



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, January 26, 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.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):
 - a. *East Bay Municipal Utility District v. James Wickersham, et al.*
Alameda County Superior Court, Case No. RG15789238
2. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluations: General Manager and General Counsel.

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

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

ROLL CALL:

BOARD OF DIRECTORS:

- Approve 2016 Board Committee Assignments.

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 9 recommendations, including 1 Resolution.)

1. Approve the Regular Meeting Minutes of January 12, 2016.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Hallsten Corporation, in the total amount of \$193,250, after the addition of taxes, for supplying a fully functional dock system to the District under Request for Quotation No. 1604A.
4. Authorize agreements beginning on or after February 1, 2016, with DRS Marine, Inc., Tidal Marine Construction, Inc. and Underwater Resources, Inc. in an amount not to exceed \$141,000 annually for Diving and Remotely Operated Vehicle Inspection Services for two years with three options to renew for an additional 1-year period for a total cost of \$705,000 under Request for Proposal No. PUR 096.
5. Award a contract to ValleyCrest Landscape Maintenance in the amount of \$2,185,228 for the planning, design and implementation of on-site customer retrofits of the San Ramon Valley Recycled Water Project Phase 2 to facilitate the use of recycled water for landscape irrigation and install fire service backflow preventers on previously retrofitted customer sites under Phase 1.
6. Award a contract to VEMCO in an estimated total amount of \$85,000 for supplying acoustic telemetry equipment for Mokelumne River fisheries monitoring studies beginning on February 1, 2016 and ending January 31, 2018 for a total estimated cost of \$170,000.
7. Authorize agreements for Lafayette Water Treatment Plant generator repairs:
 - 7.1. Authorize an agreement beginning on or after February 1, 2016, with SR Bray LLC dba Power Plus in an amount not to exceed \$136,150 plus any applicable taxes for the rental of a standby generator at Lafayette Water Treatment Plant.
 - 7.2. Authorize an agreement beginning on or after February 1, 2016, with Peterson Power Systems Inc. in an amount not to exceed \$414,286, after the addition of taxes, to purchase replacement parts, repair and test the standby generator at Lafayette Water Treatment Plant.
8. Authorize amendments to agreements for the Materials Management Information System:
 - 8.1. Authorize an amendment to the current agreement with Systems Consulting, Inc. for two years with three options to renew for an additional one-year period in an amount not to exceed \$195,000 annually for services. This extends the current agreement to February 28, 2018 with three one-year options to renew under the same terms and conditions for a total cost of \$975,000. The additional \$975,000 will increase the total cost for SCI's maintenance support under this agreement to \$1,848,470.
 - 8.2. Authorize an amendment to the current agreement with Order Processing Technologies (OPT) for two years with three options to renew for an additional one-year period in an amount not to exceed \$12,000 annually to provide backup support. This extends the current agreement to February 28, 2018 with three one-year options to renew under the same terms and conditions for a total cost of \$60,000. The additional \$60,000 will increase the total cost for OPT's backup support service under this agreement to \$120,500.

CONSENT CALENDAR: (Continued)

9. Approve revisions to the following District policies: Policy 1.12 – Prevailing Wage Provisions in Contract Agreements; Policy 4.20 – Use of District Technology Resources; Policy 7.07 – Energy; and Policy 7.09 – Workplace Safety and Health. (Resolution)

DETERMINATION AND DISCUSSION:

10. Legislative Update:
- Receive Legislative Report No. 01-16 and consider a position on SB 554 (Wolk) Delta Levee Maintenance and discuss SB 814 (Hill) Drought: Excessive Water Use: Urban Retail Water Suppliers
 - Update on Legislative Issues of Interest to EBMUD
11. General Manager's Report:
- Water Supply Update
 - Update on Drought Initiatives
 - 2016 Critical Drought Action Plan Update
 - Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel

REPORTS AND DIRECTOR COMMENTS:

12. Committee Reports:
- Planning
 - Legislative/Human Resources
 - Sustainability/Energy
 - Finance/Administration
13. Other Items for Future Consideration.
14. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 9, 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, January 26	Sustainability/Energy Committee Katz {Chair}, Linney, Young	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> Pilot Study Plug-In Hybrids Photovoltaics Project Update In-Conduit Hydroelectric Project Update
	Finance/Administration Committee Patterson {Chair}, Katz, Young	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Semi-Annual Internal Audit Report Revisions to Several District Policies Interest Rate Swap Portfolio Summary Report Quarterly Financial Reports
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, February 9	Planning Committee	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Friday, February 12	Lincoln's Birthday Holiday		<ul style="list-style-type: none"> District Offices Closed
Monday, February 15	Washington's Birthday Holiday		<ul style="list-style-type: none"> District Offices Closed
Tuesday, February 23	Finance/Administration Committee	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, March 8	Planning Committee	TBD Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee	TBD Training Resource Center	
	Long-Term Water Supply Workshop	9:00 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

FROM: Frank Mellon, President 

SUBJECT: 2016 Board Committee Assignments

Listed below are the recommended 2016 Board committee assignments:

Planning

Director Linney, Chair
Director McIntosh
Director Young

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

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

Legislative/Human Resources

Director Patterson, Chair
Director Coleman
Director Young

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

Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Coleman, Chair
Director Katz
Director Patterson

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

Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Katz, Chair
Director Linney
Director Young

Meets quarterly on 4th Tuesday

**DSRSD/EBMUD Recycled
Water Authority (DERWA)**

Director Coleman
President Mellon
Director Young, Alternate

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

Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Director Coleman
Director Patterson
Director McIntosh, Alternate

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

Retirement Board

President Mellon
Director Young

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

Administration Center Building
Training Resource Center, 2nd Floor

**Upper Mokelumne River Watershed
Authority**

Director Coleman
Director Patterson
Director McIntosh, Alternate
Director Young, Alternate

4th Friday, quarterly at 1:30 p.m.
McLean Hall, Pardee Center

Business Forum (Ad Hoc)

Director Patterson
Director Katz
Director McIntosh
President Mellon, Alternate

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Linney
Director Katz
Director Coleman, Alternate
President Mellon, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Patterson
Director Coleman, Alternate
Director Linney, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

President Mellon
Director Coleman, Alternate

Special Districts Association of Contra Costa County

Director McIntosh
Director Coleman, Alternate

FM:lm1

MINUTES

Tuesday, January 12, 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 11:08 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Customer and Community Services Sherri A. Hong (Item 1), Customer Services Manager Andrew L. Lee (Item 1), and Attorney Derek T. McDonald (Item 1).

PUBLIC COMMENT

- Addressing the Board was M. Rosa Merced, LGBTQ Pride Month Committee, who presented a memorandum along with various attachments regarding a request that the Board remove several non-exempt employees from participation in any actions or fact finding efforts related to the LGBTQ discrimination complaint. She asked the Board for a written decision on this request.

BROWN ACT BRIEFING

Attorney Saji T. Pierce presented the annual Brown Act and ethics update. She highlighted the Ethics Policy of the EBMUD Board of Directors (Policy 6.04) and the laws covered by this policy. She summarized recent legal developments in the areas of The Brown Act, the Public Records Act, Conflict of Interest Code, Government Code 1090 pertaining to public officials' approval of contracts, and the Political Reform Act. She presented the Board with copies of the documents related to this presentation and responded to several questions raised by Board members.

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 1:16 p.m. in the Administration Center Board Room.

ROLL CALL

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

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

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

Election of President of the Board

President Mellon opened the floor for nominations for President of the Board for 2016.

- Motion by Director Patterson, seconded by Director McIntosh, to nominate Director Frank Mellon for President of the Board of Directors for 2016.

President Mellon called for additional nominations, none came forward, and he closed the nomination period. The motion to elect Director Frank Mellon as President of the Board of Directors for 2016, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 001-16 – Elected Director Frank Mellon as President of the Board of Directors for 2016.

Election of Vice-President of the Board

President Mellon opened the floor for nominations for Vice-President of the Board.

- Motion by Director Mellon, seconded by Director McIntosh, to nominate Director William B. Patterson for Vice-President of the Board for 2016.

President Mellon called for additional nominations, none came forward, and he closed the nomination period. The motion to elect Director William B. Patterson as Vice-President of the Board of Directors for 2016, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 002-16 – Elected Director William B. Patterson as Vice-President of the Board of Directors for 2016.

Committee Assignments

President Frank Mellon announced that a memorandum regarding 2016 Committee Assignment preferences had been provided. He requested that Board members submit their committee assignment preferences to Secretary Lewis, and said that committee assignments will be presented for Board approval on January 26.

PRESENTATIONS

On behalf of the Board, President Mellon acknowledged Director Linney for 15 years of service and Director Coleman for 25 years of service to the District. He highlighted their numerous contributions to the Board and their communities. After presenting their service awards, the Board and staff applauded Directors Linney and Coleman on these milestones.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following persons: 1) Kristie Lavelle, Clean Water California, commented that treatment chemicals contribute to arsenic levels in drinking water supplies and noted her appreciation for the addition of the infant formula warning to the water quality statement; 2) Lee Ko, Bay Area Fluoride Awareness Coalition, commented on her frustration to obtain drinking water quality information, said that EBMUD's claim that it's water supply "meets or surpasses all state and federal regulatory requirements and standards" should be removed, and requested that a list of water quality reports be placed on the EBMUD website similar to that of Santa Clara Valley Water District; and 3) Lindsay Vurek, EBMUD ratepayer, commented that the level for measuring arsenic in drinking water should be lowered, staff should publish this information online, and staff should correct the online water treatment diagram to include the fluoridation process.

General Manager Coate directed the Board's attention to a January 7, 2016 Information Memo to the Board regarding Dr. Ko's public records request for the methodology of calculating the concentration of arsenic in the drinking water resulting from the use of fluoride. Dr. Ko was provided a copy of this memorandum. President Mellon noted that the District mails the Annual Water Quality Report to all ratepayers, and General Manager Coate said it is prepared in compliance with state regulations. Dr. Ko said she wants more detail (i.e. monthly reports). Staff will provide a memorandum to the Board in response to the commenters.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-7 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. 003-16** – Approved the Regular Meeting Minutes of December 8, 2015.
 2. The following correspondence was filed with the Board: 1) Memorandum (with attachments) dated January 12, 2016 to EBMUD Board of Directors, from LGBTQ Pride Month Committee Co-Chairs M. Rosa Merced, Rachel Garza, and Rene Anglo, regarding Non Exempt Staff – Conflict of Interest – LGBTQ Discrimination Complaint; 2) Presentation entitled “Annual Brown Act and Ethics Update,” dated January 2016; 3) Booklet entitled “Annual Brown Act & Ethics Update” dated January 2016; 4) Article entitled “Treatment Chemicals Contribute to Arsenic Levels” along with a Fact Sheet on Fluoridation Products from NSF submitted by Kristie Lavelle; 5) Letter dated January 11, 2016 to EBMUD Board of Directors from Lee Ko, PhD, regarding a request for EBMUD to provide additional information on drinking water quality along with a fact sheet from Santa Clara Valley Water District System #4310027 dated Wednesday, November 18, 2015; 6) Memorandum dated 1/12/16 to All EBMUD Board of Directors, from Lindsay Vurek, EBMUD rate payer, regarding measurement of arsenic levels along with a document outlining the process for adding chemicals to the water supply; 7) Memorandum dated January 7, 2016, to Board of Directors from Michael J. Wallis, Director of Operations and Maintenance, regarding Request from Dr. Ko Regarding Arsenic Levels; 8) Memorandum dated January 12, 2016, to Board of Directors from Marlaine Dumaine, Manager of Legislative Affairs, regarding SB 814 (Hill) – Excessive Water Use; 9) Presentation entitled “Chabot Dam Seismic Improvement Pilot Project Labor Agreement” dated January 12, 2016; 10) Document entitled “Pilot Project Labor Agreement for the Chabot Dam Seismic Upgrade Project;” 11) Email dated January 10, 2016, to Board of Directors from Eric Christen, Executive Director, Coalition for Fair Employment in Construction regarding Your PLA is Union Sanctioned Discrimination; 12) Presentation entitled “Water Supply Board Briefing,” dated January 12, 2016; and 13) Memorandum dated January 12, 2016, to Board of Directors from Eileen M. White, Manager of Water Operations, regarding Freeport Regional Water Authority (FRWA) January 14, 2016 Board of Directors Meeting.
 3. **Motion No. 004-16** – Awarded a contract to the lowest responsive/responsible bidder, BASF Corporation, in an annual amount, after the addition of taxes, not to exceed \$120,242 for supplying polymeric flocculants for the Main Wastewater Treatment Plant’s thickening process for two years, beginning on or after February 1, 2016, with three options to renew for an additional 1-year period for a total cost of \$601,210 under Request for Quotation No. 1602.
 4. **Motion No. 005-16** – Awarded a contract to the lowest responsive/responsible bidder, Coast Counties Truck & Equipment Company, in the total amount of \$598,706.58, after the addition of taxes, for supplying two scoop trucks to the District under Request for Quotation No. 1609.

5. **Motion No. 006-16** – Awarded a contract to the lowest responsive/responsible bidder, Manito Construction, Inc., in the amount of \$1,780,880 for construction of the Main Wastewater Treatment Plant Hypochlorite Piping Replacement Phase 1 and Tank Relining Project under Specification SD-350.
6. **Motion No. 007-16** – Authorized an agreement beginning on or after January 12, 2016 with Brown and Caldwell in an amount not to exceed \$400,000 for design services for a new digester gas management system and integration of a new compressed natural gas facility for the Main Wastewater Treatment Plant Digester System Design Support for Food Waste Project.
7. **Motion No. 008-16** – Adopted the 2016 Diversity and Inclusion Program.

DETERMINATION AND DISCUSSION

8. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the proposed legislative initiatives for 2016.

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

Motion No. 009-16 – Approved the federal legislative initiatives for 2016 which focus on: 1) seeking federal funding opportunities for EBMUD projects via any new and existing federal programs; 2) advancing EBMUD's interests in the context of federal drought legislation; 3) advancing EBMUD's Delta needs; and 4) continuing to investigate federal efforts to promote healthy forests and watersheds and identifying opportunities for EBMUD to engage.

There was Board discussion about wildfire management initiatives, and the Board urged staff to coordinate these initiatives with the Upper Mokelumne River Water Authority. The Board requested an update on the Bay Area Regional Reliability Study at the upcoming Long-Term Water Supply workshop.

Next, Ms. Dumaine reported that on January 4, 2016 Senator Hill introduced SB 814 to require water agencies to adopt and implement an excessive use ordinance during those periods when the Governor declares a drought state of emergency. Ms. Dumaine pointed out that while this measure is loosely based on EBMUD's Excessive Water Use Penalty Ordinance, there are stark differences between the two. Staff is currently evaluating the bill and will bring an analysis to the Board. In concluding, Ms. Dumaine provided an update on water bond proposals, reported that Assemblymember Anthony Rendon was elected Speaker of the California Assembly and will assume office March 7, and announced that the Governor's Proposed 2016-17 Budget was released January 7.

9. **Approve A Pilot Project Labor Agreement (PLA) and Inclusion of the PLA In the Bid Package for Construction of the Chabot Dam Seismic Improvement Project.**

Engineering Manager Jimi Yoloye presented an update on negotiations with the Alameda County Building Trades Council (ACBTC) for a pilot PLA. He highlighted key terms and conditions of the PLA which focused on covered work, workforce and subcontractors, along with contract equity and local hire provisions. He pointed out that both the District and the ACBTC made compromises to reach an agreement and summarized the key areas of disagreement and their resolution. These included payment of dual benefit payments by non-union contractors, Benefit Trust Fund contributions by non-union workers, use of core workers, and local hire. Upon approval of the PLA, the next steps are for execution by the ACBTC on January 15, adding the executed PLA to bid documents on January 20, pre-bid conference on January 21, bid opening on February 10, and contract award on March 8. The Board expressed its thanks for staff's work on developing the PLA.

- Addressing the Board were the following persons: 1) Nicole Goehring, Associated Builders and Contractors – Northern California, urged the Board not to accept the PLA citing increased costs to contractors, unfair core workforce provisions, unfair pension and benefit provisions, lack of monitoring and compliance of prevailing wages, and loss of pension benefits to workers; 2) Eric Christen, Coalition for Fair Employment in Construction, opposed the PLA and said dual benefit contributions and the core workforce provisions are discriminatory and are designed to dissuade non-union contractors from bidding; and 3) Andreas Cluver, Alameda County Building Trades Council, commented that lots of concessions were made to carve out the proposed PLA language; however, he expressed concerns about the way Public Contract Code 2500(c) has been included in the agreement along with payment of initiation fees. He urged the Board to allow additional modifications on these two issues.

There was a question and answer period about payment into the union fund, interpretation of Public Contract Code 2500(c), monitoring of prevailing wage compliance, and the local hire provision. After substantial discussion by the Board, there was consensus to move forward and continue to refine certain elements of the PLA. It was noted that this project is a pilot and approval does not set precedence for PLAs on future District projects. The Board requested a written update on project costs for the pilot PLA for future consideration.

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

Motion No. 010-16 – Approved a pilot Project Labor Agreement (PLA) outlining roles and responsibilities for the District, contractors and labor unions and authorized inclusion of the executed pilot PLA in the bid package for construction of the Chabot Dam Seismic Improvement Project, provided that doing so would not adversely impact the scheduled bid opening date.

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

- Motion by Director Katz, seconded by Director Patterson, that effective February 1, 2016, the Board's monthly compensation be increased by \$32 a month or 2.7 percent, which will result in the Board's monthly compensation changing from \$1,186 to \$1,218, carried (6-1) by the following voice vote: AYES (Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (Coleman); ABSTAIN (None); ABSENT (None).

Motion No. 011-16 – Approved increasing the Board's monthly compensation effective February 1, 2016 by \$32 a month or 2.7%, which will result in the Board's monthly compensation changing from \$1,186 to \$1,218.

11. General Manager's Report.

Manager of Water Operations Eileen M. White presented updates on state and District water supplies, the Freeport supplemental water deliveries, water supply projections, and the El Nino outlook for 2016. Next, General Manager Coate announced the following staff reports had been provided for the Board's information: 2016 Critical Drought Action Plan Update; Monthly Report – December 2015; Six-Month Forecast of Board Committee and Workshop Agenda Topics and Summary of 2015 Committee and Workshop Topics; and 2015 Interdepartmental Committees Annual Reports.

Director Coleman urged staff to submit comments for the State Water Board hearings in February so the District's efforts in diversifying its water supply portfolio can be acknowledged. Director Young asked if the District can make water transfers in the event it has above average water supply. General Manager Coate said our policy allows this, in times of surplus, but there is a long process which needs to be done thoughtfully. Director Coleman asked if EBMUD can wheel water through Freeport to assist other agencies. General Manager Coate said staff will look into the terms of our water rights contracts. Director Patterson suggested connecting with environmental groups to assist with monitoring cyclists on EBMUD trails. President Mellon said he would be requesting an environmental impact report on the pilot study for bicycle access to EBMUD trails in addition to an analysis of EBMUD's liability. Director Linney asked about continued customer notification of the excessive use penalty and staff said a report on the findings would be presented to the Board at a future meeting.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of December 8, 2015.

13. Other Items for Future Consideration.

- At the request of Director Young, staff will provide an information memo on the District's effort in coordinating with local and regional agencies on legislative initiatives that relate to our core business.
- At the request of Director Katz, staff will provide information memos on microplastics in Bay Area waters and local fire agency coordination efforts.

14. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA Article X Amendment meeting on December 9 in Sacramento; ACWA Carlsbad Desalination Opening event on December 14 in Carlsbad; ACWA Executive Committee teleconference meeting on December 14; ACWA Executive Committee teleconference meeting on December 15; ACWA staff luncheon on December 16 in Sacramento; ACWA Executive Committee teleconference meeting on December 21 in Oakland; ACWA Executive Committee teleconference meeting on January 4 in Oakland; Economic Development Alliance Legislative Committee meeting on January 7 in Oakland; Contra Costa County Mayors' Conference on January 7 in San Ramon; and Contra Costa County Grand Jury meeting on January 11 in Martinez. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee teleconference meeting on January 12 in Oakland; Freeport Regional Water Authority meeting on January 14 in Oakland; ACWA Executive Committee teleconference meeting on January 19 in Oakland; East Bay Leadership Group on January 20 in Concord; Upper Mokelumne River Water Authority Board meeting on January 22 in Pardee; and ACWA Executive Committee teleconference meeting on January 25 in Oakland.
- Director Katz reported attending the Alameda County Community Choice Energy Steering Committee meeting on January 6 in Castro Valley.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Patterson announced that the Landmark Advisory Board renamed a portion of 37th Street (between MacArthur Boulevard and Telegraph Avenue) in Oakland to Aramis Fouche Way (founder of Fouche's Funeral Home).
- Director Young had no comment.
- President Mellon had no comment.

ADJOURNMENT

President Mellon adjourned the meeting at 3:43 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: January 26, 2016

Frank Mellon, President of the Board

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AGENDA NO.
MEETING DATE

3.

January 26, 2016

**TITLE LAFAYETTE RESERVOIR RECREATION AREA DOCK AND RAMP
REPLACEMENT**

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder Hallsten Corporation in the total amount of \$193,250, after the addition of taxes, for supplying a fully functional dock system to the District under Request for Quotation No. 1604A.

SUMMARY

The existing fishing dock at Lafayette Reservoir is approximately 30 years old, has reached the end of its useful life and it is out of service due to its unsafe condition. The proposed project will replace the current boat dock with a new dock fabricated to current District standards.

DISCUSSION

This is the primary fishing dock for Lafayette Reservoir and has been a very popular facility. It is also the largest fishing dock and is located closest to the Visitor Center.



The existing dock does not meet current Americans with Disabilities Act (ADA) requirements and cannot be retrofitted into compliance. The dock's wooden frame is no longer structurally sound and is no longer safe for public access. The proposed new dock will meet current ADA requirements. It will be constructed of aluminum and will require less maintenance and have a longer lifespan than the existing dock.

VENDOR SELECTION

Requests for quotations were sent to three resource organizations, 14 potential proposers, and posted on the District's website. A total of six bids were received, of which Hallsten Corporation was the lowest bid.

CONTRACT EQUITY PROGRAM EFFORTS

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

Funds Available: FY 16/17		Budget Code:
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

FISCAL IMPACT

This expenditure has been included in the FY 16/17 budget.

ALTERNATIVES

Reject all bids and rebid the work. This alternative is not recommended because the bids appear to be reasonable for the scope of work involved and because rebidding the work would result in a significant delay and increased project costs.

Do not acquire a new dock. This alternative is not recommended because the current dock is closed due to its condition and the proposed new dock will return this important amenity to full functionality.

Attachments

P-035 – Contract Equity Program Summary

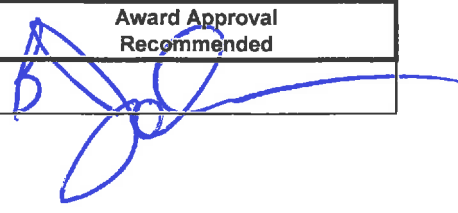
P-061 – Affirmative Action Summary

I:\SEC\Board Packets 2016\012616 Regular Board Meeting\WNR – Lafayette Reservoir Boat Dock Replacement



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE QUOTATION NO.: 1610 Lafayette Recreation Area Dock Replacement				DATE: December 21, 2015								
CONTRACTOR: Hallsten Corporation North Highlands, CA				PERCENTAGE OF CONTRACT DOLLARS								
		Small Business		Availability Group	Contracting Objectives	Participation						
BID/PROPOSER'S PRICE: \$193,250	FIRM'S OWNERSHIP		White Men		25%	100.0%						
	Ethnicity	Gender	White Women		2%	0.0%						
	White	Men	Ethnic Minorities		25%	0.0%						
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
PRIME: Hallsten Corporation	\$193,250	White	X		100.0%	—	—	—	—	—	—	—
SUBS: None					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
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					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
					—	—	—	—	—	—	—	
TOTAL					100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
	White Men	White Women	Ethnic Minorities	Total Employees								
No. of Employees:	29	2	7	38								
Percent of Total Employees:	76.3%	5.3%	18.4%									
MSA Labor Market %:	32.7%	30.0%	37.3%									
MSA Labor Market Location:	Sacramento											
COMMENTS												
Contract Equity Participation - 100% White Men 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: Lafayette Recreation Area Dock Replacement		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	
Quotation #: 1610		DATE: 12/21/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
R=Recmmd P=Prime S=Sub		Composition of Ownership	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
		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 - SBE	Company Wide	3	3	2	2	10	26.3%
Hallsten Corporation Jeffrey Hallsten 6944 34th St North Highlands, CA 95660 916-331-7211		Manager/Prof	1	1	1	1	4	36.4%
		Technical/Sales	1	1	1	1	4	33.3%
		Clerical/Skilled	1	1	-	-	2	25.0%
		Semi/Unskilled	-	-	-	-	0	0.0%
		Bay Area	-	-	-	-	-	NA
		AA Plan on File:	NA		Date of last contract with District:		11/30/2015	
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		38 Bay Area: 0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
P	WM	Company Wide	13	35	11	1	60	25.5%
Bellingham Marine Industries, Inc. Tina Jeffcoat 1323 Lincoln St Bellingham, WA 98229 800-733-5679		Manager/Prof	-	3	-	-	3	5.5%
		Technical/Sales	-	2	1	-	3	17.6%
		Clerical/Skilled	2	1	-	-	3	8.6%
		Semi/Unskilled	11	29	10	1	51	39.8%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		235 Bay Area: 0	
P	WM	Company Wide	4	21	5	4	34	18.1%
The Dutra Group Bill Dutra 2350 Kerner Blvd, Suite 200 San Rafael, CA 94901 415-258-8876		Manager/Prof	-	3	3	1	7	15.2%
		Technical/Sales	-	1	-	-	1	11.1%
		Clerical/Skilled	3	7	1	1	12	12.4%
		Semi/Unskilled	1	10	1	2	14	38.9%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		188 Bay Area: 0	
P	WM - SBE	Company Wide	-	6	1	-	7	53.8%
Mid-Cal Construction, Inc. Gregory Peterson 2716 E. Miner Ave, Ste S Stockton, CA 95205 209-832-4400		Manager/Prof	-	-	1	-	1	25.0%
		Technical/Sales	-	1	-	-	1	50.0%
		Clerical/Skilled	-	5	-	-	5	71.4%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		13 Bay Area: 0	
P	WM - SBE	Company Wide	-	23	1	-	24	50.0%
Valentine Corporation Robert Valentine 111 Pelican Way San Rafael, CA 94901 415-453-3732		Manager/Prof	-	1	1	-	2	25.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	5	-	-	5	38.5%
		Semi/Unskilled	-	17	-	-	17	63.0%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		48 Bay Area: 0	

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



AGENDA NO.
MEETING DATE

4.

January 26, 2016

TITLE **DIVING AND REMOTELY OPERATED VEHICLE INSPECTION SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize agreements beginning on or after February 1, 2016 with DRS Marine, Inc., Tidal Marine Construction, Inc. and Underwater Resources, Inc. in an amount not to exceed \$141,000 annually for Diving and Remotely Operated Vehicle Inspection Services for two years with three options to renew for an additional 1-year period for a total cost of \$705,000 under Request for Proposal No. PUR 096.

SUMMARY

The District requires periodic underwater inspection of tanks, reservoirs, treatment plants, and outfalls, as part of an ongoing preventative maintenance program. In addition, there are times when these facilities require underwater repairs or sample gathering in advance of project work.

DISCUSSION



Historically, the District has issued separate Requests for Proposals (RFPs) for the different diving services required, such as deep diving at reservoirs, diving to inspect distribution tanks, or diving to inspect or repair the wastewater outfall. This RFP consolidated most of our diving needs to create a list of qualified vendors from which we could select to provide specific services as required. As services are needed, the District intends to obtain quotes on a job by job basis from the vendors listed and therefore obtain competitive pricing for each job. Responsive bids were received from three diving service providers. Vendors were evaluated based on price, report samples, references and qualifications.

SERVICE PROVIDER SELECTION

Requests for proposals were sent to four resource organizations and to 26 potential proposers.

CONTRACT EQUITY PROGRAM EFFORTS

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

Funds Available: FY 16		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.

FISCAL IMPACT

Sufficient funds are available in the FY16 budget for these services.

ALTERNATIVES

Do not conduct the work. This alternative is not recommended because leak repairs are frequently needed for in-service facilities and periodic comprehensive inspections of water storage facilities are required by the Department of Public Health.

Award a contract to only one diving firm. This alternative is not recommended because the District would best be served by utilizing the expertise and experience of several diving firms. Further, a single firm may not always be able to meet the scheduling needs of the District.

Conduct the work using in-house resources. This alternative is not recommended because it is not cost effective to hire and train full-time diving staff for this specialized intermittent work.

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 General Services Agreement Diving and Rov Inspection Services - Two Year Contract with 3 One-Year Options to Renew						DATE: December 18, 2015					
CONTRACTOR: Various				PERCENTAGE OF CONTRACT DOLLARS							
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE: \$141,000 */year		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
		Various		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:											
DRS Marine, Inc	\$47,000	White	X		33.3%	---	---	---	---	---	---
Tidal Marine Construction, Inc.	\$47,000	White	X		33.3%	---	---	---	---	---	---
Underwater Resources, Inc.	\$47,000	White	X		33.3%	---	---	---	---	---	---
					---	---	---	---	---	---	---
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					---	---	---	---	---	---	---
TOTAL		\$141,000			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			See P-61								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
*Total not to exceed \$705,000.											
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: Diving and Rov Inspection Services - Two Year Contract with 3 One-Year Options to Renew		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		
General Services Agreement		DATE: 12/18/2015							
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 - SBE	Company Wide	-	-	2	-	2	18.2%	47.6%
DRS Marine, Inc. Richard Williams 525 Chestnut St Vallejo, CA 94590 707-648-3483		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	1	-	1	25.0%	
		Semi/Unskilled	-	-	1	-	1	16.7%	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File: NA	Date of last contract with District: 4/30/2015						
		Co. Wide MSA: Solano County	# Employees-Co. Wide: 11			Bay Area: 0			
RP	WM - L/SBE	Company Wide	4	4	4	4	16	320.0%	39.9%
Tidal Marine Construction, Inc. Steve Ackart 2465 Wista Del Monte, Suite A Concord, CA 94520 925-609-6464		Manager/Prof	1	1	1	1	4	200.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	400.0%	
		Semi/Unskilled	1	1	1	1	4	200.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 5			Bay Area: 0			
RP	WM - L/SBE	Company Wide	-	2	-	-	2	14.3%	39.9%
Underwater Resources, Inc. Thomas Belcher 866 EstaBrook St San Leandro, CA 94577 510-957-5097		Manager/Prof	-	1	-	-	1	50.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	1	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 14			Bay Area: 0			
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:			
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:			
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:	# Employees-Co. Wide:			Bay Area:			

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



AGENDA NO.

5.

MEETING DATE

January 26, 2016

**TITLE RECYCLED WATER CUSTOMER RETROFIT CONVERSIONS FOR THE SAN
RAMON VALLEY RECYCLED WATER PROJECT PHASE 2**☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Award a contract to ValleyCrest Landscape Maintenance, in the amount of \$2,185,228 for the planning, design and implementation of on-site customer retrofits of the San Ramon Valley Recycled Water Project Phase 2 (SRVRWP) to facilitate the use of recycled water for landscape irrigation and install fire service backflow preventers on previously retrofitted customer sites under Phase 1.

SUMMARY

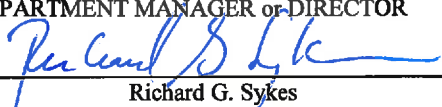

The SRVRWP Phase 2 will provide recycled water to 18 customer sites in the City of San Ramon including Bishop Ranch, two golf courses, and multiple office complexes. The customer retrofits primarily involve separating the potable and recycled water plumbing systems including permitting, installing piping, backflow preventers and signage, labelling of irrigation appurtenances, and irrigation coverage tests. The contract also will complete the installation of 15 fire service backflow preventers that were deferred from the earlier Phase 1 customer retrofits.

DISCUSSION

The customer retrofit component of the project is needed to deliver recycled water for landscape irrigation of Bishop Ranch Business Park, Crow Canyon Country Club, and Canyon Lakes Country Club golf courses and other office campuses and street landscapes in the City of San Ramon. The recycled water distribution pipelines needed to serve this project are currently under construction. All customer retrofit work is located on customer property beyond the District's service meters and involves work not historically performed by District forces. For this reason mainly, staff proposes to award this work to a contractor, which minimizes the District's liability for work performed on customer property.

All customers identified under this phase will submit signed Customer Retrofit Agreements authorizing the District to complete these conversions and agreeing to the use of recycled water for landscaping purposes within their properties. District forces will install new recycled service meters and laterals and perform the required cross-connection tests.

Phase 2 of the SRVRWP customer retrofit conversion is scheduled for completion by early 2017.

Funds Available FY16-17		Budget Code: WSC/455-2001249-5231
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

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

BID RESULTS

Requests for qualifications and proposals were advertised on the District website and were made available to local and state landscaping construction and maintenance contractors, irrigation designers, and consultants with relevant customer retrofit experience. Only one qualified bid was received by a team consisting of two main firms, ValleyCrest and HydroScience for a total of \$2,185,228. The engineer's estimate for this work was \$2.1 million and therefore the bid price appears to be fair.

The lowest responsive/responsible bidder, ValleyCrest Landscape Maintenance, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. ValleyCrest Landscape Maintenance, Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, ValleyCrest Landscape Maintenance, Inc. has not filed a Government Code Claim against the District, and has not initiated any litigation against the District.

CONTRACT EQUITY PROGRAM EFFORTS

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

PREVAILING WAGES

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

UNION NOTIFICATION

Locals 21, 444 and 2019 were notified of this contract in March 2015 and did not raise any specific issues related to this contract.

FISCAL IMPACT

The total cost for this contract would not exceed \$2,185,228. This item is included in the FY16-17 budget for the SRVRWP Customer Site Retrofit Conversion Project.

ALTERNATIVES

Reject current bid and re-advertise the work. This alternative is not recommended because the bidder is qualified and has submitted a reasonable cost bid for the scope of work involved. Rebidding will result in significant delays to the District's recycled water program implementation without any expectation of reduced cost.

Reject bid and not perform the work. This alternative is not recommended because the project is necessary to continue and increase the District's recycled water service to customers within the San Ramon Valley. The District should continue to implement these customer site retrofit projects in order to meet the projected recycled water use goals of WSMP 2040, tackle and manage the challenges of the current drought conditions, and conserve future potable supplies.

Recycled Water Customer Retrofit Conversions for San Ramon Valley Recycled Water Project Phase 2
January 26, 2016
Page 3

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

I:\SEC\2016 Board Related Items\Board Packets 2016\012616 Regular Board Meeting\WNR - San Ramon Valley Recycled Water
Customer Retrofit.Docx

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE <i>Professional Services Agreement</i>						DATE: January 5, 2015					
Recycled Water Customer Retrofit Conversions for the San Ramon Valley Recycled Water Project Phase 2											
CONTRACTOR:					PERCENTAGE OF CONTRACT DOLLARS						
ValleyCrest Landscape Maintenance, Inc. Local/Sole Bidder Pleasanton, CA					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$2,185,228		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: ValleyCrest Landscape Maintenance, Inc.	\$1,685,228	White	X		77.1%	--	--	--	--	--	--
SUBS: HydroScience Engineers	\$500,000	White	X		22.9%	--	--	--	--	--	--
					--	--	--	--	--	--	--
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					--	--	--	--	--	--	--
TOTAL		\$2,185,228			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:	2,127		145		9,514		11,786				
Percent of Total Employees:	335.0%		1.2%		80.7%						
MSA Labor Market %:	28.0%		23.6%		48.4%						
MSA Labor Market Location:	California										
COMMENTS											
Contract Equity Participation - 100% White Men 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: Recycled Water Customer Retrofit Conversions for the San Ramon Valley Recycled Water Project Phase 2		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: 1/5/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	WM - LBE	Company Wide	454	8,724	84	18	9,280	78.7%
ValleyCrest Landscape Maintenance, Inc. Michael Soares 7039 Commerce Circle Pleasanton, CA 94588 925-924-8900		Manager/Prof	15	372	28	1	416	29.7%
		Technical/Sales	2	16	-	-	18	13.5%
		Clerical/Skilled	23	808	27	4	862	71.6%
		Semi/Unskilled	414	7,528	28	13	7,983	88.2%
		Bay Area	-	-	-	-	-	NA
		AA Plan on File:	NA		Date of last contract with District:		2/26/2008	
		Co. Wide MSA:	California		# Employees-Co. Wide:		11,786 Bay Area: 0	
S	WM - L/SBE	Company Wide	-	1	8	-	9	24.3%
HydroScience Engineers George Harris 741 Allston Way Berkeley, CA 94710 510-540-7100		Manager/Prof	-	-	7	-	7	23.3%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	-	1	1	-	2	33.3%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	California		# Employees-Co. Wide:		37 Bay Area: 0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

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



AGENDA NO. 6.
MEETING DATE January 26, 2016

TITLE ACOUSTIC TELEMETRY EQUIPMENT FOR MOKELUMNE FISHERIES STUDIES

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to VEMCO in an estimated annual amount of \$85,000 for supplying acoustic telemetry equipment for Mokelumne River fisheries monitoring studies beginning on February 1, 2016 and ending on January 31, 2018 for a total estimated cost of \$170,000.

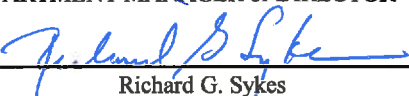

SUMMARY

Acoustic telemetry equipment is critical to the successful implementation of the District's fisheries management program on the Mokelumne River. The equipment recommended for purchase includes acoustic transmitters and receivers. Transmitters are surgically placed in fish and emit a signal which is picked up by the receiver when the fish passes the receiver. The District manages receivers along the migratory corridor from the Mokelumne River to the Pacific Ocean. The proposed contract would fund the replacement and upgrade of existing receivers, installation of additional receivers to improve data collection, and the purchase of transmitters to support ongoing studies, and implementation of new studies as needed.

DISCUSSION

The District has used this technology in identifying migratory pathways and timing of salmon, steelhead and striped bass within the Mokelumne River, Sacramento – San Joaquin Delta and San Francisco Bay. Information from these studies has been published and used to optimize hatchery practices, manage predator species, and evaluate environmental and operational conditions to improve health and survival for Mokelumne River salmon, such as pulse flows and/or Delta Cross Channel closures. VEMCO equipment is also used by the state and other agencies, and together these groups have a coordinated array of receivers from the Central Valley rivers to the Golden Gate Bridge.

EBMUD staff has used VEMCO equipment since 2007 to conduct research that supports the District's compliance with regulatory requirements. Moreover, the technology allows for assessment of management actions that ultimately provide key benefits to the District particularly as it relates to water rights and availability. Most recently, District biologists are collaborating with California Department of Fish and

Funds Available: FY16/17		Budget Code: 483-4077-5216
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

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

Acoustic Telemetry Equipment for Mokelumne Fisheries Studies

January 26, 2016

Page 2

Wildlife staff in a multi-year telemetry study focusing on the effects of Delta Cross Channel operations on adult Chinook salmon migrating towards the Mokelumne River. Study results will support future Lower Mokelumne River Partnership requests for management actions within the Delta to improve conditions for Mokelumne salmon and steelhead populations.

VENDOR SELECTION

VEMCO is a sole source provider of telemetry equipment using propriety coding systems that are used in a coordinated system in Central Valley rivers, the Sacramento San Joaquin Delta, and the San Francisco Bay by multiple agencies. Use of a different source would significantly reduce the data collection capability for Mokelumne River studies. The District is allowed to sole source for compatibility purposes.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds are available in the FY16 operating budget.

ALTERNATIVES

Select a different acoustic telemetry system. This alternative is not recommended as other systems have been previously evaluated and found to be much more expensive, less robust, and are not compatible with the VEMCO technology used by the coordinated system currently funded and operated in the Bay and Delta Areas.

Do not conduct assessments of migratory pathways and timing. This alternative is not recommended as it would jeopardize current collaborative efforts with state and federal operators focusing on improving conditions within the Delta for Mokelumne River salmon and steelhead populations.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Materials & Supplies Acoustic Telemetry Equipment for Mokelumne Fisheries Studies - 2 Year Contract							DATE: January 15, 2016					
CONTRACTOR: AMIRIX Systems, Inc. Bedford Nova Scotia, Canada					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE: \$170,000		FIRM'S OWNERSHIP			White Men		25%		0.0%			
		Ethnicity	Gender		White Women		6%		0.0%			
		Foreign			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: AMIRIX Systems, Inc.		\$170,000	Foreign			---	---	---	---	---	---	100.0%
SUBS: None						---	---	---	---	---	---	---
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AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Acoustic Telemetry Equipment for Mokelumne Fisheries Studies		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	
Materials & Supplies Award	DATE: 1/15/2016	Number of Ethnic Minority Employees						
R=Recmmd P=Prime S=Sub	Composition of Ownership							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	
RP	Foreign	Company Wide	3	3	2	2	10	11.0%
AMIRIX Systems, Inc. Ruth MacDonald 20 Angus Morton Dr Bedford, Nova Scotia - Canada B4B 0L9 902-450-1700		Manager/Prof	1	1	1	1	4	9.3%
		Technical/Sales	1	1	1	1	4	33.3%
		Clerical/Skilled	1	1	-	-	2	5.7%
		Semi/Unskilled	-	-	-	-	0	0.0%
		Bay Area	2	2	-	-	-	NA
		AA Plan on File:	NA		Date of last contract with District:		7/7/2012	
		Co. Wide MSA:	Foreign Owned		# Employees-Co. Wide:		91	
					Bay Area:		0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:			
					Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:			
					Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:			
					Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:			
					Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:			
					Bay Area:			

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



AGENDA NO.
MEETING DATE

7.1.
January 26, 2016

TITLE LAFAYETTE WATER TREATMENT PLANT STANDBY GENERATOR RENTAL

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement beginning on or after February 1, 2016, with SR Bray LLC dba Power Plus in an amount not to exceed \$136,150 plus any applicable taxes for the rental of a standby generator at Lafayette Water Treatment Plant (WTP).

SUMMARY

This agreement will provide a rental standby generator for up to 4-months at the Lafayette WTP while the permanent standby generator is repaired and returned to service. The facility's standby generator will be repaired on another contract and will not be ready for service until May 31, 2016.

DISCUSSION

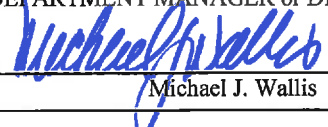

On Wednesday, November 11, 2015, the standby generator at the Lafayette WTP experienced a significant failure which destroyed the generator portion of the engine-generator package. The Lafayette WTP's standby generator provides backup power for the WTP and two pumping plants. The WTP is currently out of service during the winter low demand period but is expected to return to service on March 1, 2016, and will require backup power while in operation until the stationary generator can be repaired and returned to service. The District owns one portable generator that is large enough for this site, but that unit is currently deployed at another critical facility.

SERVICE PROVIDER SELECTION

Requests for proposals were sent to five potential proposers. The District received three proposals. The second lowest bidder was chosen after the low bidder was disqualified due to failure to submit all the required CEP documents and by taking unacceptable exceptions to the proposal.

CONTRACT EQUITY PROGRAM EFFORTS

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

Funds Available: FY16; Maint & Const; Page 91		Budget Code: WSO/733/0372720/5296
DEPARTMENT SUBMITTING Operations and Maintenance	DEPARTMENT MANAGER or DIRECTOR  Michael J. Wallis	APPROVED  General Manager

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

FISCAL IMPACT

Funds are available for this work in the FY16 operating budget.

ALTERNATIVES

Do not rent a generator. This alternative is not recommended because operating the Lafayette WTP without a standby generator will leave the plant without needed backup power should a Pacific Gas and Electric (PG&E) failure occur.

Use a District-owned generator. This alternative is not recommended because the only District generator that has sufficient capacity is located at another critical facility. If this unit is used it will leave that facility without needed backup power should a PG&E failure occur.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Lafayette Water Treatment Plant Generator Rental		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	
Quotation #: PES1404		DATE: 12/24/2015	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=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
RP	WM	Company Wide	18	177	7	-	202	61.0%
SR Bray, LLC dba Power Plus Joe Perez 1210 N. Red Gum St Anaheim, CA 92806 714-507-1871		Manager/Prof	-	14	-	-	14	31.8%
		Technical/Sales	4	58	-	-	62	44.6%
		Clerical/Skilled	11	54	7	-	72	55.4%
		Semi/Unskilled	3	11	-	-	14	77.8%
		Bay Area	-	8	-	-	8	88.9%
		AA Plan on File:	NA		Date of last contract with District:		12/3/2015	
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		331	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
P	WM - LBE	Company Wide	Information not Provided					
Peterson Power Systems, Inc. Skip Ray 2828 Teagarden St San Leandro, CA 94577 510-406-6071		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
P	LBE	Company Wide	Information not Provided					
Cummins Pacific, LLC Chris Fry 14775 Wicks Blvd San Leandro, CA 94577 510-347-6677		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

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



AGENDA NO.
MEETING DATE

7.2.

January 26, 2016

TITLE LAFAYETTE WATER TREATMENT PLANT GENERATOR REPAIR

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement beginning on or after February 1, 2016, with Peterson Power Systems Inc. in an amount not to exceed \$414,286, after the addition of taxes, to purchase replacement parts, repair and test the standby generator at Lafayette Water Treatment Plant (WTP).

SUMMARY

This agreement will procure replacement electric generator and radiator parts, install them on the existing diesel engine, and test the system by factory service representatives, restoring the engine-generator package to its original factory functionality.

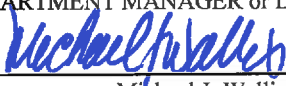

DISCUSSION

The Lafayette WTP has a standby generator which consists of a diesel engine connected to an electric generator provided as a package from Caterpillar Inc. On Wednesday, November 11, 2015, the standby generator at the Lafayette WTP experienced a significant failure which destroyed the generator portion of the engine-generator package. Field testing confirmed that the engine was not damaged and can be re-used; however, the radiator must be replaced due to leakage.

The contractor will furnish and install a replacement engine radiator and electrical generator for the existing engine. The integrated engine-generator system will be tested and certified to the manufacturer's specifications.

SERVICE PROVIDER SELECTION

This is a sole source procurement required to match replacement items with existing equipment. Caterpillar Inc. is the original equipment manufacturer. Peterson Power Systems Inc. is the local representative for installation and service of Caterpillar standby generator systems. Using Caterpillar's local service provider ensures proper workmanship and warranty to restore their product as a whole unit as it was originally purchased.

Funds Available: FY16-17; CIP #2006310; Page 65		Budget Code: WSC/733/7999/5511/2010539
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.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds are available for this work in the FY16 budget for Small Capital Improvements.

ALTERNATIVES

Do not perform the work. This is not recommended because not repairing the stationary standby generator at the Lafayette Water Treatment Plant will leave the plant without needed backup power should a Pacific Gas and Electric failure occur.

Purchase a new standby generator package. Purchasing a new generator package would be significantly more expensive and require much more time to procure, build, and install. In addition, the engine and remaining parts are serviceable.

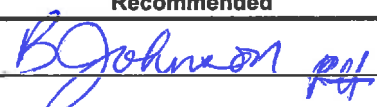
Attachments

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 General Services Agreement Lafayette Water Treatment Plant Generator Repair					DATE: January 12, 2016							
CONTRACTOR: Peterson Power Systems, Inc. San Leandro, CA					PERCENTAGE OF CONTRACT DOLLARS							
Sole Source/Local					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%			
		Ethnicity		Gender		White Women		6%		0.0%		
\$414,286 *		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: Peterson Power Systems, Inc.		\$414,286	White	X 		100.0%	—	—	—	—	—	—
SUBS: None						—	—	—	—	—	—	—
						—	—	—	—	—	—	—
						—	—	—	—	—	—	—
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						—	—	—	—	—	—	—
						—	—	—	—	—	—	—
TOTAL		\$414,286				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		66		7		28		101				
Percent of Total Employees:		65.3%		6.9%		27.7%						
MSA Labor Market %:		39.0%		33.7%		27.2%						
MSA Labor Market Location:		Total USA										
COMMENTS												
Contract Equity Participation - 100% White Men participation.												
*Total not to exceed \$414,286.												
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: Lafayette Water Treatment Plant Generator Repair		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: 1/12/2016	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	5	12	6	1	24	23.8%
Peterson Power Systems, Inc. Patrice Higgins 2828 Teagarden St San Leandro, CA 94577 510-895-8400		Manager/Prof	-	1	-	1	2	20.0%
		Technical/Sales	1	-	-	-	1	5.3%
		Clerical/Skilled	4	10	6	-	20	29.9%
		Semi/Unskilled	-	1	-	-	1	20.0%
		Bay Area	-	-	-	-	-	NA
		AA Plan on File:	NA		Date of last contract with District:		12/23/2015	
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		101 Bay Area: 0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			

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



AGENDA NO.
MEETING DATE

8.1.
January 26, 2016

TITLE **MMIS SOFTWARE MAINTENANCE AND SUPPORT**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to the current agreement with Systems Consulting, Inc. (SCI) for two years with three options to renew for an additional one-year period in an amount not to exceed \$195,000 annually for services supporting the Materials Management Information System (MMIS). This amendment extends the current agreement to February 28, 2018 with three one-year options to renew under the same terms and conditions for a total cost of \$975,000. The additional \$975,000 will increase the total cost for SCI's maintenance support under this agreement to \$1,848,470.

SUMMARY

The District uses MMIS as the primary software package supporting Purchasing, Accounts Payable, and Warehouse Inventory. It was developed and implemented by SCI and this vendor continues to provide annual maintenance and support. By extending the current contract, the District is able to lock in favorable pricing and contract terms that might not otherwise be available if we were to negotiate a new contract. This service and support is not available through other vendors.

DISCUSSION

MMIS was developed in an obscure programming language, CorVision, which is no longer widely used. SCI, as the developer and maintainer of MMIS has unique knowledge of how the CorVision code is written for MMIS and how the procurement related financial data is organized. There is no other organization or individual with this background and knowledge. SCI was selected based upon this unique knowledge. The District has initiated a project to replace MMIS and anticipates completion of the replacement effort within three years.

CONSULTANT SELECTION

SCI is the only firm that has the knowledge and experience required to provide this maintenance and support.

Funds Available: FY16/17		Budget Code: WSO/251/8753/5231	
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.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

This expenditure is included in the FY16/17 operating budget.

ALTERNATIVES

Use another consultant to provide support for MMIS. This alternative is not recommended because no other consultant with the required knowledge of MMIS is known.

Allow the current contract to expire and negotiate a new contract. This alternative is not recommended because the current pricing and terms are advantageous to the District. Since there are no alternative sources for this service, reopening pricing is not in the District's best interest.

Train District staff to support MMIS. This alternative is not recommended because of the obscurity and complexity of MMIS. Training staff would be a long and difficult task and these skills would be obsolete when the system is replaced. Instead, the District will train staff as emergency backups, and District resources will be placed on migrating to a new system.

Attachments


P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement MMIS Software Maintenance and Support - Two Year Contract with 3 One-Year Options to Renew				DATE: August 11, 2015							
CONTRACTOR: Systems Consulting, Inc. West Newton, MA				PERCENTAGE OF CONTRACT DOLLARS							
Small Business/Sole Source				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE: \$195,000 */year	FIRM'S OWNERSHIP		White Men	25%	100.0%						
	Ethnicity	Gender	White Women	6%	0.0%						
	White	Men	Ethnic Minorities	25%	0.0%						
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Systems Consulting, Inc.	\$195,000	White	X		100.0%	--	--	--	--	--	--
SUBS: None					--	--	--	--	--	--	--
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TOTAL	\$195,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	1	0	0	1							
Percent of Total Employees:	100.0%	0.0%	0.0%								
MSA Labor Market %:	44.0%	40.6%	15.3%								
MSA Labor Market Location:	Massachusetts										
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
*Total not to exceed \$975,000.											
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: MMIS Software Maintenance and Support - Two Year Contract with 3 One-Year Options to Renew		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	WM - SBE	Company Wide	-	-	-	-	0	0.0% 15.3%
Systems Consulting Ross E. Mitchell 4 Allston St West Newark, MA 02465 617-965-7010		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA 39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Massachusetts		# Employees-Co. Wide:		1 Bay Area: 0	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

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



AGENDA NO.
MEETING DATE

8.2.

January 26, 2016

TITLE **MMIS SOFTWARE MAINTENANCE BACKUP SUPPORT**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to the current agreement with Order Processing Technologies (OPT) for two years with three options to renew for an additional one-year period in an amount not to exceed \$12,000 annually to provide backup support for the District's Materials Management Information System (MMIS). This amendment extends the current agreement to February 28, 2018 with three one-year options to renew under the same terms and conditions for a total cost of \$60,000. The additional \$60,000 will increase the total cost for OPT's backup support service under this agreement to \$120,500.

SUMMARY

The District uses MMIS as the primary software package supporting Purchasing, Accounts Payable, and Warehouse Inventory. It has been used by the District for 18 years. The District has a contract with Systems Consulting, Inc. to deliver primary support for the MMIS system, but this company is a sole proprietorship. The contract with OPT is to provide backup support in the event the primary consultant is unable to provide the services, or if the workload required for maintenance and support exceeds their capability.

DISCUSSION

OPT is the only vendor capable of providing this backup support. The District's MMIS was originally developed and implemented by Systems Consulting, Inc. based on CoreVision, a software development tool. The CoreVision product was developed by OPT. As the creator of the software development tool, OPT is in a unique position to provide the required level of backup support through the upcoming years. The District has initiated a project to replace MMIS and anticipates completion of the replacement effort within three years.

CONSULTANT SELECTION

OPT is the only vendor that will be able to provide a combination of technical skills and product knowledge to provide backup support for MMIS.

Funds Available: FY16/17		Budget Code: WSO/251/8753/5231
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.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

This expenditure is included in the FY16/17 operating budget.

ALTERNATIVES

Use another consultant to provide backup support MMIS. This alternative is not recommended because no other consultant with the required knowledge of MMIS is known.

Train District staff to support MMIS. This alternative is not recommended because of the obscurity and complexity of MMIS, this would be a long and difficult task, and these skills would be obsolete when the system is replaced. Instead, the District will train staff as emergency backups, and District resources will be placed on migrating to a new system.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement MMIS Software Maintenance Back Up Support - Two Year Contract with 3 One- Year Options to Renew				DATE: August 11, 2015							
CONTRACTOR: Order Processing Technologies Framingham, MA				PERCENTAGE OF CONTRACT DOLLARS							
Sole Source				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE: \$12,000 */year	FIRM'S OWNERSHIP		White Men	25%	100.0%						
	Ethnicity	Gender	White Women	6%	0.0%						
	White	Men	Ethnic Minorities	25%	0.0%						
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Order Processing Technologies	\$12,000	White	X		100.0%	--	--	--	--	--	--
SUBS: None					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
TOTAL	\$12,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	2	5	0	7							
Percent of Total Employees:	28.6%	71.4%	0.0%								
MSA Labor Market %:	44.0%	40.6%	15.3%								
MSA Labor Market Location:	Massachusetts										
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
Total not to exceed \$60,000.											
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: MMIS Software Maintenance Back Up Support - Two Year Contract with 3 One-Year Options to Renew		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		
Professional Services Agreement	DATE: 8/11/2015	Number of Ethnic Minority Employees							
R=Recmmd P=Prime S=Sub	Composition of Ownership								
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM - SBE	Company Wide	-	-	-	-	0	0.0%	15.3%
Order Processing Technologies Michael Lowery 865 Concord St., Suite 5 Framingham, MA 01701 508-370-4500		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/2/2012		
		Co. Wide MSA:	Massachusetts		# Employees-Co. Wide:		7 Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

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



AGENDA NO. 9.
MEETING DATE January 26, 2016

TITLE REVISIONS TO SEVERAL DISTRICT POLICIES

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Approve revisions to the following District policies:

- Policy 1.12 – Prevailing Wage Provisions in Contract Agreements
- Policy 7.07 – Energy
- Policy 7.09 – Workplace Safety and Health
- Policy 4.20 – Use of District Technology Resources

DISCUSSION

Staff conducts bi-annual reviews of District policies to determine if any organizational, regulatory, or other changes have occurred which necessitate their modification or deletion. If warranted the appropriate modifications are drafted and forwarded to the Board for consideration and approval. Attached are four policy modifications for consideration and approval. These policy modifications were reviewed with the Finance/Administration Committee on January 26, 2016.



POLICIES RECOMMENDED FOR REVISION

1. Policy 1.12 – Prevailing Wage Provisions in Contract Agreements

Minor word changes were made to this policy for clarity.

2. Policy 7.07 – Energy

This policy is being modified to include discussion of the connection between water and energy and include carbon offsets as an option for meeting the District's GHG emissions goal.

Funds Available FY:		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Finance Department	 Barry N. Gardin		 General Manager

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

3. Policy 7.09 – Workplace Safety and Health

This policy is being modified to clarify opportunities for continuous improvement, training programs, safety equipment, and compliance.

4. Policy 4.20 – Use of District Technology Resources

This policy is being modified to list the specific types of equipment covered. Per the request of the Finance/Administration Committee, this policy has also been modified to incorporate political activities as one of the prohibited uses.

On October 28, 2014 and September 22, 2015 this policy, with the current modifications, was brought to the Finance/Administration Committee for consideration and approval. On both occasions the Committee returned the policy to staff with direction to meet with Local 2019 to address their concern that the term “political purposes” was too broad and subject to interpretation that could prohibit activities in which the local has previously engaged (e.g. emailing membership regarding EBMUD candidate forums, identifying specific member meeting agenda items such as anti-pension initiatives, etc.).

During subsequent discussions staff reiterated that District policies reflect Board objectives and/or guiding principles on a given subject and it is the Board’s prerogative to establish wording that best indicates the intent. Staff also noted that CA Government Code Chapter 9.5 “Political Activities of Public Employees” §3201-3209 and California Government Code Sections 8314, 82015 and 82025 provide context and allows the District to regulate the use of its resources for political activity; therefore, the proposed language does not change or create a condition that does not already exist. Attached for reference is a table with the specific codes, the applicable text, and other additional information.

As subsequent discussions have not resulted in language that meets the Boards directive to staff, while also addressing Local 2019 concerns, staff is recommending adoption of this policy as initially proposed.

UNION NOTIFICATION

Employee Relations has reviewed all of the policy changes to determine the necessity for union review and has reviewed all of the changes that affect wages, hours and working conditions with the unions.

FISCAL IMPACT

These policy changes have no fiscal impact.

ALTERNATIVE

Do not update these policies. This alternative is not recommended because it would leave policies in place that do not reflect current operating practices, are not consistent with Board directives, and/or are not in compliance with California law.

Attachments

I:\SEC\01-26-16 Agenda Items\FIN - BD1 Revisions to Several District Policies 012616.doc

Political Activity of Public Employees

APPLICABLE LAW		
Code	Text	Additional Information
Cal. Gov't Code § 3204	No one who holds, or who is seeking election or appointment to, any office or employment in a state or local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the state or local agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. This prohibition shall apply to urging or discouraging the individual employee's action.	No candidate can promise benefits or threaten adverse action to secure a vote in support of candidate or against another candidate.
Cal. Gov't Code § 3205	(a) An officer or employee of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee of that agency. (b) A candidate for elective office of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with	No solicitation of political contributions

Political Activity of Public Employees

APPLICABLE LAW		
Code	Text	Additional Information
	<p>knowledge that the person from whom the contribution is solicited is an officer or employee of that agency.</p> <p>(c) This section shall not prohibit an officer or employee of a local agency, or a candidate for elective office in a local agency, from requesting political contributions from officers or employees of that agency if the solicitation is part of a solicitation made to a significant segment of the public which may include officers or employees of that local agency.</p> <p>(d) Violation of this section is punishable as a misdemeanor. The district attorney shall have all authority to prosecute under this section.</p> <p>(e) For purposes of this section, the term "contribution" shall have the same meaning as defined in Section 82015.</p>	
Cal. Gov't Code § 3205.5	<p>No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled directly or indirectly by the person who holds, or who is seeking election or appointment to, an office. A violation of this section is punishable by imprisonment in a county jail for a period not exceeding one year, a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine.</p>	

Political Activity of Public Employees

APPLICABLE LAW		
Code	Text	Additional Information
Cal. Gov't Code § 3206	No officer or employee of a local agency shall participate in political activities of any kind while in uniform.	No political activity while in uniform
Cal. Gov't Code § 3207	Any city, county, or city and county charter or, in the absence of a charter provision, the governing body of any local agency and any agency not subject to Section 19251 by establishing rules and regulations, may prohibit or otherwise restrict the following: (a) Officers and employees engaging in political activity during working hours. (b) Political activities on the premises of the local agency.	Authority for public agency to regulate "political activity" during work hours.
Cal. Gov't Code § 3209	Nothing in this chapter prevents an officer or employee of a state or local agency from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of such state or local agency, except that a state or local agency may prohibit or limit such activities by its employees during their working hours and may prohibit or limit entry into governmental offices for such purposes during working hours.	
Cal. Gov't Code § 8314	(a) It is unlawful for any elected state or local officer, including any state or local appointee, employee or consultant to use or permit others to use public	"Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the

Political Activity of Public Employees

APPLICABLE LAW		
Code	Text	Additional Information
	<p>resources for a campaign activity, or personal or other purposes which are not authorized by law.</p> <p>(b) For purposes of this section:</p> <p>(1) "Personal Purpose" means those activities the purpose of which is for personal enjoyment, private gain, or advantage, or an outside endeavor not related to state business. "Personal purpose does not include incidental or minimal use of public resources such as equipment or office space for personal purposes including an occasional telephone call.</p> <p>(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in 82025. "Campaign Activity does not include incidental or minimal use of public resources, such as equipment or office space for campaign purposes, including the referral of unsolicited political mail, telephone calls and visitors to private political entities</p> <p>(3) "Public Resources" means any property or asset owned by the state or any local agency, including but not limited to land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel and state-compensated time.</p> <p>(4) "Use" means a use of public resources which is substantial enough to result in a gain or</p>	<p>extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. Cal. Gov't Code § 82015</p> <p>Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. "Expenditure" does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. Cal. Gov't Code § 82025</p>

Political Activity of Public Employees

APPLICABLE LAW		
Code	Text	Additional Information
	advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.	
<i>Stanson v. Mott</i> (1976) 17 Cal.3d 206	Public funds may not be expended to promote a partisan position in an upcoming election. (Public officer authorized the expenditure of public money to print materials and sent on-duty employees to engage in advocacy activities in support of a bond measure).	



Policy 1.12R

EFFECTIVE 26 JAN 16

~~25-MAR-14~~

SUPERSEDES ~~11-MAR-08~~

25 MAR 14

PREVAILING WAGE PROVISIONS IN CONTRACT AGREEMENTS

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Require the payment of not less than the general prevailing rates of per diem wages, hourly work, overtime work and holiday pay in the locality in which the work is to be performed, for each craft, classification, or type of worker needed to execute the work required by a contract or agreement.

Scope	All contracts and agreements over \$1,000 that require workers to perform construction (including work performed during the design and preconstruction phases of construction, including but not limited to inspection and land surveying work); alteration, demolition, installation, including the assembly and disassembly of freestanding and affixed modular office systems repair work; maintenance, carpet laying, or hauling required in the execution of any of the above types of work.
Enforcement	<p>The District shall require submission of certified payroll(s) from contractors and perform random checks to broadly ensure that workers for the contractor and all subcontractors engaging in the work of a particular classification are paid prevailing wages; and,</p> <p>The District shall be cognizant of violations <u>and</u> report such violations to the appropriate State or Federal labor compliance regulatory agency <u>including</u> and assisting the agencies efforts to assess penalties as required.</p>
Determination of Worker Classification	In order to make its determinations of the appropriate job classifications, the District shall rely upon information from the California Department of Industrial Relations and, where Federal funds are used, the rates set by the controlling Federal agency.
Disputes	Disputes concerning classification or the appropriate prevailing wage rate shall be referred to the appropriate State or Federal labor compliance regulatory agency for resolution in accordance with applicable law and regulations; the District shall utilize its best efforts to ensure that the determination of the regulatory agency is obtained within 60 calendar days from the date the issue is submitted.
Authority	<p>Resolution No. 32874-94 dated August 9, 1994 As amended by Resolution No. 33027-02, September 24, 2002 As amended by Resolution No. 33661-08, March 11, 2008 As amended by Resolution No. 33968-14, March 25, 2014 <u>As amended by Resolution No. XXXXX-16, January 26, 2016</u></p>



Policy 1.12

EFFECTIVE 26 JAN 16

SUPERSEDES 25 MAR 14

PREVAILING WAGE PROVISIONS IN CONTRACT AGREEMENTS

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Require the payment of not less than the general prevailing rates of per diem wages, hourly work, overtime work and holiday pay in the locality in which the work is to be performed, for each craft, classification, or type of worker needed to execute the work required by a contract or agreement.

Scope	All contracts and agreements over \$1,000 that require workers to perform construction (including work performed during the design and preconstruction phases of construction, including but not limited to inspection and land surveying work); alteration, demolition, installation, including the assembly and disassembly of freestanding and affixed modular office systems repair work; maintenance, carpet laying, or hauling in the execution of any of the above types of work.
Enforcement	<p>The District shall require submission of certified payroll(s) from contractors and perform random checks to broadly ensure that workers for the contractor and all subcontractors engaging in the work of a particular classification are paid prevailing wages; and,</p> <p>The District shall be cognizant of violations and report such violations to the appropriate State or Federal labor compliance regulatory agency including assisting the agencies efforts to assess penalties as required.</p>
Determination of Worker Classification	In order to make its determinations of the appropriate job classifications, the District shall rely upon information from the California Department of Industrial Relations and, where Federal funds are used, the rates set by the controlling Federal agency.
Disputes	Disputes concerning classification or the appropriate prevailing wage rate shall be referred to the appropriate State or Federal labor compliance regulatory agency for resolution in accordance with applicable law and regulations; the District shall utilize its best efforts to ensure that the determination of the regulatory agency is obtained within 60 calendar days from the date the issue is submitted.
Authority	<p>Resolution No. 32874-94 dated August 9, 1994 As amended by Resolution No. 33027-02, September 24, 2002 As amended by Resolution No. 33661-08, March 11, 2008 As amended by Resolution No. 33968-14, March 25, 2014 As amended by Resolution No. XXXXX-16, January 26, 2016</p>



ENERGY

Policy 7.07R

EFFECTIVE 12-NOV-13

SUPERSEDES 12-NOV-13
27-NOV-12

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Encourage and promote energy management and energy efficient practices within the District's water and wastewater system operations, service area, and watersheds, reduce greenhouse gas (GHG) emissions, minimize reliance on fossil fuels, provide reliable energy sources, reduce energy costs, and support the District's goal to be carbon free for indirect emissions and achieve a 50 percent reduction in direct emissions compared to 2000 levels by 2040, in accordance with the District's environmental principles and sustainability policy.

Objectives

To support this policy, the District will:

- Efficiently use energy including electricity, petroleum-based fuels, and natural gas to reduce costs, conserve natural resources, and minimize impacts on the environment.
- Increase its use and generation of renewable energy to preserve natural resources, reduce environmental pollution, and support the District's mission to protect and preserve the environment for future generations.
- Secure reliable energy supplies at the most advantageous rates and implement economical projects to protect operations from interruptions and minimize future costs.
- Support the State of California's renewable energy goals.
- Promote its energy policy ~~to~~by informing the public of its efforts to use energy efficiently, raising awareness of the nexus between water and energy, and increasing generation of renewable energy.

Method

To meet these objectives, the District will:

- Review new and existing facilities and capital improvement projects for opportunities to include energy and water conservation features.
- Consider purchasing electrical energy from renewable energy projects, community choice aggregators, electric utilities or other sources to reduce the District's cost of power or GHG emissions.
- Review and evaluate opportunities to increase hydropower generation and revenue.
- Consider establishing public-private partnerships that would increase renewable energy generation capacity when economically feasible and beneficial to the District.
- Purchase Renewable Energy Credits (RECs) and carbon offsets, when economically feasible, to meet the District's GHG emissions goal.
- Identify and implement projects to offset GHG emissions through sequestration of carbon.
- Consider reducing vehicle miles traveled, changing operational behaviors, and using alternative energy sources for operating vehicles and equipment.
- Invest in equipment, develop programs, and support industry efforts to increase overall District vehicle fuel economy and efficiency.
- Continue to cost-effectively expand the sourcing and digestion of organic material for producing energy from biogas.
- Inform the public of the benefits realized from experiences in energy efficiency and purchasing and operating renewable energy generation equipment.

The District's energy management strategy focuses on reducing energy use, increasing energy generation, diversifying energy supplies, improving energy efficiency, and pursuing economical projects that offset/reduce emissions. Energy use (including conservation, efficiency, optimization and purchase) and generation projects and programs must provide

an economic benefit to the District or support the District's 2040 GHG goal to be carbon free for indirect emissions and reduce direct emissions by 50 percent compared to 2000 levels. To support the state of California's renewable energy goal, the District will increase its use and generation of renewable energy from a range of sustainable renewable sources while continuing to generate renewable energy from its existing generation facilities, including hydropower, photovoltaic systems, and anaerobic digestion/biogas facilities.

Direct emissions are emissions from sources controlled by the District, including the burning of fossil fuels. To meet the District's direct emissions GHG goal, the District will develop programs to reduce vehicle miles traveled, investigate alternative energy sources for operating vehicles, and work with the industry to increase overall fuel economy and efficiency. In addition, the District will offset direct GHG emissions by investigating projects ~~to offset GHG emissions~~ through the sequestration of carbon or the purchase of carbon offsets.

Indirect emissions are emissions from the District's purchase of electricity and the transmission and distribution losses associated with some of these purchases. To meet the District's indirect emissions GHG goal, the District will focus on energy conservation, development of economical renewable energy projects, GHG offset projects, and the purchase of RECs. Renewable energy programs or projects will be evaluated against the cost of purchasing RECs with the goal to encourage the local development of renewable energy and jobs. RECs purchased to meet the District's GHG goal will only be used to offset GHG emissions in the prior calendar year or the calendar year in which the REC is produced.

To promote projects that are cost neutral over their life, the District will pursue low-cost public financing, grants, and favorable electric rate structures. Project cost evaluations will include consideration of public financing and will be evaluated over the useful life of the project with consideration given to the avoided cost of traditional power supply and distribution, as well as the operational reliability of on-site generation. The District will choose the least cost option to meet its overall direct and indirect GHG reduction goals.

Authority

Resolution No. 33369-03, August 12, 2003
As amended by Resolution No. 33465-05, March 8, 2005
As amended by Resolution No. 33594-07, April 10, 2007
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
As amended by Resolution No. 33904-12, November 27, 2012
As amended by Resolution No. 33950-13, November 12, 2013

Reference

Policy 7.05 – Sustainability



Policy 7.07

EFFECTIVE 26 JAN 16

SUPERSEDES 12 NOV 13

ENERGY

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Encourage and promote energy management and energy efficient practices within the District's water and wastewater system operations, service area, and watersheds, reduce greenhouse gas (GHG) emissions, minimize reliance on fossil fuels, provide reliable energy sources, reduce energy costs, and support the District's goal to be carbon free for indirect emissions and achieve a 50 percent reduction in direct emissions compared to 2000 levels by 2040, in accordance with the District's environmental principles and sustainability policy.

Objectives

To support this policy, the District will:

- Efficiently use energy including electricity, petroleum-based fuels, and natural gas to reduce costs, conserve natural resources, and minimize impacts on the environment.
 - Increase its use and generation of renewable energy to preserve natural resources, reduce environmental pollution, and support the District's mission to protect and preserve the environment for future generations.
 - Secure reliable energy supplies at the most advantageous rates and implement economical projects to protect operations from interruptions and minimize future costs.
 - Support the State of California's renewable energy goals.
 - Promote its energy policy by informing the public of its efforts to use energy efficiently, raising awareness of the nexus between water and energy, and increasing generation of renewable energy.
-

Method

To meet these objectives, the District will:

- Review new and existing facilities and capital improvement projects for opportunities to include energy and water conservation features.
- Consider purchasing electrical energy from renewable energy projects, community choice aggregators, electric utilities or other sources to reduce the District's cost of power or GHG emissions.
- Review and evaluate opportunities to increase hydropower generation and revenue.
- Consider establishing public-private partnerships that would increase renewable energy generation capacity when economically feasible and beneficial to the District.
- Purchase Renewable Energy Credits (RECs) and carbon offsets, when economically feasible, to meet the District's GHG emissions goal.
- Identify and implement projects to offset GHG emissions through sequestration of carbon.
- Consider reducing vehicle miles traveled, changing operational behaviors, and using alternative energy sources for operating vehicles and equipment.
- Invest in equipment, develop programs, and support industry efforts to increase overall District vehicle fuel economy and efficiency.
- Continue to cost-effectively expand the sourcing and digestion of organic material for producing energy from biogas.
- Inform the public of the benefits realized from experiences in energy efficiency and purchasing and operating renewable energy generation equipment.

The District's energy management strategy focuses on reducing energy use, increasing energy generation, diversifying energy supplies, improving energy efficiency, and pursuing economical projects that offset/reduce emissions. Energy use (including conservation, efficiency, optimization and purchase) and generation projects and programs must provide

an economic benefit to the District or support the District's 2040 GHG goal to be carbon free for indirect emissions and reduce direct emissions by 50 percent compared to 2000 levels. To support the state of California's renewable energy goal, the District will increase its use and generation of renewable energy from a range of sustainable renewable sources while continuing to generate renewable energy from its existing generation facilities, including hydropower, photovoltaic systems, and anaerobic digestion/biogas facilities.

Direct emissions are emissions from sources controlled by the District, including the burning of fossil fuels. To meet the District's direct emissions GHG goal, the District will develop programs to reduce vehicle miles traveled, investigate alternative energy sources for operating vehicles, and work with the industry to increase overall fuel economy and efficiency. In addition, the District will offset direct GHG emissions by investigating projects through the sequestration of carbon or the purchase of carbon offsets.

Indirect emissions are emissions from the District's purchase of electricity and the transmission and distribution losses associated with some of these purchases. To meet the District's indirect emissions GHG goal, the District will focus on energy conservation, development of economical renewable energy projects, GHG offset projects, and the purchase of RECs. Renewable energy programs or projects will be evaluated against the cost of purchasing RECs with the goal to encourage the local development of renewable energy and jobs. RECs purchased to meet the District's GHG goal will only be used to offset GHG emissions in the prior calendar year or the calendar year in which the REC is produced.

To promote projects that are cost neutral over their life, the District will pursue low-cost public financing, grants, and favorable electric rate structures. Project cost evaluations will include consideration of public financing and will be evaluated over the useful life of the project with consideration given to the avoided cost of traditional power supply and distribution, as well as the operational reliability of on-site generation. The District will choose the least cost option to meet its overall direct and indirect GHG reduction goals.

Authority

Resolution No. 33369-03, August 12, 2003
As amended by Resolution No. 33465-05, March 8, 2005
As amended by Resolution No. 33594-07, April 10, 2007
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
As amended by Resolution No. 33904-12, November 27, 2012
As amended by Resolution No. 33950-13, November 12, 2013
As amended by Resolution No. XXXXX-16, January 26, 2016

Reference

Policy 7.05 – Sustainability



Policy 7.09R

EFFECTIVE 26 JAN 16

~~26 MAR 14~~

SUPERSEDES 25 MAR 14

~~26 JUN 12~~

WORKPLACE SAFETY AND HEALTH

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Provide employment and work environments that are safe, secure, and healthy for all employees, regardless of job classification or civil service status, in order to minimize injury and illness, promote public safety, prevent damage to property, plant, or equipment, and ensure compliance with all pertinent federal, state and local safety regulations. The District will implement the following in support of this policy:

Safe and Healthy Practices

Maintain written Required Safety Practices (RSP's) that document methods for employees to mitigate hazards based on federal or state worker safety orders, industry best management practices, and prior District experience.

Integrate safety and long-term health and wellness into business planning, decision making and daily activities.

Promote effective employee participation through local safety committees and staff meetings.

Identify opportunities for continuous improvement ~~of employee health and safety to~~ reduce hazards, decrease health risks, and minimize injuries.

Ensure all contractors, vendors, and visitors comply and adhere to a safe working environment.

Provide employees with health and wellness opportunities and resources.

Training Programs

Provide training using a variety of media and methods to instruct employees about the requirements of the District's safety program and changes to federal, state, local, and District safety practices.

Equipment

Identify, provide, and require the use of personal protective equipment applicable to the hazard(s) presented by the task(s) being performed.

Furnish and use equipment, safety devices, and safeguards that are ~~feasible~~ practicable and effective to render District employment safe and healthy. Require periodic evaluation of safety equipment and devices, as appropriate.

General Safety Compliance

Conduct periodic facility audits, job-site inspections, and job hazard analyses to ensure application of safe and healthy practices.

Enforce compliance with regulatory agency safety orders and District ~~policies~~ rules and practices, including discipline of employees who violate regulatory agency safety orders or District ~~policies~~ rules and or practices in the performance of their work.

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Resolution No. 32874-94, August 9, 1994
Amended by Resolution No. 33027-02, September 24, 2002
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References

Policy 7.05 Sustainability
Policy 7.13 Security
District Injury and Illness Prevention Plan
Required Safety Practices



Policy 7.09

EFFECTIVE 26 JAN 16

SUPERSEDES 25 MAR 14

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Policy 7.13 Security
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Policy 4.20R

EFFECTIVE 26 JAN 16

~~26 JUN 12~~

SUPERSEDES ~~11 DEC 07~~

26 JUN 12

USE OF DISTRICT TECHNOLOGY RESOURCES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Use the District's computering hardwareequipment (desktops, laptops, handheld computers), software, ~~and~~ electronic mail, access to the Internet, Wi-Fi access, telephones (desk phones, cell phones, smartphones), voicemail, pagers, copy machines, facsimile machines, printers and other Technology Resources for District business purposes and allow limited incidental personal use by District employees in strict accordance with all software license agreements.

Ownership and Privacy

All software and data are the property of the District. Software, data, and all electronic files developed by employees, may not be taken with them when they leave the District without the written permission of the employee's Department head. ~~Manager.~~

Electronic mail, Internet access, telephones, and other Technology Resources ("systems") are provided for District activities and are not intended for the personal use of employees as a substitute for their personally-owned ~~purchased~~ devices. District procedures, however, may allow incidental and appropriate personal use of these resources. In allowing such incidental use, no expectation of privacy is conveyed. The District may examine its systems and any electronic information, including files and electronic mail, at any time. Under no circumstances may District systems be used for political purposes or for an employee's non-District commercial or business activities, whether engaged in for profit or not, or for any illicit purpose.

Use of Computer Software

All software used by the District must be properly licensed. District employees shall not copy or install unauthorized software onto District computers or improperly copy authorized District software in violation of software license agreements. The Information Systems Department is responsible for determining when software may be copied onto District systems.

Authority

Resolution No. 32886-94, October 25, 1994,
As amended by Resolution No. 33225-00, October 10, 2000
As amended by Resolution No. 33646-07, December 11, 2007
As amended by Resolution No. 33883-12, June 26, 2012
As amended by Resolution No. XXXXX-16, January 26, 2016

References

Policy 2.05	Employee Discipline
Policy 6.04	Ethics Policy Of The EBMUD Board Of Directors
Procedure 453	Technology Use And Privacy Procedure
Procedure 461	Information Security



Policy 4.20

EFFECTIVE 26 JAN 16

USE OF DISTRICT TECHNOLOGY RESOURCES

SUPERSEDES 26 JUN 12

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RESOLUTION NO. _____

ADOPTING REVISED POLICY 1.12, PREVAILING WAGE PROVISIONS IN
CONTRACT AGREEMENTS; REVISED POLICY 7.07, ENERGY;
REVISED POLICY 7.09, WORKPLACE SAFETY AND HEALTH; AND
REVISED POLICY 4.20, USE OF DISTRICT TECHNOLOGY RESOURCES

Introduced by Director

; Seconded by Director

WHEREAS, it is the desire and intention of the Board of Directors to update and revise Policy 1.12, entitled "Prevailing Wage Provisions in Contract Agreements;" Policy 7.07, entitled "Energy;" Policy 7.09, entitled "Workplace Safety and Health;" and Policy 4.20, entitled "Use of District Technology Resources;"

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that Revised Policy 1.12, Revised Policy 7.07, Revised Policy 7.09, and Revised Policy 4.20, attached hereto as Exhibits A to D, are hereby adopted.

ADOPTED this 26th day of January, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



Policy 1.12R

EFFECTIVE 26 JAN 16

~~26 MAR 14~~

SUPERSEDES ~~11 MAR 08~~

25 MAR 14

PREVAILING WAGE PROVISIONS IN CONTRACT AGREEMENTS

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Require the payment of not less than the general prevailing rates of per diem wages, hourly work, overtime work and holiday pay in the locality in which the work is to be performed, for each craft, classification, or type of worker needed to execute the work required by a contract or agreement.

Scope	All contracts and agreements over \$1,000 that require workers to perform construction (including work performed during the design and preconstruction phases of construction, including but not limited to inspection and land surveying work); alteration, demolition, installation, including the assembly and disassembly of freestanding and affixed modular office systems repair work; maintenance, carpet laying, or hauling required in the execution of any of the above types of work.
Enforcement	<p>The District shall require submission of certified payroll(s) from contractors and perform random checks to broadly ensure that workers for the contractor and all subcontractors engaging in the work of a particular classification are paid prevailing wages; and,</p> <p>The District shall be cognizant of violations <u>and</u> report such violations to the appropriate State or Federal labor compliance regulatory agency <u>including</u> and assisting the agencies efforts to assess penalties as required.</p>
Determination of Worker Classification	In order to make its determinations of the appropriate job classifications, the District shall rely upon information from the California Department of Industrial Relations and, where Federal funds are used, the rates set by the controlling Federal agency.
Disputes	Disputes concerning classification or the appropriate prevailing wage rate shall be referred to the appropriate State or Federal labor compliance regulatory agency for resolution in accordance with applicable law and regulations; the District shall utilize its best efforts to ensure that the determination of the regulatory agency is obtained within 60 calendar days from the date the issue is submitted.
Authority	<p>Resolution No. 32874-94 dated August 9, 1994 As amended by Resolution No. 33027-02, September 24, 2002 As amended by Resolution No. 33661-08, March 11, 2008 As amended by Resolution No. 33968-14, March 25, 2014 <u>As amended by Resolution No. XXXXX-16, January 26, 2016</u></p>



Policy 1.12

EFFECTIVE 26 JAN 16

SUPERSEDES 25 MAR 14

PREVAILING WAGE PROVISIONS IN CONTRACT AGREEMENTS

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

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Objectives

To support this policy, the District will:

- Efficiently use energy including electricity, petroleum-based fuels, and natural gas to reduce costs, conserve natural resources, and minimize impacts on the environment.
 - Increase its use and generation of renewable energy to preserve natural resources, reduce environmental pollution, and support the District's mission to protect and preserve the environment for future generations.
 - Secure reliable energy supplies at the most advantageous rates and implement economical projects to protect operations from interruptions and minimize future costs.
 - Support the State of California's renewable energy goals.
 - Promote its energy policy ~~to~~by informing the public of its efforts to use energy efficiently, raising awareness of the nexus between water and energy, and increasing generation of renewable energy.
-

Method

To meet these objectives, the District will:

- Review new and existing facilities and capital improvement projects for opportunities to include energy and water conservation features.
- Consider purchasing electrical energy from renewable energy projects, community choice aggregators, electric utilities or other sources to reduce the District's cost of power or GHG emissions.
- Review and evaluate opportunities to increase hydropower generation and revenue.
- Consider establishing public-private partnerships that would increase renewable energy generation capacity when economically feasible and beneficial to the District.
- Purchase Renewable Energy Credits (RECs) and carbon offsets, when economically feasible, to meet the District's GHG emissions goal.
- Identify and implement projects to offset GHG emissions through sequestration of carbon.
- Consider reducing vehicle miles traveled, changing operational behaviors, and using alternative energy sources for operating vehicles and equipment.
- Invest in equipment, develop programs, and support industry efforts to increase overall District vehicle fuel economy and efficiency.
- Continue to cost-effectively expand the sourcing and digestion of organic material for producing energy from biogas.
- Inform the public of the benefits realized from experiences in energy efficiency and purchasing and operating renewable energy generation equipment.

The District's energy management strategy focuses on reducing energy use, increasing energy generation, diversifying energy supplies, improving energy efficiency, and pursuing economical projects that offset/reduce emissions. Energy use (including conservation, efficiency, optimization and purchase) and generation projects and programs must provide

an economic benefit to the District or support the District's 2040 GHG goal to be carbon free for indirect emissions and reduce direct emissions by 50 percent compared to 2000 levels. To support the state of California's renewable energy goal, the District will increase its use and generation of renewable energy from a range of sustainable renewable sources while continuing to generate renewable energy from its existing generation facilities, including hydropower, photovoltaic systems, and anaerobic digestion/biogas facilities.

Direct emissions are emissions from sources controlled by the District, including the burning of fossil fuels. To meet the District's direct emissions GHG goal, the District will develop programs to reduce vehicle miles traveled, investigate alternative energy sources for operating vehicles, and work with the industry to increase overall fuel economy and efficiency. In addition, the District will offset direct GHG emissions by investigating projects to offset GHG emissions through the sequestration of carbon or the purchase of carbon offsets.

Indirect emissions are emissions from the District's purchase of electricity and the transmission and distribution losses associated with some of these purchases. To meet the District's indirect emissions GHG goal, the District will focus on energy conservation, development of economical renewable energy projects, GHG offset projects, and the purchase of RECs. Renewable energy programs or projects will be evaluated against the cost of purchasing RECs with the goal to encourage the local development of renewable energy and jobs. RECs purchased to meet the District's GHG goal will only be used to offset GHG emissions in the prior calendar year or the calendar year in which the REC is produced.

To promote projects that are cost neutral over their life, the District will pursue low-cost public financing, grants, and favorable electric rate structures. Project cost evaluations will include consideration of public financing and will be evaluated over the useful life of the project with consideration given to the avoided cost of traditional power supply and distribution, as well as the operational reliability of on-site generation. The District will choose the least cost option to meet its overall direct and indirect GHG reduction goals.

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Reference

Policy 7.05 – Sustainability



ENERGY

Policy 7.07

EFFECTIVE 26 JAN 16

SUPERSEDES 12 NOV 13

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Policy 7.09R

EFFECTIVE 26 JAN 16

~~25 MAR 14~~

SUPERSEDES 25 MAR 14

~~26 JUN 12~~

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EFFECTIVE 26 JAN 16

WORKPLACE SAFETY AND HEALTH

SUPERSEDES 25 MAR 14

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Provide employment and work environments that are safe, secure, and healthy for all employees, regardless of job classification or civil service status, in order to minimize injury and illness, promote public safety, prevent damage to property, plant, or equipment, and ensure compliance with all pertinent federal, state and local safety regulations. The District will implement the following in support of this policy:

Safe and Healthy Practices

Maintain written Required Safety Practices (RSP's) that document methods for employees to mitigate hazards based on federal or state worker safety orders, industry best management practices, and prior District experience.

Integrate safety and long-term health and wellness into business planning, decision making and daily activities.

Promote effective employee participation through local safety committees and staff meetings.

Identify opportunities for continuous improvement to reduce hazards, decrease health risks, and minimize injuries.

Ensure all contractors, vendors, and visitors comply and adhere to a safe working environment.

Provide employees with health and wellness opportunities and resources.

Training Programs

Provide training using a variety of media and methods to instruct employees about the requirements of the District's safety program and changes to federal, state, local, and District safety practices.

Equipment

Identify, provide, and require the use of personal protective equipment applicable to the hazard(s) presented by the task(s) being performed.

Furnish and use equipment, safety devices, and safeguards that are practicable and effective to render District employment safe and healthy. Require periodic evaluation of safety equipment and devices, as appropriate.

General Safety Compliance

Conduct periodic facility audits, job-site inspections, and job hazard analyses to ensure application of safe and healthy practices.

Enforce compliance with regulatory agency safety orders and District policies and practices, including discipline of employees who violate regulatory agency safety orders or District policies or practices in the performance of their work.

Authority

Resolution No. 32874-94, August 9, 1994
Amended by Resolution No. 33027-02, September 24, 2002
Amended by Resolution No. 33443-04, September 28, 2004
Amended by Resolution No. 33564-06, November 14, 2006
Amended by Resolution No. 33780-10, September 14, 2010
Amended by Resolution No. 33883-12, June 26, 2012
Amended by Resolution No. 33968-14, March 25, 2014
Amended by Resolution No. XXXXX-16, January 26, 2016

References

Policy 7.05 Sustainability
Policy 7.13 Security
District Injury and Illness Prevention Plan
Required Safety Practices



Policy 4.20R

EFFECTIVE 26 JAN 16

~~26 JUN 12~~

SUPERSEDES

~~11 DEC 07~~

26 JUN 12

USE OF DISTRICT TECHNOLOGY RESOURCES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Use the District's ~~computer~~ hardware equipment (desktops, laptops, handheld computers), software, and electronic mail, access to the Internet, Wi-Fi access, telephones (desk phones, cell phones, smartphones), voicemail, pagers, copy machines, facsimile machines, printers and other Technology Resources for District business purposes and allow limited incidental personal use by District employees in strict accordance with all software license agreements.

Ownership and Privacy

All software and data are the property of the District. Software, data, and all electronic files developed by employees, may not be taken with them when they leave the District without the written permission of the employee's Department head ~~Manager~~.

Electronic mail, Internet access, telephones, and other Technology Resources ("systems") are provided for District activities and are not intended for the personal use of employees as a substitute for their personally-owned ~~purchased~~ devices. District procedures, however, may allow incidental and appropriate personal use of these resources. In allowing such incidental use, no expectation of privacy is conveyed. The District may examine its systems and any electronic information, including files and electronic mail, at any time. Under no circumstances may District systems be used for political purposes or for an employee's non-District commercial or business activities, whether engaged in for profit or not, or for any illicit purpose.

Use of Computer Software

All software used by the District must be properly licensed. District employees shall not copy or install unauthorized software onto District computers or improperly copy authorized District software in violation of software license agreements. The Information Systems Department is responsible for determining when software may be copied onto District systems.

Authority

Resolution No. 32886-94, October 25, 1994,
As amended by Resolution No. 33225-00, October 10, 2000
As amended by Resolution No. 33646-07, December 11, 2007
As amended by Resolution No. 33883-12, June 26, 2012
As amended by Resolution No. XXXXX-16, January 26, 2016

References

Policy 2.05	Employee Discipline
Policy 6.04	Ethics Policy Of The EBMUD Board Of Directors
Procedure 453	Technology Use And Privacy Procedure
Procedure 461	Information Security



Policy 4.20

EFFECTIVE 26 JAN 16

USE OF DISTRICT TECHNOLOGY RESOURCES

SUPERSEDES 26 JUN 12

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As amended by Resolution No. XXXXX-16, January 26, 2016

References

Policy 2.05	Employee Discipline
Policy 6.04	Ethics Policy Of The EBMUD Board Of Directors
Procedure 453	Technology Use And Privacy Procedure
Procedure 461	Information Security

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

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

SUBJECT: Legislative Report No. 01-16

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

RECOMMENDED ACTION

Adopt a support position on SB 554 (Wolk) Delta Levee Maintenance and discuss SB 814 (Hill)
Drought: Excessive Water Use: Urban Retail Water Suppliers

STATE LEGISLATION

RECOMMENDED POSITION

SB 554 DELTA LEVEE MAINTENANCE
(Wolk)

SUPPORT

Under existing law, the Delta levee maintenance program allows those local agencies that are authorized to maintain levees to request reimbursement from the state for costs incurred for the maintenance or improvement of State Water Project and non-State Water Project levees in the Sacramento-San Joaquin Delta (Delta). Existing law provides for reimbursement to eligible local agencies in an amount not to exceed 75 percent of those costs in excess of \$1,000 per mile of levee. The 75 percent reimbursement limit applies until July 1, 2018, after which time the limit will decrease to 50 percent.

SB 554 (Wolk), as amended on January 4, 2016, would make the Delta levee maintenance program's 75 percent reimbursement limit permanent by deleting the current sunset date of July 1, 2018.

The Delta levee maintenance program was initially established in 1973 to provide partial reimbursement by the state for Delta levee maintenance and improvement. In 1996, the Delta levee maintenance program statute was amended to include the 75 percent limit for the state funding share and a sunset date of July 1, 2006 was established for this limit. The 75 percent cost share has been extended multiple times. In 2006, the sunset for the 75 percent limit was extended by the legislature to July 1, 2010. In 2010, the statute was amended to extend the sunset date to July 1, 2013. In 2012, SB 200 (Wolk), which was passed by the legislature and which EBMUD supported, extended the sunset date to the current date of July 1, 2018.

According to the United States Geological Survey, the Delta includes about 57 islands or tracts that are protected from flooding by more than 1,100 miles of levees. Delta levees are vulnerable to collapse and continual maintenance and improvement activities are necessary to preserve the integrity of the levee system.

The Delta Protection Commission's Economic Sustainability Plan for the Sacramento-San Joaquin River Delta (2012) concluded that large investments in strengthening all of the Delta's levees are a cost-effective approach to improving water supply reliability, economic sustainability, and reliable energy, transportation, and water infrastructure. According to the author's office, "By continuing the current cost share formula, SB 554 ensures that Delta reclamation districts can afford to maintain and improve Delta levees. Maintenance of Delta levees is important to reduce flood risk and ensure the Delta can continue to serve its many valuable uses – as fertile farmland, a water conveyance, and a rich estuary system."

With regard to EBMUD, EBMUD's Mokelumne Aqueducts are protected by 55 miles of levees on five Delta islands, and EBMUD recently worked with five reclamation districts to strengthen the levees that protect EBMUD's Mokelumne Aqueducts. State funding from Proposition 1E covered 85 percent of the costs while EBMUD provided the remaining 15 percent as the local cost share.

While EBMUD may not benefit directly from SB 554, the measure would assist with the maintenance and improvement of Delta levees by making the current 75 percent state cost share permanent and is consistent with EBMUD's Bay-Delta Protection policy (Policy 9.06) to "support the protection and enhancement of Sacramento-San Joaquin Delta."

EBMUD has previously supported legislation which extended the sunset for Delta levee maintenance funding. EBMUD supported SB 200 (Wolk) in 2012. SB 200 was signed into law (Chapter 549 of 2012). EBMUD also supported SB 808 (Wolk) in 2010 and AB 798 (Wolk) in 2006. Both of these measures were signed into law (Chapter 23 of 2010 and Chapter 548 of 2006, respectively.)

The current list of support and opposition to SB 554 is below.

Support

Central Valley Flood Control Association

Opposition

None listed

**SB 814
(Hill)**

**DROUGHT: EXCESSIVE WATER USE
URBAN RETAIL WATER SUPPLIERS**

DISCUSSION

The California Constitution requires the reasonable and beneficial use of water. Existing law also requires the Department of Water Resources and the State Water Resources Control Board (SWRCB) to take all appropriate proceedings or actions to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. In addition, existing law authorizes any public entity to adopt and enforce a water conservation program to reduce the quantity of water used and provides that a violation of a requirement of a water conservation program is a misdemeanor and allows any public entity that supplies water to assess a penalty, up to \$10,000, for a violation of a water conservation ordinance or resolution.

SB 814 (Hill), as introduced on January 4, 2016, is intended to penalize high residential water users by prohibiting excessive water use and requiring urban retail water suppliers (water agencies) to define what excessive use means and fine customers whose water use exceeds that definition. To accomplish this, SB 814 would do five things, as described below.

- 1) SB 814's mandates, including the prohibition on excessive water use, would apply only during a period for which the governor has declared a state of emergency due to drought.
- 2) SB 814 would require water agencies to establish a definition of excessive water use "by a customer" using a water budget-based approach. The excessive use limit must take into consideration average daily use, full-time occupancy of households, the amount of landscaped land on a property, and rate of evapotranspiration. SB 814 would also require that excessive use be defined and measured in terms of units of one hundred cubic feet of water (ccf) used during the water supplier's billing cycle and allow seasonal weather changes to be considered in the definition.
- 3) The bill would prohibit excessive use by a residential customer and require water agencies to assess a penalty on residential customers of at least \$500 per ccf used above the excessive water use limit in a billing cycle.
- 4) SB 814 would require water agencies to disclose, upon a public records request, information for those customers who violate the prohibition on excessive water use including the customer's name, utility usage data and the customer's home address.
- 5) SB 814 would declare that excessive use is a waste or unreasonable use of water and declare that the bill's provisions are in "furtherance of Section 2 of Article X of the California Constitution as intended to prevent the unreasonable use or the waste of water and to protect the water resources in the interest of the people and for the public welfare."

In April 2015, Governor Brown issued an executive order requiring the SWRCB to impose water use restrictions on water agencies to achieve a statewide 25 percent reduction in potable water use

through February 2016. The SWRCB subsequently issued emergency regulations that require each individual water agency to reduce water use and prohibit various actions by residential water users. In general, water agencies have the discretion to determine how best to achieve the water conservation standard as set for each agency by the SWRCB and are not currently required to impose penalties for excessive water use.

In mid-2015, EBMUD developed and began implementing its own local excessive use penalty ordinance using its existing authorities. EBMUD's program is based on local water supply conditions and establishes an excessive use limit for residential customers based on the drought stage, as determined by the Board. EBMUD's program includes a financial penalty of \$2 per ccf used above the excessive use limit with violations deemed a misdemeanor in accordance with Water Code section 377.

EBMUD's excessive use penalties first applied to water use in July and will remain in place until the Board determines that EBMUD is not in a stage 3 or 4 drought requiring mandatory customer demand reductions. To date, individual penalty amounts have ranged from \$2 to approximately \$2,300 and EBMUD has not exercised its authority to pursue misdemeanor charges for violations of the excessive use ordinance.

SB 814 is intended to penalize very high users of water during a drought by requiring all water agencies to impose an excessive use penalty during a drought. EBMUD has taken the lead on this issue by being one of the first water agencies in the state, that staff is aware of, to implement its own excessive use penalty program. However, SB 814's overly prescriptive mandates would prevent EBMUD from continuing to implement its landmark program and raise some significant policy concerns, as discussed below.

Water rates

SB 814 would require water agencies during a governor-declared drought state of emergency to set an excessive use limit using a water budget-based approach. Water budget-based rates use customer specific data to determine the amount of water needed for an efficient level of water use by individual customers or classes of customers. A recent court ruling raises questions as to the extent to which water budget-based rates comply with the requirements of Proposition 218, including the cost of service requirements. It is not clear how SB 814's requirements would comply with Proposition 218.

In addition, the complexity of establishing and implementing water budget-based rates makes it impractical for a water agency to switch to SB 814's water budget-based rates only during a governor-declared drought state of emergency. This would have the practical effect of requiring all water agencies to use water budget-based rates at all times. This represents significant state intervention into the rate making authority of local water agencies and would essentially eliminate a local water agency's authority for setting rates while retaining full accountability for a mandate that is beyond its control.

Penalty

SB 814's penalty of \$500 per ccf over the excessive use limit represents a severe penalty for water use that is inconsistent with new penalty authority granted to water agencies less than one year ago via budget trailer bill SB 88 and will result in significant unintended consequences.

It is unclear why a new penalty is needed. In June 2014, SB 88 was enacted as part of the Administration's package of drought-related budget trailer bills. SB 88 includes penalty provisions that are specifically intended to assist local agencies with their drought response and permit a court or public entity to impose a fine in an amount not to exceed \$10,000 for a violation of a water conservation ordinance or resolution. Unlike SB 88, the penalties in SB 814 are not limited to less than \$10,000.

To put the SB 814 penalty into perspective, since EBMUD began implementing its excessive use program in mid-2015, individual penalty amounts have ranged from \$2 to approximately \$2,300 with the total penalties assessed to date at approximately \$500,000. Under SB 814's requirements, penalties imposed on individual customers would have ranged from \$500 to over \$575,000 with total penalties over \$125 million, an amount equivalent to over 25 percent of EBMUD's annual operating budget for its water system.

Penalties of this magnitude raise serious questions of fairness and affordability, and could lead to the incorrect public perception that all conservation and fiscal needs can be met via SB 814's highly punitive excessive use penalties. This misperception would create a significant customer service challenge for water agencies and would have an effect that extends beyond the excessive use issue into areas such as the ability of water agencies to raise revenue for infrastructure renewal; improve drought security by developing other supplies, such as recycled water; and achieve conservation from its "non-excessive use customers" during both drought and non-drought conditions. In short, it could have the unintended consequence of acting as a disincentive to on-going conservation and the development of alternative supplies, such as recycling.

When the mandates would apply

SB 814's mandates would apply when the governor has declared a state of emergency due to drought conditions and do not take local conditions into consideration. The governor may issue an emergency drought declaration when some parts of the state are not in a water shortage. Requiring agencies to impose excessive use penalties at times when there is no drought locally will only serve to erode ratepayer confidence and the ability of water agencies to effectively encourage and secure water use reductions.

Public disclosure of customer information

SB 814 would require that water agencies disclose information of excessive water users upon request, including customer names, usage data and home address. While current law generally

prohibits the disclosure of personal information, Government Code section 6254.16(d) does require disclosure, upon request, of information about customers who violate an agency's utility usage rules and policies. As such, EBMUD is required by state law to release information about customers who have violated the excessive use ordinance when requested to do so and has been releasing this information, including the customer's name, usage data, and home address. However, the release of personal information, including home addresses, raises concerns about the safety of customers. At a minimum, to address these safety and privacy concerns, the disclosure of home addresses should not be required.

Water rights

The bill would make a legislative finding that its provisions are in "furtherance of Section 2 of Article X of the California Constitution as intended to prevent the unreasonable use or the waste of water..." Article X of the California Constitution was added in 1928 to make it clear that all water use in California be reasonable and beneficial. This provision is a key aspect of water rights determinations as they apply to water agencies. Tying the excessive use provisions of the bill to the reasonable and beneficial use provisions of the California Constitution, creates confusion over what constitutes reasonable use with potential implications for water rights.

Timing

SB 814 proposes to mandate a prescriptive statewide excessive use policy at a time when only one water agency in the state, EBMUD, has implemented an excessive use ordinance. EBMUD's ordinance has been in effect for less than one year and sufficient data is not yet available to fully assess its effectiveness and need for any changes. Flexibility is needed to allow for the refinement of this approach and to fully assess its effectiveness.

In addition, the prescriptive water budget-based approach that would be mandated by SB 814 is premature. A coalition of interests, including the Association of California Water Agencies, is currently pursuing a constitutional amendment to provide an alternative to Proposition 218's requirements that would provide water agencies with additional flexibility to use conservation pricing.

Conclusion

Though SB 814's objective, compelling conservation by penalizing excessive users, is consistent with EBMUD's objective in implementing its own local program, in its current form, SB 814 would preclude EBMUD from implementing and refining its own innovative program and represents a significant intrusion on local control.

Significant amendments are needed to address the concerns raised above. Eliminating the prescriptive provisions regarding how the excessive use level is set and the amount of the penalty would address many of the issues raised above. To achieve the broad goal of penalizing excessive

users during a drought, the bill should be limited to a straightforward requirement that water agencies develop and implement an excessive water use ordinance, inclusive of penalties, during those times when both the governor and local agency have declared a drought emergency. In addition, the disclosure requirement should be amended to eliminate the home address to alleviate safety and privacy concerns.

This approach would recognize the importance of addressing excessive use during a drought emergency, preserve the authority of water agencies to manage their systems, and provide the flexibility necessary to develop effective local programs that fully account for local conditions.

ARC:MD:JF

ITEM 10

LEGISLATIVE UPDATE

WILL BE GIVEN AS AN
ORAL REPORT

ITEM 11

WATER SUPPLY UPDATE

WILL BE GIVEN AS AN
ORAL REPORT

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 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: Update on Drought Initiatives

INTRODUCTION

To support drought efforts as a result of the State's emergency orders and the District's Water Shortage Emergency declaration, the Board of Directors approved several initiatives to limit and restrict wasteful water use. An Excessive Water Use Penalty Ordinance, regulations Section 28 (Water Use During Water Shortage Emergency Condition) and Section 29 (Prohibiting Wasteful Use of Water), a staged system of drought rates, and a Supersaver recognition program were approved in April/June 2015 as part of the District's critical drought action plan. This memo provides an update on the effects of the initiatives on customer behavior and water use.

DISCUSSION**Excessive Water Use Penalty Ordinance**

The ordinance was effective May 29, 2015 for customer water use beginning July 1, 2015 and reflected on customers' September bills. Water use exceeding 80 hundred cubic feet (ccf) of water within a billing period was charged at \$2.00 per unit of water used over the 80 ccf threshold. Two billing periods have been completed since the District began assessing the excessive water use penalties for violations of the ordinance. The September 3 – November 2, 2015 billing represented the first cycle where accounts were charged the new FY16 rates, excessive use penalties and the drought surcharge. The second billing cycle covered water use from November 3, 2015 – January 3, 2016.

Outreach and Education

To alert customers of the proposed ordinance as part of the outreach on drought rates and water supply, the District held community workshops throughout the service area, conducted two public hearings in April 2015, published notifications in local papers and online, highlighted the new ordinance in the customer Pipeline newsletter, placed messages on customer bills and home water reports, and provided news media outreach. Additionally, to alert customers whose historical water use was close to or above the water use threshold and possibly subject to the excessive water use penalty, a total of 14,613 letters were sent in June and September of 2015 to inform these customers of the Excessive Water Use Penalty Ordinance and consequences of violating the ordinance.

Excessive Water Use Violations

From September 3, 2015 – January 3, 2016, a total of 6,013 accounts were charged the excessive water use penalty. Of the total 6,013 accounts charged, 4,879 represent unique individual customer accounts. Eighty-six percent or 5,159 of the accounts are located east of the hills and 14 percent or 854 accounts are located west of the hills. The top three communities with the highest volume of violations are Danville, Alamo, and Lafayette (see Exhibit 1). When evaluating the penalty based on water usage in comparison to the communities' overall water use, the top three communities change to Alamo (32.5 percent of use), Diablo (57.6 percent of use) and Orinda (22.5 percent of use). The average number of units penalized for excessive water use was 41ccf and the average penalty charge was \$82.00. Excessive water use violations occurred in 27 communities throughout the District's service area.

Seventy-eight percent of the customers who violated the ordinance had received at least one of the notification letters mailed in June or September. An evaluation of the data revealed that more than 74 percent reduced water use but continued to have excessive use. The remaining 16 percent reduced their use below the threshold and 5 percent increased their use. For customers who reduced their use, when comparing 2013 consumption with their November/December 2015 use, they averaged a 35 percent reduction. In comparison, all District customers have reduced their use overall 22 percent.

Names of customers who violated the excessive water use penalty and had exhausted their appeals process were released to the media when requested from numerous public records requests. The District is legally obligated under Government Code Section 6254.16(d) to disclose the names, addresses, and water usage of customers who violated the Ordinance. Since October 15, 2015, the District began releasing the information in response to more than 25 public records requests from news outlets. Staff has received less than a dozen escalated complaints concerning the release of personal information and has explained to customers the need to comply with state regulations. Once they were informed of the reason for the release of information, they understood, but still had privacy concerns.

Appeals to Excessive Use Penalty

Approximately 379 appeals or 7.3 percent of customers who were charged a penalty have filed an appeal. Of those customers who filed an appeal, approximately 87 percent of the excessive use violators claimed having a leak(s). The number of appeals received and the status of the appeals are reflected below.

Customers Who Filed An Appeal	# of Appeals	% of Total
Appeals approved	188	50%
Appeals denied	177	47%
Appeals in progress	14	3%
Total	379	7.3%

The main reason for appeal denials is the untimely filing of the appeal and/or the customer's inability to demonstrate a leak. Additionally, appeals were received from customers who were not charged a penalty but were concerned about violating the ordinance.

Approximately 6.8 percent of excessive water use violators were also reported as water wasters. These accounts were elevated in priority and staff provided additional personalized outreach and education and enrolled the accounts into the District's Home Water Report Program if they were not a current participant. A large majority of the excessive water use violations were a result of outdoor overwatering, watering vast amounts of landscape, and/or watering more than two days a week. Several customers relied on their landscapers to comply with the regulations and found that they were not complying.

The attached Exhibit 2 displays the excessive water use violations and water waste reports by geographical location throughout our service area. The black dots represent the closed water waste reports and the orange dots represent the excessive use violations. Staff is targeting a field presence in these areas to distribute door hangers and educate customers.

Water Waste

Since February 2014, over 8,400 water waste reports have been reported to the District. Almost 100 of the reports have been received from the State's Water Waste website. Residential accounts represent the largest category of water waste reports at 66 percent, while commercial and streets/public right-of-way are the next highest categories at 15 and 14 percent. The main reason for reports of water waste is attributed to overwatering from public/private irrigation systems and ground/street seepage. Generally, once customers are contacted and informed of the non-compliance with the District's regulations, they take action to correct the issue. Eighteen customers received an advanced warning of potential further action for not taking action to address the water waste warning. The number of water waste reports and excessive water use violations continue to decrease with the onset of the cooler weather, rain, and continued media attention.

Supersavers

The number of Supersavers (those accounts whose use is eight ccf or less per billing period) continues to be high as customers take action to conserve and the wet and cooler weather continues. There were over 152,000 single family unique accounts (41 percent) that met this criterion. Staff continues to recognize Supersavers and recently a note has been added to the District's Home Water Report to thank customers for their efforts.

NEXT STEPS

On February 2, 2016, the State Water Resources Control Board (Water Board) will decide whether to modify the mandatory water conservation rules that have been in place since last June. The State's current rules require a statewide reduction of 25 percent in urban water use, and cities and water companies that violate the rules face fines. The Water Board and the California Public Utilities Commission are considering modifications to existing restrictions to address potable and non-potable uses, as well as to incorporate insights gained from existing restrictions. This may

include easing the rules in areas with hotter climates or fast population growth, while keeping most of them in place. However, the emergency regulations will be reassessed in April after the snow survey is completed. Staff has been attending the Water Board meetings on this subject and is preparing a comment letter.

Additionally, Senate Bill 814 (Hill) is proposing a statewide excessive water use penalty ordinance that as of the writing of this memo includes penalties significantly greater than those included in the District's excessive use penalty. Staff is monitoring this bill and will provide updates to the Board.

Finally, staff continues to reach out and provide educational services to help customers comply with drought regulations. A detailed report on these efforts is provided in the Critical Drought Action Plan updates provided to the Board.

ARC:SAH:dlb

Attachments

Exhibit 1 – Accounts Charged an Excessive Water Use Penalty by Community

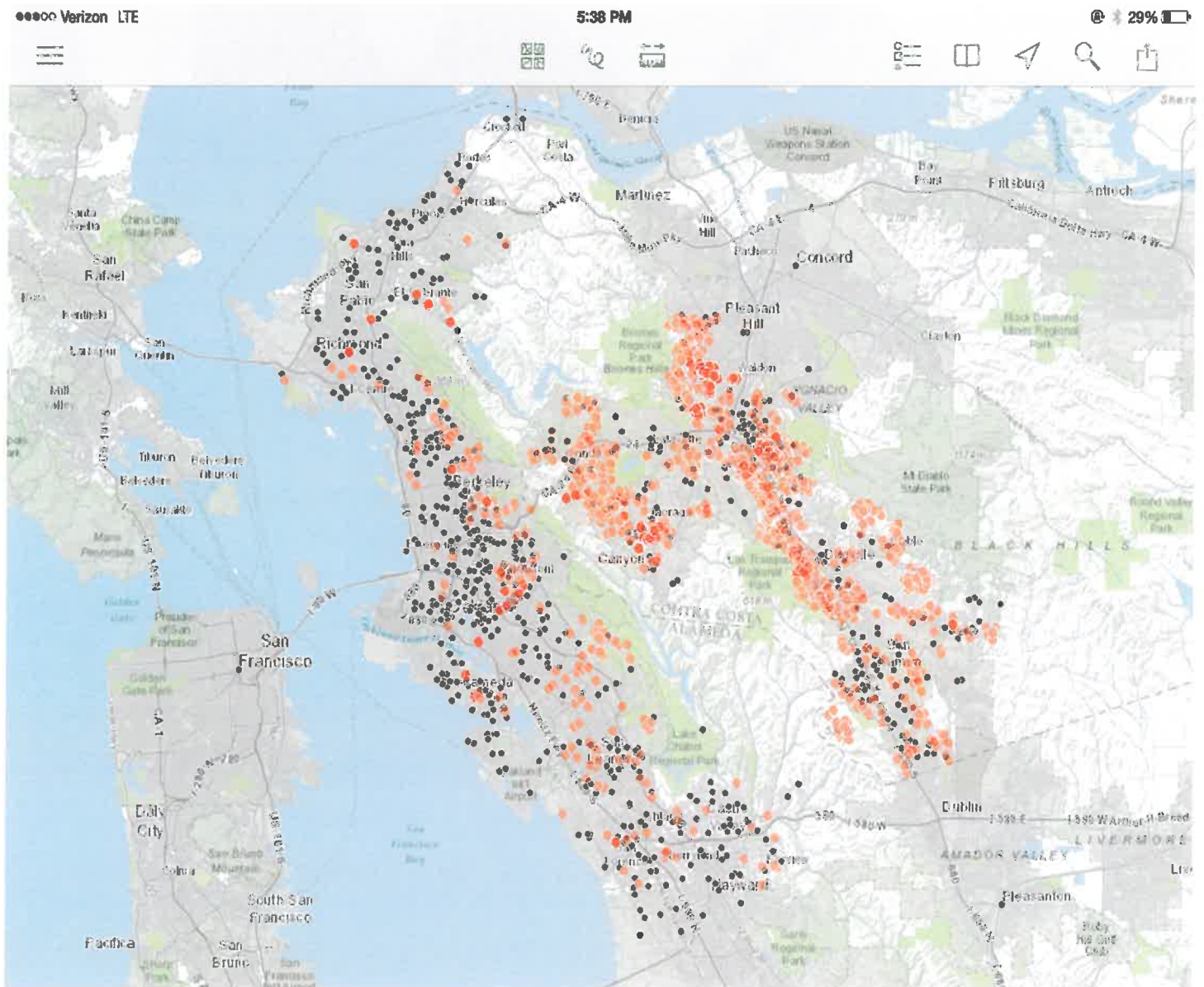
Exhibit 2 – Water Waste and Excessive Water Use Violations Map

I:\SEC\2016 Board Related Items\012116 Board Information Memos\CCS - Update on Drought Initiatives

Number of Accounts Charged an Excessive Water Use Penalty

Community	# Accounts Assessed a Penalty
Danville	1,475
Alamo	1,233
Lafayette	835
Orinda	653
Walnut Creek	379
Oakland	298
Diablo	200
Moraga	179
San Ramon	169
Piedmont	138
Berkeley	95
San Leandro	59
Richmond	66
Castro Valley	45
Pleasant Hill	36
Hayward	34
Alameda	33
Hercules	16
El Cerrito	13
Kensington	13
Pinole	13
San Pablo	12
San Lorenzo	8
El Sobrante	5
Albany	3
Rodeo	2
Emeryville	1
Grand Total	6,013

Water Waste and Excessive Use Violations



Legend:

- Water waste reports
- Excessive water use

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

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

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

SUBJECT: 2016 Critical Drought Action Plan Update

SUMMARY

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

DISCUSSION

Statewide Drought Report. The District submitted its latest monthly report on water production data to the State Water Resources Control Board on January 15, 2015. We reported that:

- EBMUD's December 2015 production was 22 percent lower than December 2013 production (3,714 million gallons compared to 4,772 million gallons).
- On average, residential customers used 54 gallons per capita per day (gpcd) in December 2015, compared to 77 gpcd in November and 70 gpcd in December 2013 and 71 gpcd on average in December 2005 through 2007.
- EBMUD received 166 water waste complaints and implemented 3 formal warning actions for water waste and/or violation of conservation rules in December. Since June, a total of 88 water waste incidents have been reported on the State Board's website and followed up on by District staff.

Customer Outreach. Staff continues to implement the Critical Drought Action Plan. The Customer Pipeline for January/February gives tips to help customers reduce indoor use, the top of bill message asks customers to turn outdoor watering off during the rainy season, water waste calls are being followed up on, Supersavers are receiving acknowledgement in their bills, and more than 60,000 customers now receive Home Water Reports.

Excessive Use. In response to the media's public records requests for the names, addresses and consumption for customers who violated the Excessive Water Use Penalty Ordinance, EBMUD released the fourth list of customer names (1,802) on December 10 and the fifth list (709) on January 14. Staff continues to reach out to the largest users and especially those who have also been noted as potential water wasters to offer audits, home water reports, and conservation tips to help customers comply with water use restrictions.

NEXT STEPS

The next list of customers who violated the Excessive Water Use Penalty Ordinance will be released on February 11, followed by monthly releases until declaration of a Stage 4 or Stage 3 drought is lifted. Staff will continue to reach out to customers to aid their conservation efforts.


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

ARC:AAP

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

FROM: Laura Brunson, Manager of Human Resources 

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

On January 26, 2016, the Board will be meeting in closed session to conduct a performance evaluation of the General Manager and the General Counsel. During the Board's regular meeting on January 26, it is recommended that consistent with past practice, the Board appoint three members of the Board to serve on an ad hoc committee as the Board's representatives in negotiating any amendments to the employment agreements with the General Manager and the General Counsel. The Board can provide instructions to the ad hoc committee at the Board's next closed session meeting on January 26, 2016, in accordance with Government Code Section 54957.6.

LB:rdw

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

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

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

SUBJECT: Planning Committee Minutes – January 12, 2016

Director Doug Linney called to order the Planning Committee in the Training Resource Center at 9:15 a.m. Director Marguerite Young was present at roll call and Chair Lesa R. McIntosh arrived at 9:43 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 Wastewater Bennett K. Horenstein, Manager of Customer and Community Services Sherri A. Hong, Operations and Maintenance Department Manager Clifford C. Chan, Manager of Water Conservation Richard W. Harris, Manager of Wastewater and Environmental Services Jacqueline T. Zipkin, Acting Special Assistant to the General Manager Andrea A. Pook, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Use of Technology in Operations and Maintenance. Operations and Maintenance Department Manager Clifford C. Chan presented an overview of the District's use and adoption of technology. After an overview of the reasons for and risks involved in adopting new technologies, he reported that new technologies have been implemented to improve the operation and maintenance of infrastructure, address challenges facing the District and reduce community impacts. The District has deployed new technologies in the areas of pipeline infrastructure, mobile computing, leak detection, leveraging data, and water quality monitoring. The District continues to investigate and adopt new technologies although investments require careful planning, testing, training, and execution. In 2013, the District joined the Isle Utility's Technology Advisory Group (TAG) whose mission is to accelerate the market uptake of technologies. In addition, in 2015 a staff lead Technology Committee was established to identify and vet new technologies to ensure technologies meet the broader needs of the District.

In FY16, the District will continue to evaluate and test new technologies that improve infrastructure, improve water quality and minimize water loss, and leverage the capabilities and expand the use of mobile computing in the field. In addition to continuing staff participation in the Technology Committee, the District will continue to participate in the Isle TAG to learn about emerging technologies in the water industry. The Committee requested an update on the status of the District's automated meter reading technology efforts including broad industry experience.

Multi-family Residential Submetering Pilot Study Update. Manager of Water Conservation Richard W. Harris presented an update on the pilot studies for submeters for customer retrofits and new service applicants. He reported that water savings from the pilot study analysis indicated a 15 percent savings which is comparable to national studies. The pilot study has provided an opportunity

for the District to gain additional knowledge of best management practices, installation costs, improved maintenance controls and administrative issues related to submetering. The District's submetering pilot program posed some challenges for submetering in new developments, and staff recommends changes to the program going forward. Beginning February 1, 2016, the District will continue to offer rebates for submetering retrofits via its customized residential and commercial program and in new construction only when individual meters are deemed infeasible, and supports deed requirements to provide for meter reads in perpetuity. The District will also document submetering standards and detailed installation requirements, including the possible use of automated meter reading in compliance with existing regulations, and provide additional information and templates for new water service applications. This will help streamline the application review process and improve the data sharing and reporting requirements where submetering is requested and authorized by the District to help enforce water service regulations. The Committee asked questions about the metering process which were answered by staff.

Food Waste Program Update. Manager of Wastewater and Environmental Services Jacqueline T. Zipkin provided an update on food waste program activities. She reported that the District is in discussions with the City of Oakland and Waste Management regarding a Remedial Plan submitted to City staff requesting an extension to an outside date of December 31, 2017 for the District's readiness to accept Oakland material. District staff also is in discussions with the City of Berkeley and Recology to deliver organics to the District's food waste facility once construction is completed. The District continues to work with Harvest Power to develop a contract for design, construction, and operation of food waste preprocessing, dewatering, and compressed natural gas (CNG) facilities at the Main Wastewater Treatment Plant (MWWTP). District and Harvest Power staff have agreed on a Term Sheet that outlines the key risks and financial terms to be documented in the contract. Contract drafting is underway, and staff expects to bring the contract to the Board for consideration on January 26, 2016.

The District needs to complete design and construction of process piping and utility connections at the MWWTP to support implementation of the Harvest Power food waste processing and Recology urban organics initiatives. Staff is currently designing the majority of the required improvements; however, specialized engineering design services are required for design of a new digester gas management system and integration of the new CNG facility for the Harvest Power project, as well as expansion of the existing digester gas conditioning system. Staff will seek Board approval of a contract with Brown and Caldwell (\$400,000) to perform this work at the January 12 regular Board meeting. Staff expects to complete design of the required site and utility improvements in the next two months and to submit the construction contract for Board consideration by June 2016. Ruben Rodriguez, representing AFSCME Local 444, expressed the union's concern about the plan for Harvest Power to do the hiring of staff rather than the jobs being filled through the civil service process. He said the union was concerned about the expansion of privatization in public sector jobs.

Adjournment. Director McIntosh adjourned the meeting at 10:24 a.m.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 21, 2016

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative/Human Resources Committee Minutes – January 12, 2016

Chair John A. Coleman called to order the Legislative/Human Resources Committee at 10:27 a.m. in the Training Resource Center. Directors Lesa R. McIntosh and William B. Patterson were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Human Resources Laura A. Brunson, Manager of Legislative Affairs Marlaigne K. Dumaine, Diversity and Inclusion Officer Dorian West Blair, Acting Special Assistant to the General Manager Andrea A. Pook, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

2016 Diversity and Inclusion Program. Diversity and Inclusion Officer Dorian West Blair presented the 2016 Program along with updates on FY 2015 achievements. For the 2015 Affirmative Action Program (AAP) for Minorities and Women, the District achieved three out of the eight feasible placement goals and made progress on one additional goal for an achievement rate of 37.50% and a progress rate of 50.00%. Total job placements for FY 2015 were 187, with the District placing 62 women and 82 minorities. For the FY 2016 AAP for Protected Veterans and Individuals with Disabilities (IWDs), the District met the 7.0% hiring benchmark for protected veterans for five job groups and met the 7.0% utilization goal for IWDs for four job groups.

An analysis of applicant flow and hires was conducted to determine why the District had fewer minorities and women than would reasonably be expected in the remaining four job groups and why the District did not meet the hiring benchmark for protected veterans or the utilization goal for IWDs for the majority of the job groups. The analysis showed an insufficient representation of minorities, women, protected veterans and/or IWDs in the applicant pools and potential operational barriers to the hiring of such constituencies across the job groups. Potential operational barriers identified included the 1½ - 2 year life of certification lists, pass points for Training and Education reviews and written tests, and civil service/MOU hiring interview rules and practices.

The 2016 action-oriented programs focus on increasing the representation of qualified minorities, women, protected veterans and IWDs in the applicant pools and removing potential barriers to the District's civil service rules and/or practices. Such programs include providing job seeker preparation services directly and/or through partner organizations, holding a District hosted Career and Resource Fair on January 23, 2016, and working with the Organizational Improvement Team.

Ruben Rodriguez, representing AFSCME Local 444, expressed concern about the lack of minority hiring at the Wastewater Treatment Plant. He also expressed concern about the four-hour exam given to applicants and said that the exam is not reflective of the work that is performed. There was considerable discussion by Committee members about the exam process, low success rate of student interns transitioning into the workforce, disparity in placement of minority candidates, and pass points from applicant screening. They suggested that the District re-examine its strategy including better test preparation and review of the applicant screening and testing process. There was consensus by the Committee to have staff return to the February meeting with responses to the concerns raised. It was moved (McIntosh), seconded (Patterson) and carried (3-0) to forward the 2016 Diversity and Inclusion Program to the full Board for consideration.

Federal Legislative Initiatives for 2016. Due to time constraints, the consensus of the Committee was to have the Legislative Report presented to the full Board later in the day.

Adjournment. Chair Coleman adjourned the meeting at 11:03 a.m.