Darlene Best-Murrietta on January 13 in Livermore; and the East Bay Economic Development Alliance Legislative Reception on January 19 in Oakland.
- Director Patterson reported attending/participating in the following events: Peralta Colleges Foundation Board meeting on January 11 in Oakland; Freeport Regional Water Authority Board teleconference meeting on January 12 in Oakland; NAACP Executive Committee meeting on January 14 in Oakland; Martin Luther King, Jr. event on January 17 in Oakland; and a farewell banquet for Oakland Superintendent of Schools on January 18 in Oakland.

- Director Young reported attending/participating in the following events: Meeting with Annie Campbell Washington regarding lead and the Customer Assistance Program on January 6 in Oakland; Alameda County Mayors' Conference meeting on January 11 in Oakland; EBMUDER's meeting on January 19 in Oakland; and the Women's March on January 21 in Oakland.
- President McIntosh had no comment.

ADJOURNMENT

President McIntosh adjourned the meeting in recognition of the retirement of Senior Community Affairs Representative Gregory L. Chan after 22 years of service with the District.

President McIntosh adjourned the meeting at 3:29 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 14, 2017

Lesa R. McIntosh, President of the Board

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AGENDA NO.
MEETING DATE

3.

February 14, 2017

TITLE MINI-BULK CHEMICALS FOR WASTEWATER TREATMENT

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

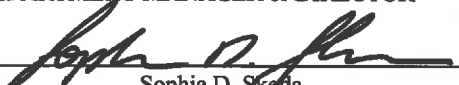

Award contracts to the lowest responsive/responsible bidders Northstar Chemical, Hill Brothers Chemicals Co., Univar USA, Inc., and Sierra Chemical Co. in an annual amount, after the addition of taxes, not to exceed \$262,683, for supplying mini-bulk wastewater treatment chemicals for the Richmond Advanced Recycling Expansion (RARE) Water Treatment Plant and the East Bayshore Recycled Water Treatment Facility for three years, beginning on or after February 14, 2017, with two options to renew for an additional one-year period, for a total cost of \$1,313,414 under Request for Quotation (RFQ) No. 1624.

SUMMARY

These contracts are for the purchase and delivery of wastewater treatment chemicals for the RARE treatment facility, which produces 3.5 million gallons per day (MGD) of high-purity recycled water for the Chevron Richmond Refinery (Chevron), and for the East Bayshore Recycled Water Treatment Facility (East Bayshore) at SD-1, which produces recycled water for industrial, landscape, and indoor use at locations throughout Oakland and Emeryville. The procurement of these materials supports the District's Strategic Plan goals for Water Quality and Environmental Protection.

DISCUSSION

The RARE treatment facility, located at the Chevron Richmond Refinery, treats secondary effluent from the West County Wastewater District (WCWD) to produce boiler makeup water for Chevron. This secondary effluent is passed through microfiltration membranes to remove suspended solids, and the permeate is currently blended with potable water to meet Chevron's demand for boiler makeup water and passed through reverse osmosis membranes to remove hardness and silica. Regular maintenance of these membranes requires periodic washing with high pH and low pH solutions to remove biological and inorganic foulants. A disinfectant (chloramine) is added to the microfiltration feed water to control microbial fouling and maintain system efficiency. East Bayshore also uses microfiltration membranes for turbidity removal and requires the same chemical cleaning steps.

Funds Available: FY17-18		Budget Code: 608/6601/1011336/5361
DEPARTMENT SUBMITTING Finance	DEPARTMENT MANAGER or DIRECTOR  Sophia D. Stoda	APPROVED  General Manager

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

The following is a full listing of chemicals to be purchased under this RFQ:

- Liquid Sodium Hypochlorite: used for microfiltration pretreatment for biofouling control and for building up high pH (caustic) microfiltration cleaning solutions.
- Caustic Soda: used for high pH cleaning solutions for both the microfiltration and reverse osmosis membrane treatment processes.
- Sodium Bisulfite: used for dechlorination of reverse osmosis feed water to protect the membranes from oxidative damage.
- Sulfuric Acid (93%): used for pH adjustment of reverse osmosis feed water to minimize mineral scaling on the membranes.
- Aqua Ammonia: used for microfiltration pretreatment for biofouling control and to react with any residual chlorine that may be present in the plant's source water.
- Citric Acid: used for low pH cleaning solutions for both the microfiltration and reverse osmosis membrane treatment processes.

Historically, the District's "mini-bulk" (small quantity) deliveries of treatment chemicals were purchased using an informal bid process for short term contracts on a yearly basis, as vendors would not enter into a long term contract for such small quantities. Now that the demand has increased for these chemicals, prospective suppliers are willing to enter into longer duration contracts and the District is able to utilize a formal bid process. As no single company can provide the lowest price within the desired delivery window on all of the required treatment chemicals, contracts with individual bidders for specific chemicals are being requested.

VENDOR SELECTION

RFQs were sent to three resource organizations, to 105 potential proposers, advertised in the Oakland Tribune, and posted on the District's website. Six bids were received.

SUSTAINABILITY

Economic

This item is included in the FY17 budget for wastewater treatment chemicals.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Environmental

The two recycled water treatment plants serving Chevron (the RARE treatment facility and the North Richmond Water Recycling Plant) utilize all secondary effluent produced by WCWD, representing an

approximately 7 MGD reduction in potable water use year-round. The production rates at East Bayshore vary seasonally, due to its use for irrigation and cooling tower supply, but this facility represents a significant investment by the District in recycled water. Continuous operation of these plants is key to maintaining our potable water offset, and with the establishment of new mini-bulk chemical contracts, they can be run in a more reliable and cost-effective manner.

ALTERNATIVES

Purchase these chemicals on the open market. This alternative is not recommended as doing so would leave the District with no assurances of availability or timely delivery and would eliminate the price advantage of purchasing services over a multi-year period.

Discard all bids and rebid the contracts. This alternative is not recommended as the District engaged in a fair and competitive bid process.

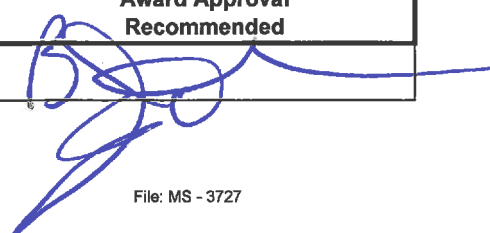
Attachments

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)

TITLE Materials & Supplies Mini-Bulk Chemicals for Wastewater Treatment -Three-Year Contract with 2 One-Year Renewal Options						DATE: December 21, 2016					
CONTRACTOR: Various Firms (See Below)				PERCENTAGE OF CONTRACT DOLLARS							
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE: \$262,683 /yr*		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		2%		0.0%			
		See Below		See Below		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
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
PRIME:											
Northstar Chemical	\$20,252	White	X		7.7%						
Hill Brothers Chemicals Co.	\$23,234	White	X		8.8%						
Univar USA, Inc.	\$19,190	White	X		7.3%						
Sierra Chemical Co.	\$200,006	White	X		76.1%						
TOTAL											
		\$262,683				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		See Attached Form P-061									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 100% White Men participation Total Not to Exceed: \$1,313,414											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
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:		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	
Mini-Bulk Chemicals for Wastewater Treatment								
Materials & Supplies Award		DATE:	12/21/2016					
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	0	7	3	0	10	41.7%
Northstar Chemical		Manager/Prof	0	0	2	0	2	28.6%
Matt Werger		Technical/Sales	0	5	1	0	6	40.0%
14200 SW Tualatin-Sherwood Road		Clerical/Skilled	0	2	0	0	2	100.0%
Sherwood, OR 97140		Semi/Unskilled	0	0	0	0	0	0.0%
503-625-3770		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File: NA	Date of last contract with District: NA					
		Co. Wide MSA: Modesto	# Employees-Co. Wide: 24 Bay Area: 2					
RP	WM	Company Wide	1	58	2	2	63	40.6%
Hill Brothers Chemical Company		Manager/Prof	0	9	0	0	9	33.3%
John Padilla Jr.		Technical/Sales	0	3	0	0	3	18.8%
3000 East Birch Street, #108		Clerical/Skilled	0	18	2	1	21	51.2%
Brea, CA 92821		Semi/Unskilled	1	28	0	1	30	42.3%
714-579-3333		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA: Orange	# Employees-Co. Wide: 155 Bay Area: 0					
P	Publicly Held Corporation	Company Wide	0	7	1	0	8	61.5%
Olin Chlor Alkali Products		Manager/Prof	0	0	1	0	1	25.0%
Ann Marie Lehmann		Technical/Sales	0	2	0	0	2	100.0%
26700 South Banta Road		Clerical/Skilled	0	5	0	0	5	71.4%
Tracy, CA 95304		Semi/Unskilled	0	0	0	0	0	0.0%
209-835-7204		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA: Stockton	# Employees-Co. Wide: 13 Bay Area: 0					
RP	WM	Company Wide	5	18	13	0	36	48.0%
Univar USA Inc.		Manager/Prof	1	0	3	0	4	23.5%
Pamela Malcontento		Technical/Sales	1	3	1	0	5	29.4%
3075 Highlands Prkwy., Ste. 200		Clerical/Skilled	2	8	7	0	17	73.9%
Downer Grove, IL 60515		Semi/Unskilled	1	7	2	0	10	55.6%
253-872-5000		Bay Area	0	0	0	0	0	NA
		Co. Wide MSA: San Jose	# Employees-Co. Wide: 75 Bay Area: 0					
RP	WM	Company Wide	INFORMATION NOT PROVIDED					
Sierra Chemical Company		Manager/Prof						
Ronald Espalin		Technical/Sales						
2302 Larkin Circle		Clerical/Skilled						
Sparks, NV 89431		Semi/Unskilled						
775-358-0888 x2107		Bay Area						
		Co. Wide MSA:						
P	WM	Company Wide	INFORMATION NOT PROVIDED					
Industrial Solution Services, inc.		Manager/Prof						
Kim Steinman		Technical/Sales						
215 N. 2nd Ave., Ste. A		Clerical/Skilled						
Upland, CA 91785		Semi/Unskilled						
909-931-1860		Bay Area						
		Co. Wide MSA:						

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.

4.

MEETING DATE

February 14, 2017

**TITLE CUSTOMER TAP LEAD SAMPLING PILOT PROGRAM – LABORATORY
SERVICES AGREEMENT**☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Authorize an agreement beginning on or after February 14, 2017, with BC Laboratories, Inc., in an amount not to exceed \$30,000 annually for sample kits, mailers, data entry, analytical support, and reporting to implement a customer tap lead sampling program, for one year with four options to renew for an additional one-year period, for a total cost of \$150,000. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.



SUMMARY

The District has developed a pilot program to test water at customer taps for lead. This voucher-based program utilizes BC Laboratories, Inc. to deliver District-developed lead testing information, sample kits, and results to customers. BC Laboratories, Inc. will provide laboratory and program support, including data entry and analytics, to the District as the program is launched and customer demand for testing is evaluated.

The customer tap lead testing pilot program was presented at the August and November 2016 Planning Committee meetings, and supports the District's Strategic Plan goals for Customer and Community Services, and Water Quality and Environmental Protection.

DISCUSSION

Prior to the 2015 events in Flint, Michigan, the United States Environmental Protection Agency's (USEPA) National Drinking Water Advisory Council (NDWAC) was working on recommendations for revising the USEPA's Lead and Copper Rule (LCR). One recommendation was to have water systems provide customer tap lead sampling programs. USEPA has not yet indicated how the NDWAC recommendations will be incorporated into regulation; however, the Flint incident demonstrates the need for readily-available customer information on and testing for lead. To address this need, the District plans to implement a voucher-based customer tap lead sampling program in February 2017.

Funds Available: FY17		Budget Code: WSO/777-
DEPARTMENT SUBMITTING Operations and Maintenance	DEPARTMENT MANAGER or DIRECTOR  Michael J. Wallis	APPROVED  General Manager

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

Each customer who contacts the District for lead testing will be mailed the District's lead and tap sampling program information along with a voucher. The customer will complete the voucher and mail it to BC Laboratories, Inc., who will then supply a sample kit (instructions, sample collection containers, and return mailer). BC Laboratories will analyze returned samples and then forward a District-branded results letter to the customer with a copy to the District. This program will provide valuable information to customers and will be a screening tool to verify the adequacy of the District's regulatory sampling.

Based on anecdotal information from other water systems with similar programs, customer demand can be quite variable. Variability can be related to news stories and public outreach, which increase program participation dramatically. These factors make it hard to predict the impact on District resources, which are currently staffed and optimized to meet regulatory compliance and operations requirements.

This program was developed as a pilot to collect data and analyze the impacts such a program would have on District resources should the District decide to internalize the program. The pilot will be reevaluated after one year of operation to determine if the program should be made internal to the District or maintained as an independent program by a contract laboratory.

VENDOR SELECTION

A request for proposals (RFP) was emailed to ten certified commercial laboratories. One laboratory declined and two laboratories followed up with additional questions. Only one proposal was received. The proposal was reviewed and determined to be responsive to the RFP.

SUSTAINABILITY

Economic

Funds for this pilot program are available in the FY17 budget.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached. 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.

Building confidence in tap water may reduce the tendency to use bottled water or point-of-use treatment devices. Monies spent on bottled water or point-of-use treatment can be reallocated to other household needs.

Locals 21 and 2019 were notified of this contract on January 12, 2017. The District met with Local 2019 on February 3, 2017 and answered their questions regarding the pilot program.

Environmental

By providing customers with information on the quality of water coming directly from their tap, they can make informed choices about their drinking water. Greater confidence in their tap water could reduce their use of bottled water or point-of-use treatment devices, thereby reducing plastic bottle and filter material waste.

ALTERNATIVES

Select a different contractor to perform the work. This alternative is not applicable as no other laboratories submitted proposals to the RFP.

Perform the work with District forces. This alternative is not recommended as the work to be performed will have an unknown impact on District resources. The pilot will be reevaluated after one year of operation to determine if the program should be made internal to the District or maintained as an independent program by a contract laboratory.

Delay or do not proceed with the project. This alternative is not recommended because this program is among the recommended changes to the LCR made by the USEPA NDWAC. This pilot will provide data on customer interest, so a decision can be made on maintaining the program with an external contractor or using District forces.

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)

TITLE Professional Services Agreement Customer Lead Sampling Program - One-Year Contract with 4 One-Year Renewal Options						DATE: January 23, 2017						
CONTRACTOR: BC Laboratories, Inc. Bakersfield, CA 93308					Sole Proposer					PERCENTAGE OF CONTRACT DOLLARS		
BID/PROPOSER'S PRICE: \$30,000 /yr*		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
		White	Men	Ethnic Minorities		25%		0.0%				
CONTRACT EQUITY PARTICIPATION												
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	
PRIME: BC Laboratories, Inc.	\$30,000	White	X		100.0%							
SUBS: None												
TOTAL		\$30,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:		26	19	58	103							
Percent of Total Employees:		25.2%	18.4%	56.3%								
MSA Labor Market %:		29.7%	24.6%	45.7%								
MSA Labor Market Location:		Bakersfield										
COMMENTS												
Contract Equity Participation - 100.0% White Men participation												
*Total Not to Exceed \$150,000 - \$30,000 first year with four (4) options for annual renewal.												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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.
February 14, 2017

TITLE **MICROSOFT WORKSTATION OPERATING SYSTEM AND MANAGEMENT SOFTWARE**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Award a contract to CDW Government LLC in an annual amount, after the addition of taxes, not to exceed \$91,666 for an Enterprise Agreement for Microsoft's workstation operating system and management software required to manage the District's workstation fleet, for three years beginning on or after February 15, 2017, for a total cost not to exceed \$275,000.

SUMMARY

An Enterprise Agreement for Microsoft's workstation operating system and management software is needed in order to receive and apply software upgrades to the District's 1800 workstations. Upgrading software is consistent with the District's Strategic Plan Long-Term Financial Stability strategy to implement technologies that improve efficiency.

DISCUSSION

Microsoft's workstation operating system (Windows 7) is currently installed on more than 1,800 District computers. A software license is needed to maintain the Microsoft workstation operating system and receive system upgrades, including a planned upgrade to the Windows 10 operating system. CDW Government LLC provides this software license through a three year Enterprise Agreement with Microsoft.

The Enterprise Agreement also includes licenses for the District's workstation and server management software (System Center Configuration Manager) which is used to manage all workstations and servers. This software centralizes tasks such as the installation of security updates and software, remote control of District workstations, and allows for a complete hardware and software inventory of all District-owned computers.

Funds Available: FY17		Budget Code: WSO/252/8765/5243
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR Nicholas J. Irias	APPROVED General Manager

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

VENDOR SELECTION

Under Public Contract Code, Section 10298, agencies such as EBMUD are specifically allowed to purchase directly from State of California contracts or through state-authorized participating agreements, without pursuing separate competitive bidding. The State of California, Department of General Services, has issued a participating addendum to CDW Government LLC (7-16-70-37). By leveraging the State of California addendum, the District is able to receive a quote with pre-negotiated pricing.

SUSTAINABILITY

Economic

Funds are available in the FY17 operating budget.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

ALTERNATIVES

Do not purchase workstation operating system and management software under an Enterprise Agreement. This alternative is not recommended because it would cost the District significantly more. Enterprise Agreements are created in order to save money over the long term when upgrades are expected to software within a certain amount of time. The District is planning to upgrade to Windows 10 within the next two years, and will be benefiting from this agreement.

Purchase different workstation operating software. This alternative is not recommended because this particular software is used in the majority of office environments inside and outside of the District. Introducing a different type of software would lead to the need to purchase additional productivity software, and would lead to compatibility issues and would require additional staff training.

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)

TITLE					DATE:						
Materials & Supplies Microsoft Workstation Operating and Management Software Renewal					January 27, 2017						
CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS								
CDW Government LLC Sacramento, CA			State Contract Award		Availability Group	Contracting Objectives	Participation				
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men		25%	0.0%					
	Ethnicity	Gender	White Women		2%	0.0%					
	\$92,000	PHC	NA	Ethnic Minorities	25%	0.0%					
CONTRACT EQUITY PARTICIPATION											
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
PRIME: CDW Government LLC	\$92,000	PHC							100.0%		
SUBS: None											
TOTAL			\$92,000		0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
	White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:	3,791		1,499		1,870		7,160				
Percent of Total Employees:	52.9%		20.9%		26.1%						
MSA Labor Market %:	38.6%		33.6%		27.8%						
MSA Labor Market Location:			Illinois								
COMMENTS											
Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation.											
Workforce Profile & Statement of Nondiscrimination Submitted			Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended					
NA			NA								



AGENDA NO.
MEETING DATE

6a. - 6b.

February 14, 2017

TITLE DUMP TRUCK RENTAL SERVICES

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

- A. Authorize an amendment to Board Motion No. 145-13 dated October 8, 2013, to increase the estimated combined amount by \$5,000,000 for the rental of fully maintained and operated (FM&O) 10-yard dump trucks, 20-yard end-dump and transfer trucks, and 20-yard super dump trucks from the vendors listed below, beginning on or after February 14, 2017 through the remainder of the agreement period ending October 31, 2018.

A.I.P. Trucking	Ibarra Trucking	S&L Enterprises
Adam Moreno & Sons, Inc.	Inder Trucking	S&L Transport
Allied Materials Inc.	Jackson Transportation	SMG Trucking
D & S Trucking, LLC	JD Trucking Co.	Sudden Sam's Trucking Co.
De Bibb Trucking	Mae Trucking	Tom Aikens General Engineering
E. M. Blair Trucking	Roby Trucking	Tri Valley Water Trucks Inc.
Gloria Washington Trucking, Inc.	Royal Trucking	Uris Kemp Trucking
Haver Transport	Sky Rock, Inc.	V. Dolan Trucking, Inc.

- B. Authorize additional agreements for fully maintained and operated dump truck rental services with vendors that meet District standards and offer pricing at or below the range in the amended agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility and ensure availability of fully maintained and operated dump truck rental services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

In awarding these contracts, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

SUMMARY

The District uses dump truck services to haul spoils and asphalt for recycling from jobsite locations and/or to haul backfill material and asphalt to jobsite locations. These resources are needed to supplement internal hauling resources during peak workload demands, occasional long-haul projects,

Funds Available: FY17 – FY18		Budget Code: WSO/741/7999/5296/5311
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.

and backfill for planned and unplanned staff leave. In 2015, approximately 72 percent of dump truck service needs were completed by District forces. This item was discussed at the Finance/Administration Committee on November 22, 2016.

DISCUSSION

In October 2013, the Board approved a contract for dump truck rentals in the estimated annual amount of \$1,250,000 per year or \$6,250,000 over five years. The use of these services has increased since 2013 due to an increase of pipeline and paving production, and the increase of crews under the Pipe Rebuild program. Additionally, District service yards use FM&O dump trucks during peak periods to address work backlogs. As a result, on May 24, 2016, the Board approved an additional \$2,500,000 for one year through May 24, 2017. This estimated agreement amount has been expended. This request seeks authorization to increase the current agreement amount by an additional \$5,000,000 through October 2018, while the District continues its efforts to reduce the need for these rental resources.

Staff will continue to monitor and manage these rental resources, and explore efficiencies and new technologies to reduce spoils. The District continues to seek additional driver resources. These agreements present no obligation on the part of the District to use these services and their use may be adjusted at any time. As the District identifies additional vendors that meet District standards, and to increase flexibility and ensure vendor availability, the District will also consider awarding contracts to those currently unidentified contractors pursuant to this recommendation. This work supports the Strategic Plan goal for Long-Term Infrastructure Investment.

SERVICE PROVIDER SELECTION

The District conducted a market survey that solicited input from competing companies in the industry as well as large users, such as Caltrans. Based on this information, the District established an hourly rate that it is willing to pay for the service and invited all qualified vendors willing to accept that rate to sign up and participate in the program. The District includes as many vendors as it feels demand will support and creates an active trucker list. Vendors on this list will be assigned work opportunities on a rotational basis to ensure a fair and equitable distribution of the total workload. Vendors awaiting work or new vendors are put on a standby list and will be added to the active list as demand increases, vendors drop off, and/or vendors are released for poor performance.

SUSTAINABILITY

Economic

Funds are included in the FY17 budget and will be included in the FY18/19 budget for renting dump trucks. The majority of the selected vendors are local small businesses whose employment helps the local economy.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached. The use of FM&O dump truck rental services keeps pipeline production and repair moving, thus reducing service outage and replacement impacts to our customers.

Local 444 was notified of this agreement in writing on January 5, 2017. In general, Local 444 opposes contracting out this work but recognizes the need to get the work done and the District's current staffing levels. Based on the District's intention to include additional positions in the FY18/19 budget to substantially reduce the dollar amount of contract awards for this work over the long-term, Local 444 does not oppose this contract at this time.

Environmental

The use of FM&O dump truck rental services helps to maintain efficient main break repair and replacement projects and reduces impacts to local environments around District jobsites.

ALTERNATIVES

Do not contract for truck rental services. This alternative is not recommended as these contracts are designed to help the District complete its hauling requirements during peak periods while ensuring that District personnel and related equipment remain fully utilized on a day-to-day basis. Staffing up to meet peak period demands is inefficient and would result in excess resources most of the time. Without these resources, customers will experience delays in leak response, service installations, pipeline replacements, applicant work, and District capital projects. The District is working on filling funded positions, but recruiting and hiring qualified staff takes time.

Conduct a competitive bid and award all of this business to the lowest responsible/responsive bidder. This alternative is not recommended as no individual company is large enough to address all of the District's requirements. It would also compromise the District's ability to provide opportunities to local Small Business Enterprise companies as only the larger companies would be positioned to compete, and this would drive prices higher due to the smaller number of companies that might be considered responsive.

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)

TITLE Amendment General Services Agreement Dump Truck Rental Services						DATE: May 17, 2016					
CONTRACTOR: See Below						PERCENTAGE OF CONTRACT DOLLARS					
BID/PROPOSER'S PRICE: \$2,500,000 /yr*		FIRM'S OWNERSHIP		White Men		25%		10%			
		Ethnicity	Gender	White Women		6%		6%			
		See Below	See Below	Ethnic Minorities		25%		84%			
CONTRACT EQUITY PARTICIPATION											
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
PRIMES:											
Ira Parish dba A.I.P. Trucking	TBD	Black		X	—	—	—	—	—	—	
Adam Moreno & Sons, Inc.	TBD	Hispanic		X	—	—	—	—	—	—	
D & S Trucking, LLC	TBD	White		X	—	—	—	—	—	—	
De Bibb Trucking	TBD	Black	X		—	—	—	—	—	—	
E. M. Blair Trucking	TBD	Black	X		—	—	—	—	—	—	
Gloria Washington Trucking, Inc.	TBD	Black		X	—	—	—	—	—	—	
Haver Transport	TBD	Asian		X	—	—	—	—	—	—	
Hill Trucking Co.	TBD	Black	X		—	—	—	—	—	—	
Inder Trucking	TBD	Asian	X		—	—	—	—	—	—	
Jackson Transportation	TBD	Black	X		—	—	—	—	—	—	
JD 4 U Trucking dba JD Trucking	TBD	Black		X	—	—	—	—	—	—	
MAE Trucking	TBD	Black	X		—	—	—	—	—	—	
Roby Trucking	TBD	Asian	X		—	—	—	—	—	—	
Royal Trucking/Maintenance	TBD	Black	X		—	—	—	—	—	—	
S&L Enterprises	TBD	Black	X		—	—	—	—	—	—	
S.M.G. Trucking	TBD	Asian	X		—	—	—	—	—	—	
Sudden Sam's Trucking Co.	TBD	Black	X		—	—	—	—	—	—	
Tom Aikens General Engineering	TBD	White	X		—	—	—	—	—	—	
Uris Kemp Trucking, Inc.	TBD	Black	X		—	—	—	—	—	—	
V. Dolan Trucking, Inc.	TBD	White	X		—	—	—	—	—	—	
TOTAL	\$2,500,000				10.0%	6.0%	84.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		See P-61 Form									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 10% White Men participation, 6% White Women participation and 84% Ethnic Minority participation											
*Annual amount increasing from from \$1,250,000 per year to \$2,500,000 per year for the two remaining years of the five year contract.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
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:		Ethnic Minority Percentages From U.S. Census Data						
Dump Truck Rental Services			B	H	A/PI	A/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE:	9 Bay Area Counties	5.5	18.2	14.2	0.4	39.9
		5/17/2016	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	A/AN	TOTAL	PERCENT
RP	EMW:B - SBE	Company Wide	2	0	0	0	2	100.0%
Ira Parish dba A.I.P. Trucking Ira Parish P. O. Box 581057 Elk Grove, CA 95124 510-237-6824		Manager/Prof	0	0	0	0	0	NA
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	2	0	0	0	2	100.0%
		Bay Area	2	0	0	0	2	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		2 Bay Area: 2	
RP	EMW:H - L/SBE	Company Wide	0	3	0	0	3	75.0%
Adam Moreno & Sons, Inc. Jose Moreno 6460 Tri Lane Richmond, CA 94803 510-222-2873		Manager/Prof	0	2	0	0	2	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	1	0	0	1	50.0%
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	3	0	0	3	75.0%
		AA Plan on File:	NA		Date of last contract with District:		7/11/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		4 Bay Area: 4	
RP	WW - L/SBE	Company Wide	0	0	0	0	0	0.0%
D & S Trucking, LLC Susan Jones 6429 Sunnyslope Avenue Castro Valley, CA 94552 510-537-2178		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		2 Bay Area: 2	
RP	EMM:B - L/SBE	Company Wide	4	5	1	0	10	100.0%
De Bibb Trucking Deartemus Bibb P. O. Box 21512 El Sobrante, CA 94820 510-774-0013		Manager/Prof	1	1	0	0	2	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	3	4	1	0	8	100.0%
		Bay Area	4	5	1	0	10	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		10 Bay Area: 10	
RP	EMM:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
E. M. Blair Trucking Ronald B. Blair 2914 Johnson Avenue Richmond, CA 94804 510-772-7312		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMW:B - L/SBE	Company Wide	4	0	0	0	4	100.0%
Gloria Washington Trucking, Inc. Gloria Washington 525 DeCarlo Avenue Richmond, CA 94801 510-236-8766		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	3	0	0	0	3	100.0%
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	4	0	0	0	4	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		4 Bay Area: 4	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and A/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:		Ethnic Minority Percentages From U.S. Census Data						
Dump Truck Rental Services			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
		5/17/2016	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recomm 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	EMW:A - L/SBE	Company Wide	0	0	4	0	4	100.0%
Haver Transport Navneet Bal 1801 Chiquapin Court #C Concord, CA 94519 925-766-4371		Manager/Prof	0	0	1	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	3	0	3	100.0%
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	4	0	4	100.0%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		4 Bay Area: 4	
RP	EMM:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
Hill Trucking Co. Abraham Hill 3252 Seagrams Court Hayward, CA 94541 510-693-7827		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Alameda Co.		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMM:A -SBE	Company Wide	0	0	1	0	1	100.0%
Inder Trucking HarinderPal Singh Sidhu 150 Kennison Court Vallejo, CA 94589 925-250-5001		Manager/Prof	0	0	1	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	1	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Solano Co.		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMM:B - SBE	Company Wide	2	0	0	0	2	100.0%
Jackson Transportation Alfred Jackson 1744 Keesler Circle Suisun City, CA 94585 510-213-2642		Manager/Prof	2	0	0	0	2	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	0	0	0	NA
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		2 Bay Area: 0	
RP	EMW:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
JD 4 U Trucking Co. dba JD Trucking Co. Gloria J. Davis 312 Hunter Avenue Oakland, CA 94603 510-938-7786		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMM:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
MAE Trucking Kevin Moffett 268 Heron Drive Pittsburg, CA 94565 925-427-9240		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		1 Bay Area: 1	

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:		Ethnic Minority Percentages From U.S. Census Data						
Dump Truck Rental Services			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	
General Services Agreement		DATE:	5/17/2016					
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	EMM:A - SBE	Company Wide	0	0	4	0	4	80.0%
Roby Trucking Parmod Kumar 100 Countryview Court Vallejo, CA 94591 707-333-8706		Manager/Prof	0	0	0	0	0	NA
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	1	0	1	100.0%
		Semi/Unskilled	0	0	3	0	3	75.0%
		Bay Area	0	0	4	0	4	80.0%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Vallejo-Fairfield-Napa		# Employees-Co. Wide:		5 Bay Area: 5	
RP	EMM:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
Royal Trucking/Maintenance Vaughn Royal 7333 Deerwood Street Oakland, CA 94605 510-455-0642		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMM:B - L/SBE	Company Wide	2	0	0	0	2	100.0%
S&L Enterprises Stanley Warren 79 Covington Drive Pittsburg, CA 94565 925-439-1118		Manager/Prof	2	0	0	0	2	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	2	0	0	0	2	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Alameda Co.		# Employees-Co. Wide:		2 Bay Area: 2	
RP	EMM:A - L/SBE	Company Wide	0	0	0	1	1	100.0%
S.M.G. Trucking Sapinder Grewal 1610 Lawndale Avenue San Leandro, CA 94579 510-715-7479		Manager/Prof	0	0	0	1	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	0	1	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		1 Bay Area: 1	
RP	EMM:B - L/SBE	Company Wide	1	0	0	0	1	100.0%
Sudden Sam's Trucking Co. Samuel Johnson 272 Euclid Avenue #105 Oakland, CA 94610 510-385-8594		Manager/Prof	1	0	0	0	1	100.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	1	0	0	0	1	100.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		1 Bay Area: 1	
RP	WM - L/SBE	Company Wide	0	0	0	0	0	0.0%
Tom Aikens General Engineering Tom Aikens 95 Pastor Lane Knightsen, CA 94548 925-628-8402		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	0	0	0	0	0	NA
		Clerical/Skilled	0	0	0	0	0	NA
		Semi/Unskilled	0	0	0	0	0	NA
		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File:	NA		Date of last contract with District:		10/29/2013	
		Co. Wide MSA:	Contra Costa Co.		# Employees-Co. Wide:		1 Bay Area: 1	

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

7.

February 14, 2017

**TITLE AUTHORIZE CONTINUED EMPLOYMENT OF LIEBERT CASSIDY WHITMORE
FOR SPECIALIZED LEGAL SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize 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 \$120,000.

DISCUSSION

The firm of Liebert Cassidy Whitmore has been retained to assist the Office of General Counsel in labor and employment matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate attorney-client confidential memorandum to the Board of Directors.

SUSTAINABILITY

Economic



Funding for this item is included in the FY17 budget for obtaining specialized legal assistance.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary


Funds Available: FY 2017		Budget Code: WS0 130 8511 5231
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR  Craig S. Spencer, General Counsel	APPROVED  General Manager

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Authorize Continued Employment of Liebert Cassidy Whitmore for Specialized Legal Services			DATE: January 31, 2017									
CONTRACTOR: Liebert Cassidy Whitmore Los Angeles, CA 90045			PERCENTAGE OF CONTRACT DOLLARS									
			Availability Group	Contracting Objectives	Participation							
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	100.0%							
	Ethnicity	Gender	White Women	6%	0.0%							
\$120,000 *	White	Men	Ethnic Minorities	25%	0.0%							
CONTRACT EQUITY PARTICIPATION												
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	
PRIME: Liebert Cassidy Whitmore	\$120,000	White	X		100.0%							
SUBS: None												
TOTAL	\$120,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
	White Men	White Women	Ethnic Minorities	Total Employees								
No. of Employees:	36	51	55	142								
Percent of Total Employees:	25.4%	35.9%	38.7%									
MSA Labor Market %:	28.0%	23.6%	48.4%									
MSA Labor Market Location:	California											
COMMENTS												
Contract Equity Participation - 100.0% White Men participation												
*Total Not to Exceed \$120,000.												
Workforce Profile & Statement of Nondiscrimination Submitted			Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended						
NA			NA									



AGENDA NO.
MEETING DATE

8.

February 14, 2017

TITLE ADOPT THE FY 2017 DIVERSITY AND INCLUSION PROGRAM

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt the FY 2017 Diversity and Inclusion Program.

SUMMARY

EBMUD is an equal employment opportunity employer. As a federal contractor, the District is required by federal regulations to annually update and adopt written affirmative action programs (AAPs) on an annual basis for minorities, women, protected veterans and individuals with disabilities (IWDs). Federal regulations specifically require the District to establish placement goals by job group for minorities and/or women based on the results of a utilization analysis comparing District incumbency to availability; establish action-oriented programs to address problem areas hindering the employment of minorities or women at availability rates; and analyze its progress and the effectiveness of its outreach efforts in reaching the national benchmark for the hiring of protected veterans and utilization goal for IWDs. The Board's adoption of the FY 2017 Diversity and Inclusion Program complies with these regulations.

This program supports the District's Strategic Plan Workforce Planning goal of attracting and hiring quality candidates that reflect the diversity of our community. The FY 2017 Diversity and Inclusion Program was presented to the Legislative/Human Resources Committee on February 14, 2017.

DISCUSSION

The District is proud to be a leader in taking legal, proactive steps in support of a diverse workforce and upholding equal employment opportunity. The District's programs comply with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation Act. On an annual basis, pursuant to these regulations, the District establishes placement goals by job group for minorities or women based on the results of a utilization analysis comparing District incumbency to availability in the District's recruitment area; analyzes its hires against the national hiring benchmark for veterans which is currently set at 6.9 percent; analyzes its workforce by job group against the national utilization goal of 7.0 percent for IWDs; makes good faith efforts toward reaching its minority and/or female placement goals; and evaluates the effectiveness of its outreach activities to meet the protected

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR Laura Brunson	APPROVED General Manager

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

veteran hiring benchmark and IWD utilization goal. Based on goals progress and evaluation, the District advises on program effectiveness and recommends action-oriented programs to improve performance.

In FY 2016, the District continued to make progress towards reaching its annual placement goals. Of the 22 District job groups, efforts were focused on the 7 groups where the incumbency of minorities or women was below availability in the recruitment area. The placement goal was achieved for one group and notable progress made for two other groups. More specifically, for the Service Maintenance job group, the 66.7 percent placement rate was a 36.7 percent increase over the previous year's placement rate of 30.0 percent. The FY2016 actual placement rate (66.7 percent) was just below the placement rate goal of 74.9 percent. In addition, the District increased the female placement rate for the General Clerical job group by 9.8 percent and the minority placement rate for the Pipeline Maintenance job group by 5.8 percent. Total job placements in FY 2016 were 365, with the District placing 97 women and 205 minorities.

The District also made progress towards reaching its hiring benchmark for protected veterans and its utilization goal for IWDs in FY 2016. The District increased the percentage of protected veterans in the applicant pools from 1 percent to 2.7 percent and the percentage of protected veterans hired from 3.8 percent to 4.5 percent. For the IWD utilization goal, the District increased the job groups meeting the utilization goal from four to five.

The FY 2017 placement goals further demonstrate the District's progress in increasing diversity, as the number of goals decreased from seven to six. Minority placement goals remain for the Rangers, Pipeline Maintenance, Heavy Equipment/Truck Operators, Electrical/Structural Maintenance, Mechanical Maintenance and Service Maintenance job groups. In calculating the FY 2017 placement goals, the District continued to use the U.S. Census.

The FY 2017 Diversity and Inclusion Program is focused on addressing these problem areas and targeted towards the problem job groups/classifications. Proposed actions include the development of exam workshops, exploring development of an apprentice internship, an internship for developmentally-disabled individuals, and the establishment of a District-wide outreach committee to implement program activities.

SUSTAINABILITY

Economic

The costs for implementing the FY 2017 Diversity and Inclusion Program are included in the District's FY17 budget.

ALTERNATIVE

Do not adopt the FY 2017 Diversity and Inclusion Program. This alternative is not recommended because not adopting the program would be inconsistent with federal regulations.

**FY 2017
Diversity and Inclusion Program**

Embrace Diversity



East Bay Municipal Utility District



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INTRODUCTION

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District.

The District has adopted a civil service system in accordance with the requirements of the Municipal Utility District (MUD) Act, Cal. Pub. Util. Code §12051. Under section 12101 of the MUD Act, all employment appointments made at the District “shall be made from lists of eligibles prepared by the general manager.” This list of eligibles, the certification list, essentially becomes the pool from which the District can hire for a particular classification during the life of the list. The MUD Act requires the general manager to adopt rules and regulations to carry out the provisions of the civil service system, which the District has done. Cal. Pub. Util. Code §12052. The Civil Service Rules, or portions thereof, have been incorporated into the memoranda of understanding (MOUs) of the unions contracted with the District.

The District has a federal contract that renders it subject to the affirmative action requirements of Executive Order 11246 (EO 11246), Section 503 of the Rehabilitation Act of 1973 as amended, (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual contracts, specifically the Long Term Renewal Water Supply Contract with the Federal Bureau of Reclamation and employs 50 or more employees, we are required to prepare annual written affirmative action programs (AAPs) for minorities and women, for protected veterans (Protect Veterans), and for individuals with disabilities (IWDs) for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the District from future contracts and subcontracts. Although the District does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this Program in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The District's AAP as defined under EO 11246 does not violate California's Proposition 209.

**EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PROGRAM FOR MINORITIES
AND WOMEN**

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street
Oakland, CA 94607

July 1, 2015 – June 30, 2016

Dun's #: 05-190-4423 Water

EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

Affirmative Action (AA)/

Equal Employment

Opportunity (EEO) Contact: Dorian West Blair
Diversity and Inclusion Officer
East Bay Municipal Utility District
PO Box 24055
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office/MS 601
(510) 287-0710

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A. Designation of Responsibility

41 C.F.R. § 60-2.17(a)

As part of its efforts to ensure equal employment opportunity (EEO) to all individuals, the District has designated specific responsibilities to various staff to ensure that the Executive Order 11246 Affirmative Action Program for Minorities and Women (hereinafter referred to as EO 11246 AAP or AAP) focuses on all components of the employment system. To that end, the Board of Directors, General Manager, the Manager of Human Resources, the Diversity and Inclusion Officer, those employed as supervisors and managers, and employees have undertaken the responsibilities described below.

Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board) The Board adopts the EO 11246 AAP annually and EEO policies, Policies 2.25 and 2.26, are updated and presented for adoption by the Board on a prescribed schedule.

Policy 2.25, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, selection, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and harassment based on race, gender, national origin, religion, and other protected categories. In addition, the Policy prohibits retaliation against employees alleging discrimination and harassment, or involved as witnesses in a discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires development and maintenance of an AAP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the labor market in the community served by the District.

Policy 2.26, Prevention of Sexual Harassment in the Workplace, provides for a workplace for all employees that is free from any form of sexual harassment. It affirmatively states that sexual harassment will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation. Employees who oppose and/or refuse to participate in sexual harassment are also protected against retaliation.

General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement

and administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

Manager of Human Resources (Manager of HR)

The Manager of HR is responsible for overall supervision of the AAP and EEO programs. The Manager of HR has delegated the EEO and AA programs to the Diversity and Inclusion Officer. The Manager of HR ensures, through the Diversity and Inclusion Officer and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

Diversity and Inclusion Officer (D&I Officer)

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AA and EEO programs. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AA and EEO programs is a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare the annual AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of EEO programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority organizations, women's organizations and community action groups concerned with the employment opportunities of minorities and women.
- Keep managers informed of the latest developments in the equal opportunity area.

Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AA and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- Familiarize himself or herself with the District's policies on discrimination and harassment (Policies 2.25 and 2.26), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.

- Be familiar with the EEO Discrimination/Harassment Complaint Procedure (Procedure 227) and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Manager/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AA and EEO programs and make good faith efforts by considering alternate methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

All District Employees

Employees at all levels are responsible for supporting the District's AA and EEO programs, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment.

B. Identification of Problem Areas

41 C.F.R. § 60-2.17(b)

Terminology

The phrases "comparison of incumbency to availability," and "problem area" appearing in this subpart are terms the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although the District will use the terms in good faith in connection with its EO 11246 AAP, such use does not necessarily signify the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, or objectives. In addition, the establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage employment of minorities and women in a workforce.

Progress on Fiscal Year 2016 (FY 2016) AAP Placement Goals:

In FY 2016, of the 22 District job groups, the District had 7 placement goals where the incumbency of minorities or women within the group was below the availability in the recruitment area. The table below shows the progress on those goals by comparing the placement rate goal to the actual placement rate. Placements consist of hires and promotions into the target job group between July 1, 2015 and June 30, 2016.

FY 2016 AAP Placement Goals Progress

JOB GROUP	PLACEMENT RATE GOAL (%)*		TOTAL FY16 PLACEMENTS	FY16 FEMALE OR MINORITY PLACEMENTS	ACTUAL PLACEMENT RATE (%)	
	MINORITY	FEMALE			MINORITY	FEMALE
General Clerical		90.10%	17	13		76.47%
Rangers	65.80%		2	0	0%	
Pipeline Maintenance	61.00%		40	19	47.50%	
Heavy Equipment/Truck Operators	68.00%		10	3	30.00%	
Electrical/Structural Maintenance	51.40%		10	4	40.00%	
Mechanical Maintenance	46.20%		14	4	28.57%	
Service Maintenance	74.90%		9	6	66.7%	

*Placement goals are established within each of the job groups at no less than the availability data for the job group.

While the District did not technically achieve its minority placement goal for the Service Maintenance job group, the difference between the actual placement rate and the placement rate goal was not significant. To achieve the 74.90% placement goal the District would have had to hire a partial person, specifically .7 of a person. In addition, the 66.7% placement rate was a 36.7% increase over last year's placement rate for this job group.

While the District did not meet its minority placement goals for the job groups below, the District did make progress in the two job groups.

FY 2016 AAP – Placement Goals Partially Met

Job Group	Category	FY16 Actual Placement Rate (%)	FY17 Actual Placement Rate (%)	FY16 Placement Rate Goal (%)
General Clerical	Women	66.70%	76.47%	90.10%
Pipeline Maintenance	Minority	41.80%	47.50%	61.00%

The District strongly improved on its placement rate from last year for the General Clerical job group

increasing by 9.8%. The District had a minor increase its placement rate from last year for the Pipeline Maintenance job group increasing by 5.7%. These improvements were made despite significant obstacles.

In the General Clerical job group, 6 recruitments served the basis for the FY 2016 placements. Two out of six of the recruitments only had one hire. In both cases a male was hired rather than a female. For the Account Clerk III recruitment, 6 people made the eligible list. Of those, 4 were female and 2 were male. Two females declined the hiring interview, as they were in contention and ultimately hired as Accountant Is. This left a pool of 2 females and 2 males. With a 50/50 chance of hiring a male or female, it is not statistically significant that with only one hire off this list a male was hired. For one of the Account Clerk II recruitments, the top 3 ranks were interviewed, in accordance with the controlling MOU. The top 3 ranks consisted of 2 males and 1 female. With only one hire, it is not statistically significant that the male was hired.

The other four recruitments had multiple hires. Three recruitments resulted in hires at or above female availability. The two Administrative Clerk recruitments hired a total of 7 people - 6 off the eligible list and one off the reinstatement list. All 6 hires off the eligible list were female. The hire off the reinstatement list was for a limited-term position. The male hired, had previously worked as an administrative clerk in the hiring division. The Senior Administrative Clerk recruitment hired a total of 10 people off the eligible list - 9 of 10 were female. Only one recruitment resulted in hires below female availability. For the other Account Clerk II recruitment, the department was hiring 2 people so they were allowed to interview the top 4 ranks in accordance with the MOU. The top 4 people on the list were 3 females and 1 male. One female and one male were hired for a female hire rate of 50%.

In the Pipeline Maintenance job group, the two recruitments serving the basis for the FY 2016 placements were rank order hires. For the Water Distribution Plumber recruitment, which had the majority of hires for this job group, the minority representation of the candidates on the eligible list available for hire was 40.5%. The District still had a minority hiring rate above this, at 50%, but this was still well under the goal of 61%. However, for the Paving Raker recruitment, despite an eligible list of 54% minorities, the District had an 83.3% minority hire rate for this recruitment.

While the District did not meet or improve on the balance of the FY 2016 AAP placement goals, the difference between the actual placement rate and the placement rate goal was not statistically significant pursuant to the Exact Binomial Test for 3 out of the 4 job groups - Rangers, Electrical/Structural Maintenance and Mechanical Maintenance - either due to the small sample group or the degree of margin.¹ To put this in context, in FY 2016 there were 365 total placements. Only 51 placements were in the aforementioned job groups, which is less than 14% of the total placements for the year. The rest of the placements were across the other 17 job groups.

In addition, the ability for the District's action-oriented programs initiated in FY 2016 to impact the hiring in FY 2016 was sorely impacted. Of the 29 recruitments serving as the basis for placements across the 7 job groups, 21 of the recruitments, or 72.4%, were initiated prior to FY 2016. Any efforts

¹ Under the Exact Binomial Test, when comparing the actual placement rate to placement rate goal, if a job group displays a probability value of .05 or lower than the result is considered significant.

to increase the diversity of applicant pools in FY 2016 could not have impact the demographics of an applicant pool recruited for prior to that fiscal year. In 4 of 7 of the jobs groups – Rangers, Pipeline Maintenance, Heavy Equipment/Truck Operators and Service Maintenance – 100% of the recruitments serving as the basis for hires were initiated prior to FY 2016. For those recruitments initiated in FY 2016, the majority - 8 out of 9 or 88.8% - had qualified applicant pools at or above availability, demonstrating that the outreach efforts initiated in FY 2016 increased the female and minority representation in applicant pools.

The following problem areas were noted, based on a review of applicant flows and supporting documentation from recruitments:

For recruitments initiated prior to FY 2016

- Insufficient representation of females or minorities in applicant pools
- Pass points for Training and Education (T&E) reviews or tests (written, performance or oral) significantly screened out females or minorities
- Insufficient representation of minorities in an interview/hire band²
- Pass points for panel interview screened out females or minorities resulting in an eligible list under availability
- Ranks of minorities on the bottom of an eligible list thereby making the minorities unreachable due to the limited number of hires in a year³

For recruitments initiated in FY 2016

- Pass points for T&E reviews or tests (written, performance or oral) significantly screened out females or minorities
- Pass points for panel interview screened out females or minorities resulting in a eligible list under availability

In the Rangers job group, the one recruitment serving the basis for FY 2016 placements was from a recruitment initiated prior to FY 2016. The minority representation in the applicant pool was far below availability at a rate of 11.36%. The eligible list consisting of 10 candidates only had one minority. With only two candidates hired, it is not statistically significant that both were Caucasian.

In the Heavy Equipment Operators/Truck Drivers job group, once again, the recruitments serving the basis for FY 2016 placements were from recruitments initiated prior to FY 2016. All three recruitments had minority representation in the applicant pool significantly under availability - between 39.4% and 53.3%. And, the cut off scores for the T&E and performance tests decreased the minority representation even more - down to 21.4% to 30%. The District hired at the availability percentage of the eligible list.

² For example, candidates passing the performance exam and interviewed are placed on the eligible list and hired in rank order for each Plumber Academy. Candidates available to hire during an academy often have an insufficient representation of minority candidates due to minority candidates being hired in previous years or minority candidates declining an offer.

³ Under the District Civil Service rules, only the top 5 ranks (or top 3 for Local 2019 represented classifications) on an eligible list are interviewed for an opening.

In the Electrical/Structural Workers job group, the recruitments were split between being above and below availability. For 6 of the 7 recruitments, however, the T&E and written and performance tests decreased the minority representation significantly below availability – three to 0%, two to 20/25% and one to 36%. The District hired above that availability percentage of the eligible list.

In the Mechanical Maintenance job group, 8 recruitments for 8 different classifications served the basis for the FY 2016 placements. Six recruitments only had one hire; one recruitment, Maintenance Specialist II, had 2 hires; and one, Meter Reader/Mechanic, had 5 hires. Five of the 6 recruitments with only one hire hired a Caucasian. In 3 of the 5 recruitments, the T&E and/or written test significantly decreased the minority representation – from between 8.3% to 14.3%. For the remaining two recruitments, while the pool was at a availability for minorities, with a 50/50 chance of hiring either a minority or non-minority it's not statistically significant that a non-minority was hired. For the Maintenance Specialist II Recruitment, no minorities were hired. Not only was the applicant pool below availability, but the oral panel eliminated all minorities. For the Meter Reader/Mechanic recruitment, while the applicant pool was above availability, the minority representation of the eligible list of candidates available for hire at the time of the placements was only 23% minority. The District hired above the availability percentage of the list at that time – 2 of 5 hires, for a minority hire rate of 40%.

FY 2017 AAP Goals:

For the FY 2017 AAP, the District made two major changes to improve the quality of the availability data used to compare to District incumbency. First, the District conducted a zip code analysis of all applicants for District jobs (including internal applicants) by job group over a 3-year period. This allowed the District to precisely determine its relevant labor market (external and internal) and weight factors for each market segment. Second, the District updated the job census codes used for each classification to assure that accurate availability data was pulled for each job group. These changes resulted in some shifts in the availability data between the last AAP year and this AAP year.⁴ For example, while the female placement goal for the General Clerical job group was not met in the FY 2016 AAP, there is no female placement goal for this job group for the FY 2017 AAP. This is because female availability for this job group decreased from 90.1% to 84.2%, a 5.9% decrease. Moreover, the incumbency in this group increased from 82.73% in FY 2015 to 84.4% in FY 2016. The availability analysis is set forth in detail in Exhibit 4, Availability Analysis.

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability set forth in Exhibit 5, Placement Goals Analysis.

⁴ The Ranger job group availability decreased from 65.8% to 64.6% (a 1.2% decrease); the Pipeline Maintenance job group availability decreased from 61% to 6.4% (a 4.6% decrease); the Heavy Equipment/Truck Operators availability decreased from 6% to 56% (a 12% decrease); the Electrical/Structural Workers availability decreased from 51.4% to 49.0% (a 2.4% decrease); the mechanical Maintenance job group availability decrease from 46.2% to 44.0% (a 2.2% decrease) and the Service Maintenance job group availability decreased from 72.9% to 68.2% (a 4.7% decrease).

The specific Placement Goals for FY 2017 are set forth below:

FY2017 Placement Goal Summary

JOB GROUP	MINORITY INCUMBENCY⁵	MINORITY PLACEMENT GOAL*
Rangers	14.7%	64.6%
Pipeline Maintenance	47.7%	56.4%
Heavy Equipment/Truck Operators	28.9%	56.0%
Electrical/Structural Maintenance	29.1%	49.0%
Mechanical Maintenance	33.6%	44.0%
Service Maintenance	51.9%	68.2%

*Under the Exact Binomial Test, when comparing the incumbency to availability, if a job group displays a probability value of .05 or lower than the result is considered significant and the result is listed with the respective goal. Placement goals are established within each of the job groups at no less than the current availability data for the job group.

The problem areas for the FY 2017 AAP placement goals were discussed in the FY 2016 Goals Progress section above.

In addition to comparing incumbency to availability within job groups, the District has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). The District will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Section C of this AAP.

41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of *Exhibit 1, Organization Display* as well as representative utilization analyses and hiring trends. The only issues identified were low historical hires of women or minorities coupled with insufficient recent hires for four Operations and Maintenance Department divisions, the Mokelumne Watershed (up country), the Design Division of the Engineering Department, the Data Center, and the Water Conservation unit in the Customer Services Department. Accordingly, the District will be more thoughtful in its future recruitments in these divisions to assure that their recruitment efforts attract sufficient qualified minority and females candidates.

41 C.F.R. § 60-2.17(b)(2): Personnel Activity

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was

⁵ Across all job groups except Electrical/Structural Workers there was a decrease in minority incumbency. This is due to the fact that voluntary terminations of minorities across these job groups outpaced minority hires.

accomplished by a thorough examination of transaction data and/or cohort analysis. Hiring disparities for minorities were statistically identified for the General Clerical, Customer Services, Plant Operators, Mechanical Maintenance, Pipeline Maintenance, and Service Maintenance job groups. The reasons for such disparities were discussed previously in this section and were reasonably explained and/or can potentially be corrected as discussed in Section C, Development and Execution of Action-Oriented Programs. The *Summary of Personnel Transactions Report* for each job group is retained by the Diversity and Inclusion Office.

C. Action-Oriented Programs

41 C.F.R. § 60-2.17(c)

Progress on the FY 2016 Action-Oriented Program:

In FY 2016, the District put forth an Action-Oriented Program (Program) to be initiated/executed over a three-year period. Even under the best of circumstances, this was a very ambitious program. In FY 2016, 146 employees separated from the District, 94 of which were retirements. This, along with the addition of new positions, resulted in 114 recruitments and 365 hires and promotions. Furthermore, the DIO had a spike in EEO complaints requiring investigation. These retirements, promotions and investigations increased the workload for less staff limiting the District's ability to tackle all aspects of the Program.

Despite the severe conflicting workload demands and staff shortages, the District was able to accomplish or begin several impactful actions. Below is the progress on actions set forth in the FY 2016 AAP (portions accomplished or in progress are highlighted in green):

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Increase outreach to female and minorities through organizations and outreach events	Accomplished – sent upcoming recruitments and open recruitments to a list of 100+ female and minority organizations and attended 25 diverse outreach events (career/job fairs, presentations, etc.)	88.8% of the qualified applicant pools for recruitments initiated in FY 2016 that fed the job groups with placement goals in the FY 2016 and FY 2017 AAPs were at or above availability for women and/or minorities, as relevant.
Evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is an insufficient representation of women or minorities in the applicant pool	Not accomplished.	

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Evaluation of alternative tests for recruitment with less impact on minority and/or female representation	In progress – R&C has begun researching/exploring alternative tests.	R&C is exploring the use of video tests in lieu of written exams for entry level and operator jobs and the use of job simulation performance exams in lieu of written exams where possible.
Evaluation of alternative methodologies for setting cut-off scores with less impact on minority and/or female representation	In progress – recruitment has reduced pass points to include additional diverse candidates when doing so will not compromise competency standards.	For example, R&C reduced pass points for the Customer Services Representative (CSR), Laboratory Technician II (Lab Tech II), Wastewater (WW) Plant Operator I and Water System Inspector I exams. This action increased the diversity of the CSR and Lab Tech pools. The action did not make a significant difference in diversity for the WW Plant Operator and Water System Inspector pools.
Implementation of outreach protocol developed at HR retreat	Not accomplished.	
District hosted Career and Resource Fair	Accomplished.	195 diverse participants attended the Fair and learned about the District's civil service process (including application, testing and interview requirements), upcoming recruitments and current job openings. 52 of the Fair registrants applied for FY 2016 District jobs. As a result, 88.8% of the qualified applicant pools for recruitments initiated in FY 2016 that fed the job groups with placement goals in the FY 2016 and FY 2017 AAPs were at or above availability for women and/or minorities, as relevant.

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Outreach/event strategy	Not accomplished.	
Employee candidate referral list	Not accomplished.	
Outreach/Workforce Development partnership development	In progress.	<ul style="list-style-type: none"> • Partnered with Rising Sun, participating in numerous events throughout FY2016. • Partnered with BAYWORK on an accelerator grant to compile data to be used to develop internship and/or apprenticeship programs. • Explored partnership with Cal State University East Bay (CSUEB) to perform Capstone projects in support of outreach/workforce development projects. • Held numerous exploratory partnership meetings.
Explore and apply for grant funding in support of workforce development programs	Not accomplished.	
Encourage and support the District Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce	Not accomplished.	
Identify potential barriers to diversity in the District's civil service rules and/or practices and adjust where feasible	Not accomplished. Performance Values Team, which was assigned this goal, started with other priorities – probationary period and onboarding.	
Interview feedback for job candidates	Accomplished.	R&C offers interview feedback to any unsuccessful candidate that requests such feedback.
Development of or partnership for Civil Service test prep classes/workshops	Not accomplished.	

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Evaluating partnership using SEP positions for plumber work experience	In progress.	This goal was expanded to all trades. The District considered partnerships with RichmondBUILD, Swords to Plowshares and CSUEB. Programs offered by these organizations did not meet the District's needs. The District is now exploring a partnership with Peralta.
Industrial Maintenance Internship Program	Accomplished.	Had 3 interns – 2 females, 1 minority (Black). 2 out of 3 or 66.7% passed the Plant Maintenance Worker II exam and of the 2 eligible candidates, one (a female) was hired for a 50% hire rate.
Summer Youth Program	Accomplished.	Increased number of diverse interns from 24 to 31, increased number of partner agencies from 3 to 4, and expanded internship participants across all wards.

In addition, during the first half of FY 2017, the District accomplished the following:

FY 2016 Proposed Action	FY 2017 Progress	FY 2017 Results
Outreach/Workforce Development partnership development	In progress.	<ul style="list-style-type: none"> • The District has explored partnerships with 6 organizations to date. • The District is actively exploring partnership opportunities with Peralta for curriculum development, a Trades Apprenticeship Program, and test prep workshops.
Increase outreach to female and minorities through organizations and outreach events	In progress.	The District has attended and/or coordinated 21 outreach events to date.

FY2017 Action-Oriented Programs:

The District tailors its action-oriented program each year to ensure it is specific to the problems identified. This year the District is being more pragmatic about its goals and timeline and focusing in on the problem areas to have the biggest impact. Staff will be responsible for ensuring that the following actions are initiated.

For certain actions, the District will focus on the classifications listed below because these are classifications within the job groups with placement goals, historically have large numbers of placements in a year, and/or historically have a low number of female and/or minority hires.

- Ranger/Naturalist – all levels
- Water Distribution Plumber I and Paving Raker
- Heavy Transport Operator, Heavy Equipment Operator and Truck Driver
- Electrical and Instrument Technician and Worker (all levels)
- Meter Reader/Mechanic
- Machining and Maintenance Worker and Plant Maintenance Worker
- Janitor
- Recreation Area Attendant
- Customer Services and Field Services Representative – all levels
- Wastewater Plant Operator and Water Treatment Operator Trainee
- Water Distribution/Treatment Operator – all levels

FY 2017 actions:

- Focused on the job classifications above:
 - Aim to increase outreach and attendance at/focus on job fairs/events with candidates for these jobs.
 - Explore partnerships with female/minority organizations with these candidates for these jobs.
 - Endeavor to develop and focus application and interview workshops towards these job candidates.
 - Endeavor to develop test prep workshops to assist candidates interested in these classifications.
- Explore development of a District-wide Outreach Committee to do the assist with the above and to do the following (note that a large portion of the below was contained in the outreach protocol developed in FY 2015):
 - Encourage and support the District Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce by having Group representatives on the committee
 - Develop an annual outreach strategy and coordinate/staff outreach events
 - Develop and facilitate workshops on the civil service recruitment process
 - Develop application, interview and test prep workshops

- Develop FAQs/videos to post on the District internet and other sites, e.g., civil service recruitment process, completing an application with supplemental questions, interviewing for a District job
- Vet partners/explore partnerships for workforce development projects such as test prep workshops
- Develop a referral list of current employees with contacts with unions, competitor organizations and professional associations
- Explore the implementation of a full blind recruitment process, i.e., applicant identification numbers rather than names for minimum qualification and T&E review, exam and panel interview to mitigate unconscious race and/or gender bias
- Continue to offer interview feedback to unsuccessful candidates
- Continue to explore development of a new and improved Trade Apprenticeship Program
- Identify potential barriers to diversity in the District's civil service rules and/or practices and adjust where feasible

The District will continue to engage in the following action-oriented programs, particularly for those job groups where it has a placement goal.

Recruitment:

1. The District will continue to contact minority and women's organizations for referrals including the following:
 - Bay Area Business Roundtable
 - Boy and Men of Color
 - Bay Area Council
 - Cypress/Mandela Training Center, Inc.
 - East Bay Earn and Learn
 - Girl's Inc. of Alameda County
 - Girls to Women
 - Institute for Business and Technology
 - Lao Family Community Development, Inc.
 - NAACP San Mateo
 - National Coalition of 100 Black Women
 - National Association of Women in Construction
 - National Institute for Women in Trades, Technology & Sciences (IWITTS)
 - Oakland Asian Cultural Center
 - Oakland Black Caucus
 - Oakland International High School
 - Oakland Promise
 - Oakland Unified School District
 - Oakland Workers Collective – Street Level Health Project
 - Organization of Women Architects

- Pacific Asian American Women Bay Area Coalition (PAAWBAC)
 - Peralta College
 - Rising Sun
 - Skyline College
 - SparkPoint
 - The CA Women's Ventures Project
 - The Spot – Oakland
 - The Unity Council, A Latino Community Development Corporation
 - The Unity Council Multicultural One-Stop Career Center
 - The Women's Building
 - Tradeswomen, Inc.
 - Treasure Island Job Corps
 - Tri-Cities One Stop Career Center – Fremont and Hayward
 - Tri-Valley One-Stop Career Center
 - Upwardly Global
 - US Department of Labor, Women's Bureau, Region 9
 - US Department of Veteran's Affairs – SF Branch
 - West Oakland Job Resource Center
 - West Valley College
 - Yes We Code
2. The District holds formal briefing sessions on company premises with representatives of recruiting sources. These sessions include presentations by minority and female employees, and provide clear and concise explanations of current and future job openings, as well as of the District's selection process. The District has made classification descriptions, worker specifications and recruiting literature available to these representatives by email or on-line. The District has also made formal arrangements with some of these recruiting sources for referral of applicants.
 3. The District actively encourages minority and female employees to refer applicants.
 4. The District includes minorities and women on its employee relations and recruitment staff.
 5. The District encourages minority and female employees to participate in Career Days, Youth Motivation Programs, and related outreach activities in the community, to represent EBMUD's diversity, including but not limited to the following:
 - a. Serving as judges in Richmond High School's Robotics competition
 - b. Serving as mentors for high school engineering students in several Alameda and Contra Costa County school
 - c. Supporting Mathematics, Engineering, Science Achievement (MESA) and the Minority Engineering Program (MEP)
 - d. Serving as judges at the Alameda County and Contra Costa County Science Fairs

- e. Attending the Annual Tradeswomen Inc. Celebration
 - f. Presenting at the East Bay Consortium's (EBC's) Pre-Collegiate Academy Math Summer Enrichment Program Participating in the Helms Middle School Career Fair
 - g. Participating in the San Leandro African American Business Council's (SLAABC) Annual Career Day
 - h. Participating in the Laney College Manufacturing Career Fair
 - i. Participating in the Los Medanos College's Industrial Technologies Job Fair
 - j. Participating in the BAYWORK STEM Career Fair
 - k. Participating in CSU East Bay's STEM Career Awareness Day
 - l. Participating in the Oakland Youth Career Expo
 - m. Participating in San Lorenzo High School's annual career fair
 - n. Participating in Arroyo High School's Career Day and Design Challenge
 - o. Presenting at Rising Sun events.
 - p. Participating in the City and County of San Francisco's Trades, Crafts and Skilled Labor Career Fair
 - q. Participating in SJSU's Fall '16 Engineering & Science Undergraduate Students Job & Internship Fair
 - r. Attending the Department of Labor's "Women Building the Bay" conference.
6. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
 7. The District's advertisements always carry the EEO clause.
 8. The District participates in job fairs if there are sufficient numbers of job openings to warrant participation.
 9. The District continues to recruit at several local colleges and universities. The District targets community colleges and universities based in part on the high-level of diversity of their student body.
 10. The District includes minority and female members of the workforce in recruiting brochures which pictorially present work situations.
 11. In the Summer, the District offers internships for students at diverse high schools in its service area to help develop a pipeline of future talent.
 12. The District offers trade internships/training programs to diverse populations. Classifications/job groups include: Water Distribution Plumber I/Pipeline Maintenance job group; Instrument Worker II and Electrical Worker II / Electrical/Structural Maintenance job group; Machining and Maintenance Worker II, Plant Maintenance Worker II and Mechanical Maintenance Worker/Mechanical Maintenance II; and Wastewater Plant Operator Trainee, Water Treatment/Distribution Operator Trainee. Such internships are tied to upcoming job openings in related classifications.

Job Specifications/Selection Process:

1. The District will continue to develop classification descriptions that accurately reflect classification functions, and are consistent for the same classification from one location to another.
2. The District will continue to develop classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identify, sexual orientation, religion, national origin, disability or veteran status.
3. Approved classification specifications and worker specifications will continue to be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. The District will continue to use only worker specifications that include job-related criteria.

Job Advancement:

1. The District will continue to post or announce promotional opportunities in accordance with civil service rules.
2. The District will continue to offer the LEAD Academy, for employees interested in first line supervisory positions and the Pathways Academy, for first line supervisors interested in mid-level management positions. These programs provide employees with tools to assess their current academic, skill, and experience level and provide training for promotional opportunities.
3. The District has partnered with Peralta College District to develop two job advancement programs to assist employees in obtaining the requisite college education for promotional opportunities, including: 1) certification of the Plumber Training Academy to provide academic credit for employee participants; and 2) an on-site cohort program focused on general education and supervisory technical classes. These programs will have a Basic Skills assessment up front to determine suitability for the programs and will recommend and provide a remediation program to prepare employees for the above programs at a later time. Efforts to implement these programs will begin in FY 2017 and/or FY 2018.
4. The District continues to provide career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation programs; coaching/mentoring programs; and similar programs.
5. The District will continue to use the Performance Plan and Appraisal Procedure for the annual performance review of all employees.

6. Hiring managers will continue to prepare and submit to HR written justifications for all promotions and hires, including hires/promotions where they do not upgrade seemingly qualified minority or female employees.
7. Employees can choose training courses through the Training Schedule and include them in their career development plan. The District has revised its Manager and Supervisor Training (MAST) program to include three tiers of training to better prepare employees for promotional opportunities: 1) Tier 1 – Leading People and Performance (Supervisors’ Series); Tier 2 – Leading Processes and for Outcomes (Superintendents and Managers’ Series); and Tier 3 – Leading with Vision and Strategy (Senior Leaders and high-level Division Managers’ Series). The Tier 1 and Tier 2 levels correspond with the LEAD and Pathways academies, respectively, which are discussed in para. 2 above.
8. The Tuition Refund Program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee.

Welfare:

1. The District will continue to actively encourage all employees to participate in facilities and District-sponsored social and recreational activities.
2. The District will continue to encourage the design of various programs, such as training and mentorship programs, to improve employment opportunities for minorities and females.

D. Design and Implementation of Internal Audit and Reporting Systems

41 C.F.R. § 60-2.17(d)

As stated previously, the D&I Officer is responsible for implementing the auditing and reporting system. The District’s auditing and reporting system measures the effectiveness of its total AAP. Together with the Manager of HR, the Manager of R&C, and the Manager of EOD, the D&I Officer periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and sex to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.
4. Review of selections, promotions and training to ensure that they are nondiscriminatory.
5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

E. Organizational Profile

41 C.F.R. § 60-2.11

Pursuant to 41 C.F.R. § 60-2.11, we have provided an Organizational Display of the District. Specifically, the Organizational Display shows four fields of information in each organizational box displaying an organizational unit:

1. Name of each organizational unit being displayed;
2. The job title, gender, race, and ethnicity of the unit supervisor;
3. Total number of employees in each organizational unit; and
4. Total number of employees in each organizational unit displayed by race/ethnicity and gender.

See the *Organizational Display* at Exhibit 1.

F. Job Group Analysis: Job Titles and Placement of Incumbents in Job Groups

41 C.F.R. §§ 60-2.12-2.13

Disclaimer

The grouping of job titles into given job groups does not suggest that the District believes the jobs so grouped are of comparable worth.

Pursuant to 41 C.F.R. § 60-2.12, we have supplied a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities. As a result, we have grouped 1821 employees as of June 30, 2016, into 22 job groups. See *Job Group Analysis* at Exhibit 2. Pursuant to 41 C.F.R. § 60-2.13, we have placed all 1780 employees into the job groups by race and gender to determine the percentage of females and minorities per job group. See *Job Group Summary* at Exhibit 3.

G. Availability Analysis

41 C.F.R. § 60-2.14

Disclaimer

The comparison of incumbency to availability contained within this AAP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating EEO into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from Exhibit 3, Job Group Summary), identify problem areas or areas of deficiency, and establish goals to correct the problems.

Steps in Comparison of Incumbency to Availability

I. Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

A. External Factor: The external requisite skills data comes from the 2010 5-year EEO Tabulation, which is based on the 2006 – 2010 American Community Survey from the U.S. Census Bureau.

1. Local Labor Area: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions: 1) it includes all counties/county sets where 5% or more of the employees/applicants resided, and 2) when summed, those

counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%. Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.

2. Reasonable Labor Area: California and/or National depending on the job group.

B. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the District's organization. See the **Internal Availability Analysis**, which is retained by the DIO, for more detail.

II. Identify Final Availability

A. Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.

B. Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.

See the *Availability Analysis* at Exhibit 4 for the availability breakdown for each job group.

H. Placement Goal Analysis

41 C.F.R. §§ 60-2.15-2.16

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2016, and that group's final availability.

Disclaimer

The establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and women in a workforce.

The District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their

availability. The District used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. Goals are not rigid inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make the entire AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the District hire a specified number of minorities or women.

See *Placement Goals Analysis* at Exhibit 5 for each job group.

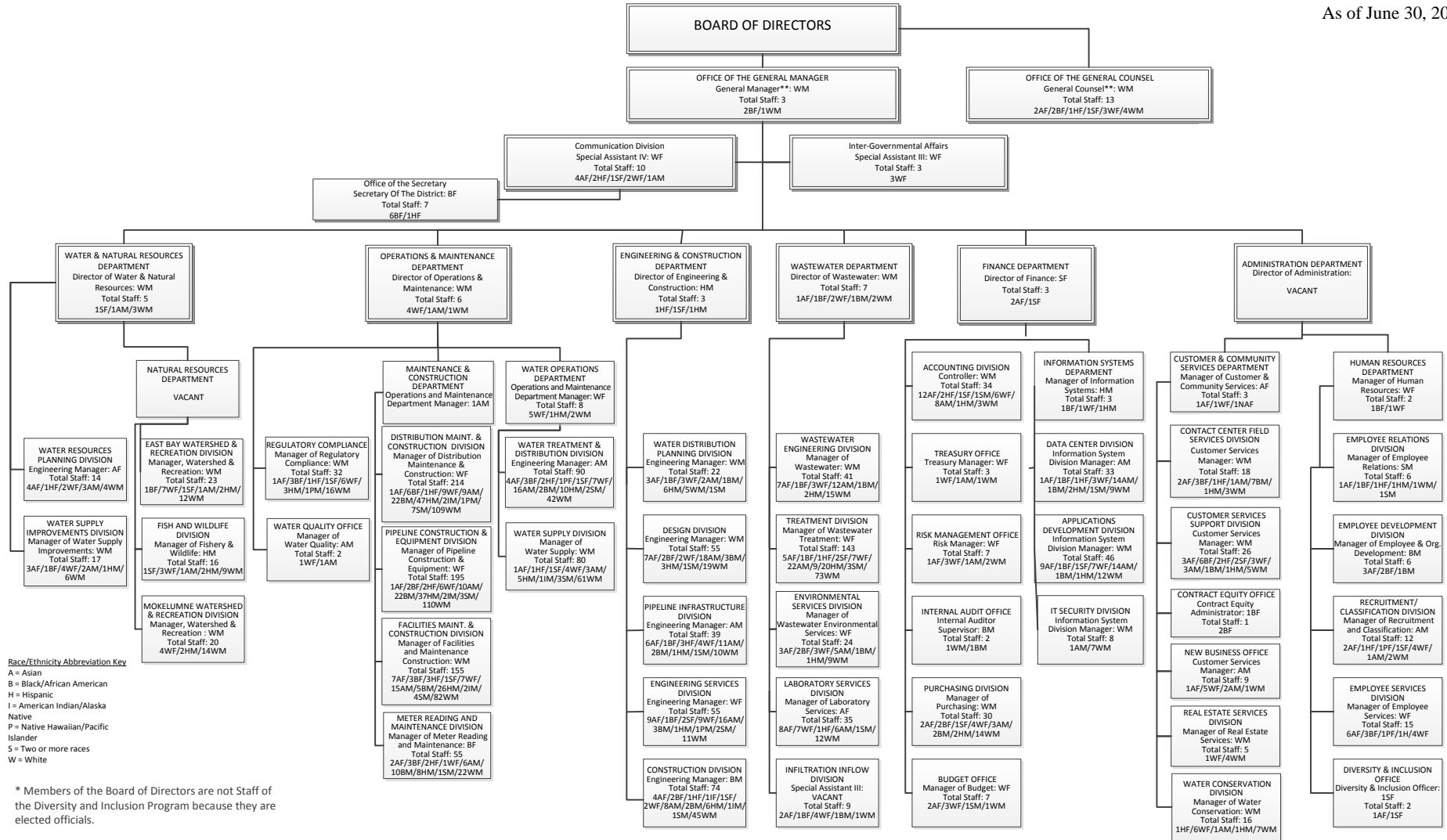
⁵ In most cases, the final availability report (and most other technical reports in this AAP) only include data/information for females and minorities in the aggregate.

EXHIBITS

Organizational Display

Exhibit 1

As of June 30, 2016



Job Group Analysis

Exhibit 2

Directors/Managers		
Assistant General Counsel	Manager of Distribution Maintenance & Const.	Manager of Regulatory Planning and Analysis
Chief Trial Attorney	Manager of Employee & Organizational Development	Manager of Security & Emergency Preparedness
Controller	Manager of Employee Relations	Manager of Source Control
Customer Services Manager	Manager of Employee Services	Manager of Wastewater Engineering
Director of Administration	Manager of Environmental Compliance	Manager of Wastewater Environmental Svcs.
Director of Engineering & Construction	Manager of Facilities Maint. & Construction	Manager of Wastewater Treatment
Director of Finance	Manager of Fishery & Wildlife	Manager of Water Conservation
Director of Operations & Maintenance	Manager of Fleet & Construction Support	Manager of Water Quality
Director of Wastewater	Manager of Human Resources	Manager of Water Supply
Director of Water & Natural Resources	Manager of Information Systems	Manager of Water Supply Improvements
Diversity and Inclusion Officer	Manager of Laboratory Services	Manager of Water Treatment
Engineering Manager	Manager of Meter Reading and Maintenance	Manager of Watershed & Recreation
Environmental Affairs Officer	Manager of Natural Resources	Manager of Workplace Health and Safety
General Counsel	Manager of Operations/Maintenance Planning	Operations and Maint. Department Manager
General Manager	Manager of Pipeline Construction	Risk Manager
Information Systems Division Manager	Manager of Purchasing	Secretary of the District
Manager of Budget	Manager of Real Estate Services	Special Assistant I-V
Manager of Business Continuity	Manager of Recruitment & Classification	Treasury Manager
Manager of Customer & Community Svcs	Manager of Regulatory Compliance	
Manager of Customer Services		
Programmers	Analysts	
Information Services Supervisor	Classification and Pay Administrator	Senior Community Affairs Representative
Information Systems Administrator I-II	Community Affairs Representative I-II	Senior HRIS Analyst
Information Systems Support Analyst I-II	HRIS Analyst I-II	Senior Human Resources Analyst
Information Technology Intern I-II	HR Regulatory Coordinator	Senior Public Information Representative
Network Analyst I-III	Human Resources Analyst I-II	Technical Trainer
Principal Information Systems Analyst	Management Analyst I-III	Technical Training & Writing Administrator
Programmer Analyst I-II	Principal Management Analyst	Workers' Comp. Manager & Risk Specialist
Senior Programmer Analyst	Public Information Representative I-III	
Senior Systems Programmer		
Supervising Systems Programmer		
Systems Programmer I-II		

Job Group Analysis

Exhibit 2

Other Professionals

Accountant I-III	Business Development Representative	Security & Emergency Preparedness Spec.
Accounting & Financial Systems Analyst	Buyer I-II	Security Shift Supervisor
Accounting Systems Supervisor	Contract Equity Administrator	Senior Acctng. & Financial Systems Analyst
Assistant Capital Projects Coordinator	Cost Estimator	Senior Real Estate Representative
Assistant Planner	Industrial Water Conservation Rep	Supervising Accountant
Assistant Water Resources Specialist	Internal Auditor	Supervisor of Purchasing
Associate Architect	Internal Auditor Supervisor	Supervisor of Water Conservation
Associate Planner	Junior Water Resources Specialist	Telecommunication Systems Specialist
Associate Water Resources Specialist	Purchasing Contract Supervisor	Water Conservation Administrator/Supv.
Attorney I-III	Real Estate Representative I-II	Water Conservation Representative
Building Tenant Services Supervisor	Risk Management Analyst	Water System Planning Analyst

Science Professionals

Chemist I-II	Quality Assurance Officer	Sr. Environmental Health & Safety Specialist
Environmental Health & Safety Specialist I-II	Research Chemist	Senior Microbiologist
Fisheries/Wildlife Biologist I-II	Research Microbiologist	Supervising Fisheries/Wildlife Biologist
Laboratory Supervisor	Senior Chemist	
Microbiologist I-II		

General Clerical

Account Clerk I-III	Senior Administrative Clerk.	Senior Word Processing Specialist
Administrative Clerk	Senior Administrative Confidential	Telephone/Radio Operator
Administrative Clerk, Confidential	Senior Messenger-Mail Clerk	Word Processing Specialist II
Messenger-Mail Clerk	Senior Telephone/Radio Operator	

Administrative Assistants

Accounting Technician	Executive Assistant I-II	Paralegal
Administrative Assistant	Human Resources Intern I-II	Public Affairs Specialist
Administrative Secretary I-II	Human Resources Technician	Risk Management Assistant
Administrative Secretary I-II, Confidential	Legal Secretary I-II	Senior Legal Secretary
Administrative Services Supervisor I-II	Litigation Secretary	Supervising Legal Secretary
	Office Assistant, General Manager's	
Assistant To The General Manager	Office	

Job Group Analysis

Exhibit 2

Customer Services

Customer Services Representative I-III	Meter Reader I-II	Senior Field Services Representative
Customer Services Supervisor	Meter Reading Foreman	Senior New Business Representative
Dispatch/Contact Center Representative	New Business Representative I-II	Senior Dispatch/Contact Center Representative
Field Services Representative I-II	Senior Customer Services Representative	Water Conservation Technician

Technicians

Computer Operations Supervisor	Fisheries/Wildlife Technician	Printing Technician I-II
Computer Operations Technician	Information Systems Specialist I-III	Senior Printing Technician
Corrosion Control Technician	Materials Inspector	Supervising Information Syst. Supp. Spec.
Electronic Technician	Materials Testing Supervisor	
Fisheries/Wildlife Aide	Materials Testing Technician I-II	

Plant Operator Leads/Supervisors

Assistant Superintendent		
Aqueduct/Pardee	Power Treatment Plant Maintenance Supt.	Wastewater Operations Coordinator
Assistant Supt., Water Treatment & Dist	Power Plant Supervisor	Wastewater Shift Supervisor
Assistant Wastewater Shift Supervisor	Superintendent of Aqueduct Section	Wastewater Treatment Superintendent
Hydroelectric Power Plant Supervisor	Superintendent of Pardee Section	Water Distribution Supervisor
	Superintendent of Water Trtmnt. & Distribution	
Pardee Water/Wastewater Supervisor		Water Treatment Supervisor

Plant Operators

Hydroelectric Power Plant Mechanic	Senior Water Treatment Operator	Water Distribution Operator
Hydroelectric Power Plant Operator I-II	Treatment Plant Specialist	Water Treatment Operator
Power Plant Mechanic/Operator	Wastewater Plant Operator I-II	Water Trtmnt/Dist. Operator Trainee
Senior Water Distribution Operator	Wastewater Plant Operator Trainee	

Laboratory and Quality Control Technicians

	Supervising Wastewater Control Representative	
Laboratory Technician I-III		Wastewater Control Representative
Senior Wastewater Control Inspector	Wastewater Control Inspector I-II	Water Sampler
Supervising Wastewater Control Inspector	Wastewater Control Operator	Water Systems Inspector I-II

Job Group Analysis

Exhibit 2

Engineers

Assistant Civil Engineer	Associate Civil Engineer	Associate Mechanical Engineer
Assistant Engineer	Associate Control Systems Engineer	Junior Electric Engineer
Assistant Electrical Engineer	Associate Corrosion Control Specialist	Junior Engineer
Assistant Mechanical Engineer	Associate Electrical Engineer	

Supervising Engineers

Senior Civil Engineer	Senior Electrical Engineer	Senior Mechanical Engineer
Senior Control Systems Engineer	Senior Engineering Planner	Supervising Administrative Engineer

Engineering Technicians

Assistant Surveying Supervisor	Graphic Designer I-II	Senior Pipeline Designer
Chief of Party	Hydrographer I-III	Supervising Construction Inspector
Construction Inspector	Pipeline Designer I-II	Supervising Hydrographer
Drafter I-III	Senior Construction Inspector	Supervising Plant Inspector
Drafting Supervisor	Senior Drafter	Survey Technician I-II
Engineering Aide	Senior Graphic Designer	Surveying Supervisor
Graphic Design Supervisor		

Mechanical Maintenance

Automotive Maintenance Worker I-III	Maintenance Specialist I-III	Plant Maintenance Mechanic
Automotive Mechanic A&B	Maintenance Superintendent	Plant Maintenance Superintendent
Equipment Superintendent	Maintenance Supervisor	Plant Maintenance Supervisor
Equipment Supervisor	Mechanical Supervisor	Plant Maintenance Worker I-III
General Equipment Mechanic	Meter Mechanic I-II	Plant Mechanical Maintenance Supervisor
Heavy Equipment Maintenance Worker I-III	Meter Reader/Mechanic	Senior Mechanic
Heavy Equipment Mechanic	Meter Reader/Mechanic Foreman	Senior Meter Mechanic/Backflow Tester
HVAC Mechanic	Meter Reader & Maintenance Supervisor	
Machining & Maintenance Worker I-III	Meter Mechanic/Backflow Tester	
Maintenance Machinist	Meter Repair and Testing Supervisor	

Job Group Analysis

Exhibit 2

Pipeline Maintenance Leads/Supervisors

Assistant C& M Superintendent	Paving Crew Foreman
Construction & Maintenance Scheduler	Pipeline Welding Supervisor
Construction & Maintenance Superintendent	Senior Supervisor of Maint. Shift Ops.
General Pipe Supervisor	Water Distribution Crew Foreman
Maintenance Shift Supervisor	

Pipeline Maintenance

Concrete Finisher I-II
Paving Raker A-B
Pipeline Welder I-III
Water Distribution Plumber I-IV

Electrical/Structural Maintenance

Carpenter	Facility Specialist I-II	Painter
Carpenter Supervisor	Facility Supervisor	Painter Foreman
Carpentry Worker I-III	Facility Technician	Painting Worker I-III
Electrical Supervisor	Instrument Maintenance Supervisor	Plant Electrical Maintenance Supervisor
Electrical Technician	Instrument Supervisor	Plant Structures Maintenance Supervisor
Electrical Worker I-III	Instrument Technician	Senior Facility Technician
Facility Foreman	Instrument Worker I-III	

Service Maintenance

Automotive Services Attendant I-II	Janitor Foreman	Meals & Lodging Coordinator
Gardener I-II	Janitor Supervisor	Recreation Area Attendant
Gardener Foreman	Materials Specialist	Storekeeper I-II
Housekeeper	Materials Storage Foreman	Stores Supervisor
Janitor	Materials Storage Supervisor	Utility Laborer

Heavy Equipment/Truck Operators

Crane Operator	Heavy Forklift Operator
Dispatcher	Heavy Transport Operator
Heavy Equipment Operator	Truck Driver II
Heavy Equipment Operator Trainee	Truck Driver II Trainee

Rangers

Ranger Supervisor
Ranger/Naturalist I-II
Senior Ranger/Naturalist

Job Group Summary

Exhibit 3
As of June 30, 2016

Job Group	Total Number Incumbents	Total Number Females	Total Number Minorities	Total Percentage Females	Total Percentage Minorities
Directors/Managers	66	26	22	39.4%	33.3%
Programmers	98	33	58	33.7%	59.2%
Analysts	43	26	25	60.5%	58.1%
Professionals	49	25	23	51.0%	46.9%
Science Professionals	39	14	12	35.9%	30.8%
Administrative Assistants	55	50	40	90.9%	72.7%
General Clerical	109	92	68	84.4%	62.4%
Customer Services	100	57	64	57.0%	64.0%
Technicians	23	4	12	17.4%	52.2%
Plant Operators	122	10	52	8.2%	42.6%
Plant Operators Leads/Supervisors	40	4	16	10.0%	40.00%
Laboratory & Quality Control Techs	53	23	23	43.4%	43.4%
Rangers	34	7	5	20.6%	14.7%
Engineering	165	50	103	30.3%	62.4%
Supervising Engineering	42	7	17	16.7%	40.5%
Engineering Technicians	102	13	45	12.7%	44.1%
Pipeline Maintenance	199	4	95	2.0%	47.7%
Heavy Equipment/Truck Operators	90	3	26	3.3%	28.9%
Pipeline Maintenance Leads/Supervisors	72	2	36	2.8%	50.0%
Electrical/Structural Maintenance	103	3	30	2.9%	29.1%
Mechanical Maintenance	140	4	47	2.9%	33.6%
Service Maintenance	77	17	40	22.1%	51.9%
Totals	1,821	474	859		

Availability Analysis

Exhibit 4

Job Group: Directors/Managers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	38.3	39.8	40.00	15.3	15.9	*See below
Reasonable	36.8	37.6	5.00	1.8	1.9	California - 100%
Reasonable	35.2	21.2	5.00	1.8	1.1	National
Internal Factors:						
Feeders	29.9	44.2	50.00	14.9	22.1	Feeders
Final Availability %			100.00	33.9	41.0	

*Local Source: Alameda Co. 45.6%, Contra Costa Co. 31.5%, San Francisco Co. 7.4%, Solano Co. 4.7%, Santa Clara Co. 4.4%, Sacramento Co. 3.5%, San Mateo Co. 2.9%

Job Group: Programmers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	25.3	50.1	67.50	17.1	33.8	*See below
Reasonable	22.3	45.5	5.00	1.1	2.3	California – 100%
Reasonable	25.1	27.6	2.50	0.6	0.7	National
Internal Factors:						
Feeders	59.6	61.0	25.00	14.9	15.2	Feeders
Final Availability %			100.00	33.7	52.1	

*Local Source: Alameda Co. 52.1%, Contra Costa Co. 31.1%, San Francisco Co. 7.6%, Solano Co. 3.2%, Santa Clara Co. 2.7%, San Mateo Co. 2.2%, San Joaquin Co. 1.2%

Availability Analysis

Exhibit 4

Job Group: Analysts

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	60.2	46.1	59.50	35.8	27.4	*See below
Reasonable	58.4	40.0	7.00	4.1	2.8	California – 100%
Reasonable	57.7	26.2	3.50	2.0	0.9	National
Internal Factors:						
Feeders	88.7	69.3	30.00	26.6	20.8	Feeders
Final Availability %			100.00	68.5	51.9	

*Local Source: Alameda Co. 51.8%, Contra Costa Co. 31.1%, San Francisco Co. 7.4%, Solano Co. 3.6%, Santa Clara Co. 3.0%, San Mateo Co. 3.0%

Job Group: Other Professionals

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	58.6	50.1	72.50	41.1	36.3	*See below
Reasonable	49.2	39.6	5.00	2.5	2.0	California – 100%
Reasonable	44.3	21.4	2.50	1.1	0.5	National
Internal Factors:						
Feeders	57.3	62.9	20.00	11.5	12.6	Feeders
Final Availability %			100.00	56.2	51.4	

*Local Source: Alameda Co. 52.3%, Contra Costa Co. 25.9%, San Francisco Co. 6.6%, Solano Co. 4.4%, Santa Clara Co. 3.0%, San Mateo Co. 3.9%, Sacramento 1.4%, San Joaquin Co., 1.4%, Sonoma Co. 1.0%

Availability Analysis

Exhibit 4

Job Group: Science Professionals

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	49.0	38.2	60.00	29.4	22.9	*See below
Reasonable	48.8	39.2	7.50	3.7	2.9	California – 100%
Reasonable	44.2	24.1	7.50	3.3	1.8	National
Internal Factors:						
Feeders	43.4	43.4	25.00	10.8	10.8	Feeders
Final Availability %			100.00	47.2	38.5	

*Local Source: Alameda Co. 39.5%, Contra Costa Co. 24.8%, San Francisco Co. 7.8%, Solano Co. 4.1%, Santa Clara Co. 5.6%, San Mateo Co. 4.2%, Sacramento Co. 4.8%, Fresno Co. 4.0%, San Joaquin Co. 2.9%, Marin Co. 2.2%

Job Group: Administrative Assistants

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	85.1	52.0	45.00	38.3	23.4	*See below
Reasonable	84.5	47.9	5.00	4.2	2.4	California – 100%
Internal Factors:						
Feeders	84.4	62.4	50.00	42.2	31.2	Feeders
Final Availability %			100.00	84.7	57.0	

*Local Source: Alameda Co. 57.5%, Contra Costa Co. 30.3%, San Francisco Co. 5.2%, Solano Co. 4.2%, San Mateo Co. 2.8%

Availability Analysis

Exhibit 4

Job Group: General Clerical

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	84.2	51.5	95.00	80.0	48.9	*See below
Reasonable	83.0	49.4	5.00	4.2	2.5	California – 100%
Internal Factors:						
Feeders	0	0	0	0	0	Feeders
Final Availability %			100.00	84.2	51.4	

*Local Source: Alameda Co. 50.8%, Contra Costa Co. 33.2%, San Francisco Co. 2.7%, Solano Co. 6.2%, San Mateo Co. 1.3%, San Joaquin Co. 4.6%, Sacramento Co. 1.1%

Job Group: Customer Services

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	56.8	61.2	70.00	39.8	42.8	*See below
Reasonable	53.5	57.6	5.00	2.7	2.9	California – 100%
Internal Factors:						
Feeders	70.6	59.9	25.00	17.7	15.0	Feeders
Final Availability %			100.00	60.1	60.7	

*Local Source: Alameda Co. 50.5%, Contra Costa Co. 34.2%, San Francisco Co. 2.4%, Solano Co. 9.2%, San Joaquin Co. 3.8%

Availability Analysis

Exhibit 4

Job Group: Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	30.8	51.8	70.00	21.6	36.3	*See below
Reasonable	32.4	56.8	10.00	3.2	5.7	California – 100%
Reasonable	35.0	31.7	10.00	3.5	3.2	National
Internal Factors:						
Feeders	57.0	64.0	10.00	5.7	6.4	Feeders
Final Availability %			100.00	34.0	51.5	

*Local Source: Alameda Co. 39.2%, Contra Costa Co. 27.4%, San Francisco Co. 5.4%, Solano Co. 4.3%, San Mateo Co. 4.3%, Santa Clara Co. 4.3%, San Joaquin Co. 6.5%, Sonoma Co. 2.7%, Sacramento Co. 3.2%, Yolo Co. 2.7%

Job Group: Plant Operators

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	5.4	41.1	65.00	3.5	26.7	*See below
Reasonable	5.1	39.1	10.00	0.5	3.9	California – 100%
Internal Factors:						
Feeders	10.7	46.8	25.00	2.7	11.7	Feeders
Final Availability %			100.00	6.7	42.3	

*Local Source: Alameda Co. 40.5%, Contra Costa Co. 32.6%, Solano Co. 10.3%, San Joaquin Co. 5.0%, San Francisco Co. 3.6%, Sacramento Co. 3.2%, San Mateo Co. 2.3%, Santa Clara Co. 2.5%

Availability Analysis

Exhibit 4

Job Group: Plant Operators Lead/Supervisors

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	20.4	50.3	85.00	17.3	42.7	*See below
Reasonable	20.0	60.2	7.50	1.5	4.5	California – 100%
Reasonable	17.3	27.1	2.50	0.4	0.7	National
Internal Factors:						
Feeders	11.7	38.7	5.00	0.6	1.9	Feeders
Final Availability %			100.00	19.8	49.9	

Local Source: Alameda Co. 24.6%, Contra Costa Co. 21.4%, Solano Co. 10.1%, San Joaquin Co. 8.4%, Sacramento Co. 5.6%, Alpine and Nearby Counties 5.2%, San Mateo Co. 3.2%, Stanislaus Co. 2.8%, Sonoma Co. 2.8%, Fresno Co. 2.0%, San Bernardino Co. 2.0%, Kern Co. 1.6%, Santa Clara Co. 1.6%, El Dorado Co. 1.2%, Marin 1.2%, Napa Co. 1.2%, San Francisco Co. 1.2%, Santa Cruz Co. 1.2%

Job Group: Laboratory & Quality Control Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	56.6	52.7	85.00	48.1	44.8	*See below
Reasonable	48.9	52.9	12.50	6.1	6.6	California – 100%
Reasonable	50.7	29.6	2.50	1.3	0.7	National
Internal Factors:						
Feeders	0	0	0	0	0	
Final Availability %			100.00	55.5	52.1	

*Local Source: Alameda Co. 47.6%, Contra Costa Co. 24.3%, San Francisco Co. 6.8%, Santa Clara Co. 5.3%, San Joaquin Co. 4.5%, Sacramento Co. 3.9%, San Mateo Co. 3.5%, Solano Co. 4.0%

Availability Analysis

Exhibit 4

Job Group: Rangers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	20.1	66.8	80.00	16.1	53.4	*See below
Reasonable	16.4	63.4	15.00	2.5	9.5	California – 100%
Reasonable	16.4	32.9	5.00	0.8	1.6	National
Internal Factors:						
Feeders	0	0	0	0	0	
Final Availability %			100.00	19.4	64.6	

*Local Source: Contra Costa Co. 32.7%, Alameda Co. 28.5%, Alpine and Nearby Counties 12.1%, Solano Co. 2.4%, San Joaquin Co. 8.5%, Sacramento Co. 3.6%, San Mateo Co. 3.6%, Santa Clara Co. 3.6%, Mariposa + Tuolumne Co. 3.0%, Stanislaus Co. 1.8%

Job Group: Engineers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	15.3	53.0	80.00	12.2	42.4	*See below
Reasonable	14.3	44.7	12.50	1.8	5.6	California – 100%
Reasonable	12.1	23.8	5.00	0.6	1.2	National
Internal Factors:						
Feeders	13.6	45.6	2.50	0.3	1.1	Feeders
Final Availability %			100.00	15.0	50.3	

*Local Source: Alameda Co. 40.5%, Contra Costa Co. 20.9%, San Francisco Co. 9.3%, Sacramento Co. 5.5%, Santa Clara Co. 8.4%, Los Angeles Co. 4.4%, San Mateo Co. 4.1%, Solano Co. 2.8%, Orange Co. 2.2%, San Joaquin Co. 2.0%

Availability Analysis

Exhibit 4

Job Group: Supervising Engineers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	9.4	45.9	35.00	3.3	16.1	*See below
Reasonable	11.1	39.0	5.00	0.6	2.0	California – 100%
Internal Factors:						
Feeders	30.3	62.4	60.00	18.2	37.5	Feeders
Final Availability %			100.00	22.0	55.5	

*Local Source: Alameda Co. 52.5%, Contra Costa Co. 30.4%, San Francisco Co. 6.3%, San Mateo Co. 5.7%, Marin Co. 5.1%

Job Group: Engineering Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	16.5	39.5	70.00	11.6	27.7	*See below
Reasonable	16.2	37.4	10.00	1.6	3.7	California – 100%
Reasonable	15.1	19.6	5.00	0.8	1.0	National
Internal Factors:						
Feeders	2.0	47.7	15.00	0.3	7.2	Feeders
Final Availability %			100.00	20.1	40.5	

*Local Source: Alameda Co. 41.0%, Contra Costa Co. 31.6%, Solano Co. 6.8%, San Francisco Co. 5.5%, Sacramento Co. 5.2%, San Joaquin Co. 4.9%, San Mateo Co. 2.8%, Santa Clara Co 2.1%,

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	1.1	56.4	92.50	1.0	52.1	*See below
Reasonable	1.6	58.3	5.00	0.1	2.9	California – 100%
Internal Factors:						
Feeders	22.1	51.9	2.50	0.6	1.3	Feeders
Final Availability %			100.00	1.6	56.4	

*Local Source: Contra Costa Co. 43.4%, Alameda Co. 34.7%, Solano Co. 9.1%, San Joaquin Co. 6.2%, Sacramento Co. 1.6%, San Francisco Co. 1.6%, Santa Clara Co. 1.2%, Stanislaus Co. 1.2%, San Mateo Co. 1.1%

Job Group: Heavy Equipment/Truck Operators

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	4.8	59.5	65.00	3.1	38.7	*See below
Reasonable	4.4	60.1	5.00	0.2	3.0	California – 100%
Internal Factors:						
Feeders	2.0	47.7	30.00	0.6	14.3	Feeders
Final Availability %			100.00	4.0	56.0	

*Local Source: Contra Costa Co. 36.7%, Alameda Co. 30.4%, Solano Co. 12.4%, San Joaquin Co. 8.0%, Alpine and Nearby Counties 2.5%, Sacramento Co. 2.0%, Santa Clara Co. 1.7%, San Mateo Co. 1.6%, Stanislaus Co. 1.4%, Napa Co. 1.3%, San Francisco Co. 1.1%, Sonoma Co. 0.8%

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance Lead/Supervisors

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	4.5	42.3	10.00	0.4	4.2	*See below
Reasonable	0	0	0	0	0	0
Internal Factors:						
Feeders	2.4	41.9	90.00	2.2	37.7	Feeders
Final Availability %			100.00	2.6	41.9	

*Local Source: Contra Costa Co. 54.4%, Alameda Co. 21.9%, Solano Co. 6.9%, San Joaquin Co. 6.9%, Stanislaus Co. 4.4%, San Mateo Co. 3.1%, Napa Co. 1.3%, Sacramento Co. 0.6%, Sonoma Co. 0.6%

Job Group: Electrical/Structural Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	3.8	48.5	85.00	3.2	41.3	*See below
Reasonable	4.3	51.0	10.00	0.4	5.1	California – 100%
Internal Factors:						
Feeders	17.4	52.2	5.00	0.9	2.6	Feeders
Final Availability %			100.00	4.5	49.0	

*Local Source: Contra Costa Co. 41.6%, Alameda Co. 33.2%, Solano Co. 10.7%, San Joaquin Co. 3.6%, San Mateo Co. 2.8%, Santa Clara Co. 2.6%, Sonoma Co. 2.2%, San Francisco Co. 1.8%, Sacramento Co. 1.4%

Availability Analysis

Exhibit 4

Job Group: Mechanical Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	1.4	42.6	80.00	1.1	34.1	*See below
Reasonable	4.7	57.6	10.00	0.5	5.8	California – 100%
Internal Factors:						
Feeders	2.3	41.1	10.00	0.2	4.1	Feeders
Final Availability %			100.00	1.8	44.0	

*Local Source: Alameda Co. 41.6%, Contra Costa Co. 38.4%, Solano Co. 9.1%, San Joaquin Co. 4.7%, Alpine and Nearby Counties 3.6%, San Francisco Co. 2.7%

Job Group: Service Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	25.0	68.7	97.50	24.4	67.0	*See below
Reasonable	0	0	0	0	0	0
Internal Factors:						
Feeders	2.0	47.7	2.50	0.1	1.2	Feeders
Final Availability %			100.00	24.4	68.2	

*Local Source: Alameda Co. 48.8%, Contra Costa Co. 31.7%, Solano Co. 6.4%, San Joaquin Co. 3.8%, San Francisco Co. 3.2%, Alpine and Nearby Counties 2.0%, Sacramento Co. 1.6%, San Mateo Co. 1.1%, Santa Clara Co. 0.9%, Stanislaus Co. 0.5%

Placement Goal Analysis

Exhibit 5
As of June 30, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Directors/Managers	66	33.3	41.0	39.4	33.9	NO	NO
Programmers	98	59.2	52.1	33.7	33.7	NO	NO
Analysts	43	58.1	51.9	60.5	68.5	NO	NO
Professionals	49	46.9	51.4	51.0	56.1	NO	NO
Science Professionals	39	30.8	38.5	35.9	47.2	NO	NO
Administrative Assistants	55	72.7	57.0	90.9	84.7	NO	NO
General Clerical	109	62.4	51.4	84.4	84.2	NO	NO
Customer Service	100	64.0	60.7	57.0	60.1	NO	NO

* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

Placement Goal Analysis

Exhibit 5
As of June 30, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Technicians	23	52.2	51.5	17.4	34.0	NO	NO
Plant Operators	122	42.6	42.3	8.2	6.7	NO	NO
Plant Operator Leads/Supervisors	40	40.0	49.9	10.0	19.8	NO	NO
Laboratory & Quality Control Techs.	53	43.4	52.1	43.4	55.5	NO	NO
Rangers	34	14.7	64.6	20.6	19.4	YES	NO
Engineers	165	62.4	50.3	30.3	15.0	NO	NO
Supervising Engineers	42	40.5	55.5	16.7	22.0	NO	NO
Engineering Technicians	102	44.1	39.6	12.7	14.2	NO	NO

* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

Placement Goal Analysis

Exhibit 5
As of June 30, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Pipeline Maintenance	199	47.7	56.4	2.0	1.6	YES	NO
Heavy Equipment / Truck Operators	90	28.9	56.0	3.3	4.0	YES	NO
Pipeline Maintenance Lead/Supervisors	72	50.0	41.9	2.8	2.6	NO	NO
Electrical/Structural Maintenance	103	29.1	49.0	2.9	4.9	YES	NO
Mechanical Maintenance	140	33.6	44.0	2.9	1.8	YES	NO
Service Maintenance	77	51.9	68.2	22.1	24.4	YES	NO

* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

**VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT AND SECTION
503 OF THE REHABILITATION ACT AFFIRMATIVE ACTION PROGRAM FOR
PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES**

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT or EBMUD)

375 11th Street
Oakland, CA 94607

July 1, 2015 – June 30, 2016

Contractor Facility

Dun's # for Water: 05-190-4423

EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

AA/EEO Contact: Dorian West Blair
Diversity and Inclusion Officer
East Bay Municipal Utility District
PO Box 24055
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office/MS 601
(510) 287-0710

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A. *Policy Statement*

41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, domestic partnership status, gender, genetic information, gender identity, gender expression, sexual orientation, military or veteran status, or family or medical leave status, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee regardless of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, domestic partnership status, gender, genetic information, gender identity, gender expression, sexual orientation, military or veteran status, or family or medical leave status, status to any position for which the applicant or employee is qualified.

In addition, the District is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran (Protected Veteran) employees and individuals with disability (IWDs). Such affirmative action shall apply to all employment practices, including, but not limited to hiring, promotion, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. The District will make every effort to provide reasonable accommodations to any physical and mental limitations of IWDs and to disabled Protected Veterans.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans (Protected Veterans) or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or

(4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

The District obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or an individual with disability. The District's EEO policy and affirmative action (AA) obligations include the full support from General Manager, Alexander R. Coate and are set forth in Policy 2.02, Accommodations for Individuals with Disabilities in the Workplace and Policy 2.25, Equal Employment Opportunity and Policy 2.26, Prevention of Sexual Harassment in the Workplace.

The District will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the VEVRAA and Section 503 AA Program (AAP), identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in District-sponsored activities were extended to all employees and applicants.

The District is also committed to abiding with the Pay Transparency Nondiscrimination Provisions and therefore, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The District's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the District's legal duty to furnish the information.

If you have any questions regarding our EEO, harassment policies or the complaint procedure, you may contact the Diversity and Inclusion Office. The AAP may be reviewed by making an appointment with the Diversity and Inclusion Office.

B. Review of Personnel Processes

41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes EEO for all known Protected Veterans and employees and applicants with disabilities, reviews are periodically made of the District's examination and selection methods to identify barriers to employment, training, and promotion.

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. In order to determine whether an individual is qualified for a particular job, a close examination of the content of

the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.

2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The District uses an online application system to accept applications for employment and potential applicants with disabilities either can use the system or can submit an application in a timely manner through alternative means such as a paper application.
4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes, unless such accommodations will cause undue hardship to the District.

C. Physical and Mental Qualifications

41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements of job classifications are job-related and promote EEO for all known Protected Veterans and employees and applicants with qualified disabilities, the District reviews the physical and mental qualifications of a job classification before it announces an examination to establish an open and/or internal eligible list for a classification.

The District's physical and mental job classification requirements are reviewed by the Manager of R&C, the hiring manager and the unions to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.) or if a class study is requested.

D. Reasonable Accommodation of Physical and Mental Limitations

41 C.F.R §§ 60-300.44(d); 60-741.44(d)

The District will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities, or who are disabled veterans. Such reasonable accommodations are explained and documented in District's Procedure 201. The District ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the on-line job application system, are provided equal opportunities to apply and be considered for

all jobs.

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 3) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following person at any time to formally request an accommodation:

Name: Roger Wapner
Title: HR Regulatory Coordinator
Phone: (510) 287-0380
Email: rwapner@ebmud.com

E. Harassment

41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

The District has developed and implemented a set of procedures to ensure that its employees with disabilities and Protected Veterans are not harassed due to those conditions. The District's Policy 2.25 on EEO includes a section prohibiting harassment of IWDs or Protected Veterans, and is available for distribution to new as well as to existing employees. The Districts' Procedure 227 on EEO Discrimination/Harassment Complaints outlines the complaint and investigation process.

F. External Dissemination of Policy, Outreach, and Positive Recruitment

41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

Evaluation of FY 2016 outreach activities:

Below is the District's evaluation of outreach activities set forth in the FY 2016 AAP:

Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
Increase outreach to organizations representing Protected Veteran and IWD populations	Ongoing	The District developed a list of over 100 organizations at the end of FY 2015, which included a number of organizations representing Protected Veteran and IWD constituencies. Upcoming recruitments and job openings were sent to all of these organizations. The	This activity increased the representation of Protected Veterans and IWDs in qualified applicant pools. The District went from .99% Protected Veteran applicants in FY2015 to 2.7% in FY 2017 and from 1.6% IWD applicants in FY 2015 to 2.8% in FY 2016.

		District also attended several Veterans' job fairs.	
Reposting positions with low numbers of Protected Veteran or IWD applicants	Not accomplished	Evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is an insufficient representation of Protected Veterans or IWDs in the applicant pool.	
Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
District-hosted Career and Resource Fair	January 23, 2016	The District invited organizations representing Protect Veterans and IWDs, e.g., Swords to Plowshares and Rubicon Programs, to provide support and services to these constituencies and invited Protected Veterans and IWDs. The District held workshops for veterans on how to translate their military experience into language that will assist them in obtaining jobs at the District and workshops on the civil service process, including completion of the District application and interviewing.	40 of 400 registrants for the Fair, or 10%, self-identified as Protected Veterans. 18 of 400 registrants for the Fair, or 4.5%, self-identified as an IWD. This activity increased the representation of Protected Veterans and IWDs in qualified applicant pools. 52 of the Fair registrants applied for District FY 2016 District jobs. The District went from 99% Protected Veteran applicants in FY 2015 to 2.7% in FY 2017 and from 1.6% IWD applicants in FY 2015 to 2.8% in FY 2016.
Outreach/ Workforce Development partnership development	Not accomplished	Develop workshops on the civil services process, completion of the District application, interviewing, and exam preparation.	
Plumber Apprentice Internship Program with a focus on	In progress.	This goal was expanded to all trades. The District considered partnerships with RichmondBUILD, Swords to Plowshares and	

Protected Veterans		CSUEB. These options did not meet the District's needs. The District is now exploring a partnership with Peralta.	
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Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
Disability Pilot Program	In progress.	The District researched and recommended a worker-trainee position to pilot hosting a developmentally disabled individual in the HR Department. Due to budget constraints, the District was not able to secure funding. The District will explore the possible use of stipend funds for this pilot program this year.	

FY 2017 outreach activities:

Based on the data analysis set forth in Section K below, during FY 2017, the District should increase/improve outreach to attract more qualified Protected Veteran and IWD applicants, including identifying other organizations that represent such constituencies as well as outreach events with such candidates. Also as set forth in Section K below, the number/percentage of Protected Veteran and/or IWD applicants is not necessarily translating into such hires. Accordingly, the District will explore with its current applicant tracking vendor the ability to report the number/percentage of Protected Veteran and IWD candidates at each step of the recruitment process via the applicant flow report to help determine exactly where the obstacles exist. In addition, the District will continue to explore partnerships for application, interview and test prep workshops. Finally, the District will look into a stipend model for the Disability Pilot Program discussed above as well continue discussions with Peralta on development of a Trades Apprentice Internship Program, which will include Protected Veteran participants.

Based upon the District's review of its personnel policies as described in subpart B, the following activities will be continued to further enhance the District's AA efforts. All activities are the responsibility of the Diversity and Inclusion Officer, Manager of R&C, and the Contract Equity Administrator.

1. The District will initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's AA policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings.

The exemptions for posting jobs are when positions are:

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization, and
- (3) positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the local State Employment Service Delivery System is kept current.

5. The District sends written notification of the District's AA policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.
6. The District conducts formal briefing sessions with representatives from recruiting sources. Included as part of the briefing sessions are clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the District's selection process, and recruiting literature. The District arranges for referral of applicants.
7. The District participates in veterans' job fairs.
8. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

G. Internal Dissemination of Policy

41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the AAP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Diversity and Inclusion Officer and Manager of Employee Relations. The following policies and procedures are designed to foster support and understanding from District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 2.25, and 2.26 and the AAP in both employee orientation and management training programs.
2. Inform union officials of Policies 2.02, 2.25, and 2.26 and the AAP, and request their cooperation.
3. Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.
4. Post Policies 2.02, 2.25, and 2.26 and the AAP policy on District bulletin boards, along with the District's harassment policy which includes protection from harassment on the basis of disability.

H. Audit and Reporting System

41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

The District has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of the District's overall AAP and whether the District is in compliance with specific obligations.
2. Indicates the need for remedial action. Any corrective actions will be the responsibility of the subject matter manager with oversight by the Diversity and Inclusion Officer and the Manager of HR.
3. Measures the degree to which the District's objectives are being met.
4. Considers whether there are any undue hurdles for Protected Veterans and IWDs regarding District sponsored educational, training, recreational, and social activities. This will also include, but not be limited, to the review of the on-line and electronic application system to determine its accessibility and ensure that procedures to request accommodations are displayed and that individuals with disabilities can readily obtain the reasonable accommodation.

I. Responsibility for Implementation

41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the General Manager, Manager of HR, Affirmative Action Officer, HR Regulatory Coordinator, Risk Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board of Directors) The Board adopts the VEVRAA and Section 503 AAP annually and EEO policies, Policies 2.02 and 2.25, are updated and presented for adoption by the Board on a prescribed schedule.

General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement and administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

Manager of Human Resources (Manager of HR)

The Manager of HR is responsible for overall supervision of the AAP and EEO programs. The Manager of HR has delegated the EEO and AA programs to the Affirmative Action Officer. The Manager of HR ensures, through the D&I Officer and department managers and supervisors that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

Diversity and Inclusion Officer (D&I Officer)

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AA and EEO programs. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP and EEO programs are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of EEO programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and AAP are displayed properly. Conduct audits to ensure that the Invitation to Self-Identify (pre and post offer) for Protected Veterans and IWDs, the District's EEO, and AAP policies

- are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Keep managers informed of the latest developments in the equal opportunity area.

Human Resources Regulatory Coordinator and Risk Manager

The HR Regulatory Coordinator (HRRC) acts as the District's ADAAA Compliance Officer. The HRRC responds to requests for reasonable accommodation of physical or mental disabilities covered under ADAAA and FEHA. The Risk Manager responds to requests for reasonable accommodations of physical or mental disabilities covered under ADAAA and FEHA when a claim originates with a worker compensation injury.

Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AA and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- Familiarize himself or herself with the District's policies on discrimination and harassment (Policies 2.25 and 2.26), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.
- Be familiar with the EEO Discrimination/ Harassment Complaint Procedure and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AA and EEO programs and make good faith efforts by considering alternate methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

All District Employees

Employees at all levels are responsible for supporting to the District's AA and EEO programs, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to

make positive contributions to creating an inclusive work environment.

J. Training

41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

The District trains all employees involved in any way with the recruitment, selection, promotion, training, and related processes regarding IWDs or Protected Veterans to ensure commitment to the District's stated AA goals.

K. Data Collection Analysis

41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

The District has adopted the current national percentage of veterans in the civilian labor force of 6.9% as its hiring benchmark for Protected Veterans. The District will update its hiring benchmark as new data is published and updated via the OFCCP's website. The District also adopted the current national utilization goal of 7.0% for qualified IWDs. The District will update its utilization goal as new data becomes available, updated and published. The 7.0% utilization goal is applied to each job group within the District.

Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets. The District has collected the required data and conducted studies to identify areas of opportunity in the employment of Protected Veterans and IWDs.

During the FY 2016 AAP period, 115 job applicants out 11,657 total applicants self-identified as Protected Veterans for a total percentage of .99% Protected Veteran applicants. Of those applicants, 7 Protected Veterans out of a total of 186 applicants were hired for a hire rate of 3.8% Protected Veterans. The District improved on these rates during the FY 2017 AAP period. During this year's AAP period, 299 job applicants out 11,060 total applicants self-identified as Protected Veterans for a total percentage of 2.7% Protected Veteran applicants. Of those applicants, 14 Protected Veterans out of a total of 310 applicants were hired for a hire rate of 4.5% Protected Veterans.

During the FY 2016 AAP period, the District had 188 job applicants out 11,657 total applicants who self-identified as an IWD for a total percentage of 1.6% applicants with a disability. The District improved on the number of qualified applicants with a disability during the FY 2017 AAP period. During this year's AAP period, 305 applicants out 11,060 total applicants self-identified as an IWD for a total percentage of 2.8% applicants with a disability. The additional number/percentage of applicants, however, did not translate into additional hires. During the FY 2016 AAP period, 12 IWDs out of a total of 186 applicants were hired for a hire rate of 6.5% IWDs. The hire rate dropped during the FY 2017 AAP period. During this year's AAP period, 7 IWDs out of a total of 310 applicants were hired for a hire rate of 2.3% IWDs. This drop did not greatly impact the overall incumbency percentage of IWDs and did not negatively impact the incumbency rate when broken out by job

group. During the FY 2016 AAP period, 78 employees of 1,780 total employees (4.4%) self-identified as an IWD. During the FY 2017 AAP period, 75 employees of 1,821 total employees (4.1%) self-identified as an IWD. During the FY 2016 AAP period, the District's incumbency rate for IWDs was at or above the utilization goal for 4 job groups: Analysts, Professionals, Science Professionals, and Laboratory and Quality Control Technicians. During the FY 2017 AAP period, the District's incumbency rate for IWDs remained at or above the utilization goal for the Analysts, Science Professionals, and Laboratory and Quality Control Technicians job groups. The incumbency rate for IWDs dropped below the utilization goal for the Professionals job group to 4.1%. However, the District's incumbency rate for IWDs increased to at or above the utilization goal for the Directors/Managers and Service Maintenance job groups.

Based on a review of aggregated applicant flows and data reports, for the job groups where Protected Veteran benchmarks and IWD utilization goals were not reached, it was determined that the primary problem area was that the representation of Protected Veterans and IWDs in applicant pools, while greatly improved from the previous year, is still insufficient.

The District will continue to monitor and update these studies periodically during each AAP year. In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in subpart F (External Dissemination of Policy and Outreach and Positive Recruitment) and measures described in subpart H (Internal Audit and Reporting) of this AAP.

See the *Hiring Benchmark and Utilization Goals Analyses* at Exhibits 6 and 7.

EXHIBITS

HIRING BENCHMARK ANALYSIS

Exhibit 6
As of June 30, 2016

DATA METRICS FOR PROTECTED VETERANS 41 C.F.R. §§§ 60-300.44(k)

		FY15	FY16	FY17
1	Total number/% of all “Applicants”* who self-identified as a protected veteran	115 of 11,657 (.99%)	299 of 11,060 (2.7%)	
2	Total number of job openings in AAP Year in establishment	263	397	
3	Total number of jobs filled	238	390	
4	Total number of all "Applicants" to the establishment	11,657	11,060	
5	Total number/% of protected veterans "Applicants" (external and competitive promotions) hired	7 of 186 (3.76%)	14 of 310 (4.5%)	
6	Total number of "Applicants" hired (external and competitive promotions)	186	310	

*The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job.

UTILIZATION GOALS ANALYSIS

Exhibit 7
As of June 30, 2016

DATA METRICS FOR INDIVIDUALS WITH DISABILITIES 41 C.F.R. § 60-741.44(k)
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		FY15	FY16	FY17
1	Total number/% of all “Applicants”* who self-identified as an individual with a disability	118 of 11,657 (1.61%)	305 of 11,060 (2.8%)	
2	Total number of job openings in AAP Year in establishment	263	397	
3	Total number of jobs filled	238	390	
4	Total number of all "Applicants"	11,657	11,060	
5	Total number/% of "Applicants" (external and competitive promotions) with disabilities hired	12 of 186 (6.45%)	7 of 310 (2.3%)	
6	Total number of "Applicants" hired (external and competitive promotions)	186	310	
*The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job.				



AGENDA NO.
MEETING DATE

9.

February 14, 2017

TITLE **AUTHORIZE APPLICATION TO THE U.S. BUREAU OF RECLAMATION TO ANNEX THREE SEPARATE PROPERTIES INTO THE DISTRICT'S CENTRAL VALLEY PROJECT CONTRACTOR'S SERVICE AREA**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

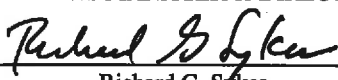

RECOMMENDED ACTION

Authorize the District to apply for the annexation of three separate single-family residential properties into the Central Valley Project (CVP) Contractor's Service Area through the U.S. Bureau of Reclamation (Reclamation) to include the Larabell, Morris, and 80 Carr Ranch Road properties.

SUMMARY

On April 10, 2006, Reclamation and the District entered into a new Long-Term Renewal Contract for CVP water service. The District's CVP contract with Reclamation includes a well-defined map of the District's service area, referred to as the Contractor's Service Area. Annexations to the District's service area, ordered by county Local Agency Formation Commissions (LAFCOs), are not automatically included into the Contractor's Service Area; the District must formally request inclusion, and Reclamation must complete a review of relevant environmental documentation. Reclamation's approval process requires a special Board resolution formally authorizing the request for inclusion. Reclamation begins its approval process once it receives an application from the contractor that includes the LAFCO annexation order and the Board resolution. In accordance with the District's policies and procedures, the District will supply water to customers in the annexed area conditioned upon approval by Reclamation of the inclusion into the Contractor's Service Area.

Alameda County and Contra Costa County LAFCOs recently approved three separate annexations to the District's service area. All three annexations are small, single-family residential properties with no new development or construction anticipated. The annexations have been combined into a single application to simplify the process for inclusion in the District's CVP Contractor's Service Area. The Larabell annexation is a 2,800 square-foot area, located in the City of Oakland, which is part of a larger parcel that straddles both Alameda and Contra Costa counties with the latter portion of the parcel located outside the District's service area. The Larabell annexation was approved by the Alameda County LAFCO on September 8, 2016. The Morris property, located in the Town of Moraga, is a 40.3 acre area annexation. The Morris annexation was approved by the Alameda County LAFCO on September 8, 2016. The 80 Carr Ranch Road property, located in the Town of Moraga, is part of a larger parcel with the property

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.

Authorize Application to USBR to Annex Three Separate Properties Into the District's CVP Contractor's Service Area

Board of Directors Meeting

February 14, 2017

Page 2

receiving water from the District through a relocated meter that originally served the portion of the parcel in the District's service area. The 80 Carr Ranch Road annexation was approved by the Contra Costa County LAFCO on May 11, 2016.

SUSTAINABILITY

Economic

The recommended action does not have any significant fiscal impact.

Social

The recommended action allows for the District to serve its customers in its service area with water delivered from the CVP during drought years, thereby assuring public health and safety during these periods.

Environmental

No CEQA documentation is required. The properties are exempt from CEQA as concluded by LAFCO. Reclamation will perform an environmental assessment and prepare any additional documentation needed to satisfy federal environmental law. Once it has completed its review and documentation process, Reclamation will take the necessary federal action to include the Larabell, Morris, and 80 Carr Ranch Road properties annexations in the Contractor's Service Area set forth in the District's CVP contract.

ALTERNATIVE

Do not approve the application to Reclamation for inclusion. This alternative is not recommended because not seeking inclusion would violate the terms and conditions of the District's CVP contract.

Attachments: Alameda County LAFCO staff report on Larabell Annexation
Alameda County LAFCO staff report on Morris Annexation
Contra Costa County LAFCO on 80 Carr Ranch Road Certificate of Completion,
Resolution 16-01

RESOLUTION NO. _____

AUTHORIZING AND APPROVING THE EAST BAY MUNICIPAL UTILITY DISTRICT'S
APPLICATION TO MODIFY THE CONTRACTOR'S SERVICE AREA DESCRIBED
IN ITS CENTRAL VALLEY PROJECT CONTRACT WITH THE UNITED STATES
BUREAU OF RECLAMATION TO INCLUDE THE 80 CARR RANCH ROAD,
MORRIS, AND LARABELL ANNEXATIONS

Introduced by Director

; Seconded by Director

WHEREAS, the Contra Costa County Local Agency Formation Commission ("LAFCO") adopted Resolution No. 16-01 on May 11, 2016 approving the annexation to the East Bay Municipal Utility District's ("District") service area of Assessor's Parcel Number 258-290-021, an area of approximately 5.9 acres located at 80 Carr Ranch Road in unincorporated Contra Costa County near Moraga (the "80 Carr Ranch Road Annexation"), and recorded a Certificate of Completion on June 16, 2016 certifying that annexation proceedings are complete; and

WHEREAS, the Alameda County LAFCO adopted Resolution No. 2016-08 on September 8, 2016 approving the annexation to the District's service area of Assessor's Parcel Number 258-310-010-8, an area of approximately 40.3 acres located at 35 Carr Ranch Road in unincorporated Contra Costa County near Moraga (the "Morris Annexation"), and recorded a Certificate of Completion on November 14, 2016 certifying that annexation proceedings are complete; and

WHEREAS, the Alameda County LAFCO adopted Resolution No. 2016-07 on September 8, 2016 approving the annexation to the District's service area of Assessor's Parcel Number 273-200-39-9, an area of approximately 2,800 square feet located at 177 Diablo Drive in Oakland (the "Larabell Annexation"), and recorded a Certificate of Completion on November 18, 2016 certifying that annexation proceedings are complete; and

WHEREAS, the annexed territories are within the District's Ultimate Service Boundary, as required under the District's Policy 3.01, "Annexations"; and

WHEREAS, the April 10, 2006 "Long Term Renewal Contract between the United States and East Bay Municipal Utility District Providing for Project Water Service from the American River Division" ("Central Valley Project Contract") permits the District to provide Central Valley Project water within the Contractor's Service Area described in Exhibit "A" attached to the Central Valley Project Contract; and

WHEREAS, the 80 Carr Ranch Road Annexation, the Morris Annexation, and the Larabell Annexation are not currently located within the Contractor's Service Area described in Exhibit "A" to the Central Valley Project Contract; and

WHEREAS, the Central Valley Project Contract authorizes the District to submit an application to the United States Bureau of Reclamation ("Reclamation") to modify the Contractor's Service Area described in the Central Valley Project Contract; and

WHEREAS, the District now desires to include the 80 Carr Ranch Road Annexation, the Morris Annexation, and the Larabell Annexation within the Contractor's Service Area described in the Central Valley Project Contract; and

WHEREAS, Reclamation requires the District to provide a resolution adopted by the District's Board of Directors affirming the application to modify the Contractor's Service Area;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby authorizes and approves the District's application to Reclamation to modify the Contractor's Service Area described in the Central Valley Project Contract to include all territory located within the 80 Carr Ranch Road Annexation, the Morris Annexation, and the Larabell Annexation.

ADOPTED this 14th day of February, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



AGENDA NO.
MEETING DATE

10.
February 14, 2017

**TITLE ACQUISITION OF PROPERTY THROUGH THE CALIFORNIA FEDERAL
SURPLUS PERSONAL PROPERTY PROGRAM**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize District staff to acquire property through the California Federal Surplus Personal Property Program.

SUMMARY

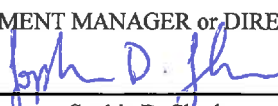

This resolution authorizes EBMUD to participate in the California Department of General Services (DGS) Federal Surplus Personal Property Program and authorizes specific District representatives to acquire this property on behalf of the District. This authorization supports the District's Strategic Plan goal for Long-Term Financial Stability.

DISCUSSION

Surplus federal property used to be available directly to agencies such as EBMUD, but the process to acquire federal property was cumbersome, inefficient, and came under scrutiny when surplus military equipment was purchased by police departments. The District has not purchased federal surplus property directly from the federal government due to the complexities of the process.

The program has been revised and the California DGS is now the lead representative and gatekeeper on behalf of the state and local governments. As the administrator of the program, DGS requires local agencies such as EBMUD to apply to participate and complete numerous forms. Included in the application process is a requirement for a resolution by the governing board authorizing participation and providing specific named individuals as representatives allowed to acquire surplus property on the District's behalf.

The District is specifically interested in acquiring operations and maintenance equipment such as portable pumps, portable generators, and possibly heavy equipment that can be obtained for free, aside from an administrative fee to the state for processing. The fee is currently nine percent of the original acquisition

Funds Available: FY17		Budget Code: Various
DEPARTMENT SUBMITTING FINANCE	DEPARTMENT MANAGER or DIRECTOR  Sophia D. Skoda	APPROVED  General Manager

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

cost. Acquisition of surplus property will be done in strict compliance with existing District policies and procedures and will follow current established rules for approvals and oversight.

VENDOR SELECTION

This is a state run program and must be done in compliance with California DGS requirements.

SUSTAINABILITY

Economic

Acquiring materials through the Federal Surplus Personal Property Program, when available, could offer significant savings to the District. The fee for utilizing the California DGS process is currently set at nine percent of the original acquisition cost.

Environmental

Acquiring surplus federal property supports the environment by ensuring existing equipment is fully utilized to the maximum extent which in turn saves natural resources and energy.

ALTERNATIVE

Do not participate in the Federal Surplus Personal Property Program. This alternative is not recommended as the program could provide significant cost savings and could utilize equipment that would otherwise be discarded.

RESOLUTION NO. _____

AUTHORIZING ACQUISITION OF PROPERTY THROUGH THE CALIFORNIA FEDERAL SURPLUS PERSONAL PROPERTY PROGRAM

Introduced by Director

; Seconded by Director

WHEREAS, the California Federal Surplus Personal Property Program is responsible for obtaining federal surplus personal property for qualifying non-federal organizations, including public agencies for their business and operation needs; and

WHEREAS, the Department of General Services administers the California Federal Surplus Personal Property Program; and

WHEREAS, the Department of General Services requires a resolution specifically listing by name and title the officers and employees authorized to acquire federal surplus personal property, as a prerequisite to obtaining federal surplus personal property through the California Federal Surplus Personal Property Program; and

WHEREAS, the Department of General Services allows for the list of officers and employees authorized to acquire federal surplus personal property to be later amended by letter as necessary; and

WHEREAS, participation in the California Federal Surplus Personal Property Program is beneficial to the East Bay Municipal Utility District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of East Bay Municipal Utility District does hereby order that the officers and employees whose names, titles, and signatures are listed below shall be and are hereby authorized as East Bay Municipal Utility District representatives to acquire surplus property through the auspices of the California State Agency for Surplus Property and accept responsibility for payment of incidental fees by the surplus property agency under the Terms and Conditions accompanying this form or listed on the reverse side of this form, and in compliance with existing East Bay Municipal Utility District Policies and Procedures:

Alexander R. Coate	General Manager	
Sophia D. Skoda	Director of Finance	
Michael J. Wallis	Director of Operations & Maintenance	
Clifford C. Chan	Operations & Maintenance Department Manager	

Michael R. Ambrose	Manager of Regulatory Compliance	
Xavier J. Irias	Director of Engineering and Construction	

BE IT FURTHER RESOLVED that the Manager of Purchasing and the Secretary of East Bay Municipal Utility District are authorized to execute any and all documents, in a form approved by the General Counsel, necessary or appropriate for the participation in the acquisition of property through the California Federal Surplus Personal Property Program.

BE IT FURTHER RESOLVED that the General Manager for the East Bay Municipal Utility District may substitute, at his or her discretion, the names of the East Bay Municipal Utility District officers and employees authorized to acquire surplus property through the auspices of the California State Agency for Surplus Property.

ADOPTED this 14th day of February, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

**Certifications and Agreements including Terms, Conditions, Reservations and Restrictions to be included
On Agency Issued or Distribution Documents**

A) The Donee Certifies That:

- 1) It is a public agency; or an approved non-profit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1986; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the General Services Administration (GSA).
- 2) The property is needed and will be used by the recipient for carrying out for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization or 8(a) business, the property is needed for and will be used by the recipient for educational or public health purposes, or for programs for older individuals, or for business purposes. The property is not acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the CSASP.
- 3) Funds are available to pay any and all costs and charges incidental to the receipt of surplus property, and that property is not being acquired for any other use(s) or purpose(s), is not for sale. The fee schedule is available upon request from the CSASP.
- 4) Any transaction shall be subject to the nondiscrimination regulations governing the donation of federal surplus personal property issued under Title VI of the Civil Rights Act of 1964 (41 USC 2000d-2000d-4a), as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, section 303 of the Age Discrimination Act of 1975, and the Civil Rights Restoration Act of 1987.
- 5) If the Donee is designated by the Federal Small Business Administration 8(a) Program as a socially and economically disadvantaged small business and the SBA and CSASP have both determined the Donee is eligible to receive federal surplus property as a donation, the Donee certifies that the property acquired is needed and will be used solely for the conduct of the Donee's business enterprise: and the Donee certifies to A. (3), (4) and (5),

B) The Donee Agrees to the Following Federal Conditions:

- 1) All items of property, other than items with a unit acquisition cost of \$5000 or more and passenger motor vehicles, regardless of acquisition cost, shall be placed in use for the purpose(s) for which it was acquired within one year or receipt, and shall be placed in continuous use for one year from the date the property was placed in use. In the event the Donee does not place the property in use, or continuous use, the Donee shall immediately notify the CSASP, and, at the Donee's expense, make the property available for transfer or other disposal as directed by the CSASP.
- 2) Special handling or use limitations as are imposed by Federal GSA on any item(s) under which the item(s) are being allocated to the Donee.
- 3) In the event the Donee does not use the property as required by Sections C (1) and (2) below, at the option of the GSA, title and right to the possession of such property shall revert to the United States of America and, upon demand, the Donee shall release such property to such person as GSA or its designee shall direct.

C) The Donee Agrees to the Following Conditions Applicable to Items with a Unit Acquisition Cost of \$5,000 or More and Passenger Motor Vehicles, Regardless of Cost. Except Vessels 50 Feet or More in Length and Aircraft Regardless of Acquisition Cost:

- 1) The property shall be placed in use within one year of receipt, and shall be used only for the purpose(s) for which it was acquired and for no other purpose(s).
- 2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which it is acquired for a period of 18 months from the date the property is placed in use, except for such item(s) of major equipment for which the CSASP designates a further period of restriction.
- 3) In the event the property is not so used as required by Sections C (1) and (2), at the option of the CSASP, title and right to the possession of such property shall, at the option of the CSASP, revert to the State of California, and the Donee shall release such property to such person as the CSASP shall direct.

D) The Donee Agrees to the Following Terms, Reservations and Restrictions:

- 1) From the date it receives the property and throughout the time period(s) imposed by Sections B and C (as applicable) remain in effect, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State of California, without the prior approval of GSA or the CSASP. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when the GSA or the CSASP authorizes such action, shall be remitted promptly by the Donee to GSA or the CSASP, as applicable. If the Donee takes action in ignoring or disregarding the foregoing restrictions after the date the Donee received the property and before expiration of the time periods imposed by Sections C or D as applicable, at the option of the GSA or the CSASP, the Donee shall pay to the GSA or the CSASP any proceeds derived from the disposal, and/or the fair market or rental value of the property at the time of such unauthorized disposal as determined by the GSA or the CSASP as applicable.
- 2) If at any time, from the date the Donee receives the property throughout the time periods by Sections B and C as applicable, the Donee determines that some or all of the property is no longer suitable, usable, or further needed for the purpose(s) for which it was acquired, the Donee shall promptly notify the CSASP and shall, as directed by the CSASP, return the property to the CSASP, or release the property to another Donee or another state agency, or a department or agency of the United States, or sell or otherwise dispose of the property. The Donee shall remit the proceeds from the sale promptly to the CSASP.
- 3) The Donee shall make reports to the CSASP which shall state the use, condition, and location of the property, and shall report on other pertinent matters as may be required from time to time by the CSASP.
- 4) At the option of the CSASP, the Donee may abrogate the conditions set forth in Section B and the terms, reservations and restrictions pertaining in Section D by payment of an amount as determined by the CSASP.

E) The donee Agrees to the Following Conditions, Applicable to all Items of Property:

- 1) The property acquired by the Donee is on an "As is," "where is" basis, without warranty of any kind.
- 2) If the Donee carries insurance against damages to or loss of property due because of fire or other hazards, and the damage to, loss or destruction to donated property with unexpired terms, conditions, reservations or restrictions, occurs, the CSASP will be entitled to reimbursement from the Donee out of the insurance proceeds, in an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated property.

F) Terms, conditions, reservations and restrictions set forth in the Conditional Transfer Document executed by the authorized Donee representative are applicable to the donation of Aircraft and Vessels of 50 Feet or more in length having an acquisition cost of \$5,000 or more in length or more, regardless of the purpose for which acquired.

SIGNATURE: _____

DATE: _____



AGENDA NO.
MEETING DATE

11.

February 14, 2017

TITLE **BRIONES AQUEDUCT SLIDE - CONCLUSION OF DISTRICT EMERGENCY**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Declare an end to the District emergency initiated on January 13, 2017 and ratified by the Board of Directors on January 24, 2017, per Board Resolution 35022-17, to repair a landslide and secure the integrity of the Briones Aqueduct.



SUMMARY

Following continued wet weather during the week of January 9, the District identified a significant storm-induced slide on San Pablo Creek adjacent to the Briones Aqueduct. With further storm events projected the following week, a District emergency was declared on January 13, 2017, pursuant to District Policy 7.03, to repair the slide and secure the integrity of this critical aqueduct. The Briones Aqueduct is a critical raw water pipeline used to fill Briones Reservoir and deliver raw water from the reservoir to the treatment plants east of the hills. Timely repair of the slide was necessary to protect the aqueduct, San Pablo Creek, and the public.

The contractor began work at the site on January 14 and repairs were substantially completed by January 18. Final repairs were completed on January 31 with no impacts to District customers. The Briones Aqueduct was put into service on January 20 to address water quality issues with the Mokelumne supply.

DISCUSSION

Two purchase orders were issued under this emergency. One purchase order was awarded to Dutra Materials to provide the rock for fill at a cost of \$211,365. The second purchase order was awarded to The Dutra Group to mobilize and place the material at a cost of \$138,349. The total cost of the repair and site restoration is estimated to be \$370,000, which includes District labor and materials, actual charges to-date, pending payments, and other estimated costs.

Funds Available: FY17		Budget Code: WSG/562/2007559/7999/5312	
DEPARTMENT SUBMITTING Operations and Maintenance	DEPARTMENT MANAGER or DIRECTOR  Michael J. Wallis		APPROVED  General Manager

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

SUSTAINABILITY

Economic

Funds for this emergency repair work are available in the FY17 budget. In addition, the District is seeking reimbursement of up to 75 percent of the incurred costs through Contra Costa County under the California Disaster Assistance Act.

Social

Slide repair was critical to ensure a sufficient raw water supply to reliably meet customer demands.

Environmental

The slide caused potential instability for the Briones Aqueduct. The aqueduct may have failed if it was in operation during or following the slide. Completing the slide repairs prevented catastrophic damage to San Pablo Creek resulting from aqueduct failure and continued erosion at the slide site.

RESOLUTION NO. _____

RESOLUTION TERMINATING THE EXISTENCE OF AN
EAST BAY MUNICIPAL UTILITY DISTRICT EMERGENCY

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, an East Bay Municipal Utility District ("District") emergency was declared by the General Manager on January 13, 2017, as a result of conditions of disaster or extreme peril to critical District operations and the health and safety of the public cause by the Briones Aqueduct landslide; and

WHEREAS, the East Bay Municipal Utility District Board of Directors ("Board of Directors") ratified the declaration of a District emergency on January 24, 2017, Board Resolution No. 35022-17; and

WHEREAS, the Board of Directors has reviewed the need to continue the existence of the District emergency; and

WHEREAS, the situation resulting from conditions of disaster or extreme peril is now within the control of normal services, personnel, equipment and facilities of the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does hereby terminate the emergency.

ADOPTED this 14th day of February, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

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

SUBJECT: Legislative Report No. 01-17

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support SB 206 (Committee on Governance and Finance) Validations; 2) Support SB 207 (Committee on Governance and Finance) Validations; 3) Support SB 208 (Committee on Governance and Finance) Validations; and 4) Support H.R. 448 (Huffman) Water Conservation Rebate Tax Parity Act.

STATE LEGISLATION

RECOMMENDED POSITION

**SB 206, SB 207,
SB 208
(Committee on
Governance and
Finance)**

VALIDATIONS

SUPPORT

SB 206, SB 207, and SB 208 (Committee on Governance and Finance) would enact the Validating Acts of 2017. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional

actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

EBMUD has historically supported the Validating Acts. Most recently, in 2016, EBMUD adopted a “support” position on the Validating Acts of 2016, SB 971, SB 972, and SB 973, which were signed into law (Chapter 15, Chapter 16, and Chapter 17, respectively). There are currently no entities listed in support or opposition to SB 206, SB 207, and SB 208.

FEDERAL LEGISLATION

H.R. 448
(Huffman)

WATER CONSERVATION REBATE TAX
PARITY ACT

SUPPORT

The Comprehensive National Energy Policy Act of 1992 provides that public utility subsidies, or rebates, paid to residential customers for energy conservation measures are exempt from federal income tax. The Act defines energy conservation measure as “any installation or modification primarily designed to reduce consumption of electricity or natural gas or to improve the management of energy demand with respect to a dwelling unit.”

H.R. 448 (Huffman) would ensure that rebates for water conservation improvements are exempt from federal taxes, similar to energy conservation rebates. Specifically, H.R. 448 would amend the Internal Revenue Code to exempt from federal taxes rebates provided to public utility customers for the purchase or installation of any water conservation or stormwater management measure.

According to the author’s office, water utilities are increasingly “offering rebates to incentivize private investment to reduce water use and ease the strain on public infrastructure. These rebates are not income, but an effort to defray upfront consumer costs. Encouraging residents to reduce water usage by replacing water-thirsty lawns, installing “gray water” capture systems, or purchasing new water-efficient appliances can provide significant water savings.” However, these water conservation improvements can be too expensive for property owners to install without a financial incentive. Many water utilities have established rebate programs to encourage the installation of water conservation improvements. H.R. 448 would ensure that rebates for these improvements are not subject to federal taxes.

EBMUD provides rebates to its residential customers for the installation of water conservation improvements, such as lawn conversion and irrigation equipment upgrades. H.R. 448 would promote water conservation by clarifying that water conservation rebates provided by a public utility, such as the rebates provided by EBMUD, are not subject to federal taxes.

EBMUD has previously supported legislation to encourage water conservation efforts. In 2015, EBMUD supported S. 176 (Boxer) and H.R. 291 (Napolitano), identical companion measures

known as the Water in the 21st Century Act, that among other things would have provided funding for the WaterSense program. The WaterSense program is a voluntary labeling program to recognize water-using products that are 20 percent more water-efficient and perform as well or better than standard products. The measures did not advance out of Congress.

ARC:MD:JW

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Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the First Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 First Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

10 Air quality management districts.

11 Airport districts.

12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.

14 Bridge and highway districts.

15 California water districts.

16 Citrus pest control districts.

17 City maintenance districts.

18 Community college districts.

19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission’s authority to act
23 as a community redevelopment agency.

24 Community facilities districts.

25 Community rehabilitation districts.

26 Community revitalization and investment authorities.

27 Community services districts.

28 Conservancy districts.

29 Cotton pest abatement districts.

30 County boards of education.

31 County drainage districts.

32 County flood control and water districts.

33 County free library systems.

34 County maintenance districts.

35 County sanitation districts.

36 County service areas.

37 County transportation commissions.

38 County water agencies.

39 County water authorities.

40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Drainage districts.
- 7 Enhanced infrastructure financing districts.
- 8 Fire protection districts.
- 9 Flood control and water conservation districts.
- 10 Flood control districts.
- 11 Garbage and refuse disposal districts.
- 12 Garbage disposal districts.
- 13 Geologic hazard abatement districts.
- 14 Harbor districts.
- 15 Harbor improvement districts.
- 16 Harbor, recreation, and conservation districts.
- 17 Health care authorities.
- 18 Highway districts.
- 19 Highway interchange districts.
- 20 Highway lighting districts.
- 21 Housing authorities.
- 22 Improvement districts or improvement areas of any public body.
- 23 Industrial development authorities.
- 24 Infrastructure financing districts.
- 25 Integrated financing districts.
- 26 Irrigation districts.
- 27 Joint highway districts.
- 28 Levee districts.
- 29 Library districts.
- 30 Library districts in unincorporated towns and villages.
- 31 Local agency formation commissions.
- 32 Local health care districts.
- 33 Local health districts.
- 34 Local hospital districts.
- 35 Local transportation authorities or commissions.
- 36 Maintenance districts.
- 37 Memorial districts.
- 38 Metropolitan transportation commissions.
- 39 Metropolitan water districts.
- 40 Mosquito abatement and vector control districts.

- 1 Multifamily improvement districts.
- 2 Municipal improvement districts.
- 3 Municipal utility districts.
- 4 Municipal water districts.
- 5 Nonprofit corporations.
- 6 Nonprofit public benefit corporations.
- 7 Open-space maintenance districts.
- 8 Parking and business improvement areas.
- 9 Parking authorities.
- 10 Parking districts.
- 11 Permanent road divisions.
- 12 Pest abatement districts.
- 13 Police protection districts.
- 14 Port districts.
- 15 Property and business improvement areas.
- 16 Protection districts.
- 17 Public cemetery districts.
- 18 Public utility districts.
- 19 Rapid transit districts.
- 20 Reclamation districts.
- 21 Recreation and park districts.
- 22 Regional justice facility financing agencies.
- 23 Regional park and open-space districts.
- 24 Regional planning districts.
- 25 Regional transportation commissions.
- 26 Resort improvement districts.
- 27 Resource conservation districts.
- 28 River port districts.
- 29 Road maintenance districts.
- 30 Sanitary districts.
- 31 School districts of any kind or class.
- 32 School facilities improvement districts.
- 33 Separation of grade districts.
- 34 Service authorities for freeway emergencies.
- 35 Sewer districts.
- 36 Sewer maintenance districts.
- 37 Small craft harbor districts.
- 38 Special municipal tax districts.
- 39 Stone and pome fruit pest control districts.
- 40 Storm drain maintenance districts.

- 1 Storm drainage districts.
- 2 Storm drainage maintenance districts.
- 3 Storm water districts.
- 4 Toll tunnel authorities.
- 5 Traffic authorities.
- 6 Transit development boards.
- 7 Transit districts.
- 8 Unified and union school districts' public libraries.
- 9 Vehicle parking districts.
- 10 Water agencies.
- 11 Water authorities.
- 12 Water conservation districts.
- 13 Water districts.
- 14 Water replenishment districts.
- 15 Water storage districts.
- 16 Watermaster districts.
- 17 Wine grape pest and disease control districts.
- 18 Zones, improvement zones, or service zones of any public body.
- 19 (2) Notwithstanding paragraph (1), a "public body" does not
- 20 include any of the following:
 - 21 (A) A community redevelopment agency formed pursuant to
 - 22 the Community Redevelopment Law (Part 1 (commencing with
 - 23 Section 33000) of Division 24 of the Health and Safety Code).
 - 24 (B) A community development commission, with respect to its
 - 25 exercise of the powers of a community redevelopment agency.
 - 26 (C) A joint powers authority that includes a community
 - 27 redevelopment agency or a community development commission
 - 28 as a member, with respect to its exercise of the powers of a
 - 29 community redevelopment agency.
- 30 (3) "Public body" includes both of the following:
 - 31 (A) The successor agency to the Redevelopment Agency of the
 - 32 City and County of San Francisco, solely for the purpose of issuing
 - 33 bonds or incurring other indebtedness pursuant to the provisions
 - 34 of Section 34177.7 of the Health and Safety Code.
 - 35 (B) A successor agency, as defined in subdivision (j) of Section
 - 36 34171 of the Health and Safety Code, solely for the purpose of
 - 37 issuing bonds or incurring other indebtedness pursuant to the
 - 38 provisions of Section 34177.5 of the Health and Safety Code.
 - 39 (b) "Bonds" means all instruments evidencing an indebtedness
 - 40 of a public body incurred or to be incurred for any public purpose,

1 all leases, installment purchase agreements, or similar agreements
2 wherein the obligor is one or more public bodies, all instruments
3 evidencing the borrowing of money in anticipation of taxes,
4 revenues, or other income of that body, all instruments payable
5 from revenues or special funds of those public bodies, all
6 certificates of participation evidencing interests in the leases,
7 installment purchase agreements, or similar agreements, and all
8 instruments funding, refunding, replacing, or amending any thereof
9 or any indebtedness.

10 (c) "Hereafter" means any time subsequent to the effective date
11 of this act.

12 (d) "Heretofore" means any time prior to the effective date of
13 this act.

14 (e) "Now" means the effective date of this act.

15 SEC. 3. All public bodies heretofore organized or existing
16 under any law, or under color of any law, are hereby declared to
17 have been legally organized and to be legally functioning as those
18 public bodies. Every public body, heretofore described, shall have
19 all the rights, powers, and privileges, and be subject to all the duties
20 and obligations, of those public bodies regularly formed pursuant
21 to law.

22 SEC. 4. The boundaries of every public body as heretofore
23 established, defined, or recorded, or as heretofore actually shown
24 on maps or plats used by the assessor, are hereby confirmed,
25 validated, and declared legally established.

26 SEC. 5. All acts and proceedings heretofore taken by any public
27 body or bodies under any law, or under color of any law, for the
28 annexation or inclusion of territory into those public bodies or for
29 the annexation of those public bodies to any other public body or
30 for the detachment, withdrawal, or exclusion of territory from any
31 public body or for the consolidation, merger, or dissolution of any
32 public bodies are hereby confirmed, validated, and declared legally
33 effective. This shall include all acts and proceedings of the
34 governing board of any public body and of any person, public
35 officer, board, or agency heretofore done or taken upon the question
36 of the annexation or inclusion or of the withdrawal or exclusion
37 of territory or the consolidation, merger, or dissolution of those
38 public bodies.

39 SEC. 6. (a) All acts and proceedings heretofore taken by or
40 on behalf of any public body under any law, or under color of any

1 law, for, or in connection with, the authorization, issuance, sale,
2 execution, delivery, or exchange of bonds of any public body for
3 any public purpose are hereby authorized, confirmed, validated,
4 and declared legally effective. This shall include all acts and
5 proceedings of the governing board of public bodies and of any
6 person, public officer, board, or agency heretofore done or taken
7 upon the question of the authorization, issuance, sale, execution,
8 delivery, or exchange of bonds.

9 (b) All bonds of, or relating to, any public body heretofore issued
10 shall be, in the form and manner issued and delivered, the legal,
11 valid, and binding obligations of the public body. All bonds of, or
12 relating to, any public body heretofore awarded and sold to a
13 purchaser and hereafter issued and delivered in accordance with
14 the contract of sale and other proceedings for the award and sale
15 shall be the legal, valid, and binding obligations of the public body.
16 All bonds of, or relating to, any public body heretofore authorized
17 to be issued by ordinance, resolution, order, or other action adopted
18 or taken by or on behalf of the public body and hereafter issued
19 and delivered in accordance with that authorization shall be the
20 legal, valid, and binding obligations of the public body. All bonds
21 of, or relating to, any public body heretofore authorized to be issued
22 at an election and hereafter issued and delivered in accordance
23 with that authorization shall be the legal, valid, and binding
24 obligations of the public body. Whenever an election has heretofore
25 been called for the purpose of submitting to the voters of any public
26 body the question of issuing bonds for any public purpose, those
27 bonds, if hereafter authorized by the required vote and in
28 accordance with the proceedings heretofore taken, and issued and
29 delivered in accordance with that authorization, shall be the legal,
30 valid, and binding obligations of the public body.

31 SEC. 7. (a) This act shall operate to supply legislative
32 authorization as may be necessary to authorize, confirm, and
33 validate any acts and proceedings heretofore taken pursuant to
34 authority the Legislature could have supplied or provided for in
35 the law under which those acts or proceedings were taken.

36 (b) This act shall be limited to the validation of acts and
37 proceedings to the extent that the same can be effectuated under
38 the California Constitution and the United States Constitution.

39 (c) This act shall not operate to authorize, confirm, validate, or
40 legalize any act, proceeding, or other matter being legally contested

1 or inquired into in any legal proceeding now pending and
2 undetermined or that is pending and undetermined during the
3 period of 30 days from and after the effective date of this act.

4 (d) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter that has heretofore
6 been determined in any legal proceeding to be illegal, void, or
7 ineffective.

8 (e) This act shall not operate to authorize, confirm, validate, or
9 legalize a contract between any public body and the United States.

10 SEC. 8. Any action or proceeding contesting the validity of
11 any action or proceeding heretofore taken under any law, or under
12 color of any law, for the formation, organization, or incorporation
13 of any public body, or for any annexation thereto, detachment or
14 exclusion therefrom, or other change of boundaries thereof, or for
15 the consolidation, merger, or dissolution of any public bodies, or
16 for, or in connection with, the authorization, issuance, sale,
17 execution, delivery, or exchange of bonds thereof upon any ground
18 involving any alleged defect or illegality not effectively validated
19 by the prior provisions of this act and not otherwise barred by any
20 statute of limitations or by laches shall be commenced within six
21 months of the effective date of this act, otherwise each and all of
22 those matters shall be held to be valid and in every respect legal
23 and incontestable. This act shall not extend the period allowed for
24 legal action beyond the period that it would be barred by any
25 presently existing valid statute of limitations.

26 SEC. 9. Nothing contained in this act shall be construed to
27 render the creation of any public body, or any change in the
28 boundaries of any public body, effective for purposes of assessment
29 or taxation unless the statement, together with the map or plat,
30 required to be filed pursuant to Chapter 8 (commencing with
31 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
32 Code, is filed within the time and substantially in the manner
33 required by those sections.

34 SEC. 10. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

1 In order to validate the organization, boundaries, acts,
2 proceedings, and bonds of public bodies as soon as possible, it is
3 necessary that this act take immediate effect.

O

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 207, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Second Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Second Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

10 Air quality management districts.

11 Airport districts.

12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.

14 Bridge and highway districts.

15 California water districts.

16 Citrus pest control districts.

17 City maintenance districts.

18 Community college districts.

19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission’s authority to act
23 as a community redevelopment agency.

24 Community facilities districts.

25 Community rehabilitation districts.

26 Community revitalization and investment authorities.

27 Community services districts.

28 Conservancy districts.

29 Cotton pest abatement districts.

30 County boards of education.

31 County drainage districts.

32 County flood control and water districts.

33 County free library systems.

34 County maintenance districts.

35 County sanitation districts.

36 County service areas.

37 County transportation commissions.

38 County water agencies.

39 County water authorities.

40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Drainage districts.
- 7 Enhanced infrastructure financing districts.
- 8 Fire protection districts.
- 9 Flood control and water conservation districts.
- 10 Flood control districts.
- 11 Garbage and refuse disposal districts.
- 12 Garbage disposal districts.
- 13 Geologic hazard abatement districts.
- 14 Harbor districts.
- 15 Harbor improvement districts.
- 16 Harbor, recreation, and conservation districts.
- 17 Health care authorities.
- 18 Highway districts.
- 19 Highway interchange districts.
- 20 Highway lighting districts.
- 21 Housing authorities.
- 22 Improvement districts or improvement areas of any public body.
- 23 Industrial development authorities.
- 24 Infrastructure financing districts.
- 25 Integrated financing districts.
- 26 Irrigation districts.
- 27 Joint highway districts.
- 28 Levee districts.
- 29 Library districts.
- 30 Library districts in unincorporated towns and villages.
- 31 Local agency formation commissions.
- 32 Local health care districts.
- 33 Local health districts.
- 34 Local hospital districts.
- 35 Local transportation authorities or commissions.
- 36 Maintenance districts.
- 37 Memorial districts.
- 38 Metropolitan transportation commissions.
- 39 Metropolitan water districts.
- 40 Mosquito abatement and vector control districts.

- 1 Multifamily improvement districts.
- 2 Municipal improvement districts.
- 3 Municipal utility districts.
- 4 Municipal water districts.
- 5 Nonprofit corporations.
- 6 Nonprofit public benefit corporations.
- 7 Open-space maintenance districts.
- 8 Parking and business improvement areas.
- 9 Parking authorities.
- 10 Parking districts.
- 11 Permanent road divisions.
- 12 Pest abatement districts.
- 13 Police protection districts.
- 14 Port districts.
- 15 Property and business improvement areas.
- 16 Protection districts.
- 17 Public cemetery districts.
- 18 Public utility districts.
- 19 Rapid transit districts.
- 20 Reclamation districts.
- 21 Recreation and park districts.
- 22 Regional justice facility financing agencies.
- 23 Regional park and open-space districts.
- 24 Regional planning districts.
- 25 Regional transportation commissions.
- 26 Resort improvement districts.
- 27 Resource conservation districts.
- 28 River port districts.
- 29 Road maintenance districts.
- 30 Sanitary districts.
- 31 School districts of any kind or class.
- 32 School facilities improvement districts.
- 33 Separation of grade districts.
- 34 Service authorities for freeway emergencies.
- 35 Sewer districts.
- 36 Sewer maintenance districts.
- 37 Small craft harbor districts.
- 38 Special municipal tax districts.
- 39 Stone and pome fruit pest control districts.
- 40 Storm drain maintenance districts.

1 Storm drainage districts.
2 Storm drainage maintenance districts.
3 Storm water districts.
4 Toll tunnel authorities.
5 Traffic authorities.
6 Transit development boards.
7 Transit districts.
8 Unified and union school districts' public libraries.
9 Vehicle parking districts.
10 Water agencies.
11 Water authorities.
12 Water conservation districts.
13 Water districts.
14 Water replenishment districts.
15 Water storage districts.
16 Watermaster districts.
17 Wine grape pest and disease control districts.
18 Zones, improvement zones, or service zones of any public body.
19 (2) Notwithstanding paragraph (1), a "public body" does not
20 include any of the following:
21 (A) A community redevelopment agency formed pursuant to
22 the Community Redevelopment Law (Part 1 (commencing with
23 Section 33000) of Division 24 of the Health and Safety Code).
24 (B) A community development commission, with respect to its
25 exercise of the powers of a community redevelopment agency.
26 (C) A joint powers authority that includes a community
27 redevelopment agency or a community development commission
28 as a member, with respect to its exercise of the powers of a
29 community redevelopment agency.
30 (3) "Public body" includes both of the following:
31 (A) The successor agency to the Redevelopment Agency of the
32 City and County of San Francisco, solely for the purpose of issuing
33 bonds or incurring other indebtedness pursuant to the provisions
34 of Section 34177.7 of the Health and Safety Code.
35 (B) A successor agency, as defined in subdivision (j) of Section
36 34171 of the Health and Safety Code, solely for the purpose of
37 issuing bonds or incurring other indebtedness pursuant to the
38 provisions of Section 34177.5 of the Health and Safety Code.
39 (b) "Bonds" means all instruments evidencing an indebtedness
40 of a public body incurred or to be incurred for any public purpose,

1 all leases, installment purchase agreements, or similar agreements
2 wherein the obligor is one or more public bodies, all instruments
3 evidencing the borrowing of money in anticipation of taxes,
4 revenues, or other income of that body, all instruments payable
5 from revenues or special funds of those public bodies, all
6 certificates of participation evidencing interests in the leases,
7 installment purchase agreements, or similar agreements, and all
8 instruments funding, refunding, replacing, or amending any thereof
9 or any indebtedness.

10 (c) "Hereafter" means any time subsequent to the effective date
11 of this act.

12 (d) "Heretofore" means any time prior to the effective date of
13 this act.

14 (e) "Now" means the effective date of this act.

15 SEC. 3. All public bodies heretofore organized or existing
16 under any law, or under color of any law, are hereby declared to
17 have been legally organized and to be legally functioning as those
18 public bodies. Every public body, heretofore described, shall have
19 all the rights, powers, and privileges, and be subject to all the duties
20 and obligations, of those public bodies regularly formed pursuant
21 to law.

22 SEC. 4. The boundaries of every public body as heretofore
23 established, defined, or recorded, or as heretofore actually shown
24 on maps or plats used by the assessor, are hereby confirmed,
25 validated, and declared legally established.

26 SEC. 5. All acts and proceedings heretofore taken by any public
27 body or bodies under any law, or under color of any law, for the
28 annexation or inclusion of territory into those public bodies or for
29 the annexation of those public bodies to any other public body or
30 for the detachment, withdrawal, or exclusion of territory from any
31 public body or for the consolidation, merger, or dissolution of any
32 public bodies are hereby confirmed, validated, and declared legally
33 effective. This shall include all acts and proceedings of the
34 governing board of any public body and of any person, public
35 officer, board, or agency heretofore done or taken upon the question
36 of the annexation or inclusion or of the withdrawal or exclusion
37 of territory or the consolidation, merger, or dissolution of those
38 public bodies.

39 SEC. 6. (a) All acts and proceedings heretofore taken by or
40 on behalf of any public body under any law, or under color of any

1 law, for, or in connection with, the authorization, issuance, sale,
2 execution, delivery, or exchange of bonds of any public body for
3 any public purpose are hereby authorized, confirmed, validated,
4 and declared legally effective. This shall include all acts and
5 proceedings of the governing board of public bodies and of any
6 person, public officer, board, or agency heretofore done or taken
7 upon the question of the authorization, issuance, sale, execution,
8 delivery, or exchange of bonds.

9 (b) All bonds of, or relating to, any public body heretofore issued
10 shall be, in the form and manner issued and delivered, the legal,
11 valid, and binding obligations of the public body. All bonds of, or
12 relating to, any public body heretofore awarded and sold to a
13 purchaser and hereafter issued and delivered in accordance with
14 the contract of sale and other proceedings for the award and sale
15 shall be the legal, valid, and binding obligations of the public body.
16 All bonds of, or relating to, any public body heretofore authorized
17 to be issued by ordinance, resolution, order, or other action adopted
18 or taken by or on behalf of the public body and hereafter issued
19 and delivered in accordance with that authorization shall be the
20 legal, valid, and binding obligations of the public body. All bonds
21 of, or relating to, any public body heretofore authorized to be issued
22 at an election and hereafter issued and delivered in accordance
23 with that authorization shall be the legal, valid, and binding
24 obligations of the public body. Whenever an election has heretofore
25 been called for the purpose of submitting to the voters of any public
26 body the question of issuing bonds for any public purpose, those
27 bonds, if hereafter authorized by the required vote and in
28 accordance with the proceedings heretofore taken, and issued and
29 delivered in accordance with that authorization, shall be the legal,
30 valid, and binding obligations of the public body.

31 SEC. 7. (a) This act shall operate to supply legislative
32 authorization as may be necessary to authorize, confirm, and
33 validate any acts and proceedings heretofore taken pursuant to
34 authority the Legislature could have supplied or provided for in
35 the law under which those acts or proceedings were taken.

36 (b) This act shall be limited to the validation of acts and
37 proceedings to the extent that the same can be effectuated under
38 the California Constitution and the United States Constitution.

39 (c) This act shall not operate to authorize, confirm, validate, or
40 legalize any act, proceeding, or other matter being legally contested

1 or inquired into in any legal proceeding now pending and
2 undetermined or that is pending and undetermined during the
3 period of 30 days from and after the effective date of this act.

4 (d) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter that has heretofore
6 been determined in any legal proceeding to be illegal, void, or
7 ineffective.

8 (e) This act shall not operate to authorize, confirm, validate, or
9 legalize a contract between any public body and the United States.

10 SEC. 8. Any action or proceeding contesting the validity of
11 any action or proceeding heretofore taken under any law, or under
12 color of any law, for the formation, organization, or incorporation
13 of any public body, or for any annexation thereto, detachment or
14 exclusion therefrom, or other change of boundaries thereof, or for
15 the consolidation, merger, or dissolution of any public bodies, or
16 for, or in connection with, the authorization, issuance, sale,
17 execution, delivery, or exchange of bonds thereof upon any ground
18 involving any alleged defect or illegality not effectively validated
19 by the prior provisions of this act and not otherwise barred by any
20 statute of limitations or by laches shall be commenced within six
21 months of the effective date of this act, otherwise each and all of
22 those matters shall be held to be valid and in every respect legal
23 and incontestable. This act shall not extend the period allowed for
24 legal action beyond the period that it would be barred by any
25 presently existing valid statute of limitations.

26 SEC. 9. Nothing contained in this act shall be construed to
27 render the creation of any public body, or any change in the
28 boundaries of any public body, effective for purposes of assessment
29 or taxation unless the statement, together with the map or plat,
30 required to be filed pursuant to Chapter 8 (commencing with
31 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
32 Code, is filed within the time and substantially in the manner
33 required by those sections.

34 SEC. 10. This act shall become operative on September 1,
35 2017.

36 SEC. 11. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

- 1 In order to validate the organization, boundaries, acts,
- 2 proceedings, and bonds of public bodies as soon as possible, it is
- 3 necessary that this act take immediate effect.

O

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Third Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Third Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in
7 paragraph (2), "public body" also means all cities, counties, cities
8 and counties, districts, authorities, agencies, boards, commissions,

1 and other entities, whether created by a general statute or a special
2 act, including, but not limited to, the following:

3 Agencies, boards, commissions, or entities constituted or
4 provided for under or pursuant to the Joint Exercise of Powers Act
5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
6 1 of the Government Code).

7 Air pollution control districts of any kind.

8 Air quality management districts.

9 Airport districts.

10 Assessment districts, benefit assessment districts, and special
11 assessment districts of any public body.

12 Bridge and highway districts.

13 California water districts.

14 Citrus pest control districts.

15 City maintenance districts.

16 Community college districts.

17 Community development commissions in their capacity to act
18 as a housing authority for other community development purposes
19 of the jurisdiction in which the commission operates, except for
20 any action taken with respect to the commission's authority to act
21 as a community redevelopment agency.

22 Community facilities districts.

23 Community rehabilitation districts.

24 Community revitalization and investment authorities.

25 Community services districts.

26 Conservancy districts.

27 Cotton pest abatement districts.

28 County boards of education.

29 County drainage districts.

30 County flood control and water districts.

31 County free library systems.

32 County maintenance districts.

33 County sanitation districts.

34 County service areas.

35 County transportation commissions.

36 County water agencies.

37 County water authorities.

38 County water districts.

39 County waterworks districts.

- 1 Department of Water Resources and other agencies acting
- 2 pursuant to Part 3 (commencing with Section 11100) of Division
- 3 6 of the Water Code.
- 4 Distribution districts of any public body.
- 5 Drainage districts.
- 6 Enhanced infrastructure financing districts.
- 7 Fire protection districts.
- 8 Flood control and water conservation districts.
- 9 Flood control districts.
- 10 Garbage and refuse disposal districts.
- 11 Garbage disposal districts.
- 12 Geologic hazard abatement districts.
- 13 Harbor districts.
- 14 Harbor improvement districts.
- 15 Harbor, recreation, and conservation districts.
- 16 Health care authorities.
- 17 Highway districts.
- 18 Highway interchange districts.
- 19 Highway lighting districts.
- 20 Housing authorities.
- 21 Improvement districts or improvement areas of any public body.
- 22 Industrial development authorities.
- 23 Infrastructure financing districts.
- 24 Integrated financing districts.
- 25 Irrigation districts.
- 26 Joint highway districts.
- 27 Levee districts.
- 28 Library districts.
- 29 Library districts in unincorporated towns and villages.
- 30 Local agency formation commissions.
- 31 Local health care districts.
- 32 Local health districts.
- 33 Local hospital districts.
- 34 Local transportation authorities or commissions.
- 35 Maintenance districts.
- 36 Memorial districts.
- 37 Metropolitan transportation commissions.
- 38 Metropolitan water districts.
- 39 Mosquito abatement and vector control districts.
- 40 Multifamily improvement districts.

- 1 Municipal improvement districts.
- 2 Municipal utility districts.
- 3 Municipal water districts.
- 4 Nonprofit corporations.
- 5 Nonprofit public benefit corporations.
- 6 Open-space maintenance districts.
- 7 Parking and business improvement areas.
- 8 Parking authorities.
- 9 Parking districts.
- 10 Permanent road divisions.
- 11 Pest abatement districts.
- 12 Police protection districts.
- 13 Port districts.
- 14 Property and business improvement areas.
- 15 Protection districts.
- 16 Public cemetery districts.
- 17 Public utility districts.
- 18 Rapid transit districts.
- 19 Reclamation districts.
- 20 Recreation and park districts.
- 21 Regional justice facility financing agencies.
- 22 Regional park and open-space districts.
- 23 Regional planning districts.
- 24 Regional transportation commissions.
- 25 Resort improvement districts.
- 26 Resource conservation districts.
- 27 River port districts.
- 28 Road maintenance districts.
- 29 Sanitary districts.
- 30 School districts of any kind or class.
- 31 School facilities improvement districts.
- 32 Separation of grade districts.
- 33 Service authorities for freeway emergencies.
- 34 Sewer districts.
- 35 Sewer maintenance districts.
- 36 Small craft harbor districts.
- 37 Special municipal tax districts.
- 38 Stone and pome fruit pest control districts.
- 39 Storm drain maintenance districts.
- 40 Storm drainage districts.

1 Storm drainage maintenance districts.
2 Storm water districts.
3 Toll tunnel authorities.
4 Traffic authorities.
5 Transit development boards.
6 Transit districts.
7 Unified and union school districts' public libraries.
8 Vehicle parking districts.
9 Water agencies.
10 Water authorities.
11 Water conservation districts.
12 Water districts.
13 Water replenishment districts.
14 Water storage districts.
15 Watermaster districts.
16 Wine grape pest and disease control districts.
17 Zones, improvement zones, or service zones of any public body.
18 (2) Notwithstanding paragraph (1), a "public body" does not
19 include any of the following:
20 (A) A community redevelopment agency formed pursuant to
21 the Community Redevelopment Law (Part 1 (commencing with
22 Section 33000) of Division 24 of the Health and Safety Code).
23 (B) A community development commission, with respect to its
24 exercise of the powers of a community redevelopment agency.
25 (C) A joint powers authority that includes a community
26 redevelopment agency or a community development commission
27 as a member, with respect to its exercise of the powers of a
28 community redevelopment agency.
29 (3) "Public body" includes both of the following:
30 (A) The successor agency to the Redevelopment Agency of the
31 City and County of San Francisco, solely for the purpose of issuing
32 bonds or incurring other indebtedness pursuant to the provisions
33 of Section 34177.7 of the Health and Safety Code.
34 (B) A successor agency, as defined in subdivision (j) of Section
35 34171 of the Health and Safety Code, solely for the purpose of
36 issuing bonds or incurring other indebtedness pursuant to the
37 provisions of Section 34177.5 of the Health and Safety Code.
38 (b) "Bonds" means all instruments evidencing an indebtedness
39 of a public body incurred or to be incurred for any public purpose,
40 all leases, installment purchase agreements, or similar agreements

1 wherein the obligor is one or more public bodies, all instruments
2 evidencing the borrowing of money in anticipation of taxes,
3 revenues, or other income of that body, all instruments payable
4 from revenues or special funds of those public bodies, all
5 certificates of participation evidencing interests in the leases,
6 installment purchase agreements, or similar agreements, and all
7 instruments funding, refunding, replacing, or amending any thereof
8 or any indebtedness.

9 (c) "Hereafter" means any time subsequent to the effective date
10 of this act.

11 (d) "Heretofore" means any time prior to the effective date of
12 this act.

13 (e) "Now" means the effective date of this act.

14 SEC. 3. All public bodies heretofore organized or existing
15 under any law, or under color of any law, are hereby declared to
16 have been legally organized and to be legally functioning as those
17 public bodies. Every public body, heretofore described, shall have
18 all the rights, powers, and privileges, and be subject to all the duties
19 and obligations, of those public bodies regularly formed pursuant
20 to law.

21 SEC. 4. The boundaries of every public body as heretofore
22 established, defined, or recorded, or as heretofore actually shown
23 on maps or plats used by the assessor, are hereby confirmed,
24 validated, and declared legally established.

25 SEC. 5. All acts and proceedings heretofore taken by any public
26 body or bodies under any law, or under color of any law, for the
27 annexation or inclusion of territory into those public bodies or for
28 the annexation of those public bodies to any other public body or
29 for the detachment, withdrawal, or exclusion of territory from any
30 public body or for the consolidation, merger, or dissolution of any
31 public bodies are hereby confirmed, validated, and declared legally
32 effective. This shall include all acts and proceedings of the
33 governing board of any public body and of any person, public
34 officer, board, or agency heretofore done or taken upon the question
35 of the annexation or inclusion or of the withdrawal or exclusion
36 of territory or the consolidation, merger, or dissolution of those
37 public bodies.

38 SEC. 6. (a) All acts and proceedings heretofore taken by or
39 on behalf of any public body under any law, or under color of any
40 law, for, or in connection with, the authorization, issuance, sale,

1 execution, delivery, or exchange of bonds of any public body for
2 any public purpose are hereby authorized, confirmed, validated,
3 and declared legally effective. This shall include all acts and
4 proceedings of the governing board of public bodies and of any
5 person, public officer, board, or agency heretofore done or taken
6 upon the question of the authorization, issuance, sale, execution,
7 delivery, or exchange of bonds.

8 (b) All bonds of, or relating to, any public body heretofore issued
9 shall be, in the form and manner issued and delivered, the legal,
10 valid, and binding obligations of the public body. All bonds of, or
11 relating to, any public body heretofore awarded and sold to a
12 purchaser and hereafter issued and delivered in accordance with
13 the contract of sale and other proceedings for the award and sale
14 shall be the legal, valid, and binding obligations of the public body.
15 All bonds of, or relating to, any public body heretofore authorized
16 to be issued by ordinance, resolution, order, or other action adopted
17 or taken by or on behalf of the public body and hereafter issued
18 and delivered in accordance with that authorization shall be the
19 legal, valid, and binding obligations of the public body. All bonds
20 of, or relating to, any public body heretofore authorized to be issued
21 at an election and hereafter issued and delivered in accordance
22 with that authorization shall be the legal, valid, and binding
23 obligations of the public body. Whenever an election has heretofore
24 been called for the purpose of submitting to the voters of any public
25 body the question of issuing bonds for any public purpose, those
26 bonds, if hereafter authorized by the required vote and in
27 accordance with the proceedings heretofore taken, and issued and
28 delivered in accordance with that authorization, shall be the legal,
29 valid, and binding obligations of the public body.

30 SEC. 7. (a) This act shall operate to supply legislative
31 authorization as may be necessary to authorize, confirm, and
32 validate any acts and proceedings heretofore taken pursuant to
33 authority the Legislature could have supplied or provided for in
34 the law under which those acts or proceedings were taken.

35 (b) This act shall be limited to the validation of acts and
36 proceedings to the extent that the same can be effectuated under
37 the California Constitution and the United States Constitution.

38 (c) This act shall not operate to authorize, confirm, validate, or
39 legalize any act, proceeding, or other matter being legally contested
40 or inquired into in any legal proceeding now pending and

1 undetermined or that is pending and undetermined during the
2 period of 30 days from and after the effective date of this act.

3 (d) This act shall not operate to authorize, confirm, validate, or
4 legalize any act, proceeding, or other matter that has heretofore
5 been determined in any legal proceeding to be illegal, void, or
6 ineffective.

7 (e) This act shall not operate to authorize, confirm, validate, or
8 legalize a contract between any public body and the United States.

9 SEC. 8. Any action or proceeding contesting the validity of
10 any action or proceeding heretofore taken under any law, or under
11 color of any law, for the formation, organization, or incorporation
12 of any public body, or for any annexation thereto, detachment or
13 exclusion therefrom, or other change of boundaries thereof, or for
14 the consolidation, merger, or dissolution of any public bodies, or
15 for, or in connection with, the authorization, issuance, sale,
16 execution, delivery, or exchange of bonds thereof upon any ground
17 involving any alleged defect or illegality not effectively validated
18 by the prior provisions of this act and not otherwise barred by any
19 statute of limitations or by laches shall be commenced within six
20 months of the effective date of this act, otherwise each and all of
21 those matters shall be held to be valid and in every respect legal
22 and incontestable. This act shall not extend the period allowed for
23 legal action beyond the period that it would be barred by any
24 presently existing valid statute of limitations.

25 SEC. 9. Nothing contained in this act shall be construed to
26 render the creation of any public body, or any change in the
27 boundaries of any public body, effective for purposes of assessment
28 or taxation unless the statement, together with the map or plat,
29 required to be filed pursuant to Chapter 8 (commencing with
30 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
31 Code, is filed within the time and substantially in the manner
32 required by those sections.

115TH CONGRESS
1ST SESSION

H. R. 448

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2017

Mr. HUFFMAN (for himself, Mr. ROHRABACHER, Mr. DOGGETT, Ms. MCSALLY, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Conservation
5 Rebate Tax Parity Act”.

1 **SEC. 2. MODIFICATIONS TO INCOME EXCLUSION FOR CON-**
2 **SERVATION SUBSIDIES.**

3 (a) IN GENERAL.—Subsection (a) of section 136 of
4 the Internal Revenue Code of 1986 is amended—

5 (1) by striking “any subsidy provided” and in-
6 serting “any subsidy—

7 “(1) provided”,

8 (2) by striking the period at the end and insert-
9 ing a comma, and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(2) provided (directly or indirectly) by a public
13 utility to a customer, or by a State or local govern-
14 ment to a resident of such State or locality, for the
15 purchase or installation of any water conservation or
16 efficiency measure, or

17 “(3) provided (directly or indirectly) by a storm
18 water management provider to a customer, or by a
19 State or local government to a resident of such State
20 or locality, for the purchase or installation of any
21 storm water management measure.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) DEFINITION OF WATER CONSERVATION OR
24 EFFICIENCY MEASURE AND STORM WATER MANAGE-
25 MENT MEASURE.—Section 136(c) of the Internal
26 Revenue Code of 1986 is amended—

1 (A) by striking “ENERGY CONSERVATION
2 MEASURE” in the heading thereof and inserting
3 “DEFINITIONS”,

4 (B) by striking “IN GENERAL” in the
5 heading of paragraph (1) and inserting “EN-
6 ERGY CONSERVATION MEASURE”, and

7 (C) by redesignating paragraph (2) as
8 paragraph (4) and by inserting after paragraph
9 (1) the following:

10 “(2) WATER CONSERVATION OR EFFICIENCY
11 MEASURE.—For purposes of this section, the term
12 ‘water conservation or efficiency measure’ means any
13 evaluation of water use, or any installation or modi-
14 fication of property, the primary purpose of which is
15 to reduce consumption of water or to improve the
16 management of water demand with respect to one or
17 more dwelling units.

18 “(3) STORM WATER MANAGEMENT MEASURE.—
19 For purposes of this section, the term ‘storm water
20 management measure’ means any installation or
21 modification of property primarily designed to re-
22 duce or manage amounts of storm water with re-
23 spect to one or more dwelling units.”.

24 (2) DEFINITION OF PUBLIC UTILITY.—Section
25 136(c)(4) of such Code (as redesignated by para-

1 graph (1)(C)) is amended by striking subparagraph
2 (B) and inserting the following:

3 “(B) PUBLIC UTILITY.—The term ‘public
4 utility’ means a person engaged in the sale of
5 electricity, natural gas, or water to residential,
6 commercial, or industrial customers for use by
7 such customers.

8 “(C) STORM WATER MANAGEMENT PRO-
9 VIDER.—The term ‘storm water management
10 provider’ means a person engaged in the provi-
11 sion of storm water management measures to
12 the public.

13 “(D) PERSON.—For purposes of subpara-
14 graphs (B) and (C), the term ‘person’ includes
15 the Federal Government, a State or local gov-
16 ernment or any political subdivision thereof, or
17 any instrumentality of any of the foregoing.”.

18 (3) CLERICAL AMENDMENTS.—

19 (A) The heading of section 136 of such
20 Code is amended—

21 (i) by inserting “**AND WATER**” after
22 “**ENERGY**”, and

23 (ii) by striking “**PROVIDED BY PUB-**
24 **LIC UTILITIES**”.

1 (B) The item relating to section 136 in the
2 table of sections of part III of subchapter B of
3 chapter 1 of such Code is amended—

4 (i) by inserting “and water” after
5 “energy”, and

6 (ii) by striking “provided by public
7 utilities”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to amounts received after Decem-
10 ber 31, 2015.

11 (d) NO INFERENCE.—Nothing in this Act or the
12 amendments made by this Act shall be construed to create
13 any inference with respect to the proper tax treatment of
14 any subsidy received directly or indirectly from a public
15 utility, a storm water management provider, or a State
16 or local government for any water conservation measure
17 or storm water management measure before January 1,
18 2017.

○



AGENDA NO.
MEETING DATE

13.

February 14, 2017

**TITLE APPROVAL OF THE UPDATED DISTRICT EMPLOYEE RECOGNITION AND
SERVICE AWARD PROGRAM**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt a resolution approving an update to the East Bay Municipal Utility District (EBMUD) Employee Recognition and Service Award Program.

SUMMARY

At the February 14, 2017, Legislative/Human Resources Committee meeting, staff provided an update on the District's updated Employee Recognition and Service Award Program. Staff recommends that the Board adopt a resolution approving the updated EBMUD Employee Recognition and Service Award Program.



DISCUSSION

The District has a proud heritage of recognizing and celebrating the efforts and achievements of its employees who provide vital services to East Bay residents, businesses, and visitors. Following a year-long employee-guided program redevelopment, the District is prepared to launch an updated Employee Recognition and Service Award Program in March 2017. The goal of the program is to create and maintain a culture of appreciation for all District employees and the work that they do.

The cross-organizational Employee Recognition team developed this program with input from the 2015 Employee Recognition Survey, interviews with public and private organizations, and data from the Society for Human Resource Development's employee recognition survey conducted in 2015. Trends from these sources indicated a movement towards employee engagement through peer and informal recognition. The updated program reflects these trends and provides a platform for participation of all employees.

The updated program has four elements that contribute to the appreciation and celebration of our staff:

- Longevity and Retirement Awards
- Peer Recognition
- Local Recognition
- Employee Appreciation Month

Funds Available: FY17		Budget Code: 362
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR  Laura Brunson	APPROVED  General Manager

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

Longevity and Retirement Awards

The District has historically recognized the years of service contributed by employees. Currently, employees are recognized for every five years of service. They are awarded a certificate and a decorative recognition pin for five years of service. For ten or more years of service, they receive a certificate and a choice of a decorative recognition pin or a tangible gift through the District's recognition vendor.

Under the updated service award program employees will now receive:

1. A District pin,
2. A Certificate of Appreciation, and
3. Their choice of one of two equally-valued options:
 - a. EBMUD branded items offered at the District Store; or
 - b. Merchandise from a vendor catalog, and
4. Employees reaching the 20-year service level will be awarded a wooden Water Drop plaque (created by EBMUD staff).

Peer Recognition Program

The Peer Recognition Program allows any District employee or team to be recognized for one or more of the following six performance/contribution behaviors:

1. Going Above and Beyond
2. Environmental Stewardship
3. Living the Values
4. Mentorship
5. Safety
6. Service to Others

Peer recognition is administered through the use of a peer recognition card. The recognition cards will provide a simple on the spot "thank you" or acknowledgement when someone is seen exemplifying one or more of the targeted performance/contribution behaviors. The program allows for any employee to recognize another employee at any time.

The program will be implemented in two phases:

- Phase 1 - Paper recognition cards
- Phase 2 - Electronic/Social media style version cards

All recognized employees will be entered into a quarterly drawing. Each quarter, five employees will be selected to receive a \$25 gift certificate to the District Store.

Local Recognition Programs

In addition to peer recognition, each department or division is encouraged to identify their own unique and meaningful local awards. Groups can choose to honor and reinforce behaviors and/or achievements that are specific to the success of the group. Current examples include the Safety and Perfect Attendance awards for Operations and Maintenance (O&M). These two awards are important to the successful

implementation of the group's objectives and are recognized by the culture of O&M as being worthy achievements. In both cases, employees are recognized in the midst of their peers. Departments will be provided ideas and templates for creating meaningful local awards.

Employee Appreciation Month

July is being designated as the District's Employee Appreciation Month. Throughout the month, all departments will have the opportunity to choose the best options for appreciating staff. The District will celebrate the achievements of the organization and recognize employees that have been acknowledged through the peer and local recognition processes.

- Departments will receive dedicated funds on a per full-time-employee basis to provide an employee recognition celebration (this provides groups local control of celebrations).
- Staff will create an employee highlight video to be shown at the local State of the District Addresses featuring peer and/or local recognized employees.

The updated program will modify the District service award program, replacing the District's current longevity and retirement awards vendor with a new lower cost vendor and retire the existing Employee Excellence Program.

SERVICE PROVIDER SELECTION

At this time, no vendors have been selected for provision of services. Pending approval of the program, staff will engage in a request for proposals process to identify a new vendor to provide service awards.

SUSTAINABILITY

Economic

There is no significant increase in costs associated with the recommended program revisions. Currently, the District expends approximately \$140,000 annually for its Service Award and Employee Excellence Award programs. Under the recommended program, service awards costs will be reduced by 25 percent and the savings will be used to fund the recognition and appreciation components of the revised program. Funds are available in the FY17 budget and will be considered for inclusion in the FY18/19 budget.

Social

Staff has provided copies of the program modifications to each of the unions and has offered to meet regarding any concerns. To date, no concerns have been expressed.

ALTERNATIVE

Do not adopt the resolution. This alternative is not recommended since the District has a long-standing history of employee excellence and service programs, and the Board's approval of the updated program is a good housekeeping action taken to ensure ongoing compliance with applicable state and federal requirements for employee service and recognition programs.

RESOLUTION NO. _____

APPROVING UPDATES TO THE EAST BAY MUNICIPAL UTILITY DISTRICT
EMPLOYEE SERVICE RECOGNITION AWARD PROGRAM

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District ("District") approved and ratified the District's ongoing EBMUD Employee Service Recognition Award Program under Resolution No. 34017-15; and

WHEREAS, the purpose of the EBMUD Employee Service Recognition Award Program under Resolution No. 34017-15 was to encourage continued service to the District and to recognize the value that the length of an employee's service provides to the District by providing awards of tangible items and certificates to employees on their service anniversaries at five year intervals; and

WHEREAS, over the past two years since the adoption of Resolution No. 34017-15, the District's management and employees jointly conducted a study on the District's values and determined that the core organizational values consist of stewardship, integrity, respect and teamwork; and

WHEREAS, in furtherance of those values, the District surveyed employees and found that employees sought a culture of appreciation for all District employees and the work they perform; and

WHEREAS, to create and maintain a culture of appreciation for its employees and for the public purpose of recognizing the valuable nature of the services provided by experienced employees, promoting a stable workforce for the District, and furthering the District's interest in recruiting and retaining highly qualified and experienced employees in the District's workforce; and

WHEREAS, the District desires to update the current EBMUD Employee Service Recognition Award Program to include awards for Peer Recognition, Local Recognition, and to authorize an Employee Appreciation Month celebration as described in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does hereby approve and ratify the updates to the District's EBMUD Employee Service Recognition Award Program as

described in Exhibit A.

ADOPTED this 14th day of February, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

**EAST BAY MUNICIPAL UTILITY DISTRICT
EMPLOYEE SERVICE RECOGNITION AWARD PROGRAM**

Employee Service Recognition Award

The District has historically recognized the years of service contributed by employees. Currently, employees are recognized for every five years of service and are awarded a certificate, and a choice of a decorative recognition pin or a tangible gift through a recognition vendor.

Under the new service award program employees will now receive the following;

1. A District pin,
2. A certificate of appreciation,
3. Their choice of one of two equally valued options for service recognition:
 - a. EBMUD branded items offered at the District Store; or
 - b. Tangible merchandise from a vendor catalog, and
4. For employees reaching the 20-year service level, a water drop memento will be awarded.

Peer Recognition Program

The new Peer Recognition Program allows any District employee or team to be recognized for one or more of the following six performance/contribution behaviors:

1. Going Above and Beyond
2. Environmental Stewardship
3. Living the Values
4. Mentorship
5. Safety
6. Service to Others

Peer recognition is administered through the use of a quarterly themed peer recognition card. The recognition cards are to provide a simple on the spot “thank you”, or acknowledgement when someone is seen exemplifying one or more of the targeted performance/contribution behaviors. The program allows for any employee to recognize any other employee at any time.

The program will be implemented in two phases:

- Phase 1. Paper recognition cards
- Phase 2. Electronic/Social media style version

All recognized employees will be entered into a quarterly drawing. Each quarter, five employees will be selected at random to receive a \$25 gift certificate to the District Store.

Local Recognition Programs

In addition to peer recognition, each department or division is encouraged to identify their own unique and meaningful local awards. Groups can choose to honor and reinforce behaviors and/or achievements that are specific to the success of the group. Current examples include the Safety and Perfect Attendance awards for Operations and Maintenance (O&M). These two awards are important to the successful implementation of the group's objectives and are recognized by the culture of O&M as being worthy achievements. In both cases employees are recognized in front of their peers.

Departments will be provided ideas and templates for creating meaningful local awards.

Employee Appreciation Month

July is designated as the official District Employee Appreciation Month. During that month all Departments will have the opportunity to choose the best options for appreciating all staff. The District will celebrate the achievements of the organization and recognize employees that have been acknowledged through the peer and local recognition processes.

- Departments will receive dedicated funds on a per FTE basis to provide an employee recognition celebration (local control).
- Celebrations will be conducted in tandem with the Annual State of the District Address.
- Staff will create an employee highlight video to be shown at the local State of the District Addresses featuring employees recognized under the Peer and/or Local Recognition Programs.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

FROM: Laura Brunson, Manager of Human Resources



SUBJECT: Appoint Ad Hoc Committee to Negotiate Amendments to Employment
Agreements with General Manager and General Counsel

On February 14, 2017, the Board will be meeting in closed session to conduct a performance evaluation of the General Manager and General Counsel. During the Board's regular meeting on February 14, it is recommended that consistent with past practice, the Board appoint three members of the Board to serve on an ad hoc committee as the Board's representatives in negotiating any amendments to the employment agreements with the General Manager and the General Counsel. The Board can provide instructions to the ad hoc committee at the Board's next closed session meeting on February 28, 2017, in accordance with Government Code section 54957.6.

LB:rdw

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

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

FROM: Eileen M. White, Manager of Water Operations *Eileen M. White*

SUBJECT: Water Supply and Storm Update

INTRODUCTION

This memo provides an update on water supply, East Bay operations, and actions implemented in response to recent storms. Through February 8, 2017, the rainfall year-to-date total in the Mokelumne watershed is 57.11 inches, which is wetter than 1983, the wettest year on record. Although there have been power outages at several facilities as a result of the recent storms, and higher-turbidity water flowing into the water treatment plants, there have been no impacts to water service.

DISCUSSION**Water Supply**

The precipitation season is approximately 60 percent complete. The 484,000 acre-feet of runoff received in Water Year 2017 to-date is greater than the 480,000 acre-feet received in Water Years 2014 and 2015 combined. Total system storage is currently 657,700 acre-feet, 115% of average. The end of September total system storage is projected to be full for the median and dry (90 percent exceedance) forecasts. Staff will be available at the Board Meeting to answer any questions about the District's water supply, operations, and response to storm impacts.

Mokelumne Operations

The snow depth at Caples Lake has increased to 104 inches, 156% of average, and the Caples Lake snow water content has increased to 38.7 inches, 173% of average. As of February 9, the Pardee and Camanche Reservoir system is encroached 82,000 acre-feet (41%). There is currently about 125,500 acre-feet of remaining storm flow storage capacity in Camanche, and the PG&E system has about 50,000 acre-feet of remaining storm flow storage capacity.

Following continued storm events in the Mokelumne watershed, inflows to Pardee Reservoir averaged 17,189 cfs as of Wednesday, February 8. Downstream releases were increased from

3,500 cfs to 4,500 cfs on Thursday, February 9, to manage these continued high inflows and recapture needed storm flow storage capacity in Camanche Reservoir. The District notified the appropriate agencies as well as the landowners downstream of Camanche, via automated message, of the increase in releases. Staff will continue to review system storage, daily runoff, the weather forecast, and snow on the ground, to develop daily runoff projections and reservoir releases to manage water supply and flood control space. Planned releases and storage projections are shared daily with the U.S. Corps of Engineers.

The Mokelumne precipitation forecast is for 3.0 inches today, with a snow level starting at 8,000 to 9,000 feet and later falling to 4,000 to 5,000 feet. The forecast for tomorrow is for 0.4 inches. The 15-day forecast is for 7.2 inches, well above the historical 15-day average precipitation of 4.0 inches.

East Bay Operations

The East Bay received 4.5 inches of precipitation in the last six days, bringing the monthly total to 337% of average. The precipitation was particularly intense on February 6 and February 7 with over an inch of precipitation received each day.

The intense precipitation led to a rapid rise in reservoir elevations from the afternoon of February 6 to the afternoon of February 7, when spilling peaked at San Pablo and USL Reservoirs. The elevation of these reservoirs has begun to decline. Chabot Reservoir elevation and spill peaked on February 8. Briones and Lafayette Reservoirs are continuing to rise, but are not expected to spill based on the current 10-day forecast. There were no releases from the reservoirs during rain events or spilling. The status of each local reservoir is summarized below.

- Briones Reservoir elevation is 575.3 feet, which is 0.9 feet below the spill elevation. The reservoir elevation increased 0.9 feet since February 6.
- San Pablo Reservoir is at elevation 314.8 feet and is spilling 325 cfs. The reservoir elevation increased 1.5 feet from February 6 to February 7, and decreased 0.7 feet from February 7 to today. The reservoir elevation peaked at elevation 315.4 in the afternoon on February 7, spilling 675 cfs at that time.
- USL Reservoir is at elevation 462.9 feet, and is spilling 600 cfs. The reservoir elevation increased 2.2 feet from February 6 to February 7, and has decreased 0.2 feet from February 7 to today. The reservoir elevation peaked at elevation 463.1 in the afternoon on February 7, spilling 710 cfs at that time. Spilling led to flooding at the Redwood Canyon Golf Course.

- Chabot Reservoir is at elevation 230.9 feet. The stoplogs in the center bay of the auxiliary spillway failed in the last 24 hours, resulting in spilling at the auxiliary spillway to San Leandro Creek. The reservoir is spilling 690 cfs at the main spillway, plus 130 cfs at the auxiliary spillway, for a total spill of 820 cfs to San Leandro Creek. The reservoir elevation peaked at 231.0 feet on February 8, spilling 860 cfs at that time.
- Lafayette Reservoir is at elevation 446.5 feet, which is 2.7 feet below the spillway elevation. The reservoir elevation increased 1.4 feet since February 6.

The current forecast is for 1.3 inches of precipitation in the East Bay through Friday, February 10, followed by no precipitation from Saturday, February 11 through Wednesday, February 15, then by 2.6 inches total from February 16 to February 23. As the flow in San Pablo Creek and San Leandro Creek recedes and provides available capacity, staff will make releases from the terminal reservoirs to limit the risk of spills from subsequent storms.

ARC:EMW:ss

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

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

SUBJECT: Monthly Report – January 2017

HIGHLIGHTS

On January 9, EBMUD signed a Letter of Mutual Understanding with five other urban water agencies to cooperate on levee improvements to Bacon Island in the Delta. EBMUD will provide staff support and technical advice to a consortium including Contra Costa Water District, Metropolitan Water District of Southern California, Alameda County Water District, Santa Clara Valley Water District, Zone 7 Water Agency, and Reclamation District 2028 under a grant from the Department of Water Resources. This is the first such project where multiple urban water agencies have collaborated, financially and technically, on a levee improvement project that will yield water supply benefits and habitat restoration.

January storms impacted District operations in the East Bay and Mokelumne watershed.

East Bay. On January 10, heavy rain storms and a lightning strike possibly caused loss of power to five influent pumps at the MWWTP for approximately two hours and led to sanitary sewer overflows in Alameda, Emeryville and Oakland. Staff diverted flows to plant storage facilities and maximized flows to all wet weather facilities. However, the large wet weather flows overwhelmed the storage capacity, resulting in sanitary sewer overflows at Alice Street (Oakland) and Barnhill Marina (Alameda) to the Oakland Inner Harbor, and Temescal Creek (Emeryville). Signage for the public was posted and staff took water quality samples at each overflow location. Staff notified regulatory agencies including the Regional Water Quality Control Board, the California Office of Emergency Services, and Alameda County Environmental Health. Staff is still investigating the cause of the power outage and will update the regulatory agencies as required.

Also on January 10, an unauthorized discharge of approximately 5,000 gallons of treated wastewater occurred at the San Antonio Creek Wet Weather Facility dechlorination building in Oakland. Water overflowed from a vault just upstream of the effluent pipe and the treated wastewater entered a storm drain and then the San Francisco Bay/Oakland Inner Harbor. The discharge lasted five minutes and was quickly stopped once discovered. No public warning signs or samples were employed since this release was treated wastewater, the size of the affected area was very small, and the overflow was confined to a driveway. The incident was reported to the California Office of Emergency Services and the San Francisco Regional Water Quality Control Board. Staff is still investigating the cause of the discharge.

Large logs were removed from Upper San Leandro and San Pablo Reservoirs and staff cleared roads and culverts, cleared up fallen trees, and closed trails as appropriate where damaged by storms. Staff backfilled a collapsing v-ditch at North Reservoir to prevent flooding and removed debris clogging the tunnel entrance at Chabot Reservoir. Other activities included trenching at Rheem Reservoir for transmitter installation and grading for temporary pumps at San Ramon Pumping Plant. There were no known customer outages.

Mokelumne Watershed. Camanche Dam downstream releases were increased to 5,000 cfs to manage continued high inflows and recapture needed storm flow capacity in Camanche Reservoir. This resulted in water pressure and oxygen supersaturation issues at the Mokelumne fish hatchery. Staff worked with the hatchery to resolve the issues and save the current egg lots.

Damage reported around the watershed included downed trees across roads and trails, minor flooding and mudslides. The heavy inflow of water in the Mokelumne River caused both log booms to fail on Pardee Reservoir resulting in a large amount of floating debris in the Reservoir. Repairs to the booms will be completed when inflows are reduced.

Briones Aqueduct slide update. The Briones Aqueduct is a critical raw water pipeline used to fill Briones Reservoir and deliver raw water from the reservoir to the water treatment plants east of the hills. During the week of January 9, a storm-induced slide occurred on San Pablo Creek threatening the aqueduct. With further storm events projected the following week, the District declared an emergency on January 13 to address the slide and secure the integrity of the aqueduct. The contractor began work at the site on January 14 and final repairs were completed on January 31 with no impacts to District customers. Timely repair of the slide was necessary to protect the aqueduct, San Pablo Creek, and the public. The aqueduct was put into service on January 20 to address water quality issues with the Mokelumne supply.

WATER SUPPLY

State Water Resources Control Board (SWRCB) implements new reporting regulation for measuring and reporting water diversions. In 2016, the SWRCB adopted a resolution enacting emergency regulations for measuring and reporting water diversions. Among other requirements, the regulation required hourly measuring devices to be installed by January 31, 2017, and that data be posted daily on a publically available website by January 1, 2020. The District installed the hourly measuring devices by the deadline and will post daily data on the District's website in 2017, ahead of the SWRCB's deadline in 2020. Staff continues to coordinate with Woodbridge Irrigation District and North San Joaquin Water Conservation District to include their Mokelumne River diversion data on EBMUD's website to improve coordination among water users on the Mokelumne River.

The first draft of the Bay Area Regional Reliability (BARR) Drought Contingency Plan was distributed for review and comment. Representatives from the BARR agencies will meet in February to discuss the draft which focuses on regional drought mitigation and response actions.

Staff is evaluating the benefits of a short term water wheeling project in summer 2017. The project concept is to use Freeport un-assigned capacity to wheel water to Los Vaqueros for storage and delivery to San Luis Delta Mendota Water Authority. Staff is evaluating EBMUD's system capacity availability and preparing a cost estimate for wheeling. San Luis Delta Mendota Water Authority would pay all costs associated obtaining necessary approvals and all costs associated with delivering the water.

Precipitation. The East Bay precipitation for January was 11.64 inches (218% of average) and the season total was 23.69 inches (155% of average). The Mokelumne precipitation for January was 23.81 inches (272% of average) and the season total is 47.50 inches (182% of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for January was 4,452 cfs (1,447 cfs generation, 2,984 cfs sluice, and 20 cfs through the hatchery), and the average flow below Woodbridge Dam was 3,971 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" criteria. The Camanche release began the month at 1,460 cfs. To manage encroachment, the Camanche release was increased to 3,000 cfs on January 4 and to 5,000 cfs on January 5, where it remained through the end of January.

East Bay Reservoirs. Briones, San Pablo, USL, and Chabot Reservoirs spilled in January. Releases were made from San Pablo, USL, and Chabot Reservoirs between rainfall events to limit the spill. Releases were made from Lafayette Reservoir from January 18 to January 26 to avoid spill. Releases will continue in February on San Pablo and USL Reservoirs, rainfall permitting.

Water Storage

Mokelumne reservoirs storage is 108% of average. As of January 31, 2017, Pardee was at 567.9 feet or 114% of average, and the Camanche was at 213.9 feet or 104% of average. Combined Pardee and Camanche reservoir storage was 475,000 acre-feet compared to 253,000 acre-feet last year.

East Bay reservoirs storage is 118% of average. As of January 31, 2017, USL was at 460.1 feet or 134% of average, San Pablo was at 312.6 feet or 124% of average, and Briones was at 574.9 feet or 106% of average. Total terminal reservoir storage was 149,000 acre-feet compared to 126,000 acre-feet last year.

Mokelumne Aqueducts and raw water pumping plants. The average rate of Mokelumne Aqueduct draft for January 2017 was 34 MGD. Lafayette Aqueduct No. 2, Briones Aqueduct, and Mokelumne Aqueduct No. 2 began the month out of service. Emergency repairs were performed on the Briones Aqueduct landslide to enable return to service. Due to high turbidity at Pardee Reservoir, on January 20 Mokelumne Aqueducts Nos. 2 and 3 were shut down, and Briones Aqueduct and Lafayette No. 2 were returned to service to provide water to the in-line water treatment plants. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for January:

	January 2017	January 2016	January 2013	Average of FY 2005-2007
East of Hills	22 MGD	23 MGD	27 MGD	28 MGD
West of Hills	99 MGD	95 MGD	105 MGD	125 MGD
Total	121 MGD	118 MGD	132 MGD	153 MGD
Max Day Production	125 MGD (1/16/2017)	124 MGD (1/27/2016)	144 MGD (1/17/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

WATER QUALITY AND ENVIRONMENTAL PROTECTION

The MWWTP received no odor reports in January from the public.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of January. This is the 209th consecutive month that the MWWTP experienced no exceedances.

On January 13, staff made a presentation at the California Rangeland Conservation Coalition Summit regarding Mokelumne watershed management activities. Additionally, a field tour was conducted on January 12 with a stop to review the results at the site of the 45 acre vegetation management burn conducted by District staff in the South Arm of Camanche in June 2016.

On January 25, a ground breaking ceremony was held at the Dublin San Ramon Services District treatment plant in Pleasanton to commemorate the start of construction to expand the plant capacity to produce recycled water. The 70 percent in increased capacity will be used to serve EBMUD, DSRSD and City of Pleasanton recycled water demands and will allow expanded service for all three agencies. The project is expected to be completed by the fall of 2018.

The North Richmond Water Reclamation Facility (NRWRF) continues to provide potable water to the Chevron refinery for use in Chevron's cooling towers. The West County Wastewater District (WCWD) continues construction of its new treatment facilities; construction is scheduled to be completed in the summer of 2017. The new facilities will allow WCWD to provide a more reliable, consistent effluent water quality to the District which is necessary for the District to produce high quality recycled water for delivery to Chevron. The District and WCWD have developed draft terms for a new water supply agreement and agency representatives will meet in late February to discuss and finalize the agreement. It is anticipated that the final agreement will be presented for approval to both Boards in late spring 2017.

The MWWTP exceeded permitted toxicity levels in its effluent in December 2016.

One of the many monitoring requirements in the District's MWWTP permit is chronic toxicity testing that exposes a sensitive species (e.g. mussels) in the plant's effluent for 48 hours followed by an assessment of the species reproductive viability. Chronic toxicity as of December 6, 2016 was 15.1 TUc (toxicity units), which exceeded the permit requirement of less than 10 TUc. This required the MWWTP to enter accelerated monitoring mode which requires chronic toxicity testing to be performed every month rather than quarterly until toxicity levels decrease. On January 25, chronic toxicity 3.5 TUc, bringing the plant back in compliance with the permit requirement. Staff is still investigating the cause of the increased toxicity levels in December.

The District laboratory successfully completed the annual California Environmental Laboratory Accreditation Program (ELAP) audit. Audits were conducted in several operational areas, including general chemistry, trace metals, microbiology, trace organics and aquatic toxicology. There were no deficiencies or findings from the audit and the ELAP certificate was extended until December 31, 2017.

Review underway to improve the District's chlorination rate on new main installations.

A review of the chlorination process is underway to limit potential factors challenging disinfection of PVC pipe, from vendor delivery of pipe to final installation. Included in the review process is the water quality testing performed throughout all phases in projects.

INFRASTRUCTURE INVESTMENT

Staff completed construction of the MWWTP Hypochlorite Piping Replacement Project, Phase 1 under SD-350. This \$1.8 million project included replacement of approximately 10,000 feet of sodium hypochlorite piping, as well as restoration of the chemical-resistant lining inside three sodium hypochlorite storage tanks.

Staff completed design for the MWWTP Primary Sedimentation Tanks and Channels Rehabilitation Phase 4 Project. This \$5.8 million project will rehabilitate three of the 16 primary sedimentation tanks, including concrete repairs, replacement of the mechanical sludge collectors and electrical control panels, new wash down monitors, and related work. Construction is scheduled for completion by the end of 2017.

On January 6, District staff began a pilot pipeline replacement project in the Upper Happy Valley area of Lafayette. EBMUD will be the first in the nation to install Bionax-SR, a seismic resistant molecularly oriented polyvinyl chloride (PVCO) pipe made with extended bells. This pipe is stronger, lighter, and more flexible than traditional PVC. Staff met with manufacturing representatives who provided a product overview and summary of installation requirements. Pilot initiatives as part of this project include blending restrained and unrestrained joints and measuring installation efficiencies of the new material compared to traditional PVC. A final evaluation and long-term recommendation on the use of the new pipe will be submitted to the Pipe Committee once the project is concluded.

Staff organized a community meeting to discuss the project. Meeting notifications were mailed to over 400 residents, posted to Nextdoor, and announced in the Happy Valley Elementary school newsletter. Approximately twenty residents attended the meeting.

Staff completed the following grind and overlay paving projects:

- Arlington Avenue (Kensington) - 3,000 linear foot trench (13' width) and multiple service transfers restored;
- Lake Chabot Road (Castro Valley) - 2,000 linear foot trench (13' width) and multiple service transfers completed.

The District continues to negotiate with the City of Oakland on the cost-sharing paving program to complete the Cleveland Heights project. This joint project consists of completing curb to curb coverage of an approximately 10,000 linear foot trench that is 32 feet wide. Negotiations have been going on for over six months as the scope of work keeps changing (due to additional requests by the City of Oakland). Resolution is expected by the beginning of March, with work commencing at the end of March.

Orinda Water Treatment Plant Reliability and Maintenance project update. The contractor installed the new backwash pump cans, bypass piping and valve assembly in the bifurcation vault in the filter gallery and is constructing the vault walls. At effluent vault no. 1, the contractor completed the new vault walls, demolished the existing pipe, and installed the new pipe and flow meter and is installing electrical conduit. At the new power building, the contractor completed the backfill over the underground duct banks and began pulling the conductors. The contractor also installed the flow meter sensors in the confluence channel and effluent vault no. 2; completed interior coating and overflow piping work at the wash water tank; completed demolition in the hypochlorite tank room, formed the permanent hypochlorite tank bases, and began re-coating the floor in the fluoride room. Electrical work has been impacted by differing site conditions, additional required change order work, and wet weather and is being monitored for potential schedule impacts. Overall, progress is meeting expectations and the contractor continues to work extended hours.

Chabot Dam Seismic Upgrade project update. The cement deep soil mixing work has been completed. The contractor is currently completing the installation of the seepage pipe trench. The outlet tower structure work has also begun. The upper structure of the outlet structure pavilion has been removed and underwater divers are uncovering and removing the outlet pipe extending into the reservoir. Removal of the outlet pipe beneath the outlet tower is expected to begin in early February with installation of the new outlet pipe following the removal. The site restoration and final grading of the dam face has been placed on hold because of wet weather.

January main breaks totaled 107. The attached table lists the main breaks that were repaired by staff in January, sorted by city and street. The associated map shows the location of the breaks.

CUSTOMER AND COMMUNITY SERVICES

On January 13, staff conducted eagle surveys on Mokelumne and East Bay Reservoirs. Participants observed 3 adult and 2 immature bald eagles and 1 adult golden eagle at Pardee Reservoir. Camanche Reservoir had 9 adult and 7 immature bald eagles and 2 adult golden eagles. One bald eagle was observed at San Pablo Reservoir and one at Upper San Leandro Reservoir. On January 14 and January 28 District staff and volunteer docents conducted public

eagle tours on Camanche and Pardee Reservoirs. A total of 131 members of the public participated.

On January 13, staff provided an update on the Summit Reservoir Replacement project to the Berkeley Breakfast Club. The presentation focused on the project planning, design and construction. The information was well received, and staff responded to all questions. Approximately 110 members were in attendance.

On January 17, staff provided a presentation to the EBMUD/Fire Agency Forum regarding potable water supply following an earthquake. The presentation described the risks to drinking water and fire suppression following an earthquake and solicited partners with fire agencies or cities to work together on mitigation strategies. Fire department representatives from El Cerrito, Oakland, Richmond, Moraga-Orinda, Alameda County, and the San Ramon Valley Fire Protection District attended.

On January 21, EBMUD received a Stewardship Award from the Delta Fly Fishers Association. The award recognized the District for its successful efforts to restore the salmon and steelhead populations in the lower Mokelumne River.

On January 24, staff held three Environmental Education programs in the East Bay. Twenty-five students from Saklan School in Moraga, 20 students from Oakland Park Day School, and 11 students from Orinda removed hundreds of french broom plants at Valle Vista. In addition, 11 students from the Orinda Academy planted willows at Simas.

Staff is leading an industry committee to develop an operator certification program for advanced water treatment systems. The committee, formed jointly by the California-Nevada Section of the American Water Works Association and the California Water Environment Association, is developing a voluntary certification program that will be used to demonstrate competency in advanced treatment technologies such as membranes, ozone and ultraviolet. The committee met on January 17 and will address inconsistencies in experience requirements between the Water Treatment and Wastewater Operator certification programs.

Contract Equity Outreach

On January 10 staff participated in the American Indian Chamber Advisory Council Meeting via teleconference. Approximately 24 people participated on the call.

On January 21 and 28, EBMUD partnered with Alameda County Public Works Agency to host its second monthly series “Construction Contractors Academy Series 2” in Oakland. The Saturday series of three 4-hour sessions focused on basic project management skills needed on public works construction projects. Participants learned practical tools to enhance business expertise in running a small construction firm and tips on how to perform more effectively in the public sector market when they are awarded a contract. Twenty-five people attended.

On January 27, the Alameda County Public Works Agency hosted its “*Building Opportunity for Business (BOB) 2017 Upcoming Construction Contract Opportunities Meeting*” in Hayward. Staff gave a presentation on 2017 construction contract opportunities, discussed how to do business with EBMUD and disseminated information on the Contract Equity Program. Approximately 50 local small business owners attended.

Diversity and Inclusion

On January 18, staff attended Kennedy High School’s College and Career Day in Richmond. Staff from engineering career paths gave individual presentations to approximately 300 students and shared their experiences navigating through high school, various jobs and secondary schools to arrive in their current role at the District. Staff’s participation at this event supports the District’s long-term efforts to develop a diverse pipeline of candidates for our future workforce needs.

On January 26, staff gave a presentation to the leadership students at Royal Sunset High School in Hayward. Approximately 20 students, teachers and counselors learned about EBMUD and career opportunities. The attendees appreciated the presentation and requested a return visit for their career fair in May 2017.

Water Conservation

On January 10, staff launched a direct messaging campaign to increase outreach and participation in the District’s WaterSmart On-Bill Financing Pilot Program. The outreach is being conducted through a phased email process with the WaterSmart software Home Water Report platform. The target group is 8,000 multi-family property owners and managers across the service area. The email provides program information on water-saving upgrades and other conservation services. To date, the emails have a 36 percent open rate and resulted in several follow-up program inquiries and requests for multi-family water audits.

On January 17, staff presented information on managing water use for a sustainable landscape at the Bay-Friendly Training and Qualification for Maintenance of Landscapes in Oakland. This training program provided landscape maintenance professionals with knowledge and hands-on experience in sustainable landscaping practices. Staff discussed water budgets and meter reading and also provided an overview of District Water Conservation landscaping programs and water management services. More than 100 landscape professionals attended.

On January 23, staff hosted the Landscape Advisory Committee (LAC) meeting and three subcommittee meetings (Technology; Education and Outreach; and Professional Development) at the District’s Administration Building in Oakland. The general meeting included an update on State and EBMUD water regulations, and brief updates from the subcommittees. The LAC Sustainable Landscape Speaker Series featured a presentation on small and larger scale rain garden designs, plant selection and installations by Martha Berthelsen from the Watershed Project. Fifty people attended this event.

Public Information

Media. In January, staff issued media advisories on Board elections and water supply/winter storm impacts and responded to more than 40 media inquiries. Topics included: a New Year's Day main break, a staff-led media visit to a private sewer lateral inspection, the Briones Aqueduct slide repair, a wastewater overflow into the estuary and the Bay, a sewer main break in Orinda that required coordinating with Central Contra Costa Sanitation District and multiple media interviews (including several on-site at San Pablo Reservoir) on water supply, reservoir levels and releases.

Social media. The District's twitter feed began featuring regular "On the Job" profiles of District employees and links to a page on ebmud.com to highlight the workers that operate our water and wastewater systems. A picture of Pardee Reservoir spilling into Camanche generated a record number of interactions on the twitter feed with 22 likes, 12 retweets and over 1,500 impressions.

Berkeley View #2 demolition project. Staff delivered flyers in person and spoke with 20 local neighbors adjacent to the reservoir to be demolished about expectations during the work.

Grand Avenue Pipeline Replacement Project. On January 17, staff provided a project update to the Piedmont City Council.

Kensington DMA leak detection project. Staff developed and mailed a construction update to 55 neighbors in the immediate vicinity about upcoming street work and expectations for the final phase of the project.

Laguna Pumping Plant, Orinda. Staff notified 263 residents that the demolition of the Laguna Pumping plant was delayed until mid-January and corresponded with an adjacent homeowner to ensure access to a temporary construction easement.

West Oakland Business Alert/West Oakland Neighbors. Staff has been interacting with leaders for both organizations and attended the monthly West Oakland Business Alert meeting in January. Staff responded to several questions and provided further follow-up on neighborhood questions. Staff will schedule the next West Oakland Liaison group meeting by the spring.

WORKFORCE PLANNING AND DEVELOPMENT

On January 6, the District completed a fault trench study report to evaluate the potential of fault-related ground surface rupture for the proposed Bayfair Pumping Plant replacement project. The pumping plant is located close to Lake Chabot Park in Oakland. The Hayward fault had previously been mapped at the site. The fault trenching study mapped the trenches to delineate the main trace and possible secondary traces at the site in order to locate the pumping plant on an active fault trace. The fault map produced in the report will allow the District to safely locate the replacement pumping plant.

Tuition Reimbursement

	January 2017	FY17 Total
# of Employees	16	112
# of Classes	27	156
Total Reimbursed	\$13,558	\$96,651

Employment Information

	January 2017	FY17 Total
Retirements – Regular	7	45
Retirements – Vested	2	10
Hires	13	115
Other Separations	6	49

FINANCIAL STABILITY

There were no material, supply or construction contracts over \$70,000 and less than \$100,000 approved by the General Manager in January 2017.

The State Department of Finance (DOF) completed the audit of the state loan that financed the original construction of the East Bayshore Recycled Water Treatment Plant and Transmission Pipeline completed in 2008. There were no significant findings and DOF is planning to issue the draft audit report by the end of February 2017. The District will have 10 days to review and to respond. The final report will be posted on DOF's website.

The Net Mokelumne power revenue for January was \$1,276,000. Inflows into Pardee Reservoir for January were 911 percent of plan. Generation was 518 percent of plan with Pardee reservoir filling. The District sold renewable power, related Renewable Energy Credits (REC), and resource adequacy capacity to Marin Clean Energy. Sales of RECs generated \$279,000, and resource adequacy sales generated \$18,000 in revenue. The average electricity price was \$34/MWh. Total net revenue for FY17 is an estimated \$3,207,166 which is 91.6 percent of budgeted \$3,500,000.

FY17	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
November 2016	\$202,080	\$296,977	29,100	34,729
December 2016	\$496,200	\$1,010,923	42,000	65,745
January 2017	\$184,940	\$1,276,000	28,100	256,000
FY17 YTD Total	\$1,965,920	\$3,207,166	217,900	476,181

Bold items are estimated

Water Sales

The following consumption information is the average water consumption in million gallons per day (MGD) based on the first five months of the year for FY17. The budgeted average daily water consumption for the fiscal year is 151 MGD.

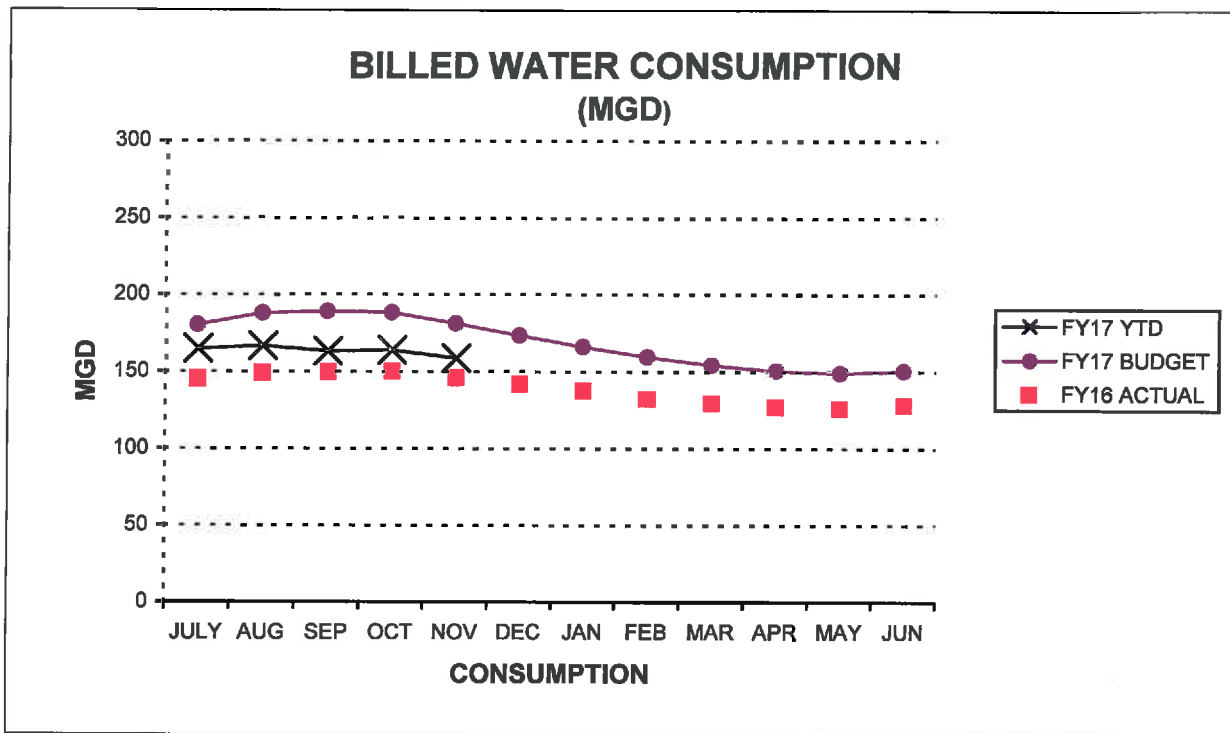
The table below breaks out the billed water consumption information by customer class with a comparison to FY16 data from the same period of time. Overall actual billed water consumption for FY17 through November 2016 was 158.7 MGD.

Year To Date Billed Water Consumption		
Usage Type (FY17 vs. FY16)	FY17 (MGD)	FY16 (MGD)
Residential (14.1% higher than FY16)	81.5	71.4
Commercial (5.1% higher than FY16)	53.3	50.7
Industrial (5.2% lower than FY16)	16.5	17.4
Public Authority (8.8% higher than FY16)	7.4	6.8
Total Billed Water Consumption (8.5% higher than FY16)	158.7	146.3

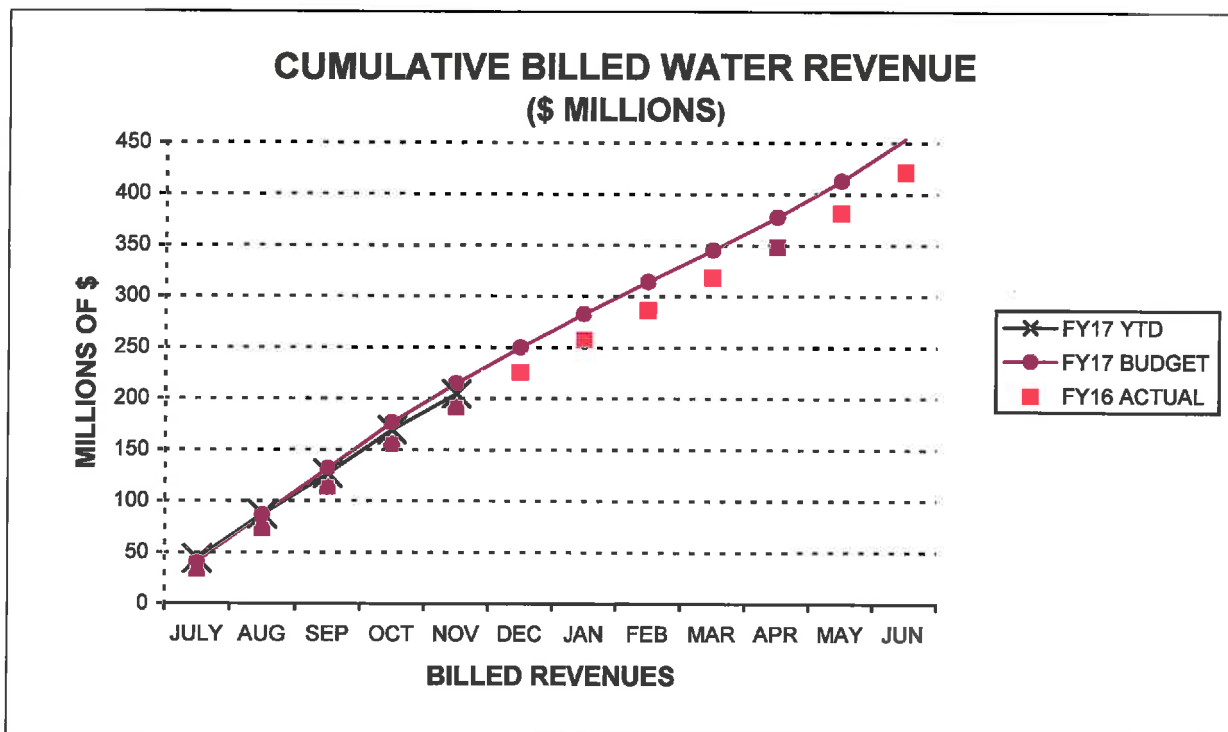
Water revenues billed for the fiscal year through November were \$204.5 million or 6.7% more than the FY16 revenue for November of \$191.7 million. This increase reflects the net impact of higher consumption and the 7% FY17 rate increase. Total water revenues through November are down \$10.2 million or 4.8% year-to-date compared to the budgeted water revenue. Note that total water revenues include the prorated drought surcharge revenue from the July and August billing cycles for consumption from May and June 2016.

Year to Date Billed Water Revenue		
Usage Type	FY17 Actual Revenue (\$ M)	FY17 Budgeted* Revenue Seasonally Adjusted (\$ M)
Normal Water Revenue	\$198.7	\$214.7
Drought Surcharge Revenue	\$5.7	-
Drought Excessive Use Penalty Revenue	\$0.1	-
Total Billed Water Revenue	\$204.5	\$214.7

**Based on the estimated water sales for 151 MGD annual water use under normal seasonal water use patterns.*



Source: Customer Information System



Source: Customer Information System

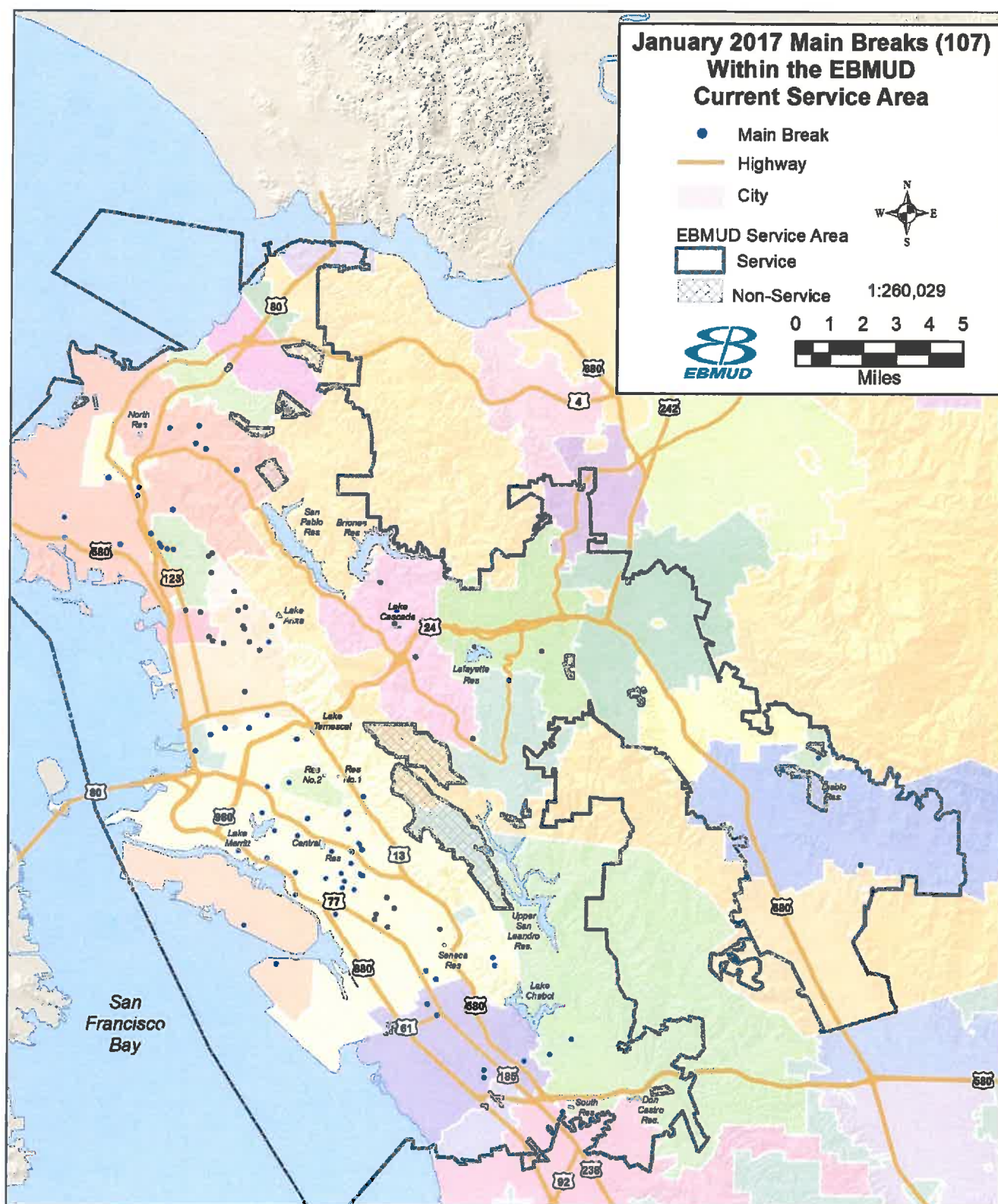
JANUARY 2017 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		BERKSHIRE	RD	ASBESTOS CEMENT	8.00	1984	1,350	1/18/2017	1/18/2017	Yes
ALAMEDA		CORAL REEF	RD	STEEL	6.00	1964	17,280	12/30/2016	1/4/2017	Yes
ALBANY		KAINS	AVE	CAST IRON	4.00	1938	630	1/23/2017	1/23/2017	Yes
ALBANY		KEY ROUTE	BL	CAST IRON	4.00	1914	2,700	1/27/2017	1/27/2017	Yes
ALBANY		NEILSON	ST	CAST IRON	6.00	1928	2,250	1/9/2017	1/9/2017	Yes
ALBANY		ORDWAY	ST	CAST IRON	4.00	1921	720	1/31/2017	1/31/2017	Yes
BERKELEY		BUENA VISTA	WAY	CAST IRON	6.00	1936	9,000	1/14/2017	1/14/2017	Yes
BERKELEY		COLUSA	AVE	CAST IRON	6.00	1950	8,640	1/28/2017	1/30/2017	Yes
BERKELEY		CRAGMONT	AVE	CAST IRON	8.00	1937	9,000	1/25/2017	1/26/2017	Yes
BERKELEY		GLEN	AVE	CAST IRON	4.00	1927	450	1/6/2017	1/6/2017	Yes
BERKELEY		LA LOMA	AVE	CAST IRON	6.00	1930	900	1/27/2017	1/28/2017	Yes
BERKELEY		OXFORD	ST	STEEL	8.00	1956	1,440	1/5/2017	1/5/2017	Yes
BERKELEY		OXFORD	ST	STEEL	8.00	1956	900	1/26/2017	1/27/2017	Yes
BERKELEY		SANTA BARBARA	RD	STEEL	6.00	1966	9,000	1/11/2017	1/11/2017	Yes
BERKELEY		SHATTUCK	AVE	CAST IRON	4.00	1936	360	1/11/2017	1/11/2017	Yes
BERKELEY		STODDARD	WAY	CAST IRON	4.00	1939	0	1/12/2017	1/13/2017	Yes
CASTRO VALLEY		SYDNEY	WAY	CAST IRON	10.00	1950	4,500	1/6/2017	1/9/2017	No
CASTRO VALLEY		WALNUT	RD	CAST IRON	6.00	1932	28,800	1/11/2017	1/12/2017	Yes
DANVILLE		ST GEORGE	RD	ASBESTOS CEMENT	8.00	1977	18,000	1/4/2017	1/5/2017	Yes
DIABLO		CABALLO RANCHERO	DR	STEEL	8.00	1993	720	1/6/2017	1/7/2017	Yes
EL CERRITO		ARLINGTON	BL	STEEL	12.00	1960	27,000	1/7/2017	1/8/2017	Yes
EL CERRITO		BLAKE	ST	CAST IRON	6.00	1925	8,640	1/25/2017	1/27/2017	Yes
EL CERRITO		DON CAROL	DR	CAST IRON	6.00	1958	720	1/25/2017	1/25/2017	Yes
EL CERRITO		ELM	ST	CAST IRON	6.00	1925	8,640	1/15/2017	1/17/2017	Yes
EL CERRITO		KEY	BL	CAST IRON	4.00	1934	360	1/5/2017	1/5/2017	Yes
EL CERRITO		KEY	BL	CAST IRON	6.00	1924	6,750	1/28/2017	1/28/2017	Yes
EL CERRITO		LEXINGTON	AVE	CAST IRON	6.00	1925	21,600	1/28/2017	1/30/2017	Yes
EL CERRITO		LIBERTY	ST	CAST IRON	4.00	1929	1,350	1/9/2017	1/9/2017	Yes

*KPI = turn around time to repair the leak

JANUARY 2017 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
EL CERRITO		POTRERO	AVE	CAST IRON	4.00	1951	5,760	1/24/2017	1/27/2017	Yes
EL SOBRANTE		APPIAN	WAY	CAST IRON	12.00	1948	45,000	1/1/2017	1/2/2017	Yes
EMERYVILLE		SHELLMOUND	ST	CAST IRON	8.00	1944	23,040	1/19/2017	1/26/2017	Yes
HAYWARD		OAK	ST	NON METALLIC / PLASTIC	8.00	1987	6,750	1/19/2017	1/19/2017	Yes
KENSINGTON		HIGHGATE	RD	STEEL	6.00	1971	9,000	1/19/2017	1/20/2017	Yes
KENSINGTON		YALE	AVE	CAST IRON	4.00	1936	6,750	1/25/2017	1/25/2017	Yes
LAFAYETTE		MT DIABLO	BL	ASBESTOS CEMENT	6.00	1968	28,800	1/26/2017	1/27/2017	Yes
LAFAYETTE		SANTA MARIA	WAY	CAST IRON	6.00	1939	10,080	1/17/2017	1/23/2017	Yes
MORAGA		CORTE SANTA CLARA		ASBESTOS CEMENT	12.00	1956	23,040	1/20/2017	1/27/2017	Yes
OAKLAND		9TH	AVE	CAST IRON	12.00	1930	30,240	1/7/2017	1/9/2017	Yes
OAKLAND		22ND	AVE	CAST IRON	2.00	1929	900	1/6/2017	1/6/2017	Yes
OAKLAND		35TH	AVE	CAST IRON	12.00	1931	0	1/16/2017	1/17/2017	Yes
OAKLAND		39TH	AVE	CAST IRON	4.00	1933	4,500	1/8/2017	1/8/2017	Yes
OAKLAND		58TH	AVE	CAST IRON	6.00	1924	18,000	1/3/2017	1/4/2017	Yes
OAKLAND		61ST	ST	CAST IRON	6.00	1951	46,080	12/28/2016	1/4/2017	Yes
OAKLAND		62ND	AVE	CAST IRON	4.00	1923	14,400	1/26/2017	1/30/2017	Yes
OAKLAND		69TH	AVE	CAST IRON	4.00	1924	1,350	1/19/2017	1/19/2017	Yes
OAKLAND		3RD	ST	ASBESTOS CEMENT	8.00	1965	54,000	1/29/2017	1/30/2017	Yes
OAKLAND	E	7TH	ST	CAST IRON	6.00	1942	43,200	12/27/2016	1/5/2017	No
OAKLAND		ABERFOIL	AVE	CAST IRON	6.00	1948	8,640	1/6/2017	1/7/2017	Yes
OAKLAND		ASCOT	DR	CAST IRON	6.00	1925	1,800	1/27/2017	1/27/2017	Yes
OAKLAND		BEECHWOOD	DR	CAST IRON	6.00	1928	40,320	1/16/2017	1/19/2017	Yes
OAKLAND		BEECHWOOD	DR	CAST IRON	6.00	1928	43,200	1/25/2017	1/30/2017	Yes
OAKLAND		BELLA VISTA	AVE	CAST IRON	6.00	1930	630	1/11/2017	1/11/2017	Yes
OAKLAND		BEMIS	ST	CAST IRON	4.00	1948	28,800	1/24/2017	1/25/2017	Yes
OAKLAND		BEVERLY	AVE	CAST IRON	6.00	1927	1,800	1/22/2017	1/22/2017	Yes
OAKLAND		CLEMENS	RD	CAST IRON	6.00	1927	43,200	1/1/2017	1/3/2017	Yes
OAKLAND		DAVIS	ST	CAST IRON	4.00	1938	9,000	1/7/2017	1/8/2017	Yes
OAKLAND		DAVIS	ST	CAST IRON	4.00	1938	9,000	1/14/2017	1/14/2017	Yes

JANUARY 2017 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		EASTMAN	AVE	CAST IRON	6.00	1937	11,520	1/17/2017	1/24/2017	Yes
OAKLAND		ELINORA	AVE	CAST IRON	4.00	1947	12,960	1/25/2017	1/27/2017	Yes
OAKLAND		FAIRMOUNT	AVE	CAST IRON	8.00	1933	900	1/13/2017	1/13/2017	Yes
OAKLAND		FLORIDA	ST	CAST IRON	6.00	1951	1,800	1/27/2017	1/28/2017	Yes
OAKLAND		FOOTHILL	BL	CAST IRON	6.00	1954	21,600	1/15/2017	1/17/2017	Yes
OAKLAND		FOOTHILL	BL	CAST IRON	8.00	1929	8,640	1/25/2017	1/30/2017	Yes
OAKLAND		FRUITVALE	AVE	CAST IRON	6.00	1929	1,800	1/7/2017	1/8/2017	Yes
OAKLAND		HANOVER	AVE	CAST IRON	6.00	1928	1,350	1/25/2017	1/25/2017	Yes
OAKLAND		HAYES	ST	CAST IRON	6.00	1938	900	1/4/2017	1/4/2017	Yes
OAKLAND		HAYES	ST	CAST IRON	6.00	1938	900	1/25/2017	1/25/2017	Yes
OAKLAND		HILLCROFT	CIR	CAST IRON	6.00	1937	27,000	1/28/2017	1/28/2017	Yes
OAKLAND		HILLCROFT	CIR	CAST IRON	6.00	1937	2,250	1/28/2017	1/29/2017	Yes
OAKLAND		HILLEGASS	AVE	CAST IRON	6.00	1938	9,000	1/19/2017	1/19/2017	Yes
OAKLAND		KANSAS	ST	CAST IRON	4.00	1937	9,000	1/5/2017	1/6/2017	Yes
OAKLAND		KANSAS	ST	CAST IRON	4.00	1937	8,640	1/16/2017	1/17/2017	Yes
OAKLAND		KANSAS	ST	CAST IRON	4.00	1937	57,600	1/17/2017	1/26/2017	No
OAKLAND		KANSAS	ST	CAST IRON	4.00	1937	270	1/17/2017	1/18/2017	Yes
OAKLAND		LEE	ST	CAST IRON	4.00	1927	4,500	1/21/2017	1/21/2017	Yes
OAKLAND		LEIMERT	BL	CAST IRON	6.00	1927	25,920	12/29/2016	1/3/2017	Yes
OAKLAND		LINCOLN	AVE	CAST IRON	6.00	1925	2,700	1/11/2017	1/12/2017	Yes
OAKLAND		MARKET	ST	CAST IRON	6.00	1960	4,500	1/21/2017	1/22/2017	Yes
OAKLAND		MARSHALL	ST	CAST IRON	4.00	1927	45,000	1/21/2017	1/21/2017	Yes
OAKLAND		NEY	AVE	STEEL	6.00	1986	1,350	1/22/2017	1/23/2017	Yes
OAKLAND		PENNIMAN	AVE	CAST IRON	6.00	1924	57,600	1/25/2017	1/26/2017	Yes
OAKLAND		PLYMOUTH	ST	CAST IRON	4.00	1927	7,200	1/27/2017	1/31/2017	Yes
OAKLAND		ROSEDALE	AVE	CAST IRON	4.00	1928	900	1/3/2017	1/3/2017	Yes
OAKLAND		SAN LEANDRO	ST	CAST IRON	6.00	1924	18,000	1/5/2017	1/6/2017	Yes
OAKLAND		TYRRELL	ST	CAST IRON	4.00	1932	6,750	1/13/2017	1/13/2017	Yes
ORINDA		DOS POSOS		CAST IRON	6.00	1934	3,600	1/23/2017	1/23/2017	Yes

JANUARY 2017 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ORINDA		IVY	DR	ASBESTOS CEMENT	8.00	1953	6,750	1/30/2017	1/30/2017	Yes
ORINDA		TAPPAN	LN	CAST IRON	6.00	1951	4,500	1/28/2017	1/28/2017	Yes
ORINDA		TARA	RD	ASBESTOS CEMENT	6.00	1960	2,700	1/27/2017	1/27/2017	Yes
PIEDMONT		GREENBANK	AVE	CAST IRON	4.00	1940	630	1/17/2017	1/17/2017	Yes
RICHMOND		2ND	ST	CAST IRON	4.00	1935	11,520	12/28/2016	1/4/2017	Yes
RICHMOND	S	3RD	ST	ASBESTOS CEMENT	6.00	1935	9,000	1/26/2017	1/27/2017	Yes
RICHMOND		LASSEN	ST	CAST IRON	4.00	1938	1,800	1/15/2017	1/15/2017	Yes
RICHMOND		OLINDA	RD	CAST IRON	8.00	1954	1,350	1/15/2017	1/16/2017	Yes
RICHMOND		PINE	AVE	CAST IRON	8.00	1928	0	1/5/2017	1/13/2017	No
RICHMOND		SALVINO	CT	ASBESTOS CEMENT	6.00	1977	900	1/22/2017	1/22/2017	Yes
RICHMOND		SANTA MARIA	RD	CAST IRON	4.00	1940	0	1/5/2017	1/12/2017	Yes
RICHMOND		SEQUOIA	AVE	CAST IRON	4.00	1939	23,040	1/24/2017	1/25/2017	Yes
RICHMOND		SHELDON	CT	ASBESTOS CEMENT	4.00	1956	1,350	1/23/2017	1/23/2017	Yes
RICHMOND		STEGE	AVE	NON METALLIC / PLASTIC	4.00	1900	5,400	1/5/2017	1/6/2017	Yes
SAN LEANDRO		ADASON	DR	CAST IRON	10.00	1946	14,400	12/30/2016	1/3/2017	Yes
SAN LEANDRO		BERKSHIRE	DR	CAST IRON	6.00	1948	900	1/5/2017	1/6/2017	Yes
SAN LEANDRO		DAVIS	ST	CAST IRON	8.00	1931	43,200	1/16/2017	1/17/2017	Yes
SAN LEANDRO		LEO	AVE	CAST IRON	6.00	1926	450	1/23/2017	1/23/2017	Yes
SAN LEANDRO		VERA	AVE	CAST IRON	4.00	1947	8,640	1/25/2017	1/30/2017	Yes
SAN PABLO		JOEL	CT	CAST IRON	4.00	1949	4,500	1/6/2017	1/6/2017	Yes
WALNUT CREEK		WARREN	RD	CAST IRON	4.00	1933	4,500	1/8/2017	1/8/2017	Yes
TOTAL							1,248,660			



EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager 

FROM: Lynelle M. Lewis, Secretary of the District 

SUBJECT: Finance/Administration Committee Minutes – January 24, 2017

Chair John A. Coleman called to order the Finance/Administration Committee meeting in the Training Resource Center at 8:36 a.m. Director William B. Patterson was present at roll call and Director Andy Katz arrived at 8:44 a.m. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Internal Auditor Supervisor Barry N. Gardin, Treasury Manager Dari Barzel, Manager of Human Resources Laura A. Brunson, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Information Regarding Financial Services Organizations. Director of Finance Sophia D. Skoda presented an overview on Financial Services Organizations (FSO) and their creation by public agencies. During the October 25, 2016 Board meeting, a member of the public suggested that the District consider forming a FSO with other Bay Area local governments to limit dependence on large national banks. Ms. Skoda reported that based on discussions with various local agencies, there are no FSO efforts underway for the District to join. The District will continue to partner with other agencies to mutually improve financial transactions. In addition to the Cash Asset Management Program, Local Agency Investment Fund and the many existing joint powers authorities (JPA), the District and other water agencies participating in the Bay Area Regional Reliability effort may consider the potential for funding beneficial projects together via a JPA. The Committee thanked staff for its analysis and concurred with the direction taken by staff.

Semi-Annual Internal Audit Report. Internal Auditor Supervisor Barry N. Gardin presented an update on the mid-year FY17 Internal Audit Plan. He highlighted the mid-year progress made on the following audits: open market purchases, capital expenditures, water consumption recognition and revenue, and fleet administration. Final reports for the review of open market purchases and capital expenditure controls, including recommendations and corrective actions that have been or will be completed by staff to mitigate risks and/or address procedural inconsistencies identified, have been issued to the General Manager. Corrective actions will be verified upon completion as part of ongoing audit efforts.

There was discussion about needed improvements for project budget expenses procedures. Mr. Gardin explained that staff will develop a process to track projects to address this condition. There was also discussion about budget transfers made between capital projects. Mr. Gardin said the General Manager has begun receiving reports of capital budget appropriation transfers on an annual basis. Additionally staff will develop a process for identifying and reallocating unused capital budget appropriations as part of the biennial budget process. This process will also include notice to the Board of any transfers made between previously appropriated reference projects.

No additional issues or concerns were identified or brought to the attention of Internal Audit during this review period. It was moved by Director Katz, seconded by Director Patterson, and carried (3-0) to accept the audit report.

Interest Rate Swap Portfolio Summary Report. Treasury Manager Dari Barzel presented a status update on District swap agreements as of December 30, 2016. She reported that the District's swap portfolio has been dramatically reduced over the past decade. The District currently has \$105.3 million of swaps outstanding compared to over \$1 billion outstanding as of fiscal year end (FYE) 2007. At FYE 2007 the District was party to \$945.4 million of swaps hedging Water System and \$134.6 million hedging Wastewater System variable rate bonds. The amount outstanding today represents less than 10 percent of the FYE total and is entirely associated with Water System bonds; the Wastewater system has no variable rate debt or swaps outstanding. This major de-risking was accomplished on a "cost neutral" basis. The District's swap portfolio continues to be in full compliance with Policy 4.23 – Interest Rate Swap Policy. There have been no updated regulatory protocols or similar agreements requiring adherence to the District since January 23, 2014. It was moved by Director Patterson, seconded by Director Katz, and carried (3-0) to accept the report.

Quarterly Financial Reports. Director of Finance Sophia D. Skoda reported that the quarterly reports were filed in compliance with government statutes. The reports cover investment transactions along with quarterly payroll, disbursements and real estate summary reports for the Water and Wastewater Systems covering the quarter October 1 through December 31, 2016. It was moved by Director Katz, seconded by Director Patterson, and unanimously carried (3-0) to accept the reports.

Board of Directors' Compensation. General Manager Coate reported that as part of Board Motion No. 011-14 approving a salary increase for EBMUD Directors, the Board voted to conduct an annual review of its compensation during the first Board meeting of the calendar year. At the request of the Board, this item was placed on the Finance/Administration Committee meeting agenda and has been placed on the January 24, 2017 Regular Meeting agenda to allow deliberation on an adjustment to the Board's salary. At the request of the Board, staff conducted a salary survey of other agencies. The results indicate that while there is some variability in compensation, Bay Area water and wastewater agencies provide their Board of Directors compensation comparable to the District.

The Board last voted to adjust its compensation on January 12, 2016 in the amount of \$32 (2.7 percent) to \$1,218 per month. The 2016 general salary increase received by District staff effective April 18, 2016 was 3.7 percent. A 2017 adjustment of \$45 per month (3.7 percent) would change monthly compensation from \$1,218 to \$1,263. There was discussion by the Committee and Director Coleman opposed the salary adjustment citing budget impacts due to low water sales and rate increases. It was moved by Director Katz, seconded by Director Patterson, to forward the recommended salary adjustment to the full Board, and the motion carried (2-1), with Director Coleman voting "no."

Adjournment. Chair Coleman adjourned the meeting at 8:56 a.m.