BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607 Office of the Secretary: (510) 287-0440

AGENDA
Tuesday, August 9, 2016

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.

EMERGENCY NOTIFICATION SYSTEM/MARCONI BRIEFING:

- Presentation on Emergency Notification System/Marconi

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):

    a. Water rights hearing on *Petition Requesting Changes in Water Rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project* California State Water Resources Control Board

2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):

    a. Cellular Concrete Spill in the Rockridge Branch of Glen Echo Creek

    b. One matter.

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

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

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 12 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of July 26, 2016.

2. File correspondence with the Board.

3. Authorize an agreement with the City of San Ramon in an amount not to exceed $152,200 for paving work in support of the San Ramon Valley Recycled Water Project - Bishop Ranch Pipeline Specification 2100.

4. Authorize an agreement beginning on or after August 10, 2016 with CDM Smith, Inc. in an amount not to exceed $275,000 for a safety audit of the District's water treatment plant chemical systems.

5. Authorize renewal of an existing agreement with Dynamic Systems, Inc. for one year beginning on or after August 28, 2016 in an amount not to exceed $85,000 for Oracle Premier Support for Systems with two options to renew for an additional one-year period with three percent annual increases, for a total cost not to exceed $263,000.

6. Authorize an agreement beginning on or after August 9, 2016 with Engineering/Remediation Resources Group, Inc. in an amount not to exceed $145,000 to provide surface fault rupture study consulting services to support the Bayfair Pumping Plant Replacement Project.

7. Authorize an agreement beginning on or after August 10, 2016 with GEMS Environmental Management Services, Inc. in an amount not to exceed $169,009 for the purchase and installation of replacement fuel dispensers at South Area Service Center and Castenada Service Center.

8. Authorize an agreement beginning on or after August 10, 2016 with Stillwater Sciences in an amount not to exceed $356,900 for the San Pablo Reservoir Water Quality Improvements Project.

9. Authorize execution of an additional six-month extension of the current five-year Joint Exercise of Powers Agreement with the City of Alameda for continued operation and maintenance of the Alameda Point water system from September 30, 2016 to March 31, 2017.

10. Authorize the execution of a Memorandum of Understanding with Zone 7 Water Agency (Zone 7) agreeing that Zone 7 shall serve as the Groundwater Sustainability Agency under the Sustainable Groundwater Management Act for the Livermore Valley Groundwater Basin, including the portion of the basin within the EBMUD service area.

11. Fix the ad valorem tax rate for Special District No. 1 (SD-1) to cover debt service, delinquencies, and county administrative fees in the amount of $2,744,941 on Wastewater System General Obligation Bond Series G for FY17 at a rate of $0.0028 per $100 of assessed value for properties located within the service area of SD-1. (Resolution)

12. Change the character of the position of Manager of Employee Relations from Civil Service to Civil Service Exempt. (Resolution)

PUBLIC HEARING:

13. Conduct a public hearing to receive public comments regarding the District's intent to serve as the Groundwater Sustainability Agency for the portion of the East Bay Plain Groundwater Subbasin within the District's service area.

DETERMINATION AND DISCUSSION:

14. Adopt a Resolution declaring the District's intent to serve as the Groundwater Sustainability Agency for the portion of the East Bay Plain Groundwater Subbasin within the District's service area. (Resolution)

15. Legislative Update:
    - Receive Legislative Report No. 10-16 and consider a position on AB 2549 (Committee on Water, Parks and Wildlife) Public Resources
    - Update on Legislative Issues of Interest to EBMUD

16. Amend Resolution No. 33041-97, "Establishing Attendance Requirements for Director Salaries," to set the definition of attendance. (Resolution)

17. General Manager's Report:
    - 2014-2016 Drought Report
    - Monthly Report – July 2016

REPORTS AND DIRECTOR COMMENTS:

18. Committee Reports:
    - EBMUD/EBRPD Liaison Committee
    - Sustainability/Energy
    - Finance/Administration
    - Planning
    - Legislative/Human Resources

19. Other Items for Future Consideration.

20. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 13, 2016 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 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, August 9	**Planning Committee** Linney {Chair}, McIntosh, Young	10:00 a.m. Training Resource Center	• Customer Lead Tap Sampling Program • Main Wastewater Treatment Plant Odor Control Program Update
	Legislative/Human Resources Committee Patterson {Chair}, Coleman, Young	10:30 a.m. Training Resource Center	• Legislative Update • Change of Character for Manager of Employee Relations Position
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting
Tuesday, August 23	**Finance/Administration Committee** Coleman {Chair}, Katz, Patterson		*Cancelled*
	Board of Directors		*Cancelled*
Monday, September 5	**Labor Day**		*District Offices Closed*
Friday, September 9	**Admission Day**		*District Offices Closed*
Tuesday, September 13	**Planning Committee** Linney {Chair}, McIntosh, Young	9:15 a.m. Training Resource Center	
	Legislative/Human Resources Committee Patterson {Chair}, Coleman, Young	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting
Tuesday, September 27	**Finance/Administration Committee** Coleman {Chair}, Katz, Patterson	10:00 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting

Draft Prepared By

Office of the Secretary

MINUTES

Tuesday, July 26, 2016

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

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Water and Natural Resources Richard G. Sykes (Item 1a), Manager of Human Resources Laura A. Brunson (Item 2), Director of Engineering and Construction Xavier J. Irias (Item 2), Director of Wastewater Bennett K. Horenstein (Item 2), Assistant General Counsel Xanthe M. Berry (Item 2), and Attorney Derek T. McDonald (Item 2).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Mellon called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. in the Administration Center Board Room.

ROLL CALL

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

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

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Items 7, 8 and 9 were removed from the Consent Calendar for discussion.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 1-6 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 133-16** – Approved the Regular Meeting Minutes of July 12, 2016.

2. The following correspondence was filed with the Board: 1) Letter dated July 26, 2016 from EBMUD General Manager Alexander R. Coate to Claremont Canyon Conservancy Vice-President Jon Kaufman and Board Member Jerry Kent, regarding EBMUD's vegetation management practices on watershed lands adjacent to Grizzly Peak Boulevard (with attachment); 2) Document entitled "Attachment 1-Delinquent EBMUD Charges for Transfer to the Alameda County 2016-2017 Property Tax Roll and Attachment 2-Delinquent EBMUD Charges for Transfer to the Contra Costa County 2016-2017 Property Tax Roll"; 3) Presentation entitled "Tassajara Parks Project Update," dated July 26, 2016; 4) Proof of Publication - Oakland Tribune Legal No. 0005764838, Notice of Public Hearing on the Collection By East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Accounts and Filing of Report, dated July 11, 2016; and 5) Proof of Publication - Contra Costa Times Legal No. 0005764838, Notice of Public Hearing on the Collection By East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Accounts and Filing of Report, dated July 11, 2016.

3. **Motion No. 134-16** – Authorized an agreement beginning on or after September 1, 2016, with the City of Berkeley in an amount not to exceed $144,000 for restoring asphalt pavement on portions of Panoramic Hill where District forces will replace approximately 3,750 feet of existing water pipeline between September 2016 and August 2017 as part of the Panoramic Hill Water System Improvement Project.

4. **Motion No. 135-16** – Authorized an agreement beginning on or after August 1, 2016 with Kruger, Inc. in an amount not to exceed $237,000 for pilot testing of the Actiflo water treatment process for the Walnut Creek Water Treatment Plant.

5. **Motion No. 136-16** – Authorized an agreement beginning on or after July 26, 2016 with Wells Fargo Bank, N.A. in an amount not to exceed $150,000 annually for depository/disbursement combined banking services for seven years with one option to renew for an additional two-year period for a total cost of $1,350,000 for nine years.

6. **Motion No. 137-16** – Cancelled the August 23, 2016 Closed Session and Regular Meetings of the Board of Directors.

7. **Change the Character of the Position of Manager of Employee Relations from Civil Service to Civil Service Exempt.**

- Item 7 was pulled for discussion. Director Young asked staff to provide the rationale for the change. Manager of Human Resources Laura A. Brunson explained the recommended action.

- Addressing the Board was John Briceno, President, AFSCME Local 444, who questioned the change of status for the position.

  There was substantial discussion and the Board consensus was to refer the item to the Legislative/Human Resources Committee for review.

8. **Resolution No. 34094-16** – Adopting New Policy 7.14, Unmanned Aerial Vehicle Operation; Revised Policy 1.04, Contractors' Compliance With Equal Employment Opportunity; Revised Policy 3.07, Responsibility To Serve Water Customers; Revised Policy 7.03, Emergency Preparedness/Business Continuity; And Revised Policy 9.07, Dam Safety Program.

- Item 8 was pulled for discussion. Director Young commented that a customer had expressed concern about the use of drones as an invasion of privacy (New Policy 7.14). Staff commented that this was an emerging issue and the policy would govern the use of drones on District property to limit liability for the District. Director Coleman said that the Finance/Administration Committee reviewed and accepted the staff recommendation.

- Motion by Director Young, seconded by Director Linney, to approve the recommended action for Items 8, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

9. **Resolution No. 34095-16** – Appointing Brooke Barnum-Roberts To The Position Of Assistant Attorney Of The District With The Title Of Attorney I (effective September 6, 2016).

- Item 9 was pulled for comment. President Mellon welcomed Ms. Barnum-Roberts and she thanked the Board for the opportunity.

- Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 9, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

PUBLIC HEARING

10. **Conduct a Public Hearing to Consider Objections and Protests to The General Manager's Report to Transfer Delinquent EBMUD Charges to the 2016-2017 Property Tax Rolls.**

President Mellon opened the public hearing at 1:47 p.m. He announced that the hearing is to consider objections and protests to the General Manager's Report to Transfer Delinquent EBMUD Charges to the 2016-2017 Property Tax Rolls. He noted that staff is available to meet with customers who is protesting and wants to make a payment arrangement. President Mellon asked for speakers to come forward.

- Addressing the Board was John Wilson who asked for a copy of the staff report.

President Mellon closed the public hearing at 1:49 p.m.

DETERMINATION AND DISCUSSION

11. **Adopt the General Manager's Report and Authorize the General Manager to Exclude from The Report Any Affected Parcels or Amounts as Appropriate, Including Those That The District Receives Payment for on or Before The Reports Are Sent to Alameda and Contra Costa counties In Electronic Form by August 10, 2016.**

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

Resolution No. 34096-16 – Approving Transfer Of Unpaid Delinquent Charges To Alameda And Contra Costa Counties' 2016-2017 Property Tax Rolls.

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

Director of Engineering and Construction Xavier J. Irias provided an update on the Tassajara Parks Project which is located in an unincorporated area of Contra Costa County outside Contra Costa County's Urban Limit Line (ULL) and outside the District's Ultimate Service Boundary (USB). He stated that the District recently reviewed and commented upon the Draft Environmental Impact Report (EIR) for the project. The Draft EIR identifies the District as the water service provider for the project and requests the District to participate in implementing the project's water supply strategy. In addition, the project sponsor submitted an application to the Contra Costa

Local Agency Formation Commission (LAFCO) for Sphere of Influence Amendments and Annexation to the District.

The proposed project is divided into two areas – the southern site and northern site. The southern site is approximately 616 acres and will be conveyed in fee simple to the East Bay Regional Park District and a small portion of about 7 acres will be given to the San Ramon Valley Fire Protection District for a training facility. No water is required to serve the southern site. The northern site is approximately 155 acres with development proposed on about 30 acres and the remaining acreage being conveyed in fee simple to the East Bay Regional Park District. Adjacent to the development is Finley Road whose residents have previously requested that the District extend water service to them.

The project has gone through variations of development dating back to 2010 and the District has previously provided written comments to Contra Costa County on earlier versions of the project expressing opposition to annexation based on District Policies 3.01 – Annexations, 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary, and 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line.

Mr. Irias reviewed staff's responses to the Draft EIR which addressed the water supply analysis; the need for analysis on the growth inducing impacts the project would have on the greater Camino Tassajara Valley, for example residences on Finley Road; and analysis of the impacts to the water distribution system. Staff also commented that if the project is annexed into the District's service area, the United States Bureau of Reclamation would have to approve its inclusion in the Central Valley Project drought supplies and the California State Water Resources Control Board would have to approve its inclusion into the District's Place of Use for water rights. The comment letter also suggested that the project sponsor consider alternate water demand and water conservation offsets.

Subsequent to receiving the District's written comments, the project sponsor requested a meeting with staff to discuss the District's comments and share ideas for a potential water conservation offset.

Next, Mr. Irias discussed the project timelines and uncertainties and how these factors impact the timing for calling an advisory election for the project's proposed annexation. There was Board discussion and he advised that staff will keep the Board updated as the project moves forward.

- Addressing the Board were the following: 1) Henrich Albert, Sierra Club, San Francisco Bay Chapter, expressed opposition to the annexation for the Tassajara Parks Project; and 2) David Bowlby, on behalf of FT Lands, said his agency will be recirculating the Draft EIR and look forward to working with staff to address the comments received.

REPORTS AND DIRECTOR COMMENTS

13. **Committee Reports.**

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of July 12, 2016.

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

None.

15. **Director Comments.**

- Director Coleman reported attending/participating in the following events: Cal Shakes Theatre event on July 13 in Orinda; Bay Planning Coalition restoration with biosolids meeting on July 14 in Oakland; Upper Mokelumne River Water Authority Governing Board meeting on July 22 at Pardee Center; ACWA teleconference meeting on July 25 from Arnold; and EBMUD Board Committee and Regular Business Meetings via teleconference on July 26 from Arnold. He reported on plans to attend the following upcoming events: ACWA teleconference Board of Directors meetings on July 29 in Sacramento; ACWA teleconference meeting on August 1 in Oakland; EBMUD Leland Reservoir public meeting on August 3 in Lafayette; and ACWA teleconference meeting on August 9 from Oakland.

- Director Katz had no comment.

- Director Linney reported that he will be attending the Alameda-North Bay Farm Island Pipeline Crossings public meeting on July 26 in Alameda.

- Director McIntosh reported attending the Contra Costa Special Districts Association meeting on July 18 in Martinez.

- Director Patterson reported attending/participating in the following events: Woodminster 50th Celebration on July 8; Oakland Elders meeting on July 13 in Oakland; meeting with Comcast Manager of Government Affairs Ken Maxey on July 15 in Oakland; funeral services for John Ivey on July 16 in Oakland; Urban Strategies Board of Directors meeting on July 18 in Oakland; meeting with Oakland Mayor Libby Schaff regarding food waste efforts on July 20 in Oakland; Kapor Center for Social Impact Community Reception and New Building Launch on July 20 in Oakland; Urban Strategies Council 'My Brother's Keeper Alliance Career Summit' on July 21 in Oakland; Bay Area Black Expo Foundation awards gala on July 21 in Oakland; Upper Mokelumne River Watershed Authority Governing Board meeting on July 22 at Pardee Center; and the Ora Lee Brown Foundation Scholarship dinner on July 23 in Oakland.

- Director Young commented that she would be participating in the EBMUD Dragon Boat Regatta on September 17 at Lake Merritt in Oakland.

- President Mellon reported attending/participating in the following events: Waste Management meeting on July 11 in Oakland; Alameda County Special Districts Association meeting on July 13 in Oakland; and the Cal Shakes Theatre event on July 13 in Orinda.

ADJOURNMENT

President Mellon adjourned the meeting at 2:28 p.m.

SUBMITTED BY:

_____
Lynelle M. Lewis, Secretary of the District

APPROVED: August 9, 2016

_____
Frank Mellon, President of the Board

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EBMUD

AGENDA NO. 3.
MEETING DATE August 9, 2016

TITLE **AGREEMENT WITH THE CITY OF SAN RAMON FOR PAVING WORK FOR SAN RAMON VALLEY RECYCLED WATER PROJECT**

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Authorize an agreement with the City of San Ramon in an amount not to exceed $152,200 for paving work in support of the San Ramon Valley Recycled Water Project (SRVRWP) - Bishop Ranch Pipeline Specification 2100.

SUMMARY

The District's contractor for the SRVRWP – Bishop Ranch Pipeline Specification 2100 was responsible for the final paving activities (slurry seal or micro-surface activities, and final striping) on existing and restored pavement along the project alignment. Due to the District's work sequencing and scheduling constraints, this final paving work will be removed from the contractor's scope of work, and these funds will be used to pay the City of San Ramon to complete the work under their paving program. This paving work will occur on Camino Ramon from Bollinger Canyon Road to Crow Canyon Road and on Norris Canyon Road from Bishop Drive to Camino Ramon.

DISCUSSION

The San Ramon Valley Recycled Water Project is a joint effort between the Dublin San Ramon Services District (DSRSD) and the District under the DSRSD-EBMUD Recycled Water Authority. The current project in Bishop Ranch is a part of the multi-phase project which provides recycled water to San Ramon, Danville, Pleasanton, and Dublin. The Bishop Ranch portion of the project includes the construction of new distribution pipelines and customer connections. When all phases of the project are complete, the District will be able to serve 2.4 MGD (average annual demand) of recycled water to its customers in the San Ramon area.

Final paving for the project cannot be performed until after District forces install recycled water service laterals expected to be complete in September. Pavement restoration by District forces will occur in October and November. Final paving will then be performed by the City of San Ramon's contractor in early 2017 in coordination with the broader city-wide paving program.

Funds Available: FY17	Budget Code: WSC/455/1005233/7999/5561	
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR for Richard G. Sykes	APPROVED General Manager

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

SUSTAINABILITY

Economic

This item is included in the FY17 CIP Budget for the Water Recycling Program.

Authorizing this paving agreement with the City of San Ramon will save money for both District ratepayers and City taxpayers, by consolidating paving into the broader city-planned paving.

Social

The SRVRWP provides an alternative, sustainable local water supply for community parks, school grounds, and landscaping. Pavement resurfacing will restore the streets to acceptable conditions for all users.

Local 444 was originally notified of this contract on January 5, 2015 and a clarification notification was issued on July 19, 2016. Local 444 did not raise any specific issues related to this contract.

Environmental

The San Ramon Valley Recycled Water Project will expand the use of recycled water to offset the use of potable water, and benefit the environment by reducing reliance on water supply diverted from the Mokelumne River. Also, use of more recycled water reduces wastewater treatment, pumping and discharge into the San Francisco Bay. Authorizing this paving agreement with the City of San Ramon will reduce truck traffic and construction impacts by completing the broader city-planned paving program at one time.

ALTERNATIVES

Use the District's contractor to perform this work. This alternative is not recommended as the time needed for District forces to complete the recycled water service installations has modified the schedule such that the current contractor will have demobilized, and having them return to complete the paving will result in higher costs.

Select a different contractor to perform the work. This alternative is not recommended because the City of San Ramon supports the proposed approach which would allow them to choose the timing of the final paving and result in no cost increase to EBMUD.

EBMUD

AGENDA NO. 4.
MEETING DATE August 9, 2016

TITLE **WATER TREATMENT PLANT CHEMICAL SYSTEMS SAFETY AUDIT**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after August 10, 2016 with CDM Smith, Inc. in an amount not to exceed $275,000 for a safety audit of the District's water treatment plant (WTP) chemical systems.

SUMMARY

This audit will identify potential safety improvements that may be needed for the chemical systems at the District's six WTPs. CDM Smith, Inc. will inspect the chemical systems for comparison with current building codes, industry standards, and generally accepted best practices to prepare an assessment report for each WTP summarizing any potential issues observed during the inspection. The intent of this audit is to identify any safety-related improvements that may be needed to minimize risk to District employees, the public, and the environment.

DISCUSSION

Water treatment plants contain many chemicals that are potentially hazardous to humans and the environment. The District's WTPs were constructed over a period of many decades and were periodically upgraded as regulations changed along with industry-standard process and safety practices. A chemical safety audit of the District's six WTPs will identify any safety improvements that may be needed to be in compliance with the latest standards and codes for chemical systems, and to help minimize any potential risk to employees, the public, and the environment. This audit will provide recommendations on specific capital improvement projects that should be considered at each plant to reduce potential risks and/or address potential safety, health, and/or regulatory issues. These recommendations will be incorporated into the Infrastructure Rehabilitation Plan currently being developed by District staff for all of the WTPs. In addition, the study results will be used to update installation standards and maintenance practices to minimize risk in the future.

Funds Available: FY16-17; CIP #000437 Page 49	Budget Code: WSC\557\7999\2002936:02	
DEPARTMENT SUBMITTING Engineering & Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

CONSULTANT SELECTION

Requests for Proposals were sent to 46 firms, including 39 local and small business enterprises, with expertise in water quality and water treatment and also posted on the District's website. Five firms submitted proposals. CDM Smith, Inc. was selected based on their qualifications, experience, and approach to the study.

SUSTAINABILITY

Economic

Funding for this item is included in the FY17 Capital Improvement Program as part of the Treatment Plant Upgrades Project.

Proactively identifying safety improvements allows the District to anticipate future needs and plan fiscally prudent capital projects rather than incur potentially costly emergency repairs.

Social

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

Locals 2019 and 21 were notified of the contract on May 25, 2016 and did not raise any specific issues related to this contract.

This audit will identify projects to minimize any potential risk from the treatment plant chemical systems to employees and the public.

Environmental

This is a planning phase study and thus CEQA is not applicable. This project will identify ways to minimize potential risk of accidental release of treatment plant chemicals into the environment.

ALTERNATIVES

Select a different consultant to perform the work. This alternative is not recommended because CDM Smith, Inc. has the best experience and approach to completing the audit.

Perform the work entirely with District forces. This alternative is not recommended because District forces do not have the necessary expertise to conduct an audit of the WTPs' chemical systems for compliance with current standards and codes governing chemical systems.

Do not proceed with the project. This is not recommended because it would not address safety improvements that may be required to the WTPs' chemical systems.

Attachments

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

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

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

TITLE	DATE:
Professional Services Agreement District Water Treatment Plants: Chemical Safety, Regulatory, and Environmental Compliance Audit	July 22, 2016

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
CDM Smith, Inc. Walnut Creek, CA 94596	Local Business		Availability Group	Contracting Objectives	Participation
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	91.7%
	Ethnicity	Gender	White Women	6%	8.3%
$275,000	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:											
CDM Smith, Inc.	$252,250	White	X		91.7%	---	---	---	---	---	---
SUBS:											
Trident Environmental	$22,750	White		X	---	8.3%	---	---	---	---	---
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TOTAL	$275,000				91.7%	8.3%	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:	2,012	900	755	3,667
Percent of Total Employees:	54.9%	24.5%	20.6%	
MSA Labor Market %:	39.0%	33.7%	27.3%	
MSA Labor Market Location:	Total USA			

COMMENTS

Contract Equity Participation - 91.7% White Men participation and 8.3% White Women participation.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	YES	

EBMUD

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:									
District Water Treatment Plants: Chemical Safety, Regulatory, and Enviromental Compliance Audit			**Ethnic Minority Percentages From U.S. Census Data**						
				B	**H**	**A/PI**	**AI/AN**	**TOTAL**	
			National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 7/22/2016	**9 Bay Area Counties**	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	

R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			**B**	**H**	**A/PI**	**AI/AN**	**TOTAL**	**PERCENT**	**MSA %**
RP	**WM: LBE**	**Company Wide**	151	260	292	9	712	19.4%	27.3%
CDM Smith Inc.		Manager/Prof	100	142	275	7	524	17.3%	
Servando Molina		Technical/Sales	16	12	7	1	36	18.4%	
100 Pringle Avenue, Suite 300		Clerical/Skilled	32	34	10	1	77	25.7%	
Walnut Creek, CA 94596		Semi/Unskilled	3	72	0	0	75	54.3%	
		Bay Area	0	6	14	0	20	29.0%	39.9%
925-933-2900		AA Plan on File:	**NA**		Date of last contract with District:			**6/8/2016**	
		Co. Wide MSA:	**Total USA**		# Employees-Co. Wide:		**3,667**	Bay Area:	**69**
S	**WW: L/SBE**	**Company Wide**							
Trident Environmental and Engineering, Inc.		Manager/Prof							
Mike Heckathorn		Technical/Sales			INFORMATION NOT APPLICABLE				
110 L Street, Suite 1		Clerical/Skilled							
Antioch, CA 94509		Semi/Unskilled							
		Bay Area							
925-706-6931		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
P	**WM**	**Company Wide**	4	11	36	1	52	24.2%	27.6%
BSI Services and Solutions (West), Inc.		Manager/Prof	4	10	29	1	44	23.0%	
Steven Walker		Technical/Sales	0	0	2	0	2	40.0%	
4 North Second Street, Suite 1270		Clerical/Skilled	0	1	5	0	6	31.6%	
San Jose, CA 95113		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	7	24	1	35	37.2%	39.9%
800-790-6236		Co. Wide MSA:	**Total USA**		# Employees-Co. Wide:		**215**	Bay Area:	**94**
P	**WM: SBE**	**Company Wide**	0	0	0	0	0	0.0%	39.9%
RSSI Consulting, LLC		Manager/Prof	0	0	0	0	0	0.0%	
Jeff Kahn		Technical/Sales	0	0	0	0	0	0.0%	
101 California Street, Suite 2710		Clerical/Skilled	0	0	0	0	0	0.0%	
San Francisco, CA 94111		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
415-855-0115		Co. Wide MSA:	**9 Bay Area Counties**		# Employees-Co. Wide:		**2**	Bay Area:	**2**
P	**WM**	**Company Wide**	5	39	54	0	98	23.2%	27.3%
Kennedy/Jenks Consultants		Manager/Prof	4	12	36	0	52	15.2%	
Peter Talbot		Technical/Sales	1	24	5	0	30	75.0%	
303 Second Street, Suite 300 South		Clerical/Skilled	0	3	13	0	16	41.0%	
San Francisco, CA 94107		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	4	2	25	0	31	32.6%	39.9%
415-243-2463		Co. Wide MSA:	**Total USA**		# Employees-Co. Wide:		**422**	Bay Area:	**95**
P	**EMM: A - L/SBE**	**Company Wide**	1	11	19	0	31	53.4%	39.9%
Lee & Ro, Inc.		Manager/Prof	1	4	12	0	17	41.5%	
Myong (Steve) Ro		Technical/Sales	0	4	5	0	9	90.0%	
1515 Oakland Blvd., Suite 240		Clerical/Skilled	0	3	2	0	5	71.4%	
Walnut Creek, CA 94596		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	11	19	0	31	53.4%	39.9%
925-937-4050		Co. Wide MSA:	**9 Bay Area Counties**		# Employees-Co. Wide:		**58**	Bay Area:	**58**

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)

EBMUD

AGENDA NO. 5.
MEETING DATE August 9, 2016

TITLE **RENEW AGREEMENT FOR STORAGE AREA NETWORK ANNUAL MAINTENANCE**

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Authorize renewal of an existing agreement with Dynamic Systems, Inc. for one year beginning on or after August 28, 2016, in an amount not to exceed $85,000 for Oracle Premier Support for Systems with two options to renew for an additional one-year period with three percent annual increases, for a total cost not to exceed $263,000.

SUMMARY

The District has utilized Oracle technology since 1989. It is essential to the majority of its computer information systems, including business critical systems such as Customer Billing, Financial, Human Resource, Work Management and Maximo. The District needs continued hardware support for the Oracle Axiom Storage Area Network System, which our Oracle databases depend upon for production, disaster recovery, and business continuity operations.

DISCUSSION

The Oracle Axiom Storage Area Network (SAN) system in use today for the District's Oracle databases was purchased in 2013 with a projected lifecycle of five years. Annual system support for the first three years was authorized under Board Motion No. 117-13. Continued system support for up to three additional years is necessary to properly protect the District's information assets for the remaining balance of the system's lifecycle.

CONSULTANT SELECTION

Public Contract Code, Section 10298, specifically allows agencies, such as EBMUD, to purchase directly from the state competitively awarded contracts without pursuing separate competitive bidding. The terms and conditions are under the California State Contract No. 1-12-70-15B and GSPD-401IT-CMAS, using Dynamic Systems, Inc. as the representing agent for Oracle products and services. Dynamic Systems, Inc. is federally recognized by the Small Business Administration as a Women-Owned Small Business.

Funds Available: FY17	Budget Code: WSO/252/8547/5312	
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.

SUSTAINABILITY

Economic

Funding for this item is included in the FY17 operating budget.

Social

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

Protecting the District's databases in critical to providing necessary water and wastewater services to District customers.

ALTERNATIVE

Purchase a new storage system. This alternative is not recommended because it is not cost effective. Purchasing a new storage system, such as NetApp, to match our existing production model in operation at the District's main data center will become cost effective in two to three years.

Attachments

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

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

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

TITLE	DATE:
General Services Agreement - Amendment Storage Area Network Annual Maintenance - One-Year Contract with 2 One-Year Renewal Options	July 15, 2016

CONTRACTOR:		PERCENTAGE OF CONTRACT DOLLARS		
Dynamic Systems, Inc. El Segundo, CA 90245	Small Business/State Contract Award	**Availability Group**	**Contracting Objectives**	**Participation**
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**	**White Men**	**25%**	**0.0%**
	Ethnicity / **Gender**	**White Women**	**6%**	**100.0%**
$85,000 /yr*	White / Women	**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:											
Dynamic Systems, Inc.	$85,000	White		X	—	100.0%	—	—	—	—	—
SUBS:											
None					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
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					—	—	—	—	—	—	—
TOTAL	$85,000				0.0%	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:	27	21	8	56
Percent of Total Employees:	48.2%	37.5%	14.3%	
MSA Labor Market %:	39.0%	33.7%	27.2%	
MSA Labor Market Location:	Total USA			

COMMENTS

Contract Equity Participation - 100.0% White Women participation.

Total Not To Exceed: $263,000 based on 3% annual increases

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	NA	

EBMUD

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: **Storage Area Network Annual Maintenance - One-Year Contract with 2 One-Year Renewal Options**

General Services Agreement

DATE: 7/15/2016

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

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	MSA %
RP	WW: SBE	Company Wide	1	3	3	0	7	12.5%	27.3%
Dynamic Systems, Inc. Mardi Norman 124 Maryland Street El Segundo, CA 90245		Manager/Prof	0	0	2	0	2	6.7%	
		Technical/Sales	0	2	0	0	2	20.0%	
		Clerical/Skilled	1	1	1	0	3	18.8%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	2	0	0	2	100.0%	39.9%
310-337-4400		AA Plan on File:	NA		Date of last contract with District:		3/3/2016		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:	56	Bay Area:	2	

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)

EBMUD

AGENDA NO. 6.
MEETING DATE August 9, 2016

TITLE **BAYFAIR PUMPING PLANT SURFACE FAULT RUPTURE STUDY**

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Authorize an agreement beginning on or after August 9, 2016 with Engineering/Remediation Resources Group, Inc. (ERRG) in an amount not to exceed $145,000 to provide surface fault rupture study consulting services to support the Bayfair Pumping Plant Replacement Project.

SUMMARY

The Bayfair Pumping Plant Replacement Project is part of the District's on-going Pumping Plant Rehabilitation Program. The results of this surface fault rupture study will enable the District to locate the new facility away from active traces of the Hayward Fault, which pass directly through the current site.

DISCUSSION

The Bayfair Pumping Plant is located in San Leandro at the entrance to Chabot Park. The 48-year-old pumping plant is undersized, has electrical maintenance issues, and is scheduled to be replaced as part of the District's Pumping Plant Rehabilitation Program. The District plans to demolish the existing pumping plant and rebuild a larger facility on-site to the west of the existing facility. Active traces of the Hayward Fault pass directly through the site and adjacent to the existing facility. The United States Geologic Survey (USGS) regularly monitors on-going fault creep with a survey array on the access road in front of the pumping plant.

ERRG will coordinate their study with the USGS, excavate and log four geologic fault trenches at different locations across the site, prepare a final report documenting the surface fault rupture study, and provide recommendations for the location of the new pumping plant to avoid active traces of the Hayward Fault. The District will use this study as part of the alternatives analysis for the new facility's environmental review.

Funds Available: FY16-17; CIP #001252; Page 34	Budget Code: WSC\562\7999\5231\2010550:04	
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

CONSULTANT SELECTION

A Request for Proposals was sent to 16 firms on the District's FY16 Engineering Consultant Roster with experience in engineering geology services. Four firms submitted proposals. ERRG was selected based on their extensive experience, project approach, and cost competitive proposal. ERRG is an Ethnic Minority-Owned Business Enterprise, Small Business Enterprise, and Local Business State-certified Small Business Enterprise.

SUSTAINABILITY

Economic

Funding for this item is included in the FY16-17 budget for the Pumping Plant Rehabilitation Project.

Social

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

Environmental

The District is currently in the planning phase and anticipates the preparation of a Notice of Exemption under CEQA to address environmental concerns.

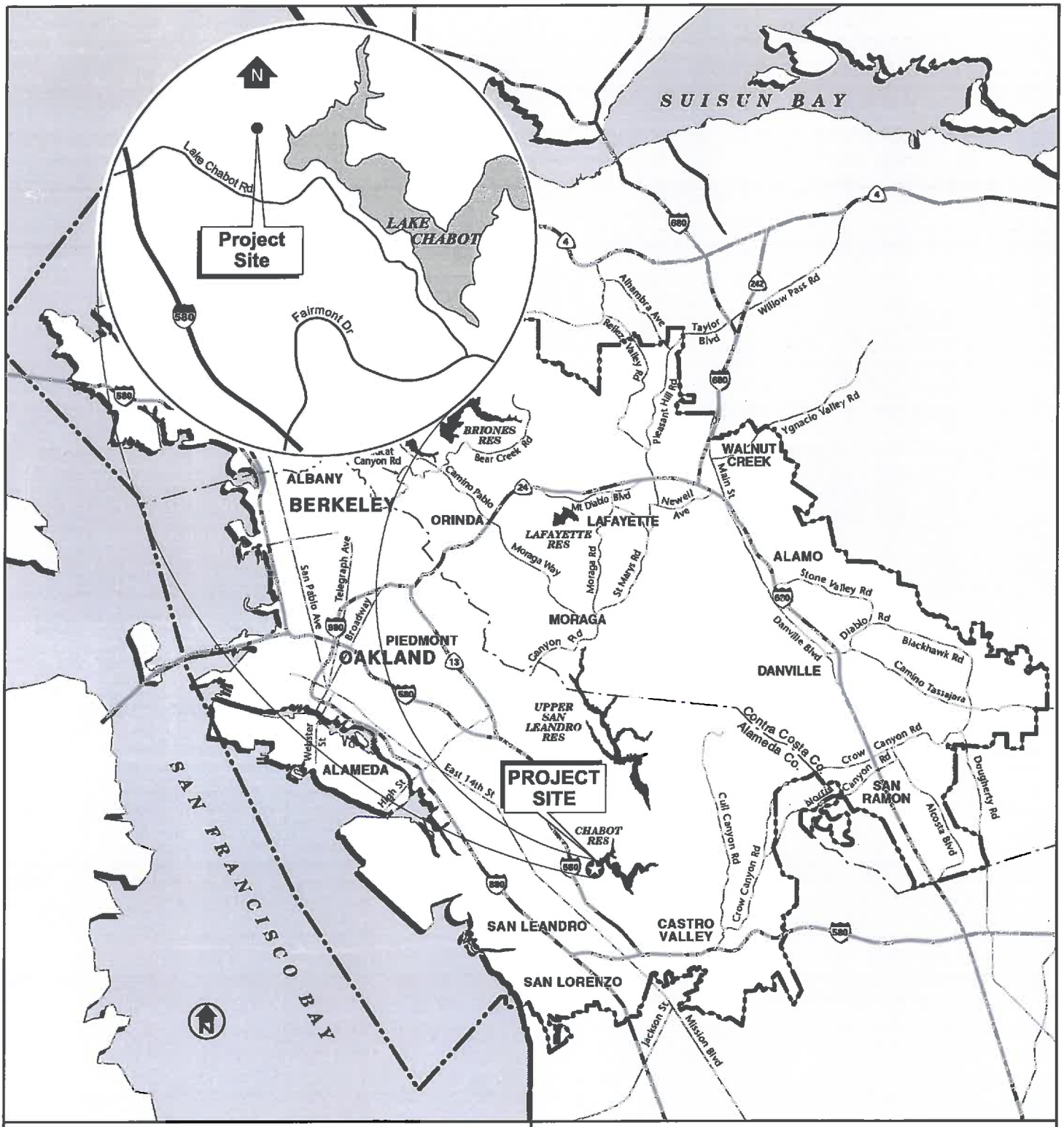
ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the necessary experience and expertise to complete this highly specialized work.

Do not perform the work. This alternative is not recommended as the District needs to locate the new facility on-site away from active traces of the Hayward Fault.

Attachments

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



EAST BAY MUNICIPAL UTILITY DISTRICT

PROJECT SITE LOCATION MAP

NOT TO SCALE

BAYFAIR PUMPING PLANT
SURFACE FAULT RUPTURE STUDY

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

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

TITLE	DATE:
Professional Services Agreement Bayfair Pumping Plant Replacement Project - Surface Fault Rupture Study	July 19, 2016

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
Engineering/Remediations Resources Group, Inc. (ERRG) Martinez, CA 94553	Local/Small Business		Availability Group	Contracting Objectives	Participation
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**		**White Men**	**25%**	**70.3%**
	Ethnicity	**Gender**	**White Women**	**6%**	**0.0%**
$145,000	Asian/Pacific Islander	Women	**Ethnic Minorities**	**25%**	**29.7%**

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:											
Engineering/Remediations Resources Group, Inc. (ERRG)	$43,000	Asian/Pacific Islander		X	---	---	29.7%	---		---	---
SUBS:											
The Kleinfelder Group, Inc.	$102,000	White	X		70.3%	---	---	---	---	---	---
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TOTAL	$145,000				70.3%	0.0%	29.7%	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:	39	30	26	95
Percent of Total Employees:	41.1%	31.6%	27.4%	
MSA Labor Market %:	32.3%	27.8%	39.9%	
MSA Labor Market Location:	9 Bay Area Counties			

COMMENTS

Contract Equity Participation - 70.3% White Men participation and 29.7% Ethnic Minority participation.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	YES	

EBMUD

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				
Bayfair Pumping Plant Replacement Project - Surface Fault Rupture Study			B	H	A/PI	AI/AN	TOTAL
		National	10.5	10.7	3.7	0.7	27.3
Professional Services Agreement	DATE: 7/19/2016	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMW: A/PI- L/SBE	Company Wide	3	19	9	2	33	34.7%	39.9%
Engineering/Remediation Resources Group		Manager/Prof	0	4	7	1	12	20.7%	
Cindy Liu		Technical/Sales	0	0	0	0	0	0.0%	
4585 Pacheco Boulevard, Suite 200		Clerical/Skilled	1	3	1	0	5	33.3%	
Martinez, CA 94553		Semi/Unskilled	2	12	1	1	16	84.2%	
		Bay Area	3	19	9	2	33	34.7%	39.9%
925-969-0750		AA Plan on File:	NA		Date of last contract with District:		6/29/2015		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:	95	Bay Area:	95	
S	WM	Company Wide	52	118	101	8	279	16.8%	27.3%
The Kleinfelder Group, Inc.		Manager/Prof	16	55	69	2	142	12.7%	
William McCormick		Technical/Sales	15	44	13	5	77	21.2%	
2240 Northpoint Parkway		Clerical/Skilled	21	19	19	1	60	32.8%	
Santa Rosa, CA 95407		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	5	7	0	15	20.0%	39.9%
707-871-1883		Co. Wide MSA:	Total USA		# Employees-Co. Wide:	1,665	Bay Area:	75	
P	EMM: A/PI - L/SBE	Company Wide	0	0	1	0	1	16.7%	39.9%
Infra*Terra, Inc.		Manager/Prof	0	0	1	0	1	16.7%	
Christopher Hitchcock		Technical/Sales	0	0	0	0	0	0.0%	
220 Fourth Street, Suite 102		Clerical/Skilled	0	0	0	0	0	0.0%	
Oakland, CA 94607		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	1	0	1	16.7%	39.9%
925-818-3690		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:	6	Bay Area:	6	
P	WM: LBE	Company Wide	32	86	102	1	221	22.6%	27.3%
Langan Treadwell Rollo		Manager/Prof	18	60	95	1	174	20.7%	
Lou Gilpin		Technical/Sales	5	11	4	0	20	31.3%	
501 14th Street, 3rd Floor		Clerical/Skilled	9	15	3	0	27	36.5%	
Oakland, CA 94612		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	6	18	0	26	28.6%	39.9%
510-874-7000		Co. Wide MSA:	Total USA		# Employees-Co. Wide:	980	Bay Area:	91	
P	WM:LBE	Company Wide	3,785	3,551	4,284	289	11,909	24.2%	27.3%
AECOM Technical Services, Inc.		Manager/Prof	1,204	1,338	1,536	116	4,194	15.5%	
Eric Zagol		Technical/Sales	311	322	2,204	25	2,862	71.3%	
1333 Broadway, Suite 800		Clerical/Skilled	1,764	1,220	379	90	3,453	25.3%	
Oakland, CA 94612		Semi/Unskilled	506	671	165	58	1,400	30.3%	
		Bay Area	22	90	255	0	367	36.4%	39.9%
510-893-3600		Co. Wide MSA:	Total USA		# Employees-Co. Wide:	49,241	Bay Area:	1,009	

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)

EBMUD

AGENDA NO. 7.
MEETING DATE August 9, 2016

TITLE **SOUTH AREA SERVICE CENTER AND CASTENADA SERVICE CENTER FUEL DISPENSER REPLACEMENT PROJECT**

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Authorize an agreement beginning on or after August 10, 2016 with GEMS Environmental Management Services, Inc. (GEMS) in an amount not to exceed $169,009 for the purchase and installation of replacement fuel dispensers at South Area Service Center and Castenada Service Center.

SUMMARY

This agreement will procure replacement gasoline and diesel fuel dispensers, pumps, hoses and related appurtenances, including installation, start up, and calibration on the new dispensers, and required testing at South Area Service Center and Castenada Service Center.

DISCUSSION

The District maintains fuel facilities at key locations to support daily and emergency operations. Many of the District's fueling facility dispensers are over 25 years old and have reached the end of their useful life. Spare parts are hard to find or not available, making them difficult to maintain. Replacing the existing fuel dispensers ensures District fueling facilities will be a reliable source for fuel, reduce staff time during refueling, and reduce repair costs.

GEMS will remove and dispose of the existing fuel dispensers, pumps, and hoses; furnish and install new fuel dispensers, pumps, hoses, and all related appurtenances required to complete the work; and perform start up, calibration, and testing on the new dispensers to comply with all required permits. In addition, GEMS will prepare and submit permit applications and obtain the permits on behalf of the District from all agencies including the Bay Area Air Quality Management District, Contra Costa County Health Services, Alameda County Health Services, and any other required permitting agency.

Funds Available: FY16-17	Budget Code:WSC/783/7999/5999/2009454	
DEPARTMENT SUBMITTING Operations & 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.

SERVICE PROVIDER SELECTION

Requests for Proposals were sent to twelve potential proposers from the District's established Vendor List under Proposal PES1601. GEMS was the only bidder and the proposal was acceptable and within budget.

SUSTAINABILITY

Economic

Funds are available for this work in the FY17 budget for fueling facility upgrades. The proposed project will increase the efficiency of the fueling facilities.

Social

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

Environmental

The Notice of Exemption for the Castenada Service Center site was filed with the Contra Costa County Clerk on April 4, 2016 and the Notice of Exemption for the South Area Service Center site was filed with the Alameda County Clerk on April 4, 2016.

ALTERNATIVE

Perform the work with District forces. This alternative is not recommended because this work requires a special license from the State of California and District forces do not have the license or expertise to do this work.

Do not perform the work. This alternative is not recommended because the District needs reliable fueling facilities in the event of a catastrophe, and the existing fuel dispensers at South Area Service Center and Castenada Service Center have reached the end of the useful life cycle.

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:
General Services Agreement South Area Service Center and Castenda Service Center Fuel Dispenser Replacement Project	July 13, 2016

CONTRACTOR:		BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP	
GEMS Environmental Management Services, Inc. Concord, CA	Local/Small Business/Sole Bidder		Ethnicity	Gender
		$169,009	Asian/Pacific Islander	Men

PERCENTAGE OF CONTRACT DOLLARS		
Availability Group	**Contracting Objectives**	**Participation**
White Men	25%	0.0%
White Women	6%	0.0%
Ethnic Minorities	25%	100.0%

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:											
GEMS Environmental Management Services, Inc.	$169,009	Asian/Pacific Islander	X		---	---	100.0%	---		---	---
SUBS:											
None					---	---	---	---	---	---	---
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TOTAL	$169,009				0.0%	0.0%	100.0%	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:	6	1	9	16
Percent of Total Employees:	37.5%	6.3%	56.3%	
MSA Labor Market %:	32.3%	27.8%	39.9%	
MSA Labor Market Location:	9 Bay Area Counties			

COMMENTS

Contract Equity Participation - 100.0% Ethnic Minority participation.

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:	South Area Service Center and Castenda Service Center Fuel Dispenser Replacement Project		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
General Services Agreement	DATE: 7/13/2016	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM:A/PI - L/SBE	Company Wide	0	7	1	0	8	50.0%	39.9%
GEMS Environmental Management Services		Manager/Prof	0	0	1	0	1	20.0%	
Richard Camacho		Technical/Sales	0	0	0	0	0	0.0%	
1120 Willow Pass Court		Clerical/Skilled	0	1	0	0	1	25.0%	
Concord, CA 94520		Semi/Unskilled	0	6	0	0	6	85.7%	
		Bay Area	0	7	1	0	8	50.0%	39.9%
925-671-6822		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		16	Bay Area:	16

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)

EBMUD

AGENDA NO. 8.
MEETING DATE August 9, 2016

TITLE SAN PABLO RESERVOIR WATER QUALITY IMPROVEMENTS PROJECT

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after August 10, 2016 with Stillwater Sciences in an amount not to exceed $356,900 for the San Pablo Reservoir Water Quality Improvements Project.

SUMMARY

The San Pablo Reservoir Water Quality Improvements Project will help to improve overall water quality and address taste and odor (T&O) issues at San Pablo Reservoir. Stillwater Sciences will review and analyze water quality data to identify the T&O sources in the reservoir, develop alternatives, prepare a preliminary design for the selected alternative, and draft a water quality monitoring plan.

DISCUSSION

San Pablo Reservoir, the raw water source for the Sobrante and San Pablo Water Treatment Plants (WTPs), has experienced an increase in the magnitude and duration of T&O events, which has resulted in associated customer complaints. The District is in the process of improving its ozone system at Sobrante WTP to better handle these events. However, San Pablo WTP currently lacks a treatment process to address T&O events. The District plans to evaluate options to reduce the T&O sources in the reservoir itself, and to reduce the concentration of manganese, which has a long-term negative impact on the efficacy of the San Pablo WTP's filter media.

Stillwater Sciences will review and analyze water quality data to identify the T&O sources in the reservoir, develop alternative solutions, prepare a preliminary design for the selected alternative, and draft a water quality monitoring plan for San Pablo Reservoir to better manage T&O sources and manganese levels.

CONSULTANT SELECTION

Requests for Proposals were sent to 61 firms, including 22 local and small business enterprises, with expertise in water quality and water treatment and posted on the District's website. Six firms submitted

Funds Available: FY16-17; CIP #000437 Page 49	Budget Code: WSC\557\7999\2010808:04	
DEPARTMENT SUBMITTING Engineering & Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

proposals. Stillwater Sciences was selected based on their qualifications, experience, and approach to the study.

SUSTAINABILITY

Economic

Funding for this item is included in the FY17 budget for the Treatment Plant Upgrades project.

Social

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

Locals 2019 and 21 were notified of the contract on April 21, 2016 and did not raise any specific issues related to this contract.

Identifying solutions to continued T&O sources in San Pablo Reservoir addresses customer water quality expectations, and supports the District's Water Quality and Environmental Protection Strategic Plan Goal.

Environmental

This is a planning phase study. Any CEQA/Environmental Compliance requirements will be identified as part of this project.

ALTERNATIVES

Select a different consultant to perform the work. This alternative is not recommended because Stillwater Sciences proposed the best approach to completing the study.

Perform the work entirely with District forces. This alternative is not recommended because District forces do not have the necessary expertise in limnology and reservoir water quality to perform this work.

Do not proceed with the project. This alternative is not recommended because the current levels of T&O sources during the summer months exceed the Sobrante WTP treatment capacity and result in customer complaints. Moreover, San Pablo WTP lacks any treatment process to deal with T&O events.

Attachments

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

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

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

TITLE	DATE:
Professional Services Agreement Consulting Contract for the San Pablo Reservoir Water Quality Improvements Project	July 19, 2016

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
Stillwater Sciences Berkeley, CA 94705	Local/Small Business		**Availability Group**	**Contracting Objectives**	**Participation**
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**		**White Men**	**25%**	**47.4%**
	Ethnicity	**Gender**	**White Women**	**6%**	**52.6%**
$356,900	White	Women	**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:											
Stillwater Sciences	$187,603	White		X	---	52.6%	---	---	---	---	---
SUBS:											
Brown & Caldwell	$138,147	White	X		38.7%	---	---	---	---	---	---
Marc Beutel	$16,200	White	X		4.5%	---	---	---	---	---	---
William D. Taylor	$8,050	White	X		2.3%	---	---	---	---	---	---
Ed Ritchie	$6,900	White	X		1.9%	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
TOTAL	**$356,900**				47.4%	52.6%	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:	28	25	4	57
Percent of Total Employees:	49.1%	43.9%	7.0%	
MSA Labor Market %:	32.3%	27.8%	39.9%	
MSA Labor Market Location:	9 Bay Area Counties			

COMMENTS

Contract Equity Participation - 47.4% White Men participation and 52.6% White Women participation.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
ON FILE	NA	

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:	Consulting Contract for the San Pablo Reservoir Water Quality Improvements Project	DATE: 7/19/2016
Professional Services Agreement		

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

R=Recmmd P=Prime S=Sub	Composition of Ownership	Company Name, Owner/Contact Person, Address, and Phone Number		Number of Ethnic Minority Employees						
				B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WW: L/SBE	Stillwater Sciences Christine Champe 2855 Telegraph Ave., Suite 400 Berkeley, CA 94705 510-848-8098	Company Wide	0	1	2	1	4	7.0%	39.9%
			Manager/Prof	0	1	2	0	3	6.5%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	0	0	1	1	10.0%	
			Semi/Unskilled	0	0	0	0	-	NA	
			Bay Area	0	1	2	1	4	7.0%	39.9%
			AA Plan on File:	Yes		Date of last contract with District:		NA		
			Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:	57		Bay Area:	57
S	WM: LBE	Brown & Caldwell James Graydon 201 N. Civic Drive Walnut Creek, CA 94596 925-937-9010	Company Wide	48	74	126	5	253	17.8%	27.3%
			Manager/Prof	32	60	100	3	195	16.4%	
			Technical/Sales	4	6	10	2	22	22.2%	
			Clerical/Skilled	12	8	16	0	36	26.5%	
			Semi/Unskilled	0	0	0	0	0	NA	
			Bay Area	-	-	-	-	-	NA	39.9%
			Co. Wide MSA:	Total USA		# Employees-Co. Wide:	1,423		Bay Area:	NA
S	WM:SBE	Marc Beutel 4929 School House Rd. Catheys Valley, CA 95306 509-339-5026	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	INFORMATION NOT APPLICABLE						
			Co. Wide MSA:	Mariposa County, CA		# Employees-Co. Wide:			Bay Area:	
S	WM: L/SBE	William D. Taylor 1354 Babel Lane Concord, CA 94518 760-553-6369	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	INFORMATION NOT APPLICABLE						
			Co. Wide MSA:	Contra Costa County, CA		# Employees-Co. Wide:			Bay Area:	
S	WM:SBE	Ed Ritchie 230 Daylight Place Danville, CA 94526 925-683-2383	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	INFORMATION NOT APPLICABLE						
			Co. Wide MSA:	Contra Costa County, CA		# Employees-Co. Wide:			Bay Area:	

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:	Consulting Contract for the San Pablo Reservoir Water Quality Improvements Project								
Professional Services Agreement		DATE: 7/19/2016							
R=Recmmd P=Prime S=Sub	**Composition of Ownership**								
Company Name, Owner/Contact Person, Address, and Phone Number									

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

Number of Ethnic Minority Employees

		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	**WM: SBE**	**Company Wide**	1	16	18	0	35	50.7%	43.6%
Pacific Advanced Civil Engineering, Inc. (PACE) Michelle Hoalton 17520 Newhope Street, Suite 200 Fountain Valley, CA 92708		Manager/Prof	1	8	12	0	21	42.9%	
		Technical/Sales	0	7	3	0	10	83.3%	
		Clerical/Skilled	0	1	3	0	4	50.0%	
		Semi/Unskilled	0	0	0	0	0	NA	
		Bay Area	0	0	0	0	0	NA	39.9%
714-481-7225		Co. Wide MSA:	**Orange County, CA**		# Employees-Co. Wide:		**69**	Bay Area:	**0**
P	**WW: SBE**	**Company Wide**	0	2	4	0	6	54.5%	39.9%
SRT/Hazen Tanya Yurovsky 90 New Montgomery Street, #905 San Francisco, CA 94105		Manager/Prof	0	2	4	0	6	54.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	2	4	0	6	54.5%	39.9%
415-776-5800		Co. Wide MSA:	**9 Bay Area Counties**		# Employees-Co. Wide:		**11**	Bay Area:	**11**
P	**WM**	**Company Wide**	565	218	576	11	1,370	28.9%	27.3%
ICF International Trina Prince 630 K Street, Suite 400 Sacramento, CA 95814		Manager/Prof	463	188	553	9	1,213	27.6%	
		Technical/Sales	54	15	4	0	73	41.5%	
		Clerical/Skilled	47	14	18	1	80	46.5%	
		Semi/Unskilled	1	1	1	1	-	NA	
		Bay Area	0	0	0	0	0	NA	39.9%
916-737-3000		Co. Wide MSA:	**Total USA**		# Employees-Co. Wide:		**4,744**	Bay Area:	**0**
P	**WM: LBE**	**Company Wide**	29	37	72	1	139	20.9%	27.3%
Tetra Tech, Inc. Thomas M. Grieb 3746 Mt. Diablo Blvd., Suite 300 Lafayette, CA 94549		Manager/Prof	22	30	68	1	121	20.1%	
		Technical/Sales	2	3	3	0	8	25.8%	
		Clerical/Skilled	5	4	1	0	10	30.3%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	2	1	0	3	9.4%	39.9%
925-280-7411		Co. Wide MSA:	**Total USA**		# Employees-Co. Wide:		**666**	Bay Area:	**32**
P	**WM: SBE**	**Company Wide**	0	0	0	0	0	0.0%	37.3%
McCord Environmental, Inc. Stephen McCord 759 Bianco court Davis, CA 95616		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
530-220-3156		Co. Wide MSA:	**Sacramento County, CA**		# Employees-Co. Wide:		**2**	Bay Area:	**0**

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

EBMUD

AGENDA NO. 9.
MEETING DATE August 9, 2016

TITLE **EXTEND JOINT EXERCISE OF POWERS AGREEMENT WITH CITY OF ALAMEDA**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize execution of an additional six-month extension of the current five year Joint Exercise of Powers Agreement (JPA) with the City of Alameda (City) for continued operation and maintenance of the Alameda Point water system from September 30, 2016 to March 31, 2017.

SUMMARY

The District and the City executed the original JPA for the Alameda Point water system in 1997. The JPA had been amended six times and the last agreement expired on March 31, 2016. A new JPA is being negotiated, and on March 8, 2016, the Board authorized a six-month extension of the existing JPA until September 30, 2016 to allow time for negotiations. The new JPA will address operational concerns, regulatory requirements, and the eventual transfer of system control to the District. Since March, the District and the City have met many times to address the changes to the existing JPA. An additional six-month extension is being requested to allow more time for negotiations.

DISCUSSION

The Alameda Point water system was originally constructed by the U.S. Navy and does not meet District standards. The City is making investments in the Alameda Point water system that are necessary to bring it to acceptable standards, but has not completed the work. Under the JPA, District staff perform routine operations, maintenance, water quality monitoring, backflow testing, and as-needed repairs for the Alameda Point water system. Having a JPA supports the Long-Term Infrastructure Investment and Water Quality and Environmental Protection goals in the District's Strategic Plan.

The existing JPA needs significant revisions to address new issues including operational concerns, regulatory requirements, and a timeline for conveyance of the system to the District. Since March 2016, workgroups comprised of District and City staff have met numerous times to discuss and address the proposed changes to the existing JPA. The discussions are ongoing and have been productive, but more time is needed to complete a new JPA. The District and the City have agreed to an additional six-month extension to finish negotiations for the amended JPA.

Funds Available: FY	Budget Code:	
DEPARTMENT SUBMITTING Maintenance & Construction	DEPARTMENT MANAGER or DIRECTOR Clifford C. Chan	APPROVED General Manager

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

SUSTAINABILITY

Economic

All District costs are reimbursed by the City. Extending the existing JPA in order to develop a revised JPA will ensure critical issues are addressed in the Alameda Point water system prior to conveyance of the system to the District.

Social

Extending the JPA will ensure continued operations and maintenance of the Alameda Point water system by District staff to meet regulatory requirements and protect public health.

Environmental

Extending the existing JPA will ensure operation of the Alameda Point water system continues to meet all required standards, and the redevelopment of the water system will meet all drinking water standards and discharge requirements.

ALTERNATIVE

Allow the JPA extension to expire. This alternative is not recommended as the Alameda Point water system requires continuous operation and maintenance to meet regulatory requirements and protect public health.

EBMUD

AGENDA NO. 10.
MEETING DATE August 9, 2016

TITLE **MEMORANDUM OF UNDERSTANDING WITH ZONE 7 WATER AGENCY FOR THE LIVERMORE VALLEY GROUNDWATER BASIN**

☒MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize the execution of a Memorandum of Understanding (MOU) with Zone 7 Water Agency (Zone 7) agreeing that Zone 7 shall serve as the Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act (SGMA) for the Livermore Valley Groundwater Basin (Livermore Basin), including the portion of the basin within the EBMUD service area.

SUMMARY

Zone 7 relies on the Livermore Basin to meet a significant portion of its water supply needs. Although Zone 7 overlies the majority of the Livermore Basin in Alameda County, a small portion of the Livermore Basin lies within the service areas for EBMUD, the City of San Ramon, Dublin San Ramon Services District, and Contra Costa County. The MOU delegates Zone 7 to serve as the GSA for the entire Livermore Basin. Each agency would be treated as a primary stakeholder in GSA-related efforts. A map of the area covered by the MOU is attached. This item was discussed at the July 12, 2016 Planning Committee meeting.

DISCUSSION

SGMA's passage fundamentally changed management of California's groundwater basins. The act, which became effective on January 1, 2015, requires that groundwater basins designated as high- or medium-priority be sustainably managed. SGMA stipulates that GSAs be established for those priority basins and that a Groundwater Sustainability Plan (GSP) be prepared by the GSA. The Livermore Basin has been designated as a medium-priority basin. Zone 7 would like to serve as the GSA for the entire basin, and to do so they must enter into a MOU with stakeholder agencies that lie outside of Zone 7's service area.

SGMA has set a deadline of June 30, 2017 to complete formation of GSAs for high- and medium-priority basins. Water agencies, cities, and counties are all eligible to become a GSA. The GSA is responsible for developing a Groundwater Sustainability Plan (GSP).

Funds Available: FY17		Budget Code: WSC/WNR/455/2010561
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR for Richard G. Sykes	APPROVED General Manager

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

From a water supply perspective, EBMUD does not have an interest in this portion of the Livermore Basin. Studies prepared for EBMUD in the late 1990s coupled with analysis by Zone 7 concluded that this particular portion of the Livermore Basin could not yield a reliable supply of groundwater for municipal use due to its small size. Additionally, the natural groundwater gradient directs flow toward the more productive portion of the Livermore Basin which lies to the south, in Zone 7's service area.

The MOU delegates to Zone 7 administrative functions, powers and duties assigned by SGMA to the GSA; designates Contra Costa County as the well permitting agency; designates the City of San Ramon as the land use agency; and stipulates that Zone 7 will monitor wells and report data, as required by SGMA. EBMUD is not required to take on specific responsibilities. The MOU includes a provision that allows any party to terminate the agreement at any time. Further, the MOU expressly reserves for EBMUD the right to continue to provide water service in the subject area.

SUSTAINABILITY

Economic

If the District enters into the MOU with Zone 7, there is no financial commitment to share in GSP expenses. Zone 7 will bear the cost of GSP development. EBMUD expenses would be limited to staff time to participate in stakeholder meetings and to review documents. EBMUD has allocated funds for local groundwater management activities in the FY17 budget.

Social

As the GSA, Zone 7 will help ensure that the groundwater basin is protected and available for local well owners in the community. Protecting the basin is aligned with the District's role as a steward of local natural resources. The MOU provides for a coordinated regional approach toward basin management that will be applied to the stakeholder process.

Environmental / CEQA Compliance

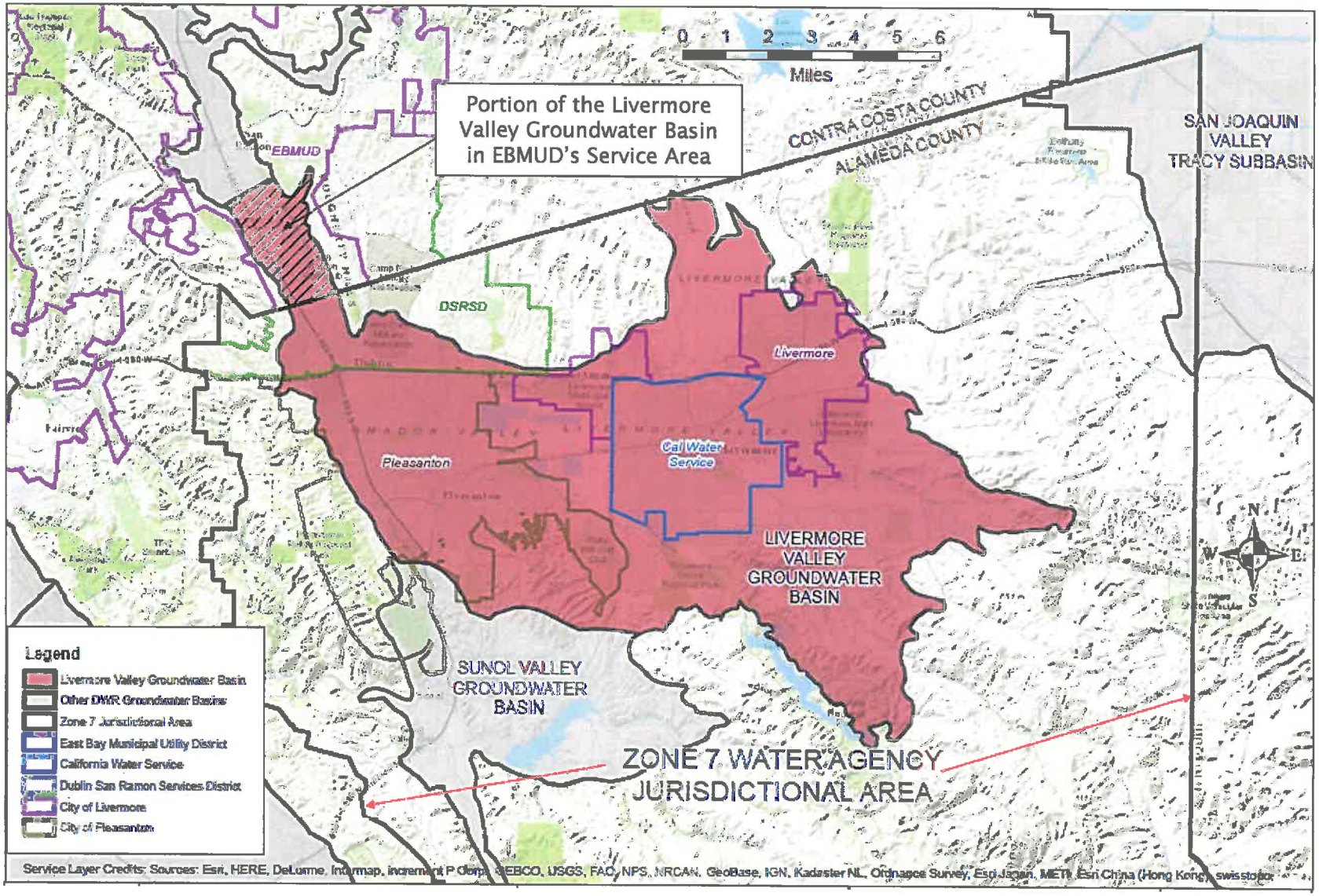
This decision to enter this MOU is not a "Project" pursuant to Public Resources Code section 21065 and therefore is not subject to the requirements of the California Environmental Quality Act. (See Title 14, Cal. Code Regs. § 15378(b)(5).). Zone 7 manages the Livermore Basin as a sustainable natural resource. Collectively, the MOU signatories will become environmental stewards of the basin.

ALTERNATIVE

Do not enter into the MOU with Zone 7. This alternative is not recommended as Zone 7 is in the best position to serve as the GSA. Absent the MOU, EBMUD or one of the other stakeholder agencies would need to serve as the GSA for a small portion of the Livermore Basin, which would add costs for no significant water supply value.

Attachment

Attachment 1 – Map of Livermore Valley Groundwater Basin



EBMUD

AGENDA NO. 11.
MEETING DATE August 9, 2016

TITLE SPECIAL DISTRICT GENERAL OBLIGATION BOND TAX RATE

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Fix the ad valorem tax rate for Special District No.1 (SD-1) to cover debt service, delinquencies, and county administrative fees in the amount of $2,744,941 on Wastewater System General Obligation (GO) Bond Series G for FY17 at a rate of $0.0028 per $100 of assessed value for properties located within the service area of SD-1.

SUMMARY

In accordance with Section 12899 of the MUD Act, the fixing of the ad valorem tax rate for FY17 is the necessary administrative process to continue the collection of the tax. The county tax collector relies on the certification of the formal annual "fixing" of the rate by the Board as authority to include the levy on the tax bill for the current fiscal year.

DISCUSSION

Following a public meeting on July 25, 1995 and a public hearing on August 8, 1995, the Board adopted a policy utilizing an ad valorem tax to cover the GO bond debt service approved by SD-1 voters in 1970. The basis of the ad valorem tax is the assessed values of secured and unsecured property established by the assessors of Alameda and Contra Costa counties. Alameda and Contra Costa counties are authorized to collect the ad valorem tax for SD-1 and to withhold customary fees and charges for collection, which are limited by statute to no more than one-half of one percent of the amount of ad valorem tax collected.

The table below shows the calculation that was used to develop the ad valorem tax rate for FY17. There are two years of GO bond debt service remaining including the FY17 payment.

Funds Available: FY	Budget Code:	
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.

Wastewater System General Obligation Bond Series G - Ad Valorem Tax Rate		
	FY16	**FY17**
Debt Service	$4,040,200	$4,126,950
Offsetting Property Tax Revenue	(1,007,749)	(1,436,523)
Delinquencies*	58,386	41,582
County Collection Fee (0.50%)	14,986	12,932
Total Tax Collected	$3,105,823	$2,744,941
Estimated Assessed Valuation		
Alameda County		
Secured and Utility	$80,238,056,765	$85,641,229,317
Unsecured**	5,003,616,721	5,492,659,692
Contra Costa County		
Secured and Utility	5,229,066,298	5,610,222,636
Unsecured**	61,782,444	64,230,394
Total	$90,532,522,228	$96,808,342,039
Ad Valorem Tax Rate ($/$100 of Assessed Value)	0.0034	0.0028

*Delinquencies in Alameda County are projected at 3.7% on unsecured property and 1.3% on secured property; delinquencies in Contra Costa County are 0% as the county forwards the full amount levied regardless of actual collections.
**Unsecured property is assessed in arrears so FY16 tax rate of 0.0034 is used on prior year unsecured property levy.

As shown in the table above, the tax rate of $0.0028 per $100 ($2.80 per $100,000) of assessed value for FY17 is a decrease of $0.0006 per $100 (approximately 18%), from the FY16 tax rate of $0.0034 per $100 of assessed value. This results in part from the offsetting property tax revenues shown in the above table. These are property taxes collected by the counties since 2012 in excess of the funds required by the District to pay debt service and other associated expenses, net of the amount applied in FY16. The District will apply remaining offsetting revenues to the debt service payments next year as well. This allows the District to lower the costs of debt service for property tax payers for as long as the bonds are outstanding. A second reason for the reduction in the ad valorem tax rate is that property valuations within the SD-1 service area have increased as a result of a strong local real estate market which decreases the tax rate needed to recover the required revenue. Assessed value in the SD-1 service area increased by 6.9% between FY16 and FY17.

The levy of $0.0028 per $100 of assessed value will generate sufficient revenues to cover the debt service on outstanding GO bonds for FY17 as provided in the District's budget.

SUSTAINABILITY

Economic

Fixing the ad valorem tax rate at a rate of $0.0028 per $100 of assessed value covers expected debt service, delinquencies, and county administrative fees with no use of wastewater rate funds.

Social

Fixing the ad valorem tax rate at a rate of $0.0028 per $100 of assessed value reflecting offset from funds received allows for a reduced tax burden on existing customers within the SD-1 service area, while covering expected debt service, delinquencies, and county administrative fees.

ALTERNATIVE

Use funds from wastewater rates and charges to pay debt service on the bonds instead of the voter approved property tax. This alternative is not recommended. The District has already noticed and adopted its FY17 wastewater treatment charges in conformance with notice requirements under Proposition 218 and the tax levy has been in place since 1995.

ARC:SDS:DB

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Draft Prepared By
STP
Office of General Counsel

RESOLUTION NO._____

FIXING THE RATE OF TAX FOR EAST BAY MUNICIPAL UTILITY DISTRICT SPECIAL DISTRICT NO. 1

Introduced by Director ; Seconded by Director

WHEREAS, pursuant to an election duly and regularly held in East Bay Municipal Utility District on November 3, 1970, the Board of Directors on June 8, 1971, adopted Resolution No. 25676 providing for the issuance of $60,000,000 principal amount of East Bay Municipal Utility District Special District No. 1 Bonds, Issue of 1970 (the "Bonds"), authorizing the issuance of said Bonds in series and providing for the levy of a tax on the property of said Special District to pay the principal and interest of said bonds; and

WHEREAS, on August 8, 1995, following a duly noticed public hearing, the Board of Directors adopted Resolution No. 32933-95 determining (1) that the revenues of East Bay Municipal Utility District Special District No. 1 would not be sufficient to pay the principal of and interest on the Bonds as the same become due, or to carry out the objects and purposes of said Special District No. 1, or to provide a sum for sinking fund purposes for the retirement of the Bonds and (2) that a tax shall be levied upon properties within the Special District No. 1 for the payment of the principal of and interest on the Bonds and fixed the rate of taxation for fiscal year 1996; and

WHEREAS, the Board of Directors, having elected to avail itself of the assessments made by the assessors of Alameda and Contra Costa Counties and by the State Board of Equalization for the two counties, is required by Public Utilities Code section 12899 to fix the rate of tax using as a basis the value of property transmitted annually to the Board of Directors by the county auditors; and

WHEREAS, the Board of Directors hereby determines that the total amount of revenue required by Special District No. 1 which will be derived from ad valorem tax on property on the tax roll, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, is the sum of $2,744,941 and divides the sum so determined between the Counties of Alameda and Contra Costa as follows: Alameda County, $2,584,045; Contra Costa County, $160,896;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that the rate of taxation for East Bay Municipal Utility District Special District No. 1, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, is hereby fixed at the rate of $0.0028 upon each $100 of the valuation of secured property as so assessed by the County Assessor of Alameda County and by the State Board of Equalization for the property within Alameda County, and at $0.0028 upon each $100 of assessed valuation of secured property as so assessed by the County Assessor of Contra Costa County and by the State Board of Equalization for the property within Contra Costa County, said rates of tax being necessary to raise the amount of revenue hereinbefore apportioned to each county by the Board of Directors.

BE IT FURTHER RESOLVED that the Secretary is hereby instructed to immediately transmit to the County Auditors of said counties, respectively, a statement of the rate of taxation so fixed by the Board of Directors by filing with each of said County Auditors a certified copy of this resolution.

BE IT FURTHER RESOLVED that there shall be set aside out of the sum raised by the foregoing tax levy and/or out of other revenues of said Special District No. 1 amounts sufficient to constitute sinking funds to pay the outstanding Bonds of said Special District No. 1, as it becomes due, and the interest on any of said Bonds, which interest becomes due before the next general tax levy, and to carry out the objects and purposes of said Special District No. 1.

ADOPTED this 9th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

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EBMUD

AGENDA NO. 12.

MEETING DATE August 9, 2016

TITLE **CHANGE THE CHARACTER OF THE POSITION OF MANAGER OF EMPLOYEE RELATIONS FROM CIVIL SERVICE TO CIVIL SERVICE EXEMPT**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Change the character of the position of Manager of Employee Relations from Civil Service to Civil Service Exempt.

SUMMARY

This request is to change the character of the position of Manager of Employee Relations. This item was discussed at the July 26, 2016 Board meeting. Staff was requested to present the item to the August 9, 2016 Legislative/Human Resources Committee for discussion.

DISCUSSION

Chapter 4, Section 12055(e) of the Municipal Utility District Act of the State of California allows for 15 positions that require "peculiar and exceptional qualifications, including those of a scientific, professional, or expert character or of special confidence" to be "exempted from 'district civil service' upon the recommendation of the general manager approved by the board." The position of Manager of Employee Relations requires professional and expert character, as well as special confidence and should be exempted from District Civil Service. The Manager of Employee Relations establishes and maintains an orderly employer-employee relations program and develops and administers the District's labor relations policy, subject to management guidance and approval. The Manager of Employee Relations also represents management in labor relations, including the negotiation, interpretation, and administration of collective bargaining agreements and provides consult and advice to non-represented employees.

The position of Manager of Employee Relations is currently filled and the current incumbent will retain civil service status until the position is vacated. Any hires subsequent to the adoption of this status change will be considered exempt from District Civil Service.

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.

A review of the current staffing plan indicates that there are 10 positions allocated to Civil Service Exempt status and as such there is capacity to add the Manager of Employee Relations classification to this category.

SUSTAINABILITY

Economic

There is no fiscal impact as there is no recommendation to change the salary of the classification.

Social

This classification is not represented by any union. Changing the character of the position of Manager of Employee Relations from Civil Service to Civil Service Exempt would allow the District flexibility to best address the needs of the District and its employees.

ALTERNATIVE

Do not adopt the recommended character change of the classification. This alternative is not recommended as the classification represents management's and the Board of Directors' interests in terms of personnel policy.

Attachment

EXHIBIT "A"
FY17 POSITION RESOLUTION AMENDMENT
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(August 9, 2016)

Human Resources

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
368	0.0	1.0 Manager of Employee Relations	1.0 Manager of Employee Relations	81					-1.0	1.0	Change in status from Civil Service to Civil Service Exempt
Total FY17 Representation (NET FTE)					**0.0**	**0.0**	**0.0**	**0.0**	**-1.0**	**1.0**	

Draft Prepared By
Office of General Counsel

RESOLUTION NO._____

CHANGE THE CHARACTER OF THE POSITION OF
MANAGER OF EMPLOYEE RELATIONS FROM CIVIL SERVICE TO
CIVIL SERVICE EXEMPT

Introduced by Director ; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District ("District") is charged with the responsibility to determine and create the number and character of positions required to carry on the functions of the District pursuant to Section 11886 of the Municipal Utility District Act ("MUD Act"); and

WHEREAS, Section 12055 of the MUD Act provides that certain positions may be exempted from district civil service; and

WHEREAS, Section 12055(e) of the MUD Act allows for fifteen (15) positions that require peculiar and exceptional qualifications, including those of a scientific, professional, or expert character or of special confidence be exempted from district civil service upon recommendation of the general manager and approval by the board of directors ; and

WHEREAS, the position and classification of Manager of Employee Relations is currently included in the District civil service; and

WHEREAS, the position and classification of Manager of Employee Relations is a position of peculiar and exceptional qualification requiring professional and expert character as well as special confidence; and

WHEREAS, the position and classification of Manager of Employee Relations should be exempted from the District civil service; and

WHEREAS, the General Manager recommends that the position and classification of Manager of Employee Relations be exempted from District civil service pursuant to MUD Act Section 12055(e); and

WHEREAS, the position and classification of Manager of Employee Relations is currently occupied by an incumbent; and

WHEREAS, the incumbent Manager of Employee Relations shall continue to retain his civil service status; and

WHEREAS, the position and classification of Manager of Employee Relations shall be exempt from civil service upon the current incumbent's vacation of the position;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that the position and classification of Manager of Employee Relations shall be exempted from the District civil service pursuant to Section 12055(e) of the MUD Act upon the current incumbent's vacation of the position.

BE IT FURTHER RESOLVED that this Resolution shall become effective August 9, 2016.

ADOPTED this 9th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

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ITEM 13

PUBLIC HEARING

Conduct a public hearing to receive public comments regarding the District's intent to serve as the Groundwater Sustainability Agency for the portion of the East Bay Plain Groundwater Subbasin within the District's service area.

EBMUD

AGENDA NO. 14.
MEETING DATE August 9, 2016

TITLE **ADOPT A RESOLUTION TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY FOR THE EAST BAY PLAIN GROUNDWATER SUB-BASIN**

☐ **MOTION** ☒ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Adopt a Resolution declaring the District's intent to serve as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Groundwater Sub-basin (East Bay Plain) within the District's service area.

SUMMARY

The Sustainable Groundwater Management Act (SGMA), which became effective on January 1, 2015, requires that the East Bay Plain be a sustainably-managed groundwater basin and that one or more GSAs develop a Groundwater Sustainability Plan (GSP) to guide the actions necessary for sustainable basin operation and management. The District has held several workshops and meetings to discuss which agency or agencies should serve as the GSA for the East Bay Plain with the result that Alameda and Contra Costa counties, and the cities in our service area which overlie the basin that attended the meetings all support the District in becoming the GSA. On July 12, 2016, the Board's Planning Committee unanimously supported the staff recommendation to proceed with becoming the GSA for the East Bay Plain. The recommended action would also serve as a component of a required notification package to be submitted to the Department of Water Resources (DWR) within 30 days of the resolution's adoption. Once the package is received, DWR will in turn notice EBMUD's intent for 90 days. Absent any conflicting applications, the District would become the GSA for the East Bay Plain following that notice period.

DISCUSSION

SGMA's passage fundamentally changes management of California's groundwater basins. The act requires that groundwater basins designated as high- or medium-priority be sustainably managed. SGMA stipulates that GSAs be established for those priority basins and that a GSP be prepared by the GSA. The East Bay Plain is a medium-priority basin.

Funds Available: FY17	Budget Code:WSC/WNR/455/2010561	
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR for Richard G. Sykes	APPROVED General Manager

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

EBMUD is eligible for GSA status for the portion of the District's service area that overlies the East Bay Plain (see Attachment 1). SGMA has set a deadline of June 30, 2017 to complete formation of GSAs for high- and medium-priority basins. Water agencies, cities, and counties are all eligible to become a GSA. Should EBMUD not assume GSA responsibilities, both Alameda and Contra Costa counties could accept GSA authority. Both counties do not intend to become the GSA. If no agency accepts GSA status, the responsibility passes on to the State. DWR would then manage the basin under a provisional status, but they would likely pass the cost associated with providing management services on to EBMUD and/or the counties/cities, and perhaps rendering the District ineligible for state grants.

Under SGMA, GSAs are authorized (but not required) to adopt rules, regulations, ordinances and resolutions; conduct investigations of water rights; require well registration; require well owners/operators to measure and report extractions; require reporting of diversions of surface water to storage; acquire property and water rights; reclaim water; impose well spacing requirements; regulate groundwater extraction, including limiting or prohibiting groundwater production; impose fees and assessments; and undertake enforcement actions for noncompliance. GSAs are required to prepare a Groundwater Sustainability Plan and manage the basin sustainably, avoiding adverse impacts such as lowering of groundwater levels, seawater intrusion, or land subsidence.

EBMUD has hosted three GSA formation meetings with overlying cities, counties, and water agencies in the East Bay Plain, in addition to holding several one-on-one meetings with select stakeholders. The outcome of those meetings is that EBMUD is considered by the stakeholders as the logical choice to assume the GSA role for the portion of the East Bay Plain that the District overlies. Stakeholders, including Alameda and Contra Costa counties and cities overlying the basin within the District's service area, have indicated a willingness to develop a Memorandum of Agreement that describes their role as a key participant in GSA activities and their ongoing responsibilities, such as well permitting and inspection.

SUSTAINABILITY

Economic

Long-term costs for serving as the GSA are yet to be determined but within the next five years, a GSP must be developed. These costs are estimated to range from $500,000 to $1,000,000. Some of those expenses could be offset by grants, fees and cost-sharing agreements. EBMUD has allocated funds for local groundwater management activities in the FY17 budget and intends to include monies in the FY18-19 budget to cover GSA-related tasks.

Social

As the GSA, the District will help ensure that the groundwater basin is protected to the benefit of the local community and the region's water supply. EBMUD will engage local community representatives and agency staff in GSP development and implementation.

Environmental/CEQA Compliance

The decision to become a GSA is not a "Project" pursuant to Public Resources Code section 21065 and therefore is not subject to the requirements of the California Environmental Quality Act. (See Title 14, Cal. Code Regs. §15378 (b)(5).) As noted previously, as the GSA, the District will be in a position to ensure that the East Bay Plain serves as a lasting natural resource for EBMUD's service area, thereby taking on a stewardship role that strives to achieve environmental benefits as part of groundwater sustainability planning.

ALTERNATIVE

Do not serve as the GSA. This alternative is not recommended as the District staff and staff representing the counties and cities overlying the East Bay Plain have determined that EBMUD would be the best choice as the GSA. This would best support sustainable integrated water management and preserve local control.

Attachment

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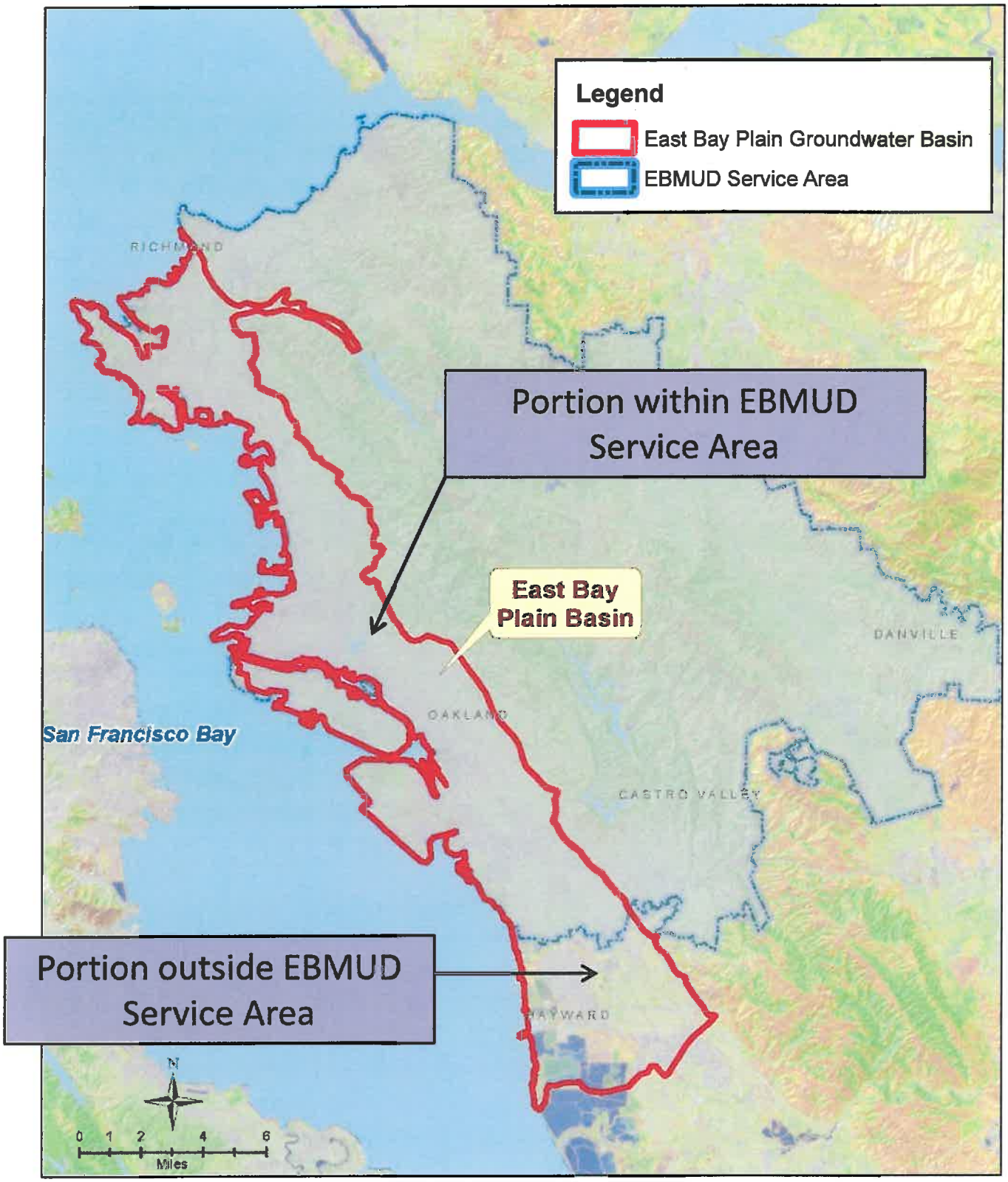
Attachment - Proposed GSA Coverage



Draft Prepared By

Office of General Counsel

RESOLUTION NO._____

A RESOLUTION TO BECOME THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE EAST BAY PLAIN SUBBASIN OF THE SANTA CLARA VALLEY BASIN WITHIN THE EAST BAY MUNICIPAL UTILITY DISTRICT'S SERVICE AREA

Introduced by Director ; Seconded by Director

WHEREAS, the East Bay Municipal Utility District ("District") is a public agency formed under the Municipal Utility District Act that provides water service to approximately 1.4 million customers in Alameda County and Contra Costa County; and

WHEREAS, the comprehensive groundwater legislation referred to as the Sustainable Groundwater Management Act ("SGMA") was signed into law on September 16, 2014, with an effective date of January 1, 2015, and is codified at Water Code section 10720 *et seq.*; and

WHEREAS, the stated purpose of SGMA is to provide for the sustainable management of groundwater basins and subbasins at a local level by providing local agencies, including agencies with water supply responsibilities, the legal authority and technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, SGMA further provides for and anticipates that eligible local agencies overlying basins or subbasins that are designated by the California Department of Water Resources ("DWR") as "high priority" or "medium priority" will form Groundwater Sustainability Agencies ("GSAs") for the purpose of achieving groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans; and

WHEREAS, the East Bay Plain Subbasin of the Santa Clara Valley Basin ("East Bay Plain") has been designated by DWR as a medium priority subbasin; and

WHEREAS, the District currently exercises water supply and water management responsibilities within its service area, which service area overlies the majority of the East Bay Plain; and

WHEREAS, the District's expertise in water resources management renders it well-suited to serve as the GSA for the portion of the East Bay Plain within its service area; and

WHEREAS, the District has had ongoing close coordination with local agencies that overlie the East Bay Plain; and

WHEREAS, as required by Water Code section 10723(b), a notice of public hearing to consider this decision to become a GSA was published pursuant to Government Code section 6066, and the Board of Directors held the noticed public hearing before adopting this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find and determine as follows:

1. The District hereby elects to become the GSA for the entire portion of the East Bay Plain that underlies the District's service area and to undertake sustainable groundwater management within that area.

2. The District intends to provide broad opportunity for public involvement in the ongoing management of groundwater in the East Bay Plain.

3. The District will continue to coordinate with other local agencies that overlie the East Bay Plain and with other groundwater management entities that elect to be the GSA for neighboring groundwater basins or subbasins.

4. The decision to become a GSA is not a "Project" pursuant to Public Resources Code section 21065 and therefore is not subject to the requirements of the California Environmental Quality Act. (See Title 14, Cal. Code Regs. § 15378(b)(5).)

5. Staff is directed to prepare notification of the District's decision to become a GSA and to submit that notification, and all supporting documentation, to DWR in accordance with Water Code section 10723.8(a).

6. The Secretary of the District is directed to file a Notice of Exemption with the County Clerks of Alameda County and Contra Costa County, in accordance with the law.

ADOPTED this 9th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager ARC

SUBJECT: Legislative Report No. 10-16

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

RECOMMENDED ACTION

Approve a position on the following bill: 1) Support AB 2549 (Committee on Water, Parks, and Wildlife) Public Resources.

STATE LEGISLATION		RECOMMENDED POSITION
AB 2549 (Committee on Water, Parks, and Wildlife)	**PUBLIC RESOURCES**	**SUPPORT**

Existing law authorizes the Department of Fish and Wildlife (DFW) to address the control and eradication of quagga and zebra mussels, also known as dreissenid mussels, from infested water bodies in California. DFW has the authority to inspect, quarantine, and take other necessary actions to prevent the spread of these invasive mussels. Owners or operators of infested water supply facilities are required to develop and implement a control and eradication plan. Current law provides for the imposition of administrative, criminal, or civil liability penalties for the failure to develop and implement the plan, or for the spread of dreissenid mussels from an infested water body. However, these provisions of law sunset, or will be repealed, on January 1, 2017.

AB 2549 (Committee on Water, Parks, and Wildlife), as amended on August 1, 2016, is a committee omnibus bill that would, among other things, extend the sunset date on the provisions of law governing the control and eradication of quagga and zebra mussels to January 1, 2020, thereby ensuring that programs and efforts to control and eradicate these invasive mussels can continue. These are the same provisions that were in AB 2555 (Committee on Water, Parks, and Wildlife), upon which EBMUD adopted a "support" position on May 24th. Subsequently, AB 2555 was amended to pertain to a different subject matter and its mussel provisions have been amended into AB 2549. AB 2549's other provisions are non-controversial and pertain to other topics which include the removal of a sunset date to allow enhanced public hearing processes for

changes to the endangered species list to continue, clarification of state park operating agreement requirements, and a reporting requirement for state park planning recommendations.

The Committee on Water, Parks, and Wildlife has requested EBMUD's support for AB 2549.

Dreissenid mussels originated in the Ukraine and Black and Caspian Sea drainages and first appeared in North America in the 1980s as a result of transatlantic cargo ship traffic in the Great Lakes region. In January 2007, quagga mussels were found in Lake Mead, the first detection west of the Continental Divide. Subsequent surveys discovered quagga mussels in the Colorado River and Aqueduct, and at least ten reservoirs in Nevada, Arizona, and Southern California, prompting emergency actions by impacted water utilities. In January 2008, zebra mussels were discovered in Northern California in the San Justo Reservoir in San Benito County.

Dreissenid mussels spread in water by clinging to the outer surfaces of boats and other aquatic equipment or by the microscopic mussel larva drifting or otherwise entering into water bodies. Once a water body becomes infested, it is costly to control the infestation and, to date no reliable method of eradication has been identified.

EBMUD has had an aggressive prevention and monitoring program for its water system in place since 2008. To date, neither quagga nor zebra mussels have been found within EBMUD's water system.

By extending the sunset provision in existing law, AB 2549 would enable DFW to retain its authority and continue its critical efforts to control and eradicate quagga and zebra mussels and is consistent with EBMUD's efforts to prevent the spread of quagga and zebra mussels to EBMUD reservoirs.

EBMUD has previously supported and sponsored legislation to address the threat of dreissenid mussels. As mentioned above, earlier this year the Board adopted a "support" position on AB 2555 which contained the same invasive mussel provisions as AB 2549. In 2012, EBMUD supported AB 2443 (Williams) which established a statewide funding mechanism to support quagga and zebra mussel prevention and eradication efforts. AB 2443 was signed into law (Chapter 485 of 2012). In 2008, EBMUD sponsored AB 2065 (Hancock) which required the owners and operators of recreational reservoirs that are not infested with dreissenid mussels to implement a mussel prevention program. AB 2065 was signed into law (Chapter 667 of 2008). In 2011, EBMUD supported SB 215 (Huff), which extended the sunset date from January 1, 2012 to January 1, 2017, to provide the Department of Fish and Game (now DFW) continued authorization to control and eradicate zebra and quagga mussels from mussel-infested waters. SB 215 was signed into law (Chapter 332 of 2011).

There are currently no entities listed in support or opposition to AB 2549.

ARC:MD:JW

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 6, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 2549

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow, Dodd, Cristina Garcia, Gomez, Harper, Lopez, Medina, Salas, and Williams)

February 19, 2016

An act to amend Section 2301 of, and to amend and repeal Sections 2074.2, 2074.6, 2074.8, and 2075.5 of, the Fish and Game Code, and to amend Sections 5002.2, 5009.1, ~~5010.6, and 5080.31~~ *and 5010.6* of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Committee on Water, Parks, and Wildlife. Public resources.

(1) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under the act, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition at a meeting, as prescribed. Existing law, until January 1, 2017, establishes additional procedures for the review of a petition, including public hearings and public comment.

This bill would extend those *additional* procedures indefinitely.

(2) Existing law generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Wildlife or his or her designee to engage in various enforcement activities. Existing law provides that a person who violates or resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty, in an amount not to exceed $1,000, that is imposed administratively by the department. Existing law exempts certain entities from enforcement activities, or from civil or criminal liability, under prescribed circumstances. These provisions are repealed on January 1, 2017.

This bill would extend these provisions to January 1, 2020.

Under existing law, a violation of these provisions is a crime. By extending the operation of these provisions, this bill would impose a state-mandated local program.

(3) Existing law authorizes the Department of Parks and Recreation to enter into an agreement to accept funds from any person, educational institution, tribal government, corporation, or other business entity or organization for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a designated state park system unit or facility, and requires that any funds so received be deposited in a separate account in the State Park Contingent Fund.

This bill would require the department, for each ~~donation received~~ *agreement entered into* pursuant to those provisions, to provide ~~the donor of record~~ a written ~~quarterly~~ accounting of all expenditures made from the donated funds, as specified.

(4) Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously appropriates funds in the subaccount to the Department of Parks and Recreation for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires that activities, programs, and projects funded by the subaccount include among, other things, a projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

This bill would require a projection of costs to include that information only if appropriate.

(5) Existing law requires that, following classification or reclassification of a unit of the state park system by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the Department of Parks and Recreation prepare a general plan or revise any existing plan for the unit in accordance with prescribed procedures.

This bill would require the department, in consultation with the commission, by ~~July 1, 2017,~~ *January 1, 2018,* to provide the Legislature with specified recommendations for improving the state park planning and approval process, as prescribed.

~~(6) Existing law requires that a general plan for a unit of the state park system that is the subject of an operating agreement specifically evaluate and define the manner in which the unit is proposed to be operated and requires that the general plan be reviewed by the State Park and Recreation Commission for a determination that the unit will be operated in a manner that generally meets the standards followed by the Department of Parks and Recreation in its operation of similar units, as specified.~~

~~This bill would instead require that an operating agreement for operation of an entire park unit be consistent with the general plan for that unit of the park, if such a plan exists. The bill would require that the proposed operating agreement and general plan be reviewed by the commission for a determination that the unit will be operated in a manner that is consistent with the general plan and that generally meets standards followed by the department in its operation of similar units.~~

~~(7)~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 2074.2 of the Fish and Game Code, as amended by Section 3 of Chapter 387 of the Statutes of 2013, is amended to read:

2074.2. (a) At the meeting scheduled pursuant to Section 2074, the commission shall hold a public hearing on the petition and shall receive information, written or otherwise, and oral testimony. After the conclusion of oral testimony from the commission and department staff, the petitioner, or any other persons, the commission may close the public hearing and administrative record for the commission's decision pursuant to this section.

(b) After the commission closes the public hearing, the administrative record for the commission's decision is closed and it shall not be reopened except as provided in subdivision (c). Once the public hearing is closed, no person shall submit further information to the commission for consideration on that petition and the commission shall not accept any further information for consideration on that petition except as provided in subdivision (c).

(c) The administrative record for the commission's decision pursuant to this section shall not be reopened once the commission closes the public hearing unless one of the following occurs prior to the commission's decision:

(1) There is a change in state or federal law or regulation that has a direct and significant impact on the commission's determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted.

(2) The commission determines that it requires further information to evaluate whether the petition provides sufficient information to indicate that the petitioned action may be warranted. If the commission makes that determination during its deliberation, the commission may request, on the record at the scheduled meeting or at a continued meeting, further information on any issue relevant to making its determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted. Any request by the commission pursuant to this paragraph shall specify a date by which the information must be submitted to the commission and shall serve to reopen the administrative record for the limited purpose of receiving further

information relating to the issues specified by the commission in the request. Commission and department staff, the petitioner, or any other person may submit information in response to a request pursuant to this paragraph. If the commission reopens the record pursuant to this paragraph, it shall provide an opportunity for public comment on the submitted information prior to the issuance of its decision.

(d) In its discretion, the commission may either close the public hearing and continue the meeting on the petition for the purpose of deliberation or continue both the public hearing and the meeting on the petition to a subsequent date, which shall be no later than 90 days after the meeting scheduled pursuant to Section 2074, and subject to applicable notice and agenda requirements. If the commission closes the public hearing but continues the meeting for the purpose of deliberation, a person shall not submit, and the commission shall not receive, further information relating to the petition except as provided in subdivision (c).

(e) At the meeting scheduled pursuant to Section 2074 or at a continued meeting scheduled pursuant to subdivision (d), the commission shall consider the petition, the department's written report, written comments received, and oral testimony provided during the public hearing, and the commission shall make and enter in its record one of the following findings:

(1) If the commission finds that the petition does not provide sufficient information to indicate that the petitioned action may be warranted, the commission shall publish a notice of finding that the petition is rejected, including the reasons why the petition is not sufficient.

(2) If the commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the commission shall publish a notice of finding that the petition is accepted for consideration. If the accepted petition recommends the addition of a species to either the list of endangered species or the list of threatened species, the commission shall include in the notice that the petitioned species is a candidate species. The commission shall maintain a list of species which are candidate species.

(f) The commission shall publish and distribute the findings relating to the petition pursuant to Section 2078.

SEC. 2. Section 2074.2 of the Fish and Game Code, as added by Section 4 of Chapter 387 of the Statutes of 2013, is repealed.

SEC. 3. Section 2074.6 of the Fish and Game Code, as amended by Section 5 of Chapter 387 of the Statutes of 2013, is amended to read:

2074.6. The department shall promptly commence a review of the status of the species concerned in the petition. Within 12 months of the date of publication of a notice of acceptance of a petition for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publicly available on the department's Internet Web site a final written peer reviewed report, based upon the best scientific information available to the department, which indicates whether the petitioned action is warranted, which includes a preliminary identification of the habitat that may be essential to the continued existence of the species, and which recommends management activities and other recommendations for recovery of the species. Prior to releasing the final written report, the department shall have a draft status review report prepared and independently peer reviewed, and upon receiving the peer reviewers' input, shall evaluate and respond in writing to the independent peer review and shall amend the draft status review report as appropriate. The revised report shall be posted on the department's Internet Web site for a minimum of 30 days for public review prior to the hearing scheduled pursuant to Section 2075. The commission may grant an extension of up to six months if the director determines an extension is necessary to complete independent peer review of the report, and to provide a minimum of 30 days for public review of the peer reviewed report prior to the public hearing specified in Section 2075.

SEC. 4. Section 2074.6 of the Fish and Game Code, as added by Section 6 of Chapter 387 of the Statutes of 2013, is repealed.

SEC. 5. Section 2074.8 of the Fish and Game Code, as amended by Section 7 of Chapter 387 of the Statutes of 2013, is amended to read:

2074.8. This article does not impose any duty or obligation for, or otherwise require, the commission or the department to undertake independent studies or other assessments of any species when reviewing a petition and its attendant documents and comments. However, the department shall seek independent

scientific peer review of the department's status report. The director may approve an extension of time for completion of the status report if necessary for the purposes of obtaining independent peer review pursuant to Section 2074.6.

SEC. 6. Section 2074.8 of the Fish and Game Code, as added by Section 8 of Chapter 387 of the Statutes of 2013, is repealed.

SEC. 7. Section 2075.5 of the Fish and Game Code, as amended by Section 9 of Chapter 387 of the Statutes of 2013, is amended to read:

2075.5. (a) At the meeting scheduled pursuant to Section 2075, the commission shall hold a public hearing on the petition and shall receive information, written or otherwise, and oral testimony. After the conclusion of oral testimony from *the commission and* department staff, the petitioner, or any other persons, the commission may close the public hearing and the administrative record for the ~~department's~~ *commission's* decision pursuant to this section.

(b) After the commission closes the public ~~hearing~~ *hearing,* the administrative record for the commission's decision is closed and it shall not be reopened except as provided in subdivision (c). Once the public hearing is ~~closed~~ *closed,* a person shall not submit further information to the ~~department~~ *commission* for consideration on that petition and the commission shall not accept any further information for consideration on that petition except as provided in subdivision (c).

(c) The administrative record for the commission's decision pursuant to this section shall not be reopened once the ~~department~~ *commission* closes the public hearing unless one of the following occurs prior to the commission's decision:

(1) There is a change in state or federal law or regulation that has a direct and significant impact on the commission's determination as to whether the petitioned action is warranted.

(2) The commission determines that it requires further information to evaluate whether the petitioned action is warranted. If the commission makes that determination during its deliberation, the commission may request, on the record at the scheduled meeting or at a continued meeting, further information on any issue relevant to making its determination as to whether the petitioned action is warranted. Any request by the commission pursuant to this paragraph shall specify a date by which the

information must be submitted to the commission and shall serve to reopen the administrative record for the limited purpose of receiving further information relating to the issues specified by the commission in the request. Commission and department staff, the petitioner, or any other person may submit information in response to a request pursuant to this paragraph.

(d) The commission, in its discretion, may either close the public hearing and continue the meeting on the petition for the purpose of deliberation or continue both the public hearing and the meeting on the petition to a subsequent date which is no later than 90 days after the meeting scheduled pursuant to Section 2075, and subject to applicable notice and agenda requirements. If the commission closes the public hearing but continues the meeting for the purpose of deliberation, a person shall not submit, and the commission shall not receive, further information relating to the petition except as provided in subdivision (c).

(e) At the meeting scheduled pursuant to Section 2075, or at a continued meeting scheduled pursuant to subdivision (d), the commission shall make one of the following findings:

(1) The petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned species shall be removed from the list of candidate species maintained pursuant to Section 2074.2.

(2) The petitioned action is warranted, in which case the commission shall publish a notice of that finding and a notice of proposed rulemaking pursuant to Section 11346.4 of the Government Code, to add the species to, or remove the species from, the list of endangered species or the list of threatened species. Further proceedings of the commission on the petitioned action shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 8. Section 2075.5 of the Fish and Game Code, as added by Section 10 of Chapter 387 of the Statutes of 2013, is repealed.

SEC. 9. Section 2301 of the Fish and Game Code is amended to read:

2301. (a) (1) Except as authorized by the department, a person shall not possess, import, ship, or transport in the state, or place, plant, or cause to be placed or planted in any water within the state, dreissenid mussels.

(2) The director or his or her designee may do all of the following:

(A) Conduct inspections of conveyances, which include vehicles, boats and other watercraft, containers, and trailers, that may carry or contain adult or larval dreissenid mussels. Included as part of this authority to conduct inspections is the authority to temporarily stop conveyances that may carry or contain adult or larval dreissenid mussels on any roadway or waterway in order to conduct inspections.

(B) Order that areas in a conveyance that contain water be drained, dried, or decontaminated pursuant to procedures approved by the department.

(C) Impound or quarantine conveyances in locations designated by the department for up to five days or the period of time necessary to ensure that dreissenid mussels can no longer live on or in the conveyance.

(D) (i) Conduct inspections of waters of the state and facilities located within waters of the state that may contain dreissenid mussels. If dreissenid mussels are detected or may be present, the director or his or her designee may order the affected waters or facilities closed to conveyances or otherwise restrict access to the affected waters or facilities, and shall order that conveyances removed from, or introduced to, the affected waters or facilities be inspected, quarantined, or disinfected in a manner and for a duration necessary to detect and prevent the spread of dreissenid mussels within the state.

(ii) For the purpose of implementing clause (i), the director or his or her designee shall order the closure or quarantine of, or restrict access to, these waters, areas, or facilities in a manner and duration necessary to detect and prevent the spread of dreissenid mussels within the state. No closure, quarantine, or restriction shall be authorized by the director or his or her designee without the concurrence of the Secretary of the Natural Resources Agency. If a closure lasts longer than seven days, the department shall update the operator of the affected facility every 10 days on efforts to address the dreissenid infestation. The department shall provide these updates in writing and also post these updates on the department's Internet Web site in an easily accessible manner.

(iii) The department shall develop procedures to ensure proper notification of affected local and federal agencies, and, as

appropriate, the Department of Water Resources, the Department of Parks and Recreation, and the State Lands Commission in the event of a decision to close, quarantine, or restrict a facility pursuant to this paragraph. These procedures shall include the reasons for the closure, quarantine, or restriction, and methods for providing updated information to those affected. These procedures shall also include protocols for the posting of the notifications on the department's Internet Web site required by clause (ii).

(iv) When deciding the scope, duration, level, and type of restrictions, and specific location of a closure or quarantine, the director shall consult with the agency, entity, owner, or operator with jurisdiction, control, or management responsibility over the marina, boat launch facility, or other facility, in order to focus the closure or quarantine to specific areas and facilities so as to avoid or minimize disruption of economic or recreational activity in the vicinity.

(b) (1) Upon a determination by the director that it would further the purposes of this section, other state agencies, including, but not limited to, the Department of Parks and Recreation, the Department of Water Resources, the Department of Food and Agriculture, and the State Lands Commission, may exercise the authority granted to the department in subdivision (a).

(2) A determination made pursuant to paragraph (1) shall be in writing and shall remain in effect until withdrawn, in writing, by the director.

(c) (1) Except as provided in paragraph (2), Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the implementation of this section.

(2) An action undertaken pursuant to subparagraph (B) of paragraph (2) of subdivision (a) involving the use of chemicals other than salt or hot water to decontaminate a conveyance or a facility is subject to Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) (1) A public or private agency that operates a water supply system shall cooperate with the department to implement measures to avoid infestation by dreissenid mussels and to control or eradicate any infestation that may occur in a water supply system. If dreissenid mussels are detected, the operator of the water supply system, in cooperation with the department, shall prepare and implement a plan to control or eradicate dreissenid mussels within

the system. The approved plan shall contain the following minimum elements:

(A) Methods for delineation of infestation, including both adult mussels and veligers.

(B) Methods for control or eradication of adult mussels and decontamination of water containing larval mussels.

(C) A systematic monitoring program to determine any changes in conditions.

(D) The requirement that the operator of the water supply system permit inspections by the department as well as cooperate with the department to update or revise control or eradication measures in the approved plan to address scientific advances in the methods of controlling or eradicating mussels and veligers.

(2) If the operator of water delivery and storage facilities for public water supply purposes has prepared, initiated, and is in compliance with all the elements of an approved plan to control or eradicate dreissenid mussels in accordance with paragraph (1), the requirements of subdivision (a) do not apply to the operation of those water delivery and storage facilities, and the operator is not subject to any civil or criminal liability for the introduction of dreissenid mussel species as a result of those operations. The department may require the operator of a facility to update its plan, and if the plan is not updated or revised as described in subparagraph (D) of paragraph (1), subdivision (a) shall apply to the operation of the water delivery and storage facilities covered by the plan until the operator updates or revises the plan and initiates and complies with all of the elements of the updated or revised plan.

(e) Any entity that discovers dreissenid mussels within this state shall immediately report the discovery to the department.

(f) (1) In addition to any other penalty provided by law, any person who violates this section, violates any verbal or written order or regulation adopted pursuant to this section, or who resists, delays, obstructs, or interferes with the implementation of this section, is subject to a penalty, in an amount not to exceed one thousand dollars ($1,000), that is imposed administratively by the department.

(2) A penalty shall not be imposed pursuant to paragraph (1) unless the department has adopted regulations specifying the

amount of the penalty and the procedure for imposing and appealing the penalty.

(g) The department may adopt regulations to carry out this section.

(h) Pursuant to Section 818.4 of the Government Code, the department and any other state agency exercising authority under this section shall not be liable with regard to any determination or authorization made pursuant to this section.

(i) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 10. Section 5002.2 of the Public Resources Code is amended to read:

5002.2. (a) (1) Following classification or reclassification of a unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the department shall prepare a general plan or revise any existing plan for the unit.

(2) The general plan shall consist of elements that will evaluate and define the proposed land uses, facilities, concessions, operation of the unit, any environmental impacts, and the management of resources, and shall serve as a guide for the future development, management, and operation of the unit.

(3) The general plan constitutes a report on a project for the purposes of Section 21100. The general plan for a unit shall be submitted by the department to the State Park and Recreation Commission for approval.

(b) The resource element of the general plan shall evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships and shall contain a declaration of purpose, setting forth specific long-range management objectives for the unit consistent with the unit's classification pursuant to Article 1.7 (commencing with Section 5019.50), and a declaration of resource management policy, setting forth the precise actions and limitations required for the achievement of the objectives established in the declaration of purpose.

(c) Notwithstanding subdivision (a), the department is not required to prepare a general plan for a unit that has no general

plan or to revise an existing plan if the only development contemplated by the department consists of the repair, replacement, or rehabilitation of an existing facility; the construction of a temporary facility, if the construction does not result in the permanent commitment of a resource of the unit; any undertaking necessary for the protection of public health or safety; or any emergency measure necessary for the immediate protection of natural or cultural resources; or any combination of these activities at a single unit. Any development is subject to the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Notwithstanding subdivision (a), the department is not required to prepare a general plan or revise an existing plan for a unit to which new development is necessary to comply with public service delivery obligations, operational or code compliance upgrades, or resource preservation requirements that are compatible with the classification of the unit. The department may instead prepare a management or development plan with appropriate environmental review and analysis.

(e) Consistent with good planning and sound resource management, the department shall, in discharging its responsibilities under this section, attempt to make units of the state park system accessible and usable by the general public at the earliest opportunity.

(f) The department may prepare a general plan that includes more than one unit of the state park system for units that are in close proximity to one another and that have similar resources and recreational opportunities if that action will facilitate the protection of public resources and public access to units of the state park system.

(g) The department, in consultation with the State Park and Recreation Commission, by ~~July 1, 2017,~~ *January 1, 2018,* shall provide the Legislature with recommendations for improving the state park planning and approval process ~~that will do all of the following:~~ *to help achieve the following goals:*

(1) Provide for more efficient and cost-effective development, approval, and timely updates of park unit general plans, including through the use of multi-unit general plans where appropriate.

~~(2) Facilitate clear guidance for management direction of the relevant park units.~~

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

FROM: Craig S. Spencer, General Counsel

SUBJECT: Establishing Attendance Requirements for Director Salaries

INTRODUCTION

At the open session meeting on June 28, 2016, the Board President requested information regarding what criteria should govern in determining when a Board member is considered absent from either a committee meeting or a Board meeting. In other words: What constitutes attendance at a Board meeting? As will be discussed in more detail below, the decision on this question will affect the rules regarding director salaries. As such, any clarification or definition must be adopted through a resolution.

BACKGROUND

Attendance Requirements for Director Salaries

Board Resolution No. 33041-97 establishes minimum attendance requirements as a condition of receiving director salaries. Specifically, the resolution provides that in order to receive payment of a director's monthly salary, a director must attend a minimum of three meetings of the Board per month. If a director is assigned to attend less than six meetings in a month, he or she must attend a minimum of fifty percent of the meetings assigned. The resolution defines meetings of the Board to include regular business meetings, standing committee meetings, special meetings, retirement board meetings, and closed session meetings. Under the resolution, the Board President may excuse a director's absence from a meeting for good cause, which includes, but is not limited to, a director's illness, family emergency, or schedule conflict directly related to the business and interests of the District.

How Attendance is Determined

Long-standing practice by the Secretary's Office is to mark a director as "present" if he/she attends either a committee meeting or a Board meeting before the meeting is adjourned. The Secretary of the District routinely takes roll at the beginning of each meeting and notes which directors are present and which are absent. If a vote is taken while a director is absent, the absence is again noted. Should an absent director attend the meeting before adjournment, the Secretary then notes the director as being present and attendance at the meeting counts towards fulfilling the minimum number of meetings specified in Resolution No. 33041-97.

DISCUSSION

The Office of General Counsel's research reveals no legal guidance on this question. Additionally, *Sturgis Standard Code of Parliamentary Procedure* and *Robert's Rules of Order* do not address this issue.

District staff surveyed seven local public agencies and found that none have a specific policy/procedure that defines a time limit required for "attendance" at a meeting. These agencies include:

- AC Transit
- BART
- East Bay Regional Park District
- Dublin/San Ramon Services District
- Contra Costa Water District
- Alameda County Water District
- Central Contra Costa Sanitary District

The City of Oakland's By Laws of the Public Ethics Commission defines a late arrival as 15 minutes after the scheduled start time and committee chairs are provided discretion to remove a committee member if three unexcused absences or late arrivals occur within one calendar year.

Pursuant to the MUD Act the Board has authority to establish rules for its proceedings when it comes to determining the criteria that must be met for a director to receive compensation. Such action must be taken by ordinance or resolution. (Public Utilities Code §11908.) Here, the Board may decide to continue with existing practice or may set other rules. For example, the Board may decide that attendance is to be determined when roll is called. This could prove to be too harsh as there are any number of reasons a director may be late for the commencement of the meeting and such a rule could tend to discourage, rather than encourage, attendance. Another possibility would be for the Board to set a time frame after roll call (*e.g.,* 15 minutes) for determining a director's "late arrival." A number of late arrivals within a set time period (*e.g.,* one month) could then count as a missed meeting for purposes of fulfilling the requirements of Resolution No. 33041-97. Because unforeseen circumstances outside the control of a director may result in a late arrival, the Board may wish to provide a committee chair and the presiding officer of the Board with discretion for excusing the late arrival.

Set out below is suggested language along the lines discussed above that the Board may wish to consider in establishing new rules for defining attendance:

"BE IT FURTHER RESOLVED that for purposes of this Resolution, _____ late arrivals in any one month shall constitute a missed meeting for determining the specified minimum number of meetings that a director must attend for compensation. "Late arrival" shall be noted by the Secretary whenever a director is _____ minutes late for a committee meeting or a Board meeting from the time roll is called. The committee chair or the presiding officer of the Board meeting shall have

discretion to excuse a late arrival for unforeseen circumstances, which are called to the attention of the committee chair or the presiding officer before roll is called."

CONCLUSION

The Board has wide discretion in determining when a director may be considered absent for purposes of Resolution No. 33041-97. This discretion ranges from maintaining the current practice to establishing a clear "bright line" test of noting a director absent if he/she is not present at roll call. Between these two, the Board may well wish to consider defining a reasonable time cut-off after roll call for noting a director's "late arrival" and determining the number of late arrivals within a set time frame that would be allowed before a director is determined to have missed a meeting.

CSS/ctd

cc: Alexander R. Coate, General Manager

Draft Prepared
VB for CSS
Office of General Counsel

RESOLUTION NO. _____

AMENDING RESOLUTION NO. 33041-97 ESTABLISHING
ATTENDANCE REQUIREMENTS FOR DIRECTOR SALARIES

Introduced by Director ; Seconded by Director

WHEREAS, pursuant to Section 11908.1(a) of the Municipal Utility District Act directors of East Bay Municipal Utility District ("District") receive compensation in the form of a monthly salary for attending regular business meetings of the Board of Directors, committee meetings and special meetings of the Board, and other public functions in their official capacity, and it is the desire and intention of the Board of Directors to establish minimum attendance requirements for directors as a condition of receiving such salary; and

WHEREAS, the District enacted Resolution No. 33041-97 establishing attendance requirements for director salaries and hereby amends Resolution No. 33041-97 as set forth below;

NOW, THEREFORE, BE IT RESOLVED that it is the policy of the Board of Directors of East Bay Municipal Utility District that in order to receive payment of the monthly salary provided directors under Section 11908.1(a) of the Municipal Utility District Act, a director must attend a minimum of three meetings of the Board per month. In the event a director is assigned to attend less than six meetings of the Board in one month, he or she must attend a minimum of fifty percent of the meetings assigned. Meetings of the Board shall include regular business meetings, standing committee meetings, special meetings, retirement Board meetings, and closed session meetings. Salary shall not be paid to a director for any month in which he or she has not attended the minimum number of meetings specified herein, unless absence from a meeting is excused by the Board President; provided, however, that such director may receive reimbursement of expenses incurred in the performance of other duties required or authorized by the Board of Directors.

BE IT FURTHER RESOLVED that the Board President may excuse a director's absence from a meeting of the Board for good cause. Good cause shall include, but not be limited to, a director's illness, family emergency, or schedule conflict directly related to the business and interests of the District. At any meeting of the Board for which the President has authorized an excused absence, the President shall report such absence to the Board and the reason for such absence.

BE IT FURTHER RESOLVED that for purposes of this Resolution, _____ late arrivals in any one month shall constitute a missed meeting for determining the specified minimum number of meetings that a director must attend for compensation. "Late arrival" shall be noted by the Secretary whenever a director is _____ minutes late for a committee meeting or a Board meeting from the time roll is called. The committee chair or the presiding officer of the Board meeting shall have discretion to excuse a late arrival for unforeseen circumstances, which are called to the attention of the committee chair or the presiding officer before roll is called. This

Resolution and policy set forth herein shall become effective of the date of the adoption by the Board of Directors.

ADOPTED this 9th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

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EAST BAY MUNICIPAL UTIILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Sherri A. Hong, Manager of Customer and Community Services S. Hong

SUBJECT: 2014-2016 Drought Report

INTRODUCTION

For the past several years, staff has managed through the most complex drought in the District's history. EBMUD was successful in planning for and responding to new challenges associated with the 2014-2016 drought which was distinguished from previous droughts through experiences including:

1) First time use of dry year water supply from the Freeport Regional Water Project
2) Curtailment of water from the Mokelumne River by the State Water Resources Control Board
3) Unprecedented reductions in water allocations from the Central Valley Water Project
4) Operational issues and impacts from the new dry year water supply source
5) A new staged system of drought rates and surcharges
6) Statewide mandatory conservation actions for all citizens and water agencies, and
7) Creation, implementation and enforcement of Excessive Water Use and Water Theft Ordinances and associated penalties

These challenges provided valuable experience and lessons to be learned for staff. A report was prepared by staff which documents the key initiatives deployed and the approach, actions, and insights captured from our experience. This report serves as a powerful resource to help instruct and guide future drought response and initiatives to build upon our successes. A presentation will be provided at the August 9, 2016 Board of Directors meeting.

ARC:SAH:dlb

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager

SUBJECT: Monthly Report – July 2016

HIGHLIGHTS

In FY16, the District generated $12.8 million in revenue from the Resource Recovery Program, exceeding budgeted revenue by $3.9 million or 43%. Tip fees from trucked waste customers generated $11.6 million while surplus energy sales totaled $1.2 million. This performance shows continued growth in the District's Resource Recovery Program.

Construction begins on the Pinole Creek, I-80 Culvert Fish Passage Project. The project will allow steelhead to pass the only significant barrier in the lower watershed and allow fish access to quality spawning and rearing habitat upstream on EBMUD watershed lands. To prepare for construction, the District relocated hundreds of native fish to suitable habitat outside the project area including one young steelhead/rainbow trout. The Contra Costa County Resource Conservation District is the lead agency for the project which will be completed by September 2016.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

On July 26, the State Water Resources Control Board began hearings on the petition to add new diversions for the twin tunnels related to WaterFix. District staff attended the hearings and provided testimony related to the District's protest on the project. This first phase of the hearing process covers impacts of the project to legal users of water and is expected to take several months. The second phase will begin in 2017 and cover environmental impacts.

Bay Area Regional Reliability Drought Contingency Plan update. On July 7, a draft of a Technical Memorandum (TM-1) which presents a consolidated picture of the region's water supply system was provided to staff from the member agencies for review. A meeting with member agency general managers will be held on August 3 to discuss the TM-1 and to provide a plan status update.

Moraga Country Club Home Owners Association (HOA) satellite recycled water treatment plant. In July, the District entered into a Memorandum of Understanding with Central Contra Costa Sanitation District and the Moraga Country Club HOA to investigate the feasibility of serving the HOA with recycled water from a satellite treatment plant.

Precipitation. There was no East Bay precipitation in July and the season total to date is 0.00 inches (0% of average). The Mokelumne precipitation for July was 0.02 inches (8% of average) and the season total is 0.02 inches (8% of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for July was 325 cfs (242 cfs generation, 72 cfs sluice, and 11 cfs through the hatchery), and the average flow below Woodbridge Dam was 27 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" criteria. Approximately 2,400 acre-feet of gainsharing water remains available for release. The gainshare water is planned for release in October to support the fall salmon run.

East Bay Reservoirs. There were no East Bay reservoir releases in July.

Water Storage

Mokelumne reservoirs storage is 100% of average. As of July 31, 2016, Pardee was at 563.6 feet or 98% of average, and the Camanche was at 220.1 feet or 102% of average. Combined Pardee and Camanche reservoir storage was 498,000 acre-feet compared to 254,000 acre-feet last year.

East Bay reservoirs storage is 104% of average. As of July 31, 2016, USL was at 456.0 feet or 115% of average, San Pablo was at 307.5 feet or 110% of average, and Briones was at 566.0 feet or 96% of average. Total terminal reservoir storage was 134,000 acre-feet compared to 116,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for July 2016 was 183 MGD. 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 July:

	July 2016	**July 2015**	**July 2013**	**Average of FY 2005-2007**
East of Hills	67 MGD	50 MGD	88 MGD	99 MGD
West of Hills	128 MGD	116 MGD	152 MGD	187 MGD
Total	195 MGD	166 MGD	240 MGD	286 MGD
Max Day Production	216 MGD (7/25/2016)	181 MGD (7/20/2015)	259 MGD (7/1/2013)	

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

CUSTOMER EVENTS AND PUBLIC OUTREACH

In July, the Main Wastewater Treatment Plant (MWWTP) Public Tours Program hosted over 80 visitors including members of the general public and students from Laney College and UC Berkeley. As part of the program, staff developed a wastewater treatment tour questionnaire for students to enhance their learning and engagement.

On July 16, the third annual "Tribute to the Troops" concert was held at Lafayette Reservoir. The concert highlighted the 32-piece Big Band of Rossmoor with musician's ages ranging from 14 to 93. ABC's Channel 7 news anchor Dan Ashley was the emcee for the event. Approximately 125 people attended.

On July 21, the Camanche Regional Park Advisory Board (CRPAB) met for a Recreation Focus Group workshop. The workshop discussion focused on recreational water quality. Members of the public attended and viewed presentations regarding drinking water quality, blue green algae, mercury in fish, and water quality monitoring related to public swimming.

Contract Equity Outreach

Date	Event/Location	Approximate # of Attendees
July 12	The Disabled Veteran Business Alliance, *Keeping the Promise Information Technology & Professional Services Expo,* San Ramon, CA	90
July 21	The Bay Area Black Expo Foundation - *Third Annual Blue Diamond Scholarship Awards Gala*, Oakland, CA	100
July 21	American Indian Chamber of Commerce of California - *Corporate Advisory Committee Meeting*, Teleconference	25
July 26	Pacific Gas & Electric - *Supplier Development Graduating Class 2016*, San Francisco, CA	65
July 27	Astra Women's Business Alliance - *WBE Northern California Economic Summit*, San Ramon, CA	90
July 28	Western Regional Minority Supplier Development Council - *Open House*, Oakland, CA	60
July 28	Oakland African-American Chamber of Commerce, Chairman's Reception – *A New Face/ A New Focus*, Oakland, CA	50
July 29	Alameda County Public Works Agency - *Building Opportunity for Business (BOB) Workshop*, Hayward, CA	85

Diversity and Inclusion Outreach

Throughout July, District staff gave presentations to students in Rising Sun Energy's California Youth Energy Services (CYES) Program. Staff spoke with 40 students and shared their career pathway, experience working for the District, and gave advice on preparing for the

Water Distribution Plumber I exam and other upcoming District trades opportunities. Partnering with Rising Sun and the participation of District staff at these events demonstrate the District's commitment to developing a diverse and qualified pipeline of candidates for our future workforce needs.

On July 27, staff attended the Oakland Unified School District's 2016 Exploring College, Career, and Community Options Demonstration of Mastery. Eight District interns, along with their fellow classmates that interned at other local organizations, presented to local employers about the organization they interned with, the skills they brought to the job, and the skills they learned. EBMUD staff gave a motivational speech during the ceremony. Several District employees attended to support the interns, the District internship program, and Oakland youth. District participation in partner programs and events supports the District's long-term efforts to represent the District in the community, develop a diverse pipeline of candidates for our future workforce needs, develop collaborative relationships with local partner organizations, and provide positive role models within the local community.

Water Conservation Outreach

On July 6, staff interviewed with NBC News Radio KCAA 1050 AM and 106.5 FM. The interview covered water conservation in our region, drought status, incentive programs, use of technology, and what's ahead for EBMUD. The show airs every Thursday evening at 6:00 -7:00 PM. The interview lasted for 25 minutes.

On July 12, staff hosted a Nursery Roundtable at the Administration Building with nursery owners and managers to discuss collaboration opportunities for water conservation education and outreach. The group discussed strategies for promoting climate appropriate plants, efficient irrigation, and staff answered questions about lawn conversion rebates and incentives. Fifteen people attended.

On July 18, staff conducted the Landscape Advisory Committee meeting in the Administration Building. Fifty-five landscape designers, architects, nursery staff, park managers, irrigation specialists, master gardeners, environmental educators, and California Urban Water Conservation Council staff attended the meeting. Highlights included reports from the LAC Education and Outreach, Professional Development, and Technology sub-committees. Dave Phelps, Sustainability Manager from Cagwin and Dorward Landscape Contractors provided best practices on the new paradigm and strategies for maintaining healthy soils in base landscaping.

On July 19, staff hosted a half-day, quarterly meeting of regional water utilities involved in Advanced Metering Infrastructure (AMI) and water meter selection, testing and procurement. This newly created group provided an opportunity for attendees to dialog about AMI experiences from approximately 12 Bay Area utilities. Staff provided a brief presentation about District AMI initiatives and proposed new meter testing criteria. Approximately 35 people attended.

On July 26, staff participated on a panel at the San Francisco Bay Water Equity Summit held at The California Endowment Oakland Conference Space. The summit brought together water managers, government agencies, and community groups to discuss how the drought has affected disadvantaged communities in the San Francisco Bay Area and to identify strategies to mitigate those impacts in the future. Discussion topics included low-income assistance programs, conservation services and challenges, and opportunities for greater collaboration in the future. Approximately 60 people attended.

On July 26 and July 28, staff hosted two public meetings to discuss the findings of the Alameda-North Bay Farm Island Pipeline Crossings Project Draft Environmental Impact Report (EIR). Staff sent approximately 1,800 notices announcing the release of the Draft EIR to responsible agencies, residents, and property owners in proximity to the proposed project. A total of eight people attended the two meetings combined. The community members' primary concerns included temporary road closures, advance notification of construction, property rights required for the project, and pipeline design standards and material selection. Staff explained where their concerns are addressed in the Draft EIR, described the mitigation measures that will be implemented to reduce environmental impacts, and encouraged community members to review the Draft EIR and submit written comments. The public comment period opened on July 1 and will close on August 15.

CAPITAL IMPROVEMENTS AND FACIILTY MAINTENANCE

Emeryville Shellmound-Christie Recycled Water Pipeline project update. Staff has installed approximately 4,200 feet of 5,200 feet of pipeline to date. The project is expected to be complete in August 2016.

In July, the pedestrian access ramp from the Camanche South Shore store to the floating marina was fully opened to the public. The concrete walkway and stairs were engineered to ensure full accessibility to the marina for persons of all abilities.

Abundance estimates for salmon spawning ground production and outmigration were double those observed in 2015. In early July, juvenile downstream salmon traps were removed from the lower Mokelumne River. The outmigrant traps located near Woodbridge Dam generated an estimate of 134,593 compared to 61,305 in 2015. The spawning ground production estimate was 856,127 fish; the 2015 estimate was 431,677. The 2016 estimates clearly indicate that winter through spring conditions within the lower Mokelumne improved substantially compared to those observed in 2015, which was a critically dry year.

As of July 15, the District received 22 applications for the prequalified electrical contractors pilot program. Staff will score the applications to develop a list of prequalified electrical contractors. The District will pilot use of the list to streamline the bid selection process and to improve the quality of electrical contract work on complex electrical projects in FY17 and FY18.

The District has received all required permits to start the bid and award process for the retrofit construction of the Upper San Leandro Outlet Tower. On July 15, the District received a Nationwide Permit (NWP) from the U.S. Army Corps of Engineers and on July 28, the Regional Water Quality Control Board's 401 Water Quality certification for the project. In January 2016, the District received the California Department of Fish and Wildlife permit.

Construction continues on the Summit Reservoir and Shasta/Woods Pumping Plant Replacement project. Demolition of the old 37 million gallon (MG) reservoir is complete. The new pumping plant foundation is complete and wall construction is underway. The new 3.5 MG tank excavation and underdrain are complete and tank construction will begin in August. Construction of the new inlet/outlet pipeline in the easement between residences on Vassar Avenue is scheduled to begin in September.

Construction has started on the Chabot Dam Seismic Upgrade project. Chabot Park was closed in early May and the contractor mobilized on site. Grading for the Cement Deep Soil Mixing (CDSM) pad has begun and it is expected that CDSM wall work will begin in early August. Biological constraints due to sensitive animal species in the work and staging areas caused a month long delay to the work.

Aqua Pipe Projects. In late July, pipeline lining and service restorations were completed on the 12" main on Regatta at Marina Way in Richmond.

Paving restorations. On July 12, staff completed final pavement restoration on the East Avenue pipeline replacement in Hayward by replacing 170 tons of asphalt and completed an 80-ton roadway restoration on 45th Street in Oakland.

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

WATER AND WASTEWATER SYSTEM OPERATIONS

All authorized discharges from the MWWTP were in compliance with permit limits for the month of July. This is the 203rd consecutive month that the Main Wastewater Treatment Plant experienced no exceedances.

One odor report was received at the MWWTP in July. Staff investigated and concluded that although the plant was the likely source of the odor, they were unable to identify the specific process or activity that emitted the odor.

The District received a Notice of Violation (NOV) from the Bay Area Air Quality Management District (BAAQMD) for an accidental digester gas release at the MWWTP in June 2016. The District sent a NOV response letter to BAAQMD on July 7 detailing the incident, the immediate corrective actions to stop the digester gas release, and preventive actions for future outages such as using more comprehensive checklists and inspections before returning

a system to service after an outage. BAAQMD is reviewing the circumstances of the NOV and will determine if a fine will be issued.

The North Richmond Water Reclamation Facility (NRWRF) continues to provide potable water in place of recycled water to the Chevron refinery for use in Chevron's cooling towers. The NRWRF has not been producing recycled water since May 4, 2016, due to construction at the West County Wastewater District's (WCWD's) wastewater treatment plant. Staff is working with WCWD to develop new terms for an agreement between WCWD and the District for WCWD to provide a reliable and consistent effluent water quality that will allow the District to maximize its production of recycled water from the NRWRF.

Chronic toxicity testing at the MWWTP. 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. The intent of this test is to go beyond the individual pollutant analysis in order to assess any synergistic effects within the discharge. The monitoring frequency is once per quarter and in March 2016 the reporting limit of a 3-sample median of <10 toxicity units (TU) was exceeded. A required Toxicity Identification Evaluation/Toxicity Reduction Evaluation plan was submitted to the Regional Water Board and staff began accelerated monitoring. July's result was 7.6 TU, so the District will be out of accelerated monitoring if August's result is below 10 TU.

Upcountry staff responded to four fires in July. Two fires occurred in the local watershed and two occurred upcountry. The fires burned less than 20 acres total of District property and less than 100 acres on adjacent or nearby property. No structures were damaged.

On July 7, the District sent a letter to the San Francisco Regional Water Quality Control Board (SF RWQCB), Alameda County District Attorney, Alameda County Department of Environmental Health, Contra Costa County Health Services and the City of Berkeley regarding the District's Reservoir Rehabilitation/Replacement Program. The letter included background information, a summary of the status of the District's efforts to date, and the future program schedule. The last program update was provided on November 18, 2009. As of July 2016, the District has completed demolition, abatement or replacement of 29 of the 32 reservoirs that were identified to contain potentially hazardous sealants. Summit Reservoir is currently being replaced with a storage tank, and only two reservoirs (Central – Oakland and Fay Hill – Moraga) remain to be rehabilitated or replaced with storage tanks.

On July 8, the District received an inquiry from the San Francisco Regional Water Quality Control Board (SF RWQCB) regarding a potential Notice of Violation (NOV) at the Orinda Water Treatment Plant. SF RWQCB staff reviewed the National Pollutant Discharge Elimination System (NPDES) 2015 annual report submittal and identified a potential NOV for a short duration discharge with a low pH (6.2). The pH value was valid and was attributed to overfeeding the dechlorination chemical sodium bisulfite when the plant was using raw water from Briones Reservoir. This exceedance of the pH limit does not constitute a violation of the

permit, because the District demonstrated that the receiving water pH was not altered more than 0.5 standard units. The corrective action is to monitor the pH and manually adjust the sodium bisulfite feed when the plant is not using Mokelumne water.

ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY

On July 14, staff convened a workgroup to address the potential use of biosolids and trench spoils for material to restore and expand wetlands in the SF Bay. The work on this project includes interdepartmental staff coordination and the involvement of numerous experts, agency representatives, and stakeholders to meet the Baylands Ecosystem Habitat goals and support the recently passed Measure AA.

Staff rotation program update. In July, three engineers completed six-month rotation assignments within the Engineering and Construction Department. Staff broadened their experience and enhanced skills by working in a new work unit and gained a better understanding of how their regular work assignments complement and connect with other District work groups. Another group of ten engineers started their six-month rotation period in mid-July.

In addition to the six-month rotation, two engineers rotated for a two-week period to the Distribution and Maintenance Construction Division. These brief rotation assignments provided staff with experience on daily maintenance challenges, such as responding to main breaks and leaks and also an opportunity to build and improve relationships between engineering and maintenance departments.

District staff from multiple departments responded to four main breaks on Arlington Avenue in Kensington. The response and coordination by District forces was an example of teamwork. Staff worked to minimize property damage, share resources, and accelerate repair and clean up efforts that extended into the early morning hours.

Tuition Reimbursement

	July 2016	FY17 Total
# of Employees	26	26
# of Classes	43	43
Total Reimbursed	$36,871	$36,871

Employment Information

	July 2016	FY17 Total
Retirements – Regular	15	15
Retirements – Vested	2	2
Hires	18	18
Other Separations	10	10

FINANCIAL NEWS

There was one material, supply or construction contract over $70,000 and less than $100,000 approved by the General Manager in July 2016.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Toyota Material Handling	7/21/16	White Male	One 4-Wheel Drive Rough Terrain Forklift	RFQ 1626	8/1/16 – 1/31/17	$ 78,233.00

The net Mokelumne power revenue for July was $86,000. Inflows into Pardee Reservoir for July were 91 percent of plan and generation was 43 percent of plan, with Pardee Reservoir volume increasing over the month. The District sold renewable power and related renewable energy credits to Marin Clean Energy (MCE) under the Power Purchase Agreement. MCE will continue to purchase all of EBMUD's hydro-generation in calendar year 2016. Sales of Resource Adequacy capacity to Shell Energy North America generated $11,000 in revenue. The average electricity price was $30/MWh. Total net revenue for FY17 is an estimated $86,000 which is 2.5 percent of budgeted $3,500,000.

FY17	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
July-16	$252,340	**$86,000**	30,090	**27,485**
FY17 YTD Total	$252,340	**$86,000**	30,090	**27,485**

Bold items are estimated

Water Sales

Billed water consumption for FY16 averaged 128.1 million gallons per day (MGD). Higher usage in June (~147MGD) brought up the annual average.

The table below breaks out the billed water consumption information by customer class with a comparison to FY15 data for the year. While the budgeted average daily water consumption budget for the 12 month period for FY16 was 151 MGD, at the start of FY16 under the Stage 4 drought, the average daily water consumption for the 12 month period was estimated to be 137 MGD. Because of the greater than planned customer water use reductions, FY16 water sales were below the original 137 MGD Stage 4 drought estimate.

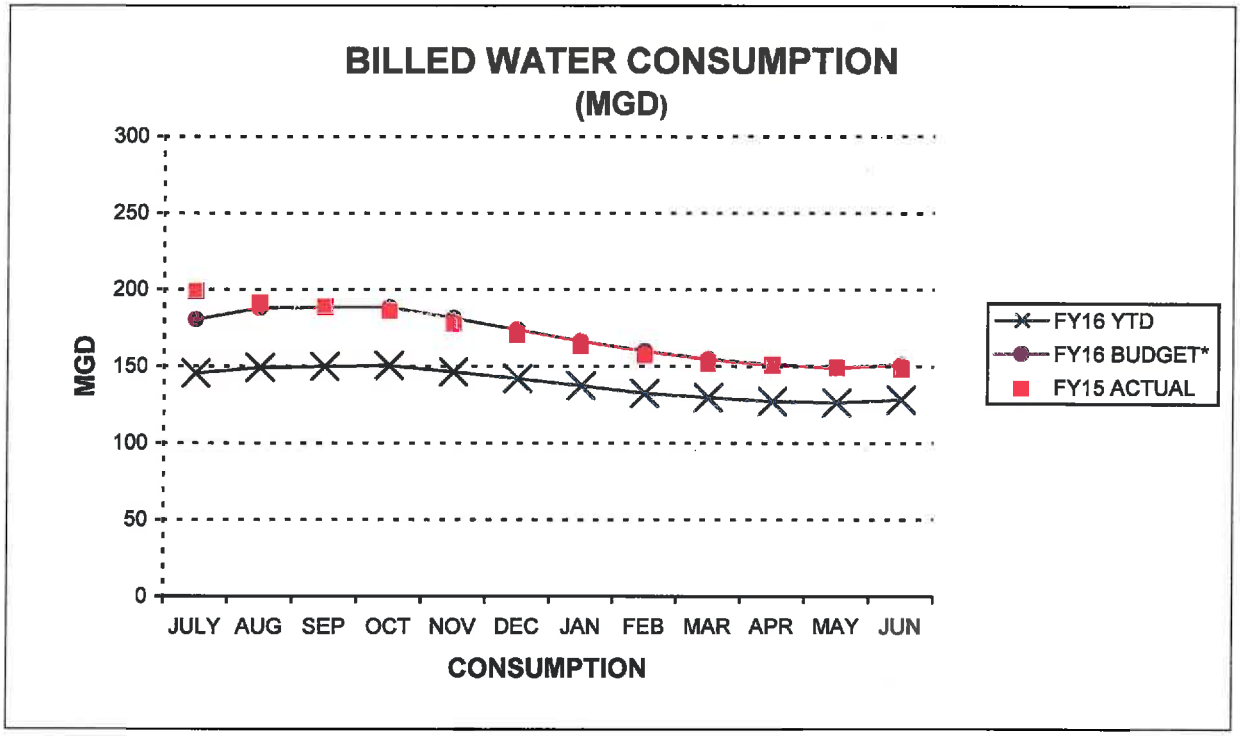
Year To Date Billed Water Consumption		
Usage Type (FY16 vs. FY15)	**FY16 (MGD)**	**FY15 (MGD)**
Residential (17.7% lower than FY15)	62.8	76.3
Commercial (10.5% lower than FY15)	43.3	48.4
Industrial (5.1% lower than FY15)	16.6	17.5
Public Authority (14.3% lower than FY15)	5.4	6.3
Total Billed Water Consumption (13.7% lower than FY15)	**128.1**	**148.5**

Water revenues billed for FY16 were $421.8 million or 9.6% more than the FY15 billed revenues of $385.0 million. This increase reflects the net impact of lower consumption, the 8% FY16 rate increase, in addition to the 25% Stage 4 drought surcharge.

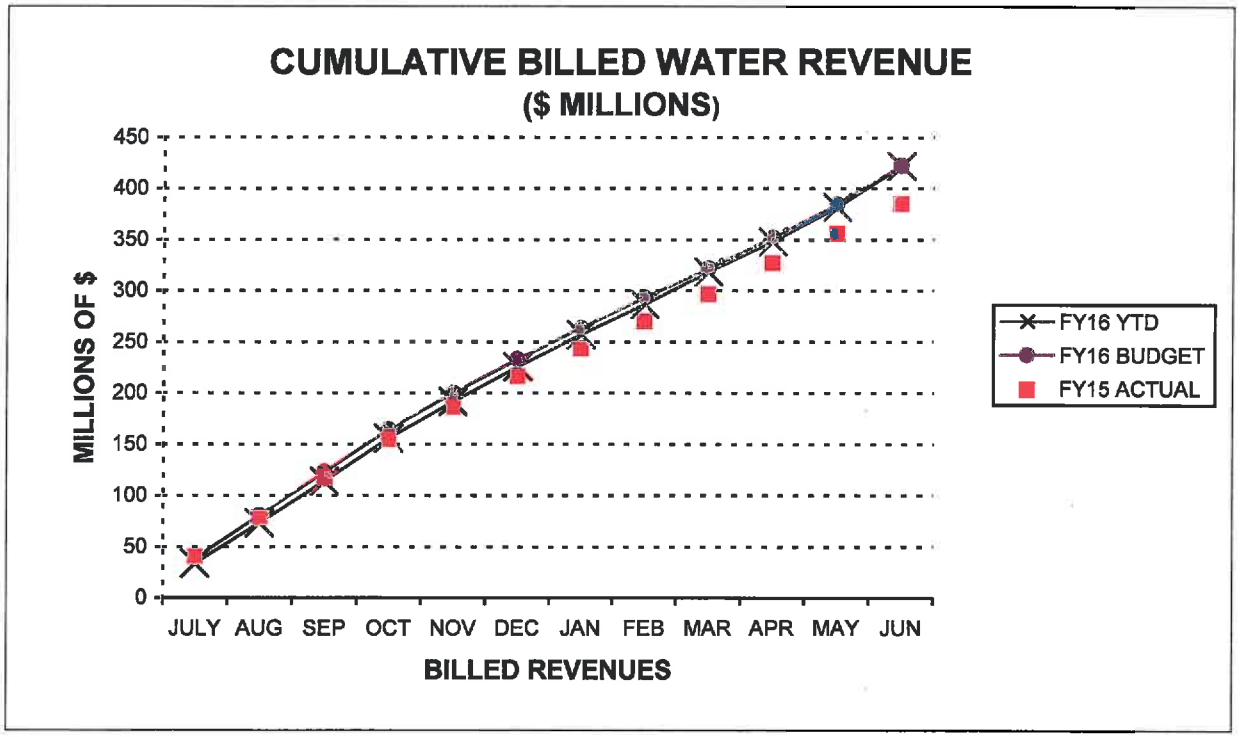
Actual water revenues for FY16 are $1.0 million or 0.2% lower than the revenue anticipated in the FY16 budget of $422.8 million. However, the District also incurred an additional $24.0 million in drought expenditures not included in the regular budget but included in the contingency budget.

Year to Date Billed Water Revenue		
Usage Type	**FY16 Actual Revenue ($ M)**	**FY16 Budgeted* Revenue Seasonally Adjusted ($ M)**
Normal Water Revenue	$369.9	$422.8
Drought Surcharge Revenue	$51.2	-
Drought Excessive Use Penalty Revenue	$0.7	-
Total Billed Water Revenue	**$421.8**	**$422.8**

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



Source: Customer Information System
*Stage 4 Drought Annual Consumption Estimated at 137 MGD



Source: Customer Information System

JULY 2016 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA	W	MIDWAY	AVE	CAST IRON	8.00	NOT MAPPED	8,640	7/13/2016	7/18/2016	Yes
ALAMO		HAGEN OAKS	DR	ASBESTOS CEMENT	6.00	1979	1,350	7/19/2016	7/19/2016	Yes
ALBANY		SANTA FE	AVE	CAST IRON	4.00	1927	23,040	7/10/2016	7/13/2016	Yes
ALBANY		TALBOT	AVE	CAST IRON	6.00	1936	8,640	7/13/2016	7/15/2016	Yes
BERKELEY		BENVENUE	AVE	CAST IRON	6.00	1933	45,000	7/6/2016	7/6/2016	Yes
BERKELEY		DERBY	ST	CAST IRON	4.00	1935	1,800	7/26/2016	7/27/2016	Yes
BERKELEY		EUCLID	AVE	STEEL	8.00	1963	43,200	6/30/2016	7/2/2016	No
BERKELEY		GRANT	ST	CAST IRON	16.00	1940	1,440	7/26/2016	7/26/2016	Yes
BERKELEY		WOODSIDE	RD	CAST IRON	6.00	1941	450	7/19/2016	7/19/2016	Yes
CASTRO VALLEY		GAIL	DR	CAST IRON	6.00	1948	0	7/6/2016	7/6/2016	Yes
CASTRO VALLEY		GROVE	WAY	CAST IRON	4.00	1940	2,880	7/20/2016	7/21/2016	Yes
CASTRO VALLEY		VINEYARD	RD	CAST IRON	4.00	1932	20,160	7/5/2016	7/5/2016	Yes
CASTRO VALLEY		WALNUT	RD	CAST IRON	6.00	1932	4,500	7/11/2016	7/11/2016	Yes
DANVILLE		DIABLO	RD	CAST IRON	10.00	1931	2,880	7/5/2016	7/6/2016	Yes
DANVILLE		GREEN VALLEY	RD	ASBESTOS CEMENT	6.00	2015	1,620	7/20/2016	7/20/2016	Yes
DANVILLE		QUAIL RUN	LN	ASBESTOS CEMENT	6.00	1984	1,620	7/28/2016	7/28/2016	Yes
EL CERRITO		CURRY	AVE	CAST IRON	6.00	1938	14,400	7/6/2016	7/15/2016	Yes
EL CERRITO		MOESER	LN	CAST IRON	6.00	1925	4,500	7/4/2016	7/4/2016	Yes
EL CERRITO		TULLER	AVE	CAST IRON	4.00	1935	9,000	7/30/2016	7/31/2016	Yes
EMERYVILLE		HOLLIS	ST	CAST IRON	10.00	1931	1,350	7/16/2016	7/17/2016	Yes
HAYWARD		MEDFORD	CT	CAST IRON	4.00	1947	30,240	7/6/2016	7/12/2016	Yes
HERCULES		STARLING	WAY	ASBESTOS CEMENT	6.00	1979	9,000	7/24/2016	7/24/2016	Yes
LAFAYETTE		MARIPOSA	RD	CAST IRON	4.00	1938	1,800	7/27/2016	7/27/2016	Yes
LAFAYETTE		MOUNTAIN VIEW	DR	STEEL	6.00	1982	450	7/9/2016	7/9/2016	Yes
MORAGA		TIA	PL	ASBESTOS CEMENT	6.00	1966	8,640	7/26/2016	7/28/2016	Yes
OAKLAND	E	16TH	ST	CAST IRON	6.00	1925	1,350	7/1/2016	7/2/2016	Yes
OAKLAND		23RD	ST	CAST IRON	4.00	1888	630	7/27/2016	7/27/2016	Yes
OAKLAND		29TH	AVE	CAST IRON	20.00	1934	0	7/18/2016	7/19/2016	Yes

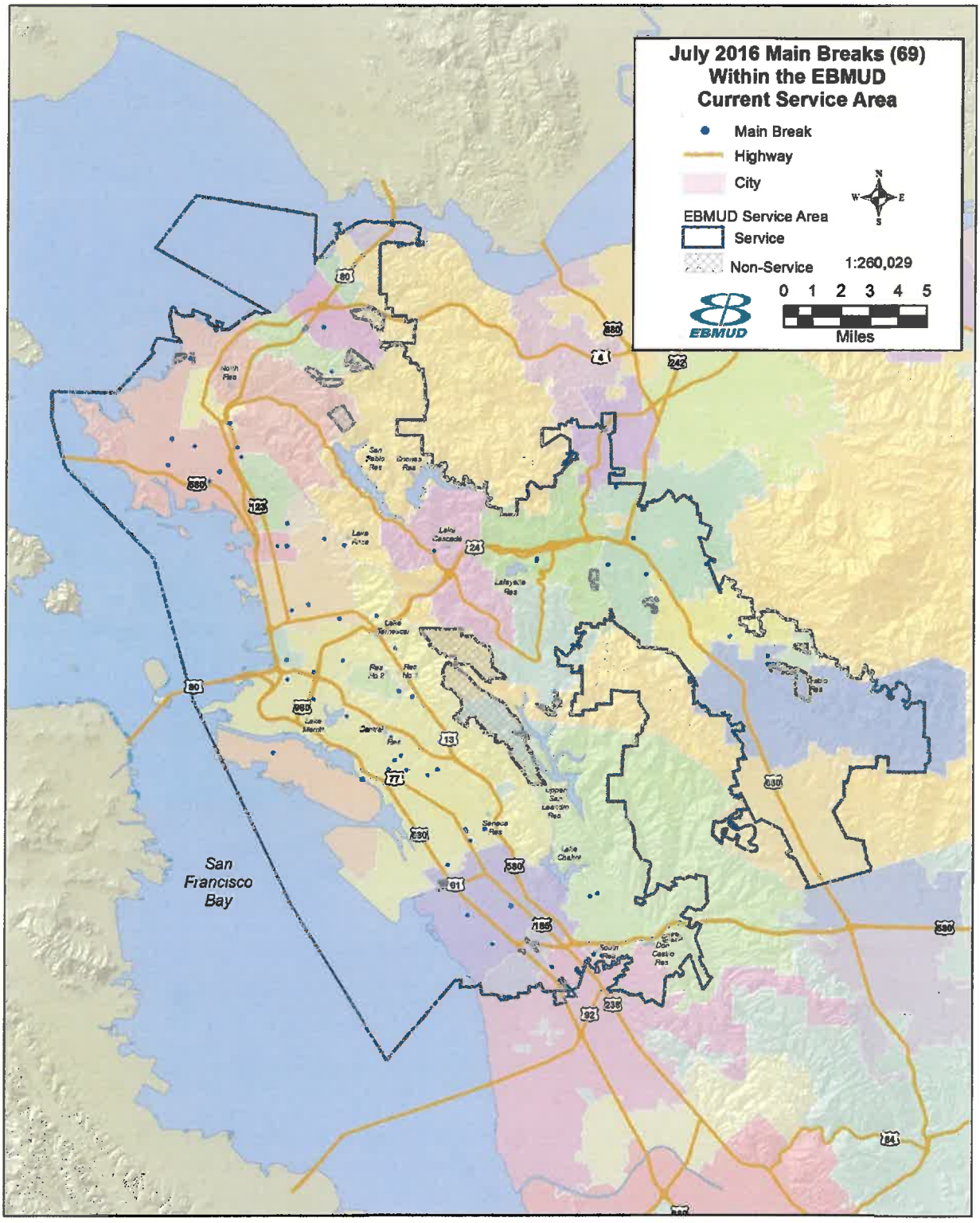
KPI = turn around time to repair the leak

JULY 2016 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		36TH	AVE	CAST IRON	6.00	1952	0	7/22/2016	7/28/2016	Yes
OAKLAND		37TH	ST	CAST IRON	4.00	1923	990	7/1/2016	7/2/2016	Yes
OAKLAND		102ND	AVE	CAST IRON	4.00	1933	27,000	7/27/2016	7/28/2016	Yes
OAKLAND		105TH	AVE	CAST IRON	8.00	1949	14,400	7/18/2016	7/27/2016	Yes
OAKLAND		BROOKLYN	AVE	CAST IRON	6.00	1925	0	7/11/2016	7/18/2016	Yes
OAKLAND		CAPRICORN	AVE	CAST IRON	6.00	1938	18,000	7/6/2016	7/6/2016	Yes
OAKLAND		DAVIS	ST	CAST IRON	4.00	1938	720	7/29/2016	7/29/2016	Yes
OAKLAND		EL CAMILE	AVE	CAST IRON	6.00	1951	18,000	7/30/2016	7/31/2016	Yes
OAKLAND		GILBERT	ST	ASBESTOS CEMENT	6.00	2015	450	7/21/2016	7/21/2016	Yes
OAKLAND		GRAND VIEW	DR	CAST IRON	6.00	1956	2,880	7/5/2016	7/6/2016	Yes
OAKLAND		HANNAH	ST	CAST IRON	6.00	1895	12,960	7/14/2016	7/22/2016	No
OAKLAND		HARBOR VIEW	AVE	CAST IRON	6.00	1963	8,640	7/21/2016	7/26/2016	Yes
OAKLAND		HICKORY	ST	CAST IRON	4.00	1941	24,480	7/6/2016	7/22/2016	Yes
OAKLAND		HIGH	ST	CAST IRON	8.00	1939	900	7/28/2016	7/28/2016	Yes
OAKLAND		MACARTHUR	BL	CAST IRON	6.00	1930	6,750	7/24/2016	7/25/2016	Yes
OAKLAND		MILLSVIEW	AVE	CAST IRON	6.00	1924	20,700	6/30/2016	7/1/2016	Yes
OAKLAND		ROSECREST	DR	CAST IRON	6.00	1935	28,800	7/3/2016	7/6/2016	Yes
OAKLAND		WALNUT	ST	CAST IRON	6.00	1927	7,200	7/17/2016	7/17/2016	Yes
OAKLAND		WALNUT	ST	CAST IRON	4.00	1911	11,520	7/18/2016	7/25/2016	Yes
ORINDA		MINER	RD	CAST IRON	8.00	1934	630	7/7/2016	7/7/2016	Yes
PIEDMONT		HAMPTON	RD	CAST IRON	6.00	1929	17,280	7/7/2016	7/8/2016	Yes
PINOLE		WRIGHT	AVE	ASBESTOS CEMENT	6.00	1959	10,080	7/15/2016	7/21/2016	Yes
RICHMOND		4TH	ST	CAST IRON	8.00	1939	8,640	7/7/2016	7/12/2016	Yes
RICHMOND		6TH	ST	CAST IRON	6.00	1941	2,250	7/9/2016	7/9/2016	Yes
RICHMOND	S	31ST	ST	CAST IRON	6.00	1933	2,250	7/28/2016	7/29/2016	Yes
RICHMOND	S	39TH	ST	CAST IRON	4.00	1943	7,200	7/25/2016	7/29/2016	Yes
RICHMOND		AMADOR	ST	CAST IRON	6.00	1937	45,000	7/30/2016	7/31/2016	Yes
RICHMOND		GRANT	AVE	CAST IRON	6.00	1924	18,000	7/22/2016	7/23/2016	Yes
RICHMOND		PAYNE	DR	ASBESTOS CEMENT	6.00	1950	8,640	7/6/2016	7/11/2016	Yes

JULY 2016 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
RICHMOND		POTRERO	AVE	CAST IRON	6.00	1941	2,880	7/6/2016	7/7/2016	Yes
RICHMOND		SANTA CLARA	ST	CAST IRON	4.00	1940	0	7/12/2016	7/18/2016	Yes
SAN LEANDRO		ANTONE	CT	ASBESTOS CEMENT	4.00	1955	540	7/7/2016	7/7/2016	Yes
SAN LEANDRO		FARNSWORTH	ST	STEEL	12.00	1950	0	7/13/2016	7/18/2016	Yes
SAN LEANDRO		MERCED	ST	ASBESTOS CEMENT	12.00	1952	4,500	7/17/2016	7/18/2016	Yes
SAN LORENZO		VIA SARITA		ASBESTOS CEMENT	6.00	1954	1,800	7/1/2016	7/1/2016	Yes
SAN PABLO		YUBA	AVE	CAST IRON	12.00	1947	45,000	7/27/2016	7/27/2016	Yes
WALNUT CREEK		FREEMAN	RD	CAST IRON	6.00	1947	2,700	7/18/2016	7/18/2016	Yes
WALNUT CREEK		HARMONY	LN	ASBESTOS CEMENT	6.00	1953	1,350	7/17/2016	7/17/2016	Yes
WALNUT CREEK		SHARP	AVE	ASBESTOS CEMENT	6.00	1953	2,700	7/14/2016	7/15/2016	Yes
WALNUT CREEK		WHITECLIFF	WAY	ASBESTOS CEMENT	6.00	1973	3,600	7/29/2016	7/30/2016	Yes
WALNUT CREEK		WILLOWBROOK	LN	ASBESTOS CEMENT	6.00	1961	1,350	7/20/2016	7/20/2016	Yes
						TOTAL	**639,360**			


July 2016 Main Breaks (69)
Within the EBMUD
Current Service Area
Main Break
Highway
City
EBMUD Service Area
Service
Non-Service
1:260,029
0 1 2 3 4 5
Miles
EBMUD
San
Francisco
Bay

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Alison A. Kastama, Special Assistant to the General Manager AAK

SUBJECT: EBMUD/EBRPD Liaison Committee Minutes – June 30, 2016

Chair Doug Siden (EBRPD Director) called to order the EBMUD/EBRPD Liaison Committee meeting in the EBRPD Headquarters Board Room at 2:10 p.m.

EBRPD Directors Beverly Lane and Dennis Waespi were present at roll call. EBRPD staff present included Deputy General Manager Dr. Ana M. Alvarez, Assistant General Manager–Public Affairs Carol Johnson, Assistant General Manager–Acquisition, Stewardship, Development Bob Nisbet, Assistant General Manager–Operations Jim O'Connor, Assistant General Manager–Public Safety/Police Chief Tim Anderson, Chief of Stewardship Matt Graul, Business Services Manager Mimi Waluch, Sergeant Kenneth Wong, and Lieutenant Alan Love.

EBMUD Director Doug Linney was present. Director Andy Katz was absent. EBMUD staff present included General Manager Alexander R. Coate, Director of Water and Natural Resources Richard G. Sykes, Special Assistant to the General Manager Alison A. Kastama, Manager of Real Estate Services Matt Elawady, Engineering Manager Elizabeth Z. Bialek, Manager of Watershed and Recreation Scott Hill, and Manager of Regulatory Compliance Michael R. Ambrose.

Member of the Public attending: Ken Gibson, Sierra Club.

Public Comment: None.

Policing JPA Annual Review (EBRPD): EBRPD Police Chief Anderson presented the Annual Review of the Policing Joint Powers Agreement. The contract was initiated in 1983 and is reviewed every two years. EBRPD Police are assigned to the JPA on 2-3 year rotations. EBRPD Police staff operate out of the San Pablo substation utilizing 4x4 fleet vehicles funded by EBMUD. Staff assist with permit enforcement at Briones, Upper San Leandro Reservoir, and Bear Creek, and report few major crimes, though auto break-ins have increased across the EBRPD. EBRPD Police assist EBMUD recreation staff with transport of funds to banks and end of day facility closure.

Director Siden requested an overview of reporting. EBRPD Police staff submit monthly reports on JPA activities. The detailed reports are available upon request.

Director Waespi inquired on mutual aid and fire department response. Fire and mutual aid response is managed under the JPA as with all EBRPD lands. EBRPD Police and EBMUD watershed staff respond jointly to assist CalFire as needed.

Director Lane requested a comparison of public access issues on EBMUD and EBRPD lands. Sgt. Wong indicated that there is higher recreational use in the EBRPD lands, than EBMUD. EBMUD lands do not allow bicycle access, so there are no reported bike issues within the watershed. Given EBMUD permit requirements, public accessing EBMUD lands exhibit more confusion over permit requirements, though requirements are posted at access points. EBRPD Police staff frequently assist public in accessing permit purchase information.

East Bay Watershed Master Plan Update (EBMUD): EBMUD Director of Water and Natural Resources Richard G. Sykes provided an overview of EBMUD's East Bay Watershed Master Plan Update. The Plan is intended to maintain water quality and biodiversity within the watershed lands. The top issue identified during a public meeting held late last year was the desire for bicycle access within the watershed lands. Staff are examining limited bicycle access on 10 miles of existing EBMUD trails which align with the Bay Area Ridge Trail. The Master Plan draft accommodates limited bicycle access. EBMUD Board comments on the Master Plan are due by July 1. A public meeting on the Master Plan is scheduled for July 27, after which all comments will be finalized. (That public meeting was subsequently rescheduled to August 15.)

There was discussion regarding the management of bicycle access, access pilot plans, trail connectivity, water quality management within the watershed, Chabot Gun Club updates, San Leandro Creek fisheries updates, budget and implementation. Committee members commended staff on the significant update effort and revised plan.

Staff will provide the proposed bicycle trail map and Master Plan to Liaison Committee members.

EBMUD Activities in the Pinole Valley Watershed (EBMUD): EBMUD Director of Water and Natural Resources Richard G. Sykes provided an overview of EBMUD activities in the Pinole Valley Watershed, including updates on the Oursan Ridge Conservation Bank. There was discussion regarding Conservation Bank revenues opportunities and limitations and the grazing history of Bank lands.

Status of the Algae Bloom Draft Response Plan at Lake Chabot (EBMUD/EBRPD): EBRPD Chief of Stewardship Matt Graul provided an overview of algae blooms at Lake Chabot. EBRPD staff continues to monitor and discuss solutions to algae blooms at Lake Chabot. This effort includes public signage and information. EBMUD and EBRPD staff participated in the Bay Area Freshwater Harmful Algal Blooms (HABs) workshop that was hosted by EBRPD and coordinated by the San Francisco Bay Regional Water Quality Control Board. The workshop included staff and managers from other public water system operators, regulatory agencies, and county health departments in the SF Bay region. EBMUD and EBRPD staff will update the Lake Chabot HAB Management Plan after the California Department of Public Health issues their final voluntary statewide guidance for posting/de-posting recreational reservoirs later this year.

Redwood Canyon Public Golf Course RFP Update (EBRPD): EBRPD AGM of Operations Jim O'Connor provided an updated on new operator, Touchstone Golf LLC, and capital upgrades at the Redwood Canyon Public Golf Course (formerly Willow Park Golf Course). Upgrades include

$500,000 in capital repairs, new food concessionaire in operation, Audubon International Certification requirements within lease and operations, irrigation system upgrades and water conservation timeline.

Chabot Dam Seismic Upgrade Project (EBMUD): EBMUD Engineering Manager Elizabeth Z. Bialek provided an update on the Lake Chabot Dam Seismic Upgrade Project. The Notice to Proceed was sent to the contractor in May 2016, and site mobilization has occurred. Given the potential for naturally occurring asbestos (NOA) in the previously disturbed soils, air monitoring for NOA is in place. Trail closures are in place with public notification available through signage, website, and mailings to affected neighbors. No water level reductions are required for this California Division of Safety of Dams required work. Discussion followed on fisheries updates in Lake Chabot, San Leandro Creek, and other East Bay watersheds.

Potential Lease EBMUD Property North of Sibley Update (EBMUD/EBRPD): EBRPD Assistant General Manager–Acquisition, Stewardship, Development Bob Nisbet presented an update on potential lease of EBMUD property north of Sibley. Staff is examining feasibility of leasing EBMUD property adjacent to Highway 24 between the Wilder Road development and EBRPD Sibley Volcanic Regional Preserve. EBRPD staff will visit the parcel in July 2016 to assess trail viability, including concerns regarding steep terrain and vegetation. Discussion followed on grazing practices and existing vegetation.

Director Comments: Director Siden updated the Committee on the San Leandro Creek Master Plan Study and an upcoming Contra Costa County Creek and Watershed Symposium. Director Siden is proposing an Alameda County Creek and Watershed Symposium, planned by Alameda County Public Works in Fiscal Year 2016-2017.

Adjournment. Chair Siden adjourned the meeting at 3:45 p.m.

ARC/AAK

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Lynelle M. Lewis, Secretary of the District Lynelle

SUBJECT: Sustainability/Energy Committee Minutes – July 26, 2016

Chair Marguerite Young called to order the Sustainability/Energy Committee meeting in the Training Resource Center at 8:33 a.m. Director Doug Linney was present at roll call and Director Andy Katz arrived at 8:51 a.m. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Operations and Maintenance Michael J. Wallis, Director of Engineering and Construction Xavier J. Irias, Director of Wastewater Bennett K. Horenstein, Manager of Regulatory Compliance Michael R. Ambrose, Senior Civil Engineer David V. Beyer, Manager of Facilities Maintenance and Construction Tony J. Montano, Associate Civil Engineer Stephanie Matula, Senior Civil Engineer Yuyun Shang, Senior Civil Engineer John M. Hake, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

2015 Greenhouse Gas Inventory and Mitigation Efforts. Manager of Regulatory Compliance Michael R. Ambrose presented a summary of the District's 2015 greenhouse gas (GHG) emissions inventory and progress towards the District's GHG emission goals. In 2015, the District surpassed the target goal for indirect GHG emissions; consequently, the District will not need to purchase tradable renewable energy credits. He noted that the Folsom South Canal Connection drought operations accounted for 70 percent of GHG emissions; however, demand for treated water was low in 2015 resulting in less electricity consumption for treatment and distribution. The 2015 direct emissions exceeded the goal which was attributed to 57 more vehicles using fuel. Staff continues to make efforts to reduce direct emissions, including a pilot project to use renewable diesel created from fats or vegetable oils and has no adverse effect on diesel engines. The Committee requested that staff continue to consider the criteria for purchase of direct emissions offsets and report back to the Board.

Energy Strategy Update. Senior Civil Engineer David V. Beyer presented an update on the renewable energy projects. He reported that the design and construction of the North Richmond Water Reclamation Plant photovoltaic (PV) project is proceeding, and the Federal Energy Regulatory Commission licensing requirement process for the Camanche PV Power Purchase Agreements project continues to move forward. In response to the expansion of Marin Clean Energy (MCE) into Walnut Creek and Lafayette, 21 of the District's 40 electric accounts will be switched from PG&E to the MCE Light Green renewable energy option. The switch to MCE will save the District approximately $500 per year in energy purchases and about 2.4 Metric Tons of GHG emissions. The remaining 19 accounts do not offer any cost savings at this time and will remain with PG&E. Staff will periodically review the cost of MCE service for eligible accounts, and if found to be less than or equal to PG&E's costs, action will be taken to switch to MCE service. In concluding, Mr. Beyer provided updates on net energy metering tariff structure changes and the site investigation of a large PV project under the renewable energy self-generation bill credit transfer. There was discussion about cost savings for renewable energy alternatives and the Committee requested that staff provide after six months a cost comparison of MCE versus PG&E accounts along with GHG savings.

Administration Building (AB) Efficiency Improvements Project. Manager of Facilities Maintenance and Construction Tony J. Montano presented the plan and schedule for completing energy-efficiency projects to reduce the AB's energy use. The AB Efficiency Improvements Project includes ten interrelated projects that will be completed in three phases over the next three years. The first two phases of the project will reduce heating and cooling loads and upgrade the lighting in the AB, which will reduce both energy consumption and water use by the existing heating, ventilation, and air conditioning (HVAC) system. The third phase will upgrade the HVAC system. When completed, the AB will be Energy Star rated. The project is expected to be completed by the end of FY19 and will reduce energy costs by approximately $390,760 in the first year. Staff will be preparing a Request for Proposals for the design consultant for the efficiency upgrades and are finalizing the project scope and schedule for the first phase of the project. Selection of the design consultant is expected to be completed this fall. The Committee requested that staff provide a review of Leadership in Energy and Environmental Design certification options for the AB.

Trench Spoils Program Update. Associate Civil Engineer Stephanie Matula presented a status update on the management of excavated soil, rock, and pavement material generated by pipeline construction and repair work. This material is hauled from work sites to one of the District's three active trench spoils disposal sites (Amador, Briones, and Miller Road) for temporary storage. Miller Road is approaching maximum capacity and will require removal of some, if not all, stored trench spoils in FY17 to maintain adequate capacity for continued use. Staff will develop Requests for Proposals for the Miller Road off haul and to update the District Trench Spoils Management Plan which contains recommendations for managing the trench spoils generated every year.

Microplastics Update. Senior Civil Engineer Yuyun Shang presented an update on the analyses of emerging issues related to high concentrations of microplastics in the San Francisco Bay. Early indications are that fragment microparticles may be the dominant form in the Bay's surface water, while fiber microparticles may account for most of the particles discharged by wastewater treatment plants. Staff will continue participating in the Bay Area microplastics effort to better understand the problems, sources, pathways, and health risks as well as best management strategies. The District laboratory will continue to lead the regional effort in refining the analytical method that can be employed routinely to accurately measure microplastics in wastewater effluent. Staff will keep the Board updated on this issue.

Food Waste Program Update. Senior Civil Engineer John M. Hake presented a status update on opportunities to secure food waste and convert it into high-value renewable energy products. Staff continues to work with the City of Oakland, Waste Management, the City of San Francisco, Recology, and the City of Berkeley on this initiative. Concurrent with these discussions, staff is investigating and evaluating food waste preprocessing technologies and a more detailed update on the results will be provided to the Board in the next few months. Recology pilot testing will continue and is anticipated to be complete at the end of 2016. Staff continues to monitor grant and low-interest loan opportunities and will apply for them as they become available.

Adjournment. Chair Young adjourned the Sustainability/Energy Committee meeting at 10:04 a.m.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 4, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Lynelle M. Lewis, Secretary of the District Lynelle

SUBJECT: Finance/Administration Committee Minutes – July 26, 2016

Chair John A. Coleman, who participated via teleconference, called to order the Finance/ Administration Committee meeting in the Training Resource Center at 10:09 a.m. Directors Andy Katz and William B. Patterson were present at roll call. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Operations and Maintenance Michael J. Wallis, Director of Wastewater Bennett K. Horenstein, Director of Finance Sophia D. Skoda, Operations and Maintenance Department Manager Clifford C. Chan, Internal Auditor Supervisor Barry N. Gardin, Senior Civil Engineer Alicia R. Chakrabarti, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Adopt New Policy and Review of Revisions to District Policies. Internal Auditor Supervisor Barry N. Gardin reported that staff determined that four policies warrant modification to clarify their purpose and accurately reflect current procedures and/or operating practices. These include: Policy 1.04 – Contractors' Compliance with Equal Employment Opportunity, Policy 3.07 – Responsibility to Serve Water Customers, Policy 7.03 – Emergency Preparedness/Business Continuity, and Policy 9.07 – Dam Safety Program. Additionally, staff is recommending the adoption of a new policy, "Unmanned Aerial Vehicle Operation," to limit the use of drones on or over District property. There was brief discussion about the new policy. It was moved (Director Katz), seconded (Director Patterson), and unanimously carried (3-0) to forward the policies to the full Board for consideration.

Annual Internal Audit Report. Internal Auditor Supervisor Barry N. Gardin presented an update of the audits listed in the FY16 Internal Audit Plan along with the proposed FY17 Internal Audit Plan. The FY16 Audit provided several opportunities to enhance controls, align operating procedures with regulatory requirements, improve accountability, and increase transparency. However, no material findings, significant control weaknesses, sizeable exposure, or other significant issues requiring immediate Board action or attention were identified. The FY17 Internal Audit Plan consists of previously scheduled reviews that have been postponed as a result of ongoing efforts, as well as follow up reviews to confirm continued compliance with controls implemented to mitigate risks identified in previously completed reviews. The FY17 plan has been reviewed with the General Manager to confirm the areas to be reviewed warrant use of audit resources. It was moved (Director Patterson), seconded (Director Katz), and unanimously carried (3-0) to accept the report.

Water Distribution System Leak Detection Program Update. Operations and Maintenance Department Manager Clifford C. Chan presented an update on efforts to address loss in the water distribution system. He reported that the District maintains a comprehensive Water Loss Control Program and has led the industry with piloting new and innovative leak detection technologies. Currently, the District has approximately 1,165 leak detection loggers that are read remotely through a fixed network, a cellular network, or manually. Approximately 900 leak detection loggers are nearing the end of their useful life or are no longer operable. To maintain proactive maintenance of pipeline infrastructure, staff recommends the purchase of 3,500 leak detection loggers and 100 pressure transient monitors. Staff is proposing to expand leak detection activities to include large diameter pipelines near creeks and locations with historically high numbers of main breaks. This program expansion will help meet the District's water loss key performance indicators in the Strategic Plan. Staff expects to submit a contract for Board consideration in a couple of months. No questions were raised by the Committee.

Biosolids Management Program Update. Senior Civil Engineer Alicia R. Chakrabarti presented an update on strategies for handling biosolids. In California, there is strong regulatory focus on eliminating organics disposal in landfills over the next few years, due to concerns of landfill capacity usage and the release of methane gas. In addition, the District faces challenges in developing its food waste program with an Alameda County ordinance that prohibits landfill disposal of in-county generated food waste residuals. Staff is preparing a Request for Proposal (RFP) for new biosolids handling contracts that will allow the District to consider diverting all biosolids from landfills, while also providing the option to maintain current practices if no viable, cost-effective options are available in the near term. Staff will issue an RFP for biosolids handling services in September 2016 and provide an update to the Sustainability/Energy Committee on October 25, 2016. Staff expects to submit the biosolids handling contracts for Board consideration in November 2016. Additionally, staff is recommending withdrawing from the National Biosolids Partnership (NBP) certification program. The District's program has evolved from NBP requirements over the last ten years and continued participation is no longer driving continuous improvement or providing value commensurate with program costs. No questions were raised by the Committee.

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 January 1 through March 31, 2016. It was moved (Director Patterson), seconded (Director Katz), and unanimously carried (3-0) to accept the reports.

Adjournment. Chair Coleman adjourned the meeting at 10:50 a.m.

ARC/LML:lml