



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**Notice of Location Change**

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, May 25, 2021  
*\*\*Virtual\*\****

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for these meetings. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: May 20, 2021

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole  
Secretary of the District

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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
REGULAR CLOSED SESSION**

**Tuesday, May 25, 2021**

**11:00 a.m.**

**\*\*Virtual\*\***

**Location**

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Board members will participate by webinar or teleconference*

**\*\*\*Please see appendix for public participation instructions\*\*\***

**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. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.
2. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.
3. Personnel exception pursuant to Government Code section 54957 to consider selection for the position of General Counsel.
4. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): six matters.

*(The Board will discuss Closed Session agenda items via webinar or teleconference.)*

**REGULAR BUSINESS MEETING**

**1:15 p.m.**

**\*\*Virtual\*\***

**Location**

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Board members will participate by webinar or teleconference*

**\*\*\*Please see appendix for public participation instructions\*\*\***

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

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

**CONSENT CALENDAR:** (Single motion and vote approving 14 recommendations.)

1. Approve the Regular Meeting Minutes of April 27, 2021 and May 11, 2021, and the Special Closed Session Meeting Minutes of May 14, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$19,001,000 for construction of the Castenada No. 1 & No. 2 Reservoirs Rehabilitation, Glen Reservoir Demolition, and Mulholland Reservoirs Roof Maintenance under Specification 2169.
4. Award a contract to the lowest responsive/responsible bidder, Ameritech Computer Services, Inc., for supplying printer, plotter, and desktop scanner repair services for two years, beginning on or after May 25, 2021 with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$140,000 under Request for Proposal No. PUR 105.
5. Authorize an agreement beginning on or after May 25, 2021 with American Truck & Trailer Body Co., Inc. in an amount not to exceed \$300,000 to retrofit existing dump truck batch gates.

**CONSENT CALENDAR:** (Continued)

6. Authorize an agreement beginning on or after June 21, 2021 with K.W. Emerson, Inc. in an amount not to exceed \$175,800 for paving replacement of the Pardee Center Administration Building parking area and walkway.
7. Authorize an agreement beginning on or after May 25, 2021 with MTS Training Academy, Inc. for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$845,976 for Class A and Class B commercial driver license training and support in proctoring Class A commercial driver testing.
8. Authorize an agreement beginning July 1, 2021 with Pacific States Marine Fisheries Commission for five years for a total amount not to exceed \$2,170,000 for the marking, tagging, and recovery program for Chinook salmon and steelhead trout at the Mokelumne River Fish Hatchery, and the recovery and processing of coded-wire tags in California ocean fisheries.
9. Authorize actions related to tree trimming and related services.
  - 9a. Authorize agreements for tree trimming and related services beginning on or after May 25, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$5,500,000, with the following service providers: A Plus Tree, Inc.; Absolute Best Care; Arbor Products Ltd. dba Expert Tree Service; Arboricultural Specialties, Inc. dba The Professional Tree Care Co.; Arborist Now, Inc.; Arborwell, LLC dba Arborwell & SavATree; Arborworks, Inc.; Asomeo Environmental Restoration Industry, LLC; Bay Area Tree Specialists; Graham Tree Service, Inc.; Hamilton Tree Service, Inc.; Julia Cabrera dba Julian Tree Care; Quality Tree Care; Tree Service Unlimited, Inc.; and West Coast Arborists, Inc.
  - 9b. Authorize additional agreements, for tree trimming and related services, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
10. Authorize actions related to vehicle collision repair and glass replacement.
  - 10a. Authorize agreements for vehicle collision repair and glass replacement beginning on or after May 25, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$1,100,000 with the following service providers: Auto Glass Techs; Falcon Collision Repair; George V. Arth & Son; Maz Glass; Grand Collision Center, Inc.; and GlassTek.
  - 10b. Authorize additional agreements for vehicle collision repair and glass replacement, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

**CONSENT CALENDAR:** (Continued)

11. Authorize the District to pay a \$100,000 application fee to the U.S. Environmental Protection Agency for its Water Infrastructure Finance and Innovation Act loan program.
12. Take the following actions related to the proposed lease with FirstElement Fuel, Inc. (Lessee) for construction and operation of a hydrogen fueling station on the District's West End property:
  - 12.1. Consider the addendum to the 2011 Main Wastewater Treatment Plant Land Use Master Plan Environmental Impact Report (2011 EIR) for the FirstElement Fuel Hydrogen Fueling Station.
  - 12.2. Determine the proposed hydrogen fueling station lease would not cause environmental effects that were not analyzed in the 2011 EIR, that no further environmental review is required pursuant to California Environmental Quality Act Guidelines section 15162, and that the proposed lease falls within the scope of and is adequately described in the 2011 EIR.
  - 12.3. Authorize the execution of a ten-year land lease with Lessee, with one option to renew for an additional five-year lease term at the District's option, for approximately two acres of land located within the District's West End property to construct and operate a hydrogen fueling station.
13. Approve the Water Supply Assessment requested by the City of Berkeley for the 600 Addison Street Project, pursuant to California Water Code, Sections 10910-10915.
14. Approve the April 2021 Monthly Investment Transactions Report.

**DETERMINATION AND DISCUSSION:**

15. Conduct a second and final reading, and vote on an ordinance amending Section 21 and Section 41 of the EBMUD Employees' Retirement System Ordinance No. 40 to update the Mortality Tables and the minimum distribution age based on the Setting Every Community Up for Retirement Enhancement Act of 2019. (Second Reading and Vote – Ordinance No. 372-21)
16. General Manager's Report:
  - Coronavirus Update
  - 2021 Drought Update

**REPORTS AND DIRECTOR COMMENTS:**

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

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 8, 2021.***

**Disability Notice**

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

**Document Availability**

*Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

*The dates and times of future meetings are subject to change.*

Date	Meeting	Time/Location	Topics
Tuesday, May 25	Finance/Administration Committee	10:00 a.m. Virtual	<ul style="list-style-type: none"> <li>Monthly Investment Transactions Report</li> <li>Annual Update on Employees' Retirement System</li> <li>Water Infrastructure Finance and Innovation Act Loan Application</li> </ul>
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Monday, May 31	Memorial Day		<i>District Offices Closed</i>
Tuesday, June 8	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Tuesday, June 22	Finance/Administration Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>

### 2021 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon





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**Closed Session and Regular Business Meetings**  
**Tuesday, May 25, 2021**  
**11:00 a.m. and 1:15 p.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Please note that Board meetings are recorded, live-streamed, and posted on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPP>

**Providing public comment**

The EBMUD 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.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment  
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
  - If you participate by phone, press \*9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when the allotted time has concluded

**Submitting written comments or materials**

- Email written comments or other materials for the Board of Directors to [SecOffice@ebmud.com](mailto:SecOffice@ebmud.com)
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

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**To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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## **MINUTES**

**Tuesday, April 27, 2021**

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

### **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:04 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

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

Staff participants included General Manager Clifford C. Chan; General Counsel Craig S. Spencer; Assistant General Counsel Jonathan D. Salmon (Item 1a); Attorney Anna P. Gunderson (Item 1a); Attorney Derek T. McDonald (Item 1a); Director of Wastewater Eileen M. White (Item 1a); Assistant General Counsel Lourdes Matthew (Items 2 and 3); Secretary of the District Rischa S. Cole (Item 2); Director of Operations and Maintenance David A. Briggs (Item 2); Manager of Human Resources Laura A. Acosta (Item 3); Manager of Employee Relations Niger M. Edwards (Item 3); and Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 3).

### **PUBLIC COMMENT**

There was no public comment.

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

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

### **Regular Business Meeting**

President Linney called to order the Regular Business Meeting of the Board of Directors at 1:17 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

## **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

## **BOARD OF DIRECTORS**

President Linney led the Pledge of Allegiance.

## **PRESENTATION**

General Manager Clifford C. Chan announced the Wastewater Treatment Plant Virtual Tour Program received the National Association of Clean Water Agencies' 2021 National Environmental Achievement Award for Public Information and Education. Since 2016, the District has offered in-person tours to educate the public on wastewater treatment processes and its role in protecting public health and the San Francisco Bay. In spring 2020, when in-person tours were suspended due to the pandemic, staff quickly developed a live, virtual-tour experience. This new format has allowed the District to reach a broader, larger, and multilingual audience. Group sizes are no longer limited; minimum age requirements are lifted; geographic and transportation constraints are removed; and the carbon footprint of driving to the Main Wastewater Treatment Plant is eliminated. Attendance more than double from just under 1,000 participants in past years to approximately 2,500 in 2020. The District will continue virtual tours as pandemic restrictions subside. General Manager Chan acknowledged the following team members for their work on the tour program: Wastewater Control Representative Kristen Font; Supervising Wastewater Control Representative Phoebe A. Grow; Associate Civil Engineer James E. Hake; Associate Civil Engineer Kevin Jim; Associate Civil Engineer Jennifer S. Ku; Senior Administrative Clerk Matilda M. Leong; Associate Civil Engineer Rebecca C. Overacre; and Assistant Engineer Sarah F. Plummer. On behalf of the Board, President Linney thanked staff for their efforts developing the virtual tour program.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Item 10 was pulled from the Consent Calendar for discussion.
- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Items 1-9 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 068-21** – Approved the Regular Meeting Minutes of April 13, 2021.

2. The following correspondence was filed with the Board: **1)** Presentation entitled “2021 Water Supply Availability & Deficiency Report,” dated April 27, 2021; **2)** Presentation entitled “2021 Drought Declaration and Actions,” dated April 27, 2021; **3)** Presentation entitled “Extend Authorization of Short-Term Indebtedness,” dated April 27, 2021; **4)** Presentation entitled “Coronavirus Update,” dated April 27, 2021; **5)** Presentation entitled “Fossil Site Update,” dated April 27, 2021; **6)** Updated Revised Policy 1.12, Prevailing Wage Provisions in Contract Agreements; and **7)** Speakers’ Bureau and Outreach Record CY21, dated April 23, 2021.
3. **Motion No. 069-21** – Awarded a contract to the lowest responsive/responsible bidder, Cambridge Brass, Inc., for supplying 6-inch and 8-inch service clamps for three years, beginning on or after May 3, 2021 with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$335,945 under Request for Quotation No. 2107.
4. **Motion No. 070-21** – Awarded a contract to the lowest responsive/responsible bidder, Condon-Johnson & Associates, Inc., in an amount not to exceed \$6,515,100 for construction of the Moraga Creek Flood and Erosion Control project under Specification 2172.
5. **Motion No. 071-21** – Awarded a sole source contract to PPI America, Inc. for supplying ductile polyvinyl chloride pipe for the District’s pipeline replacement program, for one year, beginning on or after May 1, 2021, with four options to renew for additional one-year periods, for a total cost after the addition of taxes, including option years, not to exceed \$6,000,000.
6. **Motion No. 072-21** – Authorized a second amendment to the agreement previously authorized under the General Manager’s authority with Northwest Industrial Engine & Compressor Co. to increase the agreement amount by \$8,000 to a total amount not to exceed \$88,000 for overhaul of the Main Wastewater Treatment Plant Power Generation Station Gas Compressors 1 and 2.
7. **Motion No. 073-21** – Authorized a second amendment to the agreement previously authorized under the General Manager’s authority with Oppenheimer Investigations Group to increase the agreement amount by \$30,000 to a total amount not to exceed \$110,000 and extended the agreement term to September 30, 2021 for equal employment opportunity investigative services.
8. **Motion No. 074-21** – Approved the March 2021 Monthly Investment Transactions Report.
9. **Resolution No. 35220-21** – Adopting Revised Policy 4.07; Investment Policy And Renewing Existing Delegation Of Authority For The Management Of Investments On Behalf Of East Bay Municipal Utility District And Its Joint Powers Authorities To The Director Of Finance, As The Treasurer Of The District.
10. **Resolution No. 35221-21** – Adopting Revised Policy 1.03, Contract Equity Program; Revised Policy 1.12, Prevailing Wage Provisions In Contract Agreements; Revised Policy 2.02, Accommodation For Individuals With Disabilities In The Workplace; Revised Policy 2.25, Equal Employment Opportunity; Revised Policy 6.04, Ethics Of The EBMUD Board Of Directors; Revised Policy 7.13, Security; Revised Policy 7.14, Unmanned Aerial Vehicle Operation; Revised Policy 9.04, Watershed Management And Use; And Revised Policy 9.07, Dam Safety Program.

- General Manager Clifford C. Chan announced staff made additional revisions to the scope section in Policy 1.12 after it had been mailed to the Board; the new, revised copy was sent to the Board via email prior to today's meeting. All policies including the updated, revised Policy 1.12 was reviewed at the Finance/Administration Committee meeting earlier in the day.
- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended actions for Item 10 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

## **DETERMINATION AND DISCUSSION**

### **11.1. File the 2021 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 - Water Supply Availability and Deficiency; and declare the District's water supply is deficient for meeting customer demands.**

Engineering Manager Lena L. Tam presented the Water Supply Availability and Deficiency Report which evaluates the adequacy of the current year's (2021) water supply. Based on the current 2021 runoff projections, the District's water supply is not sufficient for meeting customer demands with sufficient end of year storage and after meeting flow obligations in the Lower Mokelumne River. Ms. Tam reviewed the District's current water supply and rainfall projections. As of April 18, Mokelumne precipitation was 23.52 inches or 54% of average; East Bay precipitation was 8.31 inches or 33% of average; and the District's total system storage was 534,600 acre-feet or 85% of average and 69% of capacity. Dry year precipitation data from 2008 through 2021 showed 2021 as the driest rain year on record in the East Bay and the second driest on record in the Mokelumne watershed. She reported the District received a letter from the State Water Resources Control Board on March 22 requesting the District take action in response to dry conditions in the state but that to date, the state has not issued a curtailment notice. Based on the Department of Water Resources' April 1 snow survey, the District's end of September total system storage is projected to be 475,000 acre-feet (TAF); runoff is projected to be 325 TAF; and the Joint Settlement Agreement year type is projected to be "dry." She highlighted the District's "dry" flow release obligations and said Woodbridge Irrigation District is scheduled to receive a reduced base supply of 39 TAF; Jackson Valley Irrigation District is scheduled to receive the full maximum entitlement of 3,850 acre-feet; North San Joaquin Water Conservation District will not receive any water; and that based on current projections, there will be no 'surplus' water available. She went over the District's current and proposed Drought Management Program (DMP) Guidelines. The proposed guidelines recommend shifting the recommended total system storage trigger for delivery of supplemental supply through the Freeport Regional Water Project from 450 TAF to 475 TAF and adjusting the threshold for declaring a Stage 1 drought from 500 TAF to 475 TAF. The guidelines would also implement mandatory rationing at 425 TAF instead of 390 TAF of total system storage. The updated guidelines will be considered by the Board in May 2021 and if adopted, would take effect in June 2021. As the DMP guidelines are advisory in nature, the District may consider both the guidelines adopted in 2016 and the proposed revised guidelines when determining whether to declare a drought and respond to the imbalance between supply and demand. Based on current water supply and rainfall projections, under the proposed, revised guidelines, the District is in the range of declaring a Stage 1 drought. Ms. Tam and General Manager Chan responded to Board questions regarding supplemental water supply

purchases during the last drought; how the proposed project to expand the Los Vaqueros Reservoir comes into play with the drought today; and a request for additional clarification on hydrology and consumption patterns to better understand the need to use the Freeport Regional Water Project.

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Item 11.1 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion 075-21** – Filed the 2021 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 - Water Supply Availability and Deficiency; and declared the District's water supply is deficient for meeting customer demands.

- Director Patterson lost connection at 1:32 p.m. and rejoined the meeting at 1:39 p.m.

11.2. **Adopt a resolution declaring a Stage 1 Drought, establishing a District-wide voluntary water use reduction goal of ten percent, declaring the need to purchase supplemental supplies from the Central Valley Project (CVP) and to divert such supplies at the Freeport Regional Water Project, and directing additional demand management measures to promote water conservation.**

Director of Water and Natural Resources Michael T. Tognolini presented information on proposed actions for the Board to consider in declaring a Stage 1 drought. The most recent end of September total system storage forecast for this year indicates water supplies are not sufficient to meet customer demands, after making required releases to meet all applicable downstream obligations, as described in the 2021 Water Supply Availability and Deficiency Report (WSADR) presented by Ms. Tam. Based on the analysis in the WSADR (including forecasted water supply and demand) and the recommendations contained in the District's operative and proposed revised Drought Management Program (DMP) Guidelines, District staff recommends three drought response actions at this time. Mr. Tognolini discussed key lessons learned from the 2014-2016 drought and said the proposed revised DMP guidelines reflect the experience from that drought. Given this year's low water supply and rainfall projections, staff is recommending the Board declare a Stage 1, "moderate" drought; acquire up to 58,000 acre-feet of CVP water during the 2021 contract year; and declare up to 10 percent District-wide voluntary water use reduction along with further demand management measures to promote water conservation including initiating a public information campaign and offering expanded services which promote customer water conservation. He reviewed the timeline, as well as the costs and actions required to obtain the District's CVP water and the proposed costs, demand reduction totals, and messaging plan for implementing voluntary water use reduction measures. Mr. Tognolini, General Manager Chan, Special Assistant to the General Manager Kelly A. Zito, and Customer and Community Services Manager Andrew L. Lee responded to Board questions regarding drought messaging on bill inserts, potential increased costs to educate customers about drought preparations, drought messaging for customers who pay their bills online, funds available in the District's rate stabilization fund, costs to use CVP water, gainsharing, and potential impacts to the cold water pool in Camanche Reservoir when the District takes its supplemental supplies through the Freeport Regional Water Project.

- Addressing the Board were the following persons: 1) Heinrich Albert, Sierra Club commented on potential impacts to wildlife and salmon mortality if the District takes its CVP allocation and asked the Board to consider not requesting the CVP water; and 2) Peter Rosen, landscape contractor, commented on aggressive water conservation efforts for residential customers and District plans for additional use of recycled water.

Mr. Tognolini and Mr. Lee responded to the public comments and Board questions arising from the public comments. The Board thanked staff for the information presented and requested additional information on the rationale for adjusting the thresholds in the DMP guidelines; additional water conservation measures and outreach efforts (including outreach to homeowners associations and multi-family residential customers) as a part of the District's drought response measures; the Sacramento Municipal Utility District tariff being used to operate the Freeport and Clay Station Pumping Plant facilities; and potential impacts to the cold water pool in Camanche Reservoir due to operation of the Freeport Regional Water Project facilities. The Board also asked staff to ensure construction mailers and ebmud.com include information about the District's pipeline flushing activities; ensure call center staff have information about the District's pipeline flushing activities; and offer water from pipeline flushing to cities and residents.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 11.2 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35222-21** – Declaring A Stage 1 Drought, Establishing A District-Wide Voluntary Water Use Reduction Goal Of Ten Percent, Declaring The Need To Purchase Supplemental Supplies From The Central Valley Project And To Divert Such Supplies At The Freeport Facilities, And Directing Further Measures To Promote Water Conservation.

12. **Authorize successive issues of short-term indebtedness payable solely from revenues, as set forth in Chapter 7.5 of the Municipal Utility District Act, for an additional seven years and direct publication of attendant resolution.**

Treasury Manager Robert L. Hannay presented information on a resolution authorizing successive issues of the District's commercial paper programs one year earlier than the expiration date. If approved, this authorization would accommodate the right to referendum in the Municipal Utility District Act (MUD Act), provide for ongoing commercial paper note rolls, and support the extension or procurement of bank facilities. Pursuant to the MUD Act, the Board must authorize the issuances at least every seven years; the last re-authorization was in 2015. The District currently has \$335.8 million of outstanding water commercial paper (Water CP) and \$10 million of outstanding wastewater extendable commercial paper (ECP). The combined commercial paper program is a form of variable-rate debt that typically provides a lower cost to borrow compared with other components of the District's debt portfolio. As discussed at the February 23, 2021 Finance/Administration Committee meeting, staff plans to pay down the Water CP by approximately \$23 million and the wastewater ECP by approximately \$700,000. Mr. Hannay noted these amounts could change between now and the end of FY21 (June 30), based on actual expenses relative to budget. He explained why staff was requesting this action one year earlier than the commercial paper programs' expiration date and the right to referendum



process as outlined in the MUD Act. If approved, the Secretary of the District will be required to publish the resolution in a newspaper of general circulation printed and published within the District. Should three percent of the voters in the District submit a signed referendum petition during that period demanding submission of the resolution to the voters of the District, the resolution shall be of no effect until it has been approved by the voters. Finance/Administration Committee Chair William B. Patterson reported in its meeting earlier in the day, the Committee voted to support staff's recommendations.

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended actions for Item 12 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35223-21** – Declaring The Intention Of The Board of Directors Of East Bay Municipal Utility District To Authorize Successive Issues Of Short-Term Indebtedness Payable Solely From Revenues And Directing The Publication Of This Resolution.

13. **Authorize the General Manager to sign the petition on behalf of the District to support the formation of the Oakland Chinatown Community (OCC) Benefit District.**

General Manager Clifford C. Chan said the Oakland Chinatown community and organizational leaders are petitioning to form a special assessments district to provide supplemental services to property owners and benefit residents, businesses, organizations, employees, and visitors to the area. The benefits and improvements include but are not limited to beautification and supplemental maintenance of sidewalks, gutters, and graffiti removal; hiring special ambassadors or private security to walk and bike throughout Chinatown to provide bilingual assistance, pedestrian safety, and assist in responding to homeless issues, aggressive panhandling, and mental health crises occurring in the public rights-of-way; and supporting special events to promote Oakland Chinatown. If the petition is successful, the Board will be asked, at a meeting prior to July 20, 2021, to consider authorizing the District to cast EBMUD's ballot for the OCC Benefit District. The proposed annual budget for the OCC Benefit District is \$1,309,445. The District's proportional share of these costs would be an annual special assessment of \$10,033.70 payable to the OCC Benefit District. Director Patterson reported he would be participating in a rally hosted by the Oakland Chinatown Chamber of Commerce on May 15 with Chamber President Carl Chan. General Counsel Craig S. Spencer responded to a Board question on whether there is a Downtown Oakland Benefit District and if there is, if the benefits provided overlap with the proposed OCC Benefit District.

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

**Motion 076-21** – Authorized the General Manager to sign the petition on behalf of the District to support the formation of the Oakland Chinatown Community Benefit District.

**14. General Manager's Report.**

Coronavirus Update

Director of Operations and Maintenance David A. Briggs reported Alameda, Contra Costa and Calaveras counties are in the Orange Tier on the state's positivity matrix, while Amador and San Joaquin counties are in the Red Tier. No significant impacts on District operations and no significant changes to safety protocols are expected because of tier status. He highlighted the state business restrictions that could end on June 15; the expanded COVID-19 leave provided by SB 95; the number of positive COVID-19 cases at the District to date; and the latest data on employee and state vaccinations. He reviewed the District's and the Board of Directors' Safe Return to Workplace Plans and said the plans will be adjusted once more information and direction is received from the CDC and/or local health orders are revised.

Fossil Site Update

Ranger/Naturalist II Gregory A. Francek presented an overview of a significant fossil deposit from the Miocene era (23 million to 3.5 million years ago) that was discovered on District property in July 2020. A project team consisting of Mr. Francek, Dr. Russell Shapiro from California State University, Chico (CSU Chico), a consultant from Environmental Science Associates, and a group of scientists have been excavating and recovering specimens from the site. Mr. Francek reviewed the geologic time scale, excavation and recovery methods, and described photos of some of the specimens. Some specimens include a rhino jaw, a tortoise underbelly, fossilized trees, bones from horses, fish, birds, and other wildlife as well as gomphothere and mastodon tusks. All specimens are owned by EBMUD but are currently in several private labs. The specimens will go to CSU Chico for study and then to UC Berkeley for final repository. Select specimens will be returned to the District for educational programs and display. He described ongoing security measures for the site and long-term plans to continue surveying, recovering and studying the findings. Ranger staff and CSU Chico students will use the specimens and paleontology story for interpretive content and educational purposes. Director of Water and Natural Resources Michael T. Tognolini acknowledged Mr. Francek and the scientists who are volunteering their time on the project. Mr. Francek thanked staff for supporting the project and responded to Board questions regarding a possible tour of the site.

- Director McIntosh lost connection at 3:12 p.m. and did not return to the meeting.

**REPORTS AND DIRECTOR COMMENTS**

**15. Committee Reports.**

- Filed with the Board were Minutes for the April 13, 2021 Planning Committee and Legislative/Human Resources Committee meetings.
- Sustainability/Energy Committee Chair Marguerite Young reported the Committee met earlier in the day (remotely) and received an update on the Annual Integrated Pest Management Program.

- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received information on the March 2021 Monthly Investment Transactions Report for March 2021, Quarterly Financial Reports for the quarter ended March 31, 2021, Annual Investment Policy Review, Extend Authorization of Short-Term Indebtedness, Customer Support Funding Program and Revisions to District Policies.

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

None.

**17. Director Comments.**

- Director Coleman reported attending the San Ramon Exchange Club on April 14; FRWA Board meeting on April 15; Los Vaqueros Expansion Ad Hoc Committee meeting on April 20; and the UMRWA Board meeting on April 23. He reported on plans to address the Lafayette Rotary on May 6; address the San Ramon/Danville Real Estate Marketing Association on May 13; address the San Ramon Rotary on May 13; attend the DERWA Board meeting on May 17; and address the Danville/San Ramon Rotary on June 8. All meetings and events were/will be attended remotely.
- Director Patterson reported on a recent Voices for Change segment on Channel 2 that featured Rue Mapp, founder of Outdoor Afro.
- Director Young reported participating in a tour of the “secret garden” in the District’s watershed and the tour of fuel management sites in the watershed on April 21. She reported on plans to participate in the May Day parade in San Francisco on May 1.
- Directors Katz, McIntosh, and Mellon and President Linney had no report.

**ADJOURNMENT**

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

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: May 25, 2021

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Doug A. Linney, President of the Board

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## **MINUTES**

**Tuesday, May 11, 2021**

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

### **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:10 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. Director Lesa R. McIntosh was not present for Item 2 (second matter). All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan; General Counsel Craig S. Spencer; Attorney Derek McDonald (Items 1a and 1b); Risk Management Analyst Kim Damico (Item 1a); Assistant General Counsel Jon Salmon (Item 1b); Assistant General Counsel Fred Etheridge (Items 1b and 2); Director of Water and Natural Resources Michael T. Tognolini (Items 1b and 2); Attorney Anna P. Gunderson (Item 2); Attorney Rachel R. Jones (Item 2); Manager of Water Conservation Alice E. Towey (Item 2); Director of Engineering and Construction Olujimi O. Yolo (Item 2); Engineering Manager David J. Rehnstrom (Item 2); Engineering Manager Lena Tam (Item 2); and Environmental Affairs Officer Jose D. Setka (Item 2).

### **PUBLIC COMMENT**

- Addressing the Board was Eric Larsen, President, AFSCME Local 444 who commented on the District's Affirmative Action Program goals. He noted the low number of women and African Americans in the trades within the Wastewater Department. He also noted a need for additional training for supervisors due to some employees being promoted in spite of allegations of intimidation and harassment.

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

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

### **Regular Business Meeting**

At 1:05 p.m. General Manager Clifford C. Chan informed Assistant to the General Manager Janetta M. Johnson that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. At 1:45 p.m. General Manager Clifford C. Chan informed Assistant to the General Manager Janetta M. Johnson the Regular Business Meeting would start at 2:00 p.m. President Linney called to order the Regular Business Meeting of the Board of Directors at 2:07 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Assistant to the General Manager Janetta M. Johnson.

### **BOARD OF DIRECTORS**

President Linney led the Pledge of Allegiance.

### **PRESENTATION**

General Manager Clifford C. Chan announced the District received the National Association of Clean Water Agencies' National Environmental Achievement Award in the Watershed Collaboration category for the San Francisco Bay Regional Monitoring Program (RMP). The award recognizes how the program's collaborative approach benefits the environment, by defining, investigating, and providing the critical information decision makers need to proactively protect water quality in San Francisco Bay; benefits dischargers by generating robust and accurate data; and benefits the community by utilizing cost-effective methods to protect the environment while minimizing the financial burden of rate payers. The RMP is an exceptional example of regional collaboration among many diverse stakeholders including regulators, scientists, dischargers, and non-governmental organizations, all with a common goal of protecting the San Francisco Bay. The following team members were recognized for their work: Eva Agus, Associate Civil Engineer; Sue Berg, Laboratory Senior Chemist; Artem Dyachenko, Laboratory Supervisor; James Hake, Associate Civil Engineer; Nicholas Klumpp, Senior Wastewater Control Inspector; Melissa Lash, Research Microbiologist; Robert Molina, Laboratory Chemist II; Daniel Perillo, Wastewater Plant Operator I; Yun Shang, Manager of Laboratory and Technical Services; Cynthia Soohoo, Laboratory Technician III; and Zachary Wu, Wastewater Control Inspector II. On behalf of the Board, President Linney thanked staff for their contributions towards the work and winning this award.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board was Ivette Rivera, EBMUD Gardener Foreman who commented on concerns with staff applying herbicide without being licensed. She noted the District's independent consultant recommended licensing for staff applying herbicides.

## **CONSENT CALENDAR**

- Items 7 and 8 were pulled from Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-6 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. The following correspondence was filed with the Board: **1)** Presentation entitled "Public Hearing - Urban Water Management Plan 2020 - Public Draft," dated May 11, 2021; **2)** Presentation entitled "GM Report on Water and Wastewater Schedule of Rates and Charges," dated May 11, 2021; **3)** Presentation entitled "Amendment to EBMUD Retirement System Ordinance (No. 40) -Sections 21 & 41 First Reading," dated May 11, 2021; **4)** Presentation entitled "Coronavirus Update," dated May 11, 2021; **5)** Presentation entitled "Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update," dated May 11, 2021; **5)** Presentation entitled "Water Conservation Activities and Messaging," dated May 11, 2021; and **6)** Speakers' Bureau and Outreach Record CY21, dated May 7, 2021.
  2. **Motion No. 077-21** – Awarded a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in an amount not to exceed \$1,471,000 for construction of the Upper San Leandro Water Treatment Plant Control Systems Improvements project under Specification 2151.
  3. **Motion No. 078-21** – Authorized an agreement beginning on or after July 1, 2021 with MARS Company for five years for a total amount not to exceed \$530,000 for annual maintenance, calibration, and software services of the District's water meter testing bench.
  4. **Motion No. 079-21** – Authorized an amendment to the sewer billing agreement between the District and the City of Oakland (Oakland), previously authorized under Board Motion No. 079-13, to include an incremental credit to be applied to sewer charges, starting at 12 percent to reach 35 percent by July 1, 2023, for Oakland customers participating in the District's Customer Assistance Program.
  5. **Motion No. 080-21** – Authorized an amendment to the agreement previously authorized under Board Motion No. 051-11 with the City of San Pablo (San Pablo) to extend the agreement term to May 15, 2031 for the District to provide Utility Users Tax billing and collection services for approximately 6,200 San Pablo ratepayers.
  - 6.1 **Motion No. 081-21** – Authorized an amendment to the agreement previously authorized under the General Manager's authority with Municipal Resource Group, LLC to increase the agreement amount by \$30,000 to a total amount not to exceed \$110,000 and extend the agreement term to September 30, 2021 for equal employment opportunity investigative services.

6.2 **Motion No. 082-21** – Authorized an amendment to the agreement previously authorized under the General Manager’s authority with Shaw Law Group, PC to increase the agreement amount by \$30,000 to a total amount not to exceed \$110,000 and extend the agreement term to September 30, 2021 for equal employment opportunity investigative services.

7a-b. **Motion No. 083-21** – Authorized amendments to the agreements previously authorized under Board Motion No. 152-20 with the services providers listed below to increase the aggregate amount of those agreements by \$3,500,000 to a total aggregate amount not to exceed \$7,500,000 and extended the term of the agreements to May 12, 2022 for paving and other related services: American Asphalt Repair & Resurfacing Co., Inc.; Bond Blacktop, Inc.; Bruce Enterprises; Carone & Company, Inc.; J.V. Lucas Paving, Inc.; MCK Services, Inc.; O.C. Jones & Sons, Inc.; and Public Agencies; and authorized additional agreements for paving and other related services, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented the union opposed the staff recommendation and detailed the reasons for the union’s opposition.

There was considerable Board discussion regarding Mr. Larsen’s comments. Director Young noted the Planning Committee recognizes the constraints the District is under, the age of the paving backlog and city/county paving requirements, and approved staff’s recommendation. General Manager Clifford C. Chan responded to Board questions regarding staffing resources, position vacancies, and authorization utilization. He advised staff would analyze staffing resources over the next year and report back to the Planning Committee within eight months.

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

8. **Motion No. 084-21** – Adopted the Fiscal Year 2021 Affirmative Action Program.

- Addressing the Board was Joseph Q. Pangelinan, Chief Steward AFSCME Local 444, who commented on the District’s current practice of hiring electrical workers at level two or journey level. He noted diversity for electrical workers was highest when hiring at level one or entry level. He said the Affirmative Action Program report shows electrical, structural maintenance positions have a minority availability of 52.5 percent and incumbency of 28 percent.

There was Board discussion regarding Mr. Pangelinan’s comments. Director Coleman noted the Legislative/Human Resources Committee voted to support staff’s recommendation. General Manager Clifford C. Chan said he is committed to making changes to address diversity in all areas of the District’s hiring process.

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



## **PUBLIC HEARING**

9. **Conduct a Public Hearing to accept comments on the District's Draft Urban Water Management Plan 2020 and Draft Water Shortage Contingency Plan 2020 in compliance with the Urban Water Management Planning Act of the California Water Code.**

President Linney opened the public hearing at 2:37 p.m. He announced the public hearing is to receive comments on the District's Draft Urban Water Management Plan 2020 (UWMP) and Draft Water Shortage Contingency Plan 2020 (WSCP) in compliance with the Urban Water Management Planning Act of the California Water Code.

Engineering Manager Lena L. Tam provided an overview of the changes to the District's UWMP and WSCP. Both plans help the District address and meet future water supply needs and adapt to future uncertainty incorporating lessons learned from prior drought. The WSCP includes the District's response if our water supply is interrupted by a catastrophe (i.e. public safety power shutoff, earthquake). Major changes in this update include the methodology for supply demand assessment and the Drought Management Program Guidelines. Ms. Tam highlighted the public comment process and discussed supplemental water supply availability and costs, as well as the potential impacts if the District delays receiving Central Valley Project (CVP) water.

General Manager Clifford C. Chan provided a status update on the District's water supply projections compared to two weeks ago which highlights the need to take CVP water early. The Governor this week expanded the drought to 41 counties. The run-off the District projected is not materializing in our upcountry reservoirs. The District's median projection is 430-thousand-acre feet (TAF) and dry projection 415 TAF.

President Linney called for Board comments. There was Board discussion regarding public comments received thus far; possible extension to the UWMP public comment period; Marin County's exclusion from the State's drought declaration; the request for the District to transfer water across the San Rafael bridge for Marin Municipal Water District; and cost allocation for use of Freeport and impacts on rates and charges. Next, he called for public comment. There was no public comment.

President Linney announced there were no public comments received. President Linney closed the public hearing at 3:02 p.m.

## **DETERMINATION AND DISCUSSION**

10. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine provided an overview of the four bills in Legislative Report No. 05-21. Based on direction received during the Legislative/Human Resources Committee earlier in the day, she reported staff is recommending positions on all four bills. AB 315 (Stone) Voluntary Stream Restoration Property Owner Liability: Indemnification, which as amended April 21, 2021, would grant limited liability protections to property owners who voluntarily allow habitat restoration projects to take place on their property. EBMUD is impacted as it conducts habitat restoration along the lower Mokelumne

River, in the Mokelumne River watershed, and in the East Bay watershed. AB 1110 (R. Rivas) Zero-Emission Vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program, which as amended on May 3, 2021, is intended to remove barriers public agencies face in transitioning to zero-emission vehicles. AB 1371 (Friedman) Recycling: Plastic: Packaging and Carryout Bags, which as amended April 21, 2021, is intended to reduce plastic and single-use packaging pollution. With regard to EBMUD, discarded single-use packaging such as plastic packaging can end up in wastewater streams, as well as rivers and streams thereby disrupting fish habitat and disturbing aesthetic values of natural waterways. SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles, which as amended on April 19, 2021 is intended to help owners of medium- and heavy-duty vehicles purchase cleaner zero-emission alternatives. As part of EBMUD's goals to eliminate greenhouse gas emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. Legislative/Human Resources Committee Chair John A. Coleman reported the Committee met and received an update on the report and supported the staff recommendations. Ms. Dumaine responded to Board questions related to the take back criteria for recycling packaging materials.

Next, Ms. Dumaine provided an update on State and federal government activities related to COVID-19. She reported on revisions to the Governor's budget and disbursements of utility arrearage funding. Next, she reported Representative Swalwell listed the District's Upper San Leandro Water Treatment Plant as a Community Funding Project. She responded to Board questions on what approach the State will use to disburse utility arrearage funding.

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

**Motion No. 085-21** – Received Legislative Report No. 05-21 and approved positions on the following bills: 1) SUPPORT AB 315 (Stone) Voluntary Stream Restoration Property Owner Liability: Indemnification; 2) SUPPORT AB 1110 (R. Rivas) Zero-Emission Vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program; 3) SUPPORT AB 1371 (Friedman) Recycling: Plastic: Packaging and Carryout Bags; and 4) SUPPORT SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero- Emission Vehicles; and received information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID- 19).

11.1-11.2 **File the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees; and set a Public Hearing for Tuesday, June 8, 2021, during the Board's regular meeting, to consider the report and recommendation, and comply with Proposition 218 requirements.**

Director of Finance Sophia D. Skoda provided an overview of the water and wastewater schedule of rates and charges, capacity charges, and other fees. She reviewed the budget and rates calendar and discussed the methodology for preparing the fiscal year (FY) 2022 and 2023 budget rates; the impacts to single-family residents for water and wastewater, impacts to non-residential wastewater treatment; and impacts to property taxes for the wet weather facilities charge. She showed comparisons to other Bay Area water service and wastewater service providers. Next, she reviewed updates to non-Proposition 218 charges which include proposed changes to the water system

capacity charge (SCC) and wastewater capacity fee (WCF). Overall, there are reductions in both the SCC and WCF. She noted changes to the following fees and charges to ensure reasonable fees based on cost recovery: special services charges; installation charges for water service, private fire service, public fire hydrant, and water main extension; public records; recreation use; water service regulations; and wastewater industrial permit, testing, resource recovery, and interceptor connection review.

The Board raised questions related to memberships and sponsorships, fees for private sewer lateral (PSL) compliance, public meetings on the budget and rates, and utilize existing audiences (i.e., mayor conferences) for public outreach. General Manager Clifford C. Chan noted a breakdown of the District's memberships and sponsorships will be added as an appendix in the budget books going forward. Director of Wastewater Eileen M. White noted the PSL fee increase is based on District costs and additional requirements in the Consent Decree for homeowner associations.

**Motion No. 086-21** – Filed the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees; and set a Public Hearing for Tuesday, June 8, 2021, during the Board's regular meeting, to consider the report and recommendation, and comply with Proposition 218 requirements.

- Motion by Director McIntosh, seconded by Director Young, to approve the recommended actions for Items 11.1-11.2, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

12. **Consider the introduction and first reading on an ordinance amending Section 21 and Section 41 of the EBMUD Employees' Retirement System Ordinance No. 40 to update the Mortality Tables and the minimum distribution age based on the Setting Every Community Up for Retirement Enhancement Act of 2019. (Introduction and First Reading – Ordinance No. 372-21)**

Manager of Employee Services Lisa A. Sorani provided an overview of the amendments to Sections 21 and 41 of the EBMUD Retirement System Ordinance No. 40. Section 21 provides for an optional modification of a member's retirement allowance to provide an actuarially equivalent allowance for a surviving beneficiary. Staff recommends a change to the mortality tables which was adopted by the Retirement Board in November 2020. Section 41 describes the IRS rules for minimum distributions from the retirement plans. Staff recommends updating the minimum distribution from age 70 ½ to age 72. On May 25, 2021, the second reading and consideration for the Board to vote to adopt the amendments is scheduled. Next, she highlighted actions by staff if the Board adopts the amendments effective July 1, 2021 which includes placing the Ordinance amendments in a newspaper for two successive weeks and then publishing and distributing copies of the revised Ordinance by July 14, 2021.

There was no Board discussion. Director Frank A. Mellon noted this item was discussed and approved by the Retirement Board at its meeting on November 19, 2020.

13. **Update on the District's 2021-2022 redistricting efforts and establish and appoint a Redistricting Ad Hoc Committee.**

General Counsel Craig S. Spencer provided an update on the District's efforts on redistricting. He noted delays in receiving census data will shorten the District's timeframe for preparing plans and maps for redistricting. He noted the staff's recommendation to appoint a three-member ad hoc committee at this time.

There was Board discussion on composition of previous redistricting ad hoc committees and public outreach efforts.

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

**Motion No. 087-21** – Appointed President Doug Linney, Director John A. Coleman, and Director Marguerite Young to serve as the Board Ad Hoc Committee on Redistricting.

14. **General Manager's Report.**

Coronavirus Update

Director of Operations and Maintenance David A. Briggs reported District counties remain in the Orange Tier. No significant impacts on District operations and no significant changes to safety protocols are expected because of tier status. He highlighted State plans to sunset the tier system and end business restrictions by June 15, 2021, depending on vaccine supply and hospitalization rates. He noted all COVID-19 rulemaking decisions are being determined by California Department of Industrial Relations Division of Occupational Safety and Health and California Department of Public Health with guidance from the Center for Disease Control and Prevention. However social distancing, face coverings, and other safety protocols are likely to remain. He highlighted the District's number of positive COVID-19 cases to date. Next, he provided vaccination status on District employees and at state-level and District COVID-19 related expenses. The District is continuing to provide educational information to employees and encouraging them to get vaccinated. The Safe Return to Workplace Plan (Plan) has been modified to incrementally increase building occupancy starting at 25 percent and have employees return to worksites 1-2 days per week beginning June 21, 2021. Next, he highlighted the Plan for the Board of Directors which includes three periods: 1) while Executive Order N-29-20 is in effect; 2) after Executive Order N-29-20 is rescinded; and 3) after all health orders, executive orders, and emergency declarations related to the coronavirus pandemic are rescinded.

Mr. Briggs responded to Board questions related to quarantine periods, Board member reporting of vaccination status, R number (rate disease is contracting or expanding), and whether there was input on Plans from all levels of the organization.

### Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update

General Manager Clifford C. Chan noted that due to time constraints this update will be postponed until the June 22, 2021 Board meeting. There will also be a special Board meeting on June 29, 2021 for additional discussion regarding the Cultural Audit Report prepared by The Winters Group.

### Water Conservation Activities and Messaging

Manager of Water Conservation Alice Towey and Special Assistant to the General Manager Kelly A. Zito discussed water conservation activities and messaging efforts in response to the drought. Ms. Towey noted staff efforts are geared to achieving the Board's adopted 10 percent District-wide water conservation goal; and to raising awareness and educating customers about the District's plan to supplement water supplies and support water conservation. She highlighted the tools, staff efforts, and rebates used as water conservation incentives. Tools used this year to promote water conservation include an interactive web portal, social media, webinars, and water report program. She noted a new focus to promote leak detection has been through the Water Report Program, water waste reporting, and social media. Staff is continuing to conduct targeted outreach to educate our customers on efficient irrigation through consistent messaging and tools to help customers manage their irrigation. Ms. Zito provided information on staff's efforts to communicate the District's dry weather conditions, drought declaration, and water supply planning through social media, and increased media and community outreach. Staff is looking at creating short videos and billboard ads. She noted ebmud.com has been updated to consolidate water smart resources including information about the District's water line flushing activities. On ebmud.com the Drought webpage has been activated and includes information on recent news and what the drought means to our customers.

Ms. Zito responded to Board question related to outreach to schools.

### Monthly Report – April 2021

General Manager Chan announced he was available if the Board had questions on the General Manager's April 2021 Monthly Report.

## **REPORTS AND DIRECTOR COMMENTS**

### **15. Committee Reports.**

- Filed with the Board were Minutes for the April 27, 2021 Finance/Administration and Sustainability/Energy Committee meetings.
- Planning Committee Chair Marguerite Young reported the Committee met earlier in the day (remotely) and received information on the Strategic Communications Plan; Paving and Other Related Services; 2020 Mokelumne Fall-run Chinook Salmon and Steelhead Returns; and Hydrogen Fueling Station at the Main Wastewater Treatment Plant. The Annual Recreation Report was deferred to a future meeting due to time constraints.

- Legislative/Human Resources Committee Chair John Coleman reported the Committee met earlier in the day (remotely) and received Legislative Report No. 05-21; and Fiscal Year 2021 Affirmative Action Program Report.

16. Other Items for Future Consideration.

None.

17. **Director Comments.**

- Director Coleman reported attending the ACWA - Federal Affairs Committee on May 3 and the Lafayette Rotary on May 5. He reported on plans to address the San Ramon/Danville Real Estate group on May 13; address the San Ramon Rotary on May 13; attend the DERWA Board meeting on May 17; address Danville/San Ramon Rotary on June 8; and address the San Ramon City Council on June 8. All meetings and events were/will be attended remotely. He also requested an article in the May 11, 2021 SF Chronicle regarding recharge groundwater basins be sent to all Board members.
- Director Young reported participating in the Orinda Supplemental Sales Tax Oversight Committee meeting on April 14; a watershed fuels management tour with staff on April 21; a tour of Skyline Gardens on the East Bay watershed on May 1; and a press event with staff at the San Pablo Reservoir on May 3.
- Directors Katz, McIntosh, Mellon, Patterson and President Linney had no reports.

**ADJOURNMENT**

President Linney adjourned the meeting at 4:56 p.m.

SUBMITTED BY:

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Janetta M. Johnson, Assistant to the General Manager

APPROVED: May 25, 2021

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Doug A. Linney, President of the Board

## **MINUTES**

**Friday, May 14, 2021  
East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California  
\*Virtual\***

### **Special Meeting**

President Doug A. Linney called to order the Special Meeting of the Board of Directors at 8:33 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

Directors John A. Coleman, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug Linney were present at roll call. Director Andy Katz arrived at 8:48 a.m. General Manager Clifford C. Chan and Secretary of the District Rischa S. Cole were also present.

### **PUBLIC COMMENT**

- Addressing the Board was Joey D. Smith, President, AFSCME Local 2019 who commented on the importance of the General Counsel's position at the District and asked the Board to remember the District's values and recent efforts around racial equity and justice during the interview process.

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

President Linney announced the Closed Session agenda and the Board convened to consider the selection for the General Counsel position pursuant to Government Code section 54957.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

The Board reconvened at 1:49 p.m. President Linney announced there were no announcements required from closed session.

**ADJOURNMENT**

President Linney adjourned the Special Closed Session Meeting at 1:50 p.m.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: May 25, 2021

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Doug A. Linney, President of the Board





AGENDA NO. 3.  
MEETING DATE May 25, 2021

**TITLE CASTENADA NO. 1 & NO. 2 RESERVOIRS REHABILITATION, GLEN  
RESERVOIR DEMOLITION, AND MULHOLLAND RESERVOIRS ROOF  
MAINTENANCE**

<b>TYPE</b>	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$19,001,000 for construction of the Castenada No. 1 & No. 2 Reservoirs Rehabilitation, Glen Reservoir Demolition, and Mulholland Reservoirs Roof Maintenance under Specification 2169.

**SUMMARY**

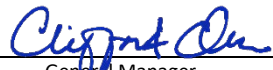
Work includes rehabilitation of Castenada No. 1 and No. 2 steel reservoirs, demolition of Glen redwood reservoir, and roof improvements at two Mulholland steel reservoirs. This project was discussed at the November 10, 2020 Long-Term Infrastructure Investment Workshop.

**DISCUSSION**

The project includes infrastructure renewal work for four distribution system reservoirs and demolition of one reservoir. The reservoirs are located at three sites in Lafayette, Orinda, and San Ramon in Contra Costa County (see attached map).

Castaneda Reservoirs are steel reservoirs located in San Ramon that were commissioned in 1986. Both reservoirs have severe roof corrosion and the interior tank coatings have exceeded their design life. The work includes replacing interior and exterior reservoir coatings, replacing deteriorating roofs with corrosion-resistant aluminum dome roofs, improving roof access and fall prevention structures, replacing valve vaults, and additional site improvements. Glen Reservoir is a 0.2-million-gallon redwood reservoir in Lafayette that was commissioned in 1949. The reservoir has exceeded its useful service life and is no longer needed for distribution operations. The reservoir was permanently removed from service in early 2021. The reservoir and valve pit will be demolished, and the property will be surplus after project completion. Mulholland Reservoirs are steel reservoirs in Orinda that were commissioned in 1999. The work includes replacement of perimeter flashing and vent screens, replacement of roof vents, installation of guard railings, and additional fall protection improvements.

This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21, CIP 000716; Page 39	Budget Coding: 570/7999/5561/2014757:31	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Engineering and Construction	Olujimi O. Yoloeye	 General Manager
Attachment(s): Location Map; Bid Summary; P-035; P-061		

## **BID RESULTS**

Bid documents were posted on the District's website and issued to 21 resource organizations and 31 prospective bidders. Three bids were received, ranging from \$19,001,000 to \$20,829,674. The bid summary is attached. The engineer's estimate for this work is \$17,990,000.

The lowest responsive/responsible bidder, Garney Pacific, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Garney Pacific, Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, Garney Pacific, Inc. has not filed a Government Code Claim nor initiated any litigation against the District.

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY21 adopted capital budget for the Reservoir Rehabilitation/Maintenance Project.

### **Social**

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

Local 444 was notified of this contract on December 22, 2020. Local 444's issues were addressed at a meeting on January 7, 2021 and resolved.

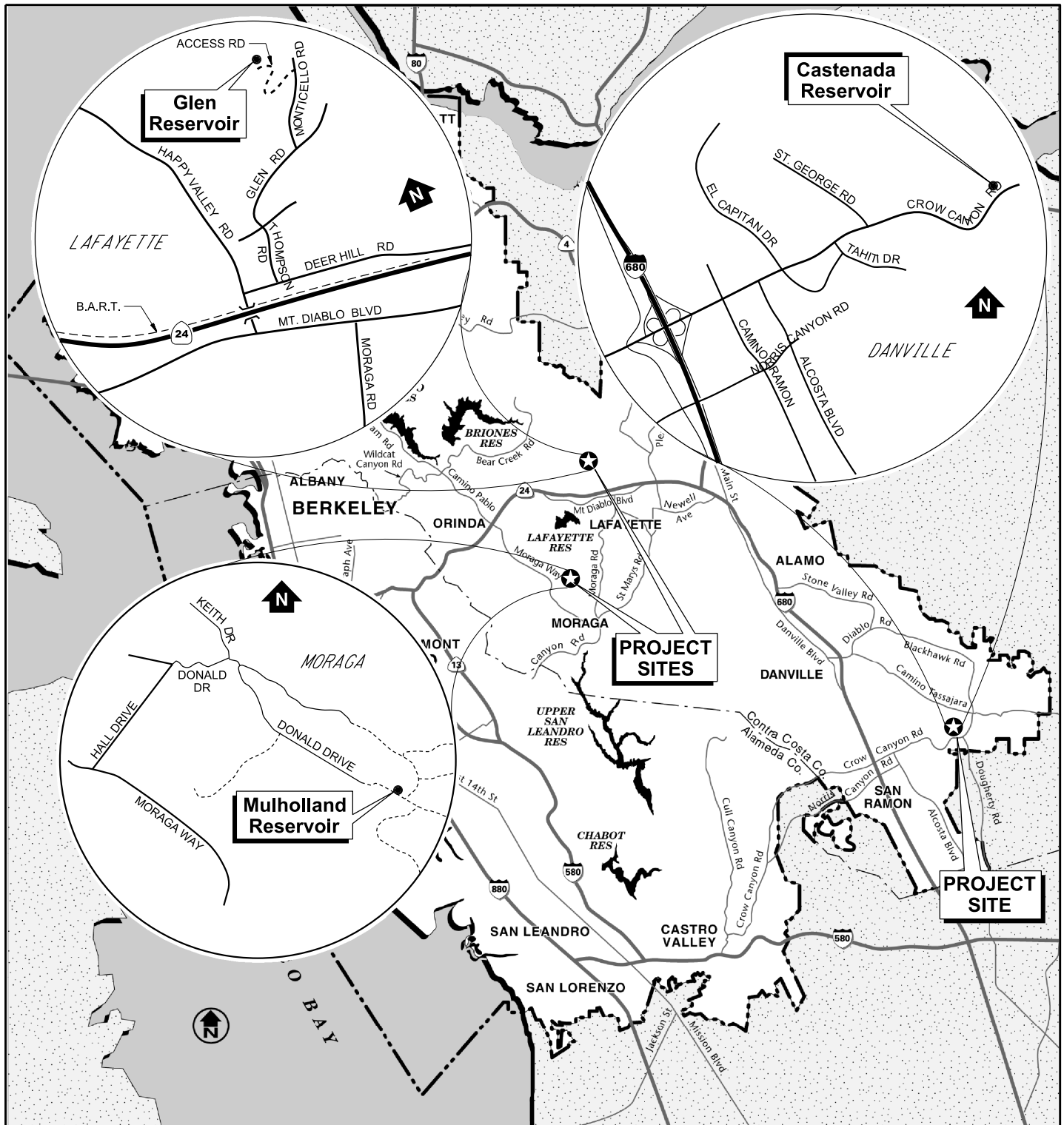
### **Environmental**

A California Environmental Quality Act Notice of Exemption was posted on CEQAnet Web Portal and ebmud.com on December 28, 2020 pursuant to Executive Order N-80-20.

## **ALTERNATIVES**

**Do not perform the work.** This alternative is not recommended because the work is required to extend the life of four reservoirs, demolish Glen Reservoir which is no longer needed for distribution operations, and make safety improvements for District employees.

**Perform the work with District forces.** This alternative is not recommended because the scope and complexity of the required work is beyond District in-house capabilities.



## PROJECT SITE LOCATION MAP

NOT TO SCALE

### EAST BAY MUNICIPAL UTILITY DISTRICT

**CASTENADA NO. 1 & NO. 2  
RESERVOIRS, GLEN RESERVOIR  
DEMOLITION, & MULHOLLAND  
RESERVOIRS ROOF MAINTENANCE**

**SPECIFICATION 2169**

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**SPECIFICATION 2169**

**CASTENADA NO. 1 AND NO. 2 RESERVOIRS REHABILITATION, GLEN  
RESERVOIR DEMOLITION, AND MULHOLLAND RESERVOIRS ROOF  
MAINTENANCE**

**Bids Opened April 28, 2021**

	<b>BIDDER</b>	<b>TOTAL AMOUNT BID</b>
1.	Garney Pacific, Inc. 324 E. 11 <sup>th</sup> St., Ste. E2 Tracy, CA 95376 (925) 800-1848	\$19,001,000
2.	Ranger Pipelines Incorporated PO Box 24109 San Francisco, CA 94124 (415) 822-3700	\$19,434,000
3.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$20,829,674

Engineer's Estimate: \$ 17,990,000



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>SPECIFICATION NO.:</b> 2169 Castaneda No. 1 & No. 2 Reservoirs Rehabilitation, Glen Reservoir Demolition, and Mulholland Reservoirs Roof Maintenance						<b>DATE:</b> May 6, 2021							
<b>CONTRACTOR:</b> Garney Pacific, Inc. Tracy, CA 95376					<b>Local Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b> \$19,001,000		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>99.9%</b>				
		<b>Ethnicity</b>		<b>Gender</b>		<b>White Women</b>		<b>9%</b>		<b>0.1%</b>			
		White		Men		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Garney Pacific, Inc.		\$4,445,616	White	X		23.4%							
<b>SUBS:</b> Bailey Fence Company, Inc.		\$277,500	White	X		1.5%							
Paso Robles Tank, Inc.		\$11,349,000	White	X		59.7%							
Murphy Industrial Coatings Inc.		\$53,459	White	X		0.3%							
National Coating & Lining Company		\$37,058	White	X		0.2%							
Con J. Franke Electric, Inc.		\$540,777	White	X		2.8%							
James Long Construction Services		\$22,800	White		X		0.1%						
Camblin Steel Services Inc.		\$53,400	White	X		0.3%							
Jifco, Inc.		\$1,449,100	White	X		7.6%							
Capital Flow		\$79,000	White	X		0.4%							
Southwest Valve LLC		\$612,190	White	X		3.2%							
C & C Metals		\$81,100	White	X		0.4%							
<b>TOTAL</b>		\$19,001,000				99.9%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>					
<b>No. of Employees:</b>		125		12		146		283					
<b>Percent of Total Employees:</b>		44.2%		4.2%		51.6%							
<b>MSA Labor Market %:</b>		32.3%		27.8%		39.9%							
<b>MSA Labor Market Location:</b>		9 Bay Area Counties											
<b>COMMENTS</b>													
Contract Equity Participation - 85.1% White Men participation and 14.9% Ethnic Minority participation													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>					
NA				YES									



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Castaneda No. 1 &amp; No. 2 Reservoirs Rehabilitation, Glen Reservoir Demolition, and Mulholland Reservoirs Roof Maintenance</b>		Ethnic Minority Percentages From U.S. Census Data						
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	
		<b>National</b>	10.5	10.7	3.7	0.7	27.3	
<b>Spec. No.: 2169</b>		<b>DATE:</b> 5/6/2021	<b>9 Bay Area Counties</b>	5.5	16.2	14.2	0.4	39.9
			<b>Alameda/CC Counties</b>	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>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>
<b>RP</b>	<b>WM: LBE</b>	<b>Company Wide</b>	1	43	2	1	47	52.2%
Garney Pacific, Inc. HR Department 324 E. 11 Street, Suite E2 Tracy, CA 95376  816-741-4600		Manager/Prof	0	1	0	0	1	5.9%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	1	4	1	0	6	60.0%
		Semi/Unskilled	0	38	1	1	40	63.5%
		<b>Bay Area</b>	1	43	2	1	47	52.2%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		90	
					Bay Area:		0	
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	0	29	1	0	30	81.1%
Bailey Fence Company, Inc. Lunor Simms 3205 Baumberg Avenue Hayward, CA 94545  510-783-2980		Manager/Prof	0	1	1	0	2	28.6%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	28	0	0	28	93.3%
		Semi/Unskilled	0	0	0	0	0	0.0%
		<b>Bay Area</b>	0	29	1	0	0	0.0%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		37	
					Bay Area:		37	
<b>S</b>	<b>WM</b>	<b>Company Wide</b>	6	34	0	0	40	35.1%
Paso Robles Tank, Inc. Shane Wombles 3883 Wentworth Drive Hemet, CA 92545  951-550-9612		Manager/Prof	0	3	0	0	3	15.8%
		Technical/Sales	1	1	0	0	2	50.0%
		Clerical/Skilled	5	26	0	0	31	38.3%
		Semi/Unskilled	0	4	0	0	4	40.0%
		<b>Bay Area</b>	0	0	0	0	0	0.0%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		114	
					Bay Area:		0	
<b>S</b>	<b>WM: LBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED					
Murphy Industrial Coatings Inc. Jim Liston 2441 Station Drive Stockton, CA 95215  209-832-7940		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		<b>Bay Area</b>						
		Co. Wide MSA:						
<b>S</b>	<b>WM</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED					
National Coating & Lining Company Sean Donegan 26713 Madison Avenue Murieta, CA 92562  562-449-5455		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		<b>Bay Area</b>						
		Co. Wide MSA:						
<b>S</b>	<b>WM: LBE</b>	<b>Company Wide</b>	3	15	2	0	20	30.8%
Con J. Franke Electric Inc. Shannon Martin 317 N. Grant Street Stockton, CA 95202  209-462-0717		Manager/Prof	0	1	0	0	1	9.1%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	3	13	2	0	18	35.3%
		Semi/Unskilled	0	1	0	0	1	100.0%
		<b>Bay Area</b>	2	9	0	0	11	64.7%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		65	
					Bay Area:		17	

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



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title: Castaneda No. 1 &amp; No. 2 Reservoirs Rehabilitation, Glen Reservoir Demolition, and Mulholland Reservoirs Roof Maintenance</b>			<b>Ethnic Minority Percentages From U.S. Census Data</b>													
				<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>								
			<b>National</b>	10.5	10.7	3.7	0.7	27.3								
<b>Spec. No.: 2169</b>		DATE: 5/6/2021	<b>9 Bay Area Counties</b>		5.5	16.2	14.2	0.4	39.9							
			<b>Alameda/CC Counties</b>		10.7	15.6	15.4	0.5	46.2							
<b>R=Recmmd</b> <b>P=Prime</b> <b>S=Sub</b>	<b>Composition of Ownership</b>		<b>Number of Ethnic Minority Employees</b>													
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>							
<b>S</b>	<b>WM</b>		INFORMATION NOT PROVIDED													
<b>Company Wide</b>																
James Long Construction Services																
Brad Tucker																
8560 Younger Creek Drive, #1																
Sacramento, CA 95828																
916-379-9524			INFORMATION NOT PROVIDED													
<b>Bay Area</b>																
Co. Wide MSA:																
<b>S</b>																
<b>WM</b>																
<b>Company Wide</b>																
Camblin Steel Services Inc.			INFORMATION NOT PROVIDED													
Beverly Stevens																
548 Gibson Drive, Suite 150																
Roseville, CA 95678																
916-644-1300																
<b>Bay Area</b>																
Co. Wide MSA:			INFORMATION NOT PROVIDED													
<b>S</b>																
<b>WM: LBE</b>																
<b>Company Wide</b>										0	47	5	-	52	89.7%	53.9%
Jifco, Inc.										0	7	2	0	9	75.0%	39.9%
Jay Forni, Jr.										0	1	0	0	0	0.0%	
571 Exchange Court			0	32	3	0	35	97.2%								
Livermore, CA 94550			0	7	0	0	7	100.0%								
925-449-4665			<b>Bay Area</b>		0	0	0	0	0.0%	39.9%						
Co. Wide MSA:			<b>Alameda</b>		# Employees-Co. Wide: <b>58</b>			Bay Area: <b>24</b>								
<b>S</b>	<b>WM</b>		INFORMATION NOT PROVIDED													
<b>Company Wide</b>																
Capital Flow																
Ryan Coffin																
7640 Wilbur Way																
Sacramento, CA 95828																
916-601-5954			INFORMATION NOT PROVIDED													
<b>Bay Area</b>																
Co. Wide MSA:																
<b>S</b>																
<b>WM: SBE</b>																
<b>Company Wide</b>										0	0	0	0	0	0.0%	54.0%
Southwest Valve LLC			0	0	0	0	0	0.0%	39.9%							
David Burrell			0	0	0	0	0	0.0%								
402 W Bedford Avenue, #111			0	0	0	0	0	0.0%								
Fresno, CA 93711			0	0	0	0	0	0.0%								
559-261-2703			<b>Bay Area</b>		0	0	0	0	0.0%	39.9%						
Co. Wide MSA:			<b>Fresno</b>		# Employees-Co. Wide: <b>6</b>			Bay Area: <b>0</b>								
<b>S</b>	<b>WM</b>		INFORMATION NOT PROVIDED													
<b>Company Wide</b>										1	11	0	0	12	27.9%	42.4%
C & C Metals										0	3	0	0	3	30.0%	39.9%
Michael Parsons										0	4	0	0	4	26.7%	
1402 East Davis Street										1	1	0	0	2	20.0%	
Conroe, TX 77301										0	3	0	0	3	37.5%	
936-760-5640 ext. 233			<b>Bay Area</b>		0	0	0	0	0.0%	39.9%						
Co. Wide MSA:			<b>Texas</b>		# Employees-Co. Wide: <b>43</b>			Bay Area: <b>0</b>								

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

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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





AGENDA NO. 4.  
MEETING DATE May 25, 2021

**TITLE** PRINTER, PLOTTER, AND DESKTOP SCANNER REPAIR SERVICES

<b><u>TYPE</u></b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b><u>ACTION</u></b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Ameritech Computer Services, Inc., for supplying printer, plotter, and desktop scanner repair services for two years, beginning on or after May 25, 2021 with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$140,000 under Request for Proposal No. PUR 105.

**SUMMARY**

This contract provides for as-needed repairs to District printers, plotters, and desktop scanners. The contract includes both materials and labor.

**DISCUSSION**

The District has over 400 printers, plotters, and desktop scanners used by employees to perform their daily tasks. Since the District does not have an inventory of replacement equipment or parts and staff does not have the required training to repair the equipment, this repair work must be completed by a certified printer repair vendor. This item supports the District's Long-Term Financial Stability Strategic Plan goal.


**VENDOR SELECTION**

A request for quotations was posted on the District's website, sent to three resource organizations and 22 potential bidders and advertised in the Oakland Tribune. Two bids were received. Ameritech Computer Services, Inc. was the lowest responsive/responsible bidder.

**SUSTAINABILITY**

**Economic**

The FY21 adopted operating budget includes funding for the first year of this multi-year contract. Funding for the additional years will be considered as part of the associated budget development process.

Funds Available: FY21	Budget Coding: 252/8763/5312	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Information Systems	Andrew J. Levine	 General Manager
Attachment(s): P-035, P-061		

### **Environmental**

Ameritech Computer Services, Inc. utilizes multiple sustainable business practices by partnering with environmentally conscious companies to provide recycled products to mitigate impacts to the environment.

### **ALTERNATIVES**

**Develop an in-house capability to repair printers, plotters, and desktop scanners.** This alternative is not recommended because the District does not have enough printers, plotters, and scanners to justify the cost of maintaining an inventory of replacement parts and providing the necessary staff training to repair the multiple equipment models.

**Reject all bids and do not perform the work.** This alternative is not recommended because printers, plotters, and scanners are an integral part of District operations.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Materials and Supplies - RFP No.: PUR 105</b>  Printer, Plotter, and Desktop Scanner Repair Services - Two-Year Contract with 3 One-Year Renewal options							<b>DATE:</b>  May 14, 2021						
<b>CONTRACTOR:</b>  Ameritech Computer Services, Inc. San Francisco, CA 94124					<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
Small Business					Availability Group		Contracting Objectives		Participation				
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			White Men		25%		0.0%				
		Ethnicity	Gender		White Women		2%		0.0%				
\$28,000.00 /yr.*		Asian	Men		Ethnic Minorities		25%		100.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>													
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
<b>PRIME:</b> Ameritech Computer Services, Inc.  <b>SUBS:</b> None		\$28,000	Asian	X				100.0%					
<b>TOTAL</b>		\$28,000				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
		White Men		White Women		Ethnic Minorities		Total Employees					
No. of Employees:		0		1		5		6					
Percent of Total Employees:		0.0%		16.7%		83.3%							
MSA Labor Market %:		29.2%		22.5%		48.3%							
MSA Labor Market Location:		San Francisco											
<b>COMMENTS</b>													
<b>Contract Equity Participation - 100% Ethnic Minority participation.</b>  *Total not to exceed: \$140,000													
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.**

[illegible]

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



AGENDA NO. 5.  
MEETING DATE May 25, 2021

**TITLE** DUMP TRUCK BATCH GATE RETROFIT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after May 25, 2021 with American Truck & Trailer Body Co., Inc. in an amount not to exceed \$300,000 to retrofit existing dump truck batch gates.

**SUMMARY**

This agreement provides for the modification of batch gates on 27 District dump trucks from manual gate actuation to powered actuation using compressed air. This modification allows safer release of backfill into a trench.

**DISCUSSION**

District dump trucks typically have three independent batch gates on the back of the truck to control where the product (e.g., base rock) in the bed is placed. Some District dump trucks have batch gates that require employees to manually open and close the gates. This activity can result in injuries and lost time. Staff worked with American Truck & Trailer Body Co., Inc. to develop a prototype retrofit that was evaluated through a successful year-long pilot. This agreement supports the District's Workforce Planning and Development Strategic Plan goal.

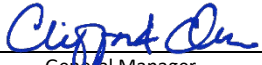
**VENDOR SELECTION**

A direct award is being recommended because American Truck & Trailer Body Co., Inc. originally built the dump bodies for all trucks that will be modified. The modified gates were designed to specifically fit and function on those truck bodies while preserving the original structural warranty of the body and providing a single source for future service, parts, and repair.

**SUSTAINABILITY**

**Economic**

Funding for this work is available in the FY21 adopted capital budget for the Pipeline Appurtenances Project.

Funds Available: FY21, CIP#000218; Page 65	Budget Coding: 720-7999-5301	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Maintenance and Construction	Michael R. Ambrose	 General Manager
Attachment(s): P-035; P-061		

**Social**

This type of work is not performed by District forces and consequently union notification was not required.

**ALTERNATIVE**

**Do not award this agreement.** This alternative is not recommended because leaving the batch gates as is would continue to expose employees to potential injuries.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Dump Truck Batch Gate Retrofit						<b>DATE:</b> March 23, 2021						
<b>CONTRACTOR:</b> American Truck & Trailer Body Co., Inc. Tracy, CA 95376				Direct Award / Local / Small Business		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>				<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>		
\$300,000 *		Asian		Men		White Men		25%		0.0%		
		Ethnicity		Gender		White Women		6%		0.0%		
		Asian		Men		Ethnic Minorities		25%		100.0%		
<b>CONTRACT EQUITY PARTICIPATION</b>												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> American Truck & Trailer Body Co., Inc.  <b>SUBS:</b> None		\$300,000	Asian	X				100.0%				
<b>TOTAL</b>		\$300,000				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		30		2		21		53				
<b>Percent of Total Employees:</b>		56.6%		3.8%		39.6%						
<b>MSA Labor Market %:</b>		32.3%		27.8%		39.9%						
<b>MSA Labor Market Location:</b>		9 Bay Area Counties										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 100% Ethnic Minority participation.  *Total not to exceed: \$300,000												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Dump Truck Batch Gate Retrofit</b>			Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL		
			National	10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b>		DATE: 3/23/2021	<b>9 Bay Area Counties</b>	5.5	16.2	14.2	0.4	39.9		
			<b>Alameda/CC Counties</b>	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number				B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM: A/PI - L/SBE		Company Wide	0	18	3	0	21	39.6%	39.9%
American Truck & Trailer Body Co., Inc. Toni Ageno 100 W Valpico Road, Building D Tracy, CA 95376  209-836-8985			Manager/Prof	0	2	3	0	5	31.3%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	1	0	0	1	20.0%	
			Semi/Unskilled	0	15	0	0	15	0.0%	
			Bay Area	0	18	3	0	21	0.0%	39.9%
			AA Plan on File:	NA		Date of last contract with District:		NA		
			Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		53		Bay Area: 53

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 May 25, 2021

**TITLE** PARDEE CENTER ADMINISTRATION BUILDING PAVING REPLACEMENT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after June 21, 2021 with K.W. Emerson, Inc. in an amount not to exceed \$175,800 for paving replacement of the Pardee Center Administration Building parking area and walkway.

**SUMMARY**

This agreement provides for replacement of paving at Pardee Center roadway and parking areas and surrounding walkways. In addition to paving replacement, an existing set of stairs will be replaced, and a walkway will be improved to comply with accessibility requirements.

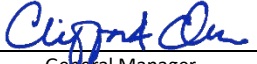
**DISCUSSION**

The existing paving surrounding the Pardee Center Administration Building is in poor condition and continues to deteriorate. Many areas of the pavement are broken and uneven due to sinking and heaving. In addition, the parking area lacks an American with Disabilities Act (ADA) compliant parking stall and building entry walkway. This project will address both the condition of the paving and the accessibility issues. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

**SERVICE PROVIDER SELECTION**

A request for proposals was sent to one resource organization. Three service providers submitted proposals. K. W. Emerson, Inc. was selected based on its experience on similar projects, implementation plan, schedule, and cost.

Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations of the State of California. The service provider, K.W. Emerson, Inc. is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. K.W. Emerson and its listed subcontractors are properly registered with the State DIR.

Funds Available: FY21, CIP#2001367; Page #121	Budget Coding: 762-VAR-7999-5312	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): P-035; P-061		

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY21 adopted capital budget for the Pardee Center Capital Maintenance and Improvement Project.

### **Social**

Local 444 was notified of this agreement on December 21, 2020 and did not raise any specific issues related to this agreement.

### **Environmental**

Removed asphalt material will be recycled by the supplier of the new asphalt. Removed aggregate base materials will be reused by District forces for maintenance of existing gravel roadways.

## **ALTERNATIVES**

**Perform the work with District forces.** This alternative is not recommended because staff is already committed to other higher priority work in the service area and cannot complete this work.

**Defer pavement replacement.** This alternative is not recommended because the existing paving has exceeded its useful life and will continue to deteriorate due to use and weather conditions. Additionally, the parking area lacks ADA compliant parking and a walkway which may result in violations.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Pardee Center Administration Building Paving Replacement						<b>DATE:</b> March 30, 2021						
<b>CONTRACTOR:</b> K.W. Emerson, Inc. San Andreas, CA 95249					<b>Small Business / Local Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
<b>BID/PROPOSER'S PRICE:</b> \$175,800 *		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>17.2%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>82.8%</b>				
		White	Women	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> K.W. Emerson, Inc.	\$145,600	White		X		82.8%						
<b>SUBS:</b> Chrisp Company	\$5,200	White	X		3.0%							
George Reed, Inc.	\$25,000	White	X		14.2%							
<b>TOTAL</b>		\$175,800			17.2%	82.8%	0.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		40		6		17		63				
<b>Percent of Total Employees:</b>		63.5%		9.5%		27.0%						
<b>MSA Labor Market %:</b>		28.0%		23.6%		48.4%						
<b>MSA Labor Market Location:</b>		California										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 17.2% White Men participation and 82.8% White Women participation.												
*Total not to exceed: \$175,800												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title:</b> <b>Pardee Center Administration Building Paving Replacement</b>		<b>Ethnic Minority Percentages From U.S. Census Data</b>							
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>		
		<b>National</b>	10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b> <b>DATE:</b> <b>3/30/2021</b>		<b>9 Bay Area Counties</b>		5.5	16.2	14.2	0.4	39.9	
		<b>Alameda/CC Counties</b>		10.7	15.6	15.4	0.5	46.2	
<b>R=Recmmd</b> <b>P=Prime S=Sub</b>	<b>Composition of Ownership</b>	<b>Number of Ethnic Minority Employees</b>							
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>WW: L/SBE</b>	<b>Company Wide</b>	0	17	0	0	17	27.0%	48.4%
K.W. Emerson, Inc. Tracy Kves 413 W. Saint Charles Street San Andreas, CA 95249  209-754-3839		Manager/Prof	0	1	0	0	1	6.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	8	0	0	8	28.6%	
		Semi/Unskilled	0	8	0	0	8	0.0%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>NA</b>		
		Co. Wide MSA:	<b>California</b>		# Employees-Co. Wide:		<b>63</b>		Bay Area: <b>0</b>
<b>S</b>	<b>WM: LBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Chrisp Company  1001 Stokes Avenue Stockton, CA 95215  209-948-2175		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>WM</b>	<b>Company Wide</b>	1	65	7	0	73	31.2%	28.6%
George Reed, Inc. Luis Fuentes 140 Empire Avenue Modesto, CA 95354  209-557-4172		Manager/Prof	0	1	0	0	1	5.0%	
		Technical/Sales	0	2	0	0	2	40.0%	
		Clerical/Skilled	1	51	7	0	59	33.1%	
		Semi/Unskilled	0	11	0	0	11	35.5%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	<b>Stanislaus</b>		# Employees-Co. Wide:		<b>234</b>		Bay Area: <b>0</b>
<b>P</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	2	7	0	0	9	27.3%	47.4%
Tom Mayo Construction, Inc. Tom Mayo 4735 E Fremont Street Stockton, CA 95215  209-943-6248		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	7	0	0	9	52.9%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	<b>San Joaquin</b>		# Employees-Co. Wide:		<b>33</b>		Bay Area: <b>33</b>
<b>S</b>	<b>WM</b>	<b>Company Wide</b>	1	65	7	0	73	31.2%	28.6%
George Reed, Inc. Luis Fuentes 140 Empire Avenue Modesto, CA 95354  209-557-4172		Manager/Prof	0	1	0	0	1	5.0%	
		Technical/Sales	0	2	0	0	2	40.0%	
		Clerical/Skilled	1	51	7	0	59	33.1%	
		Semi/Unskilled	0	11	0	0	11	35.5%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	<b>Stanislaus</b>		# Employees-Co. Wide:		<b>234</b>		Bay Area: <b>0</b>

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



AGENDA NO. 7.  
MEETING DATE May 25, 2021

**TITLE COMMERCIAL DRIVER LICENSE TRAINING AND MISCELLANEOUS DRIVER TESTING SERVICES**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after May 25, 2021 with MTS Training Academy, Inc. for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$845,976 for Class A and Class B commercial driver license training and support in proctoring Class A commercial driver testing.

**SUMMARY**


This agreement will provide training to prepare staff to obtain Class A and B commercial driver licenses and proctoring for Class A commercial driver testing during recruitment. Certain District staff positions must have or obtain a Class A or B commercial driver license to safely operate District commercial vehicles in support of new pipe installations, repairing main breaks, service leaks, and connecting services to new and replacement distribution pipelines.

**DISCUSSION**

Class A and B commercial driver licenses are required by the state to operate certain medium- or heavy-duty vehicles. Some job classifications such as the Water Distribution Plumber are required to obtain their commercial driver license prior to the end of their probationary period. Other job classifications such as Truck Driver II must have a commercial license prior to employment and testing is included in the recruitment process. This multi-year agreement replaces individual purchase orders for historically contracted out commercial drivers' license training and support. This agreement supports the District's Long-Term Infrastructure Investment and Workforce Planning and Development Strategic Plan goals.

**CONSULTANT SELECTION**

A project-specific request for proposals for commercial truck driving schools was sent to five firms on the short list and two proposals were received. MTS Training Academy, Inc. was selected based on its expertise in training commercial drivers and its ability to meet the District's needs for Class A and Class B training.

Funds Available: FY21	Budget Coding: 720/1005487/8523/5231	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Maintenance and Construction	Michael R. Ambrose	 General Manager
Attachment(s): P-035; P-061		

## **SUSTAINABILITY**

### **Economic**

The FY21 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

The amount for the first year of the agreement is \$153,100. Costs escalate by five percent annually in years two through five. Year two cost is \$160,755 and year three cost is \$168,793. Optional year four cost is \$177,233 and optional year five cost is \$186,095 for a total of \$845,976.

### **Social**

This type of work is not performed by District forces and consequently union notification was not required.

This agreement will help the District ensure staff is properly licensed and qualified to safely operate commercial vehicles.

## **ALTERNATIVE**

**Do not perform the training.** This alternative is not recommended because certain District classifications must have a commercial driver license to legally operate District commercial vehicles.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Commercial Driver License Training and Miscellaneous Driver Testing Services - Three-Year Contract with 2 One-Year Renewal Options						<b>DATE:</b> May 4, 2021						
<b>CONTRACTOR:</b> MTS Training Academy, Inc. Vallejo, CA 94589				Small Business / Sole Bidder		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$482,648 /yr.*		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
		Black	Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>100.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> MTS Training Academy, Inc.		\$482,648	Black	X				100.0%				
<b>SUBS:</b> None												
<b>TOTAL</b>		\$482,648				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		1		0		16		17				
<b>Percent of Total Employees:</b>		5.9%		0.0%		94.1%						
<b>MSA Labor Market %:</b>		27.8%		24.6%		47.6%						
<b>MSA Labor Market Location:</b>		Solano										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 100.0% Ethnic Minority participation												
*Total not to exceed: \$845,976 = \$482, 648 (3 years) + \$177,233 (optional year 4) + \$186,095 (optional year 5)												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:	<b>Commercial Driver License Training and Miscellaneous Driver Testing Services - Three-Year Contract with 2 One-Year Renewal Options</b>		<b>Ethnic Minority Percentages From U.S. Census Data</b>						
				<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	
			<b>National</b>	10.5	10.7	3.7	0.7	27.3	
<b>General Services Agreement</b>		DATE: 5/4/2021	<b>9 Bay Area Counties</b>	5.5	16.2	14.2	0.4	39.9	
			<b>Alameda/CC Counties</b>	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	<b>Number of Ethnic Minority Employees</b>							
Company Name, Owner/Contact Person, Address, and Phone Number			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>EMM: B - SBE</b>	<b>Company Wide</b>	12	2	2	0	16	94.1%	47.6%
MTS Training Academy, Inc. Keith Judkins 140 Yolano Drive Vallejo, CA 94589  707-643-4625		Manager/Prof	12	2	2	0	16	94.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>NA</b>		
		Co. Wide MSA:	<b>Solano</b>		# Employees-Co. Wide:		<b>17</b>	Bay Area:	<b>0</b>

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. 8.  
MEETING DATE May 25, 2021

**TITLE    CONSTANT FRACTIONAL MARKING, TAGGING, AND RECOVERY PROGRAM  
          FOR MOKELUMNE RIVER HATCHERY CHINOOK AND STEELHEAD**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning July 1, 2021 with Pacific States Marine Fisheries Commission (PSMFC) for five years for a total amount not to exceed \$2,170,000 for the marking, tagging, and recovery program for Chinook salmon and steelhead trout at the Mokelumne River Fish Hatchery, and the recovery and processing of coded-wire tags in California ocean fisheries.


**SUMMARY**

In 2007, the State of California required marking and tagging 25 percent of Chinook salmon and all steelhead trout produced at Central Valley hatcheries, including the Mokelumne River Fish Hatchery. Per agreements with California Department of Fish & Wildlife (CDFW), the District is responsible for implementing the Constant Fractional Marking (CFM) program at the Mokelumne hatchery and has done so through a contract with PSMFC since 2009. PSMFC is an interstate commission formed by the U.S. Congress in 1947 to conserve and manage fishery resources in the states of Alaska, Washington, Idaho, Oregon, and California. Beginning in July 2013, CDFW required additional funding to pay for recovery and processing of coded-wire tags in ocean fisheries, as well as inland fisheries. The Board previously approved agreements with PSMFC in 2008, 2011, and 2016.

**DISCUSSION**

Marking and tagging hatchery-produced fish is a long-term effort to monitor and evaluate salmon and steelhead hatchery programs.

Tags are recovered and read in private recreational and charter ocean fisheries, and the commercial troll fishery, from Crescent City to Avila Beach ports, and when the fish return inland to fresh water to spawn. This information from the tags is used by biologists to determine straying and survival rates, develop ocean harvest estimates, evaluate restoration activities, and determine the interaction between hatchery and naturally reared fish. Additionally, the data is used to estimate the contribution of Mokelumne River salmon to the overall harvest rates for Pacific Coast commercial and recreational fisheries. The information has been valuable in managing the Mokelumne hatchery to reduce straying and increase survival. Moreover, the data gathered has allowed the Lower Mokelumne River Partnership to

Funds Available: FY21	Budget Coding: WSO/483/1009953/5312	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Water and Natural Resources	Michael T. Tognolini	 General Manager
Attachment(s): P-035, P-061		

successfully advocate for adaptive management actions that ultimately improved salmon returns to the Mokelumne River. This agreement supports the District's Water Quality and Environmental Protection Strategic Plan goal.

## **SERVICE PROVIDER SELECTION**

PSMFC is currently under contract with EBMUD, CDFW and other Central Valley mitigators to conduct the CFM program at all hatcheries.

## **SUSTAINABILITY**

### **Economic**

Funding for the agreement will be considered as part of the associated budget development process. This agreement includes three percent annual escalation costs and a one-time expense of \$225,000 for trailer upgrades.

### **Social**

This type of work is not performed by District forces and consequently union notification was not required.

### **Environmental**

The agreement allows EBMUD and CDFW to manage salmon fisheries and contribute towards the Mokelumne River salmon population targets, including improving natural recruitment and the Central Valley Project Improvement Act doubling goal.

## **ALTERNATIVE**

**Do not perform the marking/tagging/recovery services.** This alternative is not recommended because this work is required by state and federal regulatory agencies. In addition, the marking and tagging program information has been instrumental in ensuring a healthy and robust Mokelumne salmon fishery.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Constant Fractional Marking, Tagging, and Recovery Program for Mokelumne River Hatchery Chinook and Steelhead - Five-Year Contract						<b>DATE:</b> May 18, 2021						
<b>CONTRACTOR:</b> Pacific States Marine Fisheries Commission Portland, OR 97202					<b>State Contract</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
<b>BID/PROPOSER'S PRICE:</b> \$2,170,000 *		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
		Non-Profit	-	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Pacific States Marine Fisheries Commission <b>SUBS:</b> None	\$2,170,000	Non-Profit								100.0%		
<b>TOTAL</b>			\$2,170,000		0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>	<b>Total Employees</b>							
<b>No. of Employees:</b>		186	116	39	341							
<b>Percent of Total Employees:</b>		54.5%	34.0%	11.4%								
<b>MSA Labor Market %:</b>		45.5%	39.5%	15.1%								
<b>MSA Labor Market Location:</b>		Oregon										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - Zero percent Contract Equity participation since firm is a Non-Profit organization. *Total not to exceed: \$2,170,000												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 9a-b.  
MEETING DATE May 25, 2021

**TITLE** TREE TRIMMING AND RELATED SERVICES

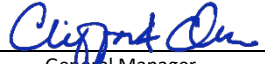
<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

- A. Authorize agreements with the service providers listed below for tree trimming and related services beginning on or after May 25, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$5,500,000.
- |   |                                    |
|---|------------------------------------|
| A Plus Tree, Inc.   | Asomeo Environmental Restoration   |
| Absolute Best Care  | Industry, LLC                      |
| Arbor Products Ltd. dba Expert Tree Service                         | Bay Area Tree Specialists          |
| Arboricultural Specialties, Inc. dba The Professional Tree Care Co. | Graham Tree Service, Inc.          |
| Arborist Now, Inc.  | Hamilton Tree Service, Inc.        |
| Arborwell, LLC dba Arborwell & SavATree                             | Julia Cabrera dba Julian Tree Care |
| Arborworks, Inc.  | Quality Tree Care                  |
|   | Tree Service Unlimited, Inc.       |
|   | West Coast Arborists, Inc.         |
- B. Authorize additional agreements, for tree trimming and related services, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

**SUMMARY**

These agreements are needed to address dead, diseased, damaged, or otherwise hazardous trees. The work includes tree trimming, tree removal, stump grinding, arborist evaluation, fire break maintenance, and tree thinning to reduce fire fuel loads.

Funds Available: FY21	Budget Coding: WWO/WSO/VAR/VAR/VAR	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): P-035; P-061		

## **DISCUSSION**

The District spends approximately \$1,100,000 annually for tree trimming and related services. Services for some large-scale tree removal projects, such as the San Pablo Reservoir tree removal, will be contracted for outside of this authorization. These services are used to trim or remove dead, diseased, damaged, or otherwise hazardous trees. Services are performed on an as-needed basis when damage occurs and to address trees previously identified for removal. The District solicits bids from a subset of authorized service providers on a project-by-project basis, and the work is awarded to the lowest bidder for each job. This process is an efficient means of authorizing multiple agreements for these types of services, and the process has worked well in attracting qualified service providers including many small, local, and minority-owned businesses. This agreement supports both the District's Long-Term Infrastructure Investment and Water Quality and Environmental Protection Strategic Plan goals.

## **SERVICE PROVIDER SELECTION**

A request for qualifications was posted on the District's website and sent to 73 potential proposers. Nineteen service providers submitted proposals and 15 of those who responded completed the Contract Equity Program forms.

Work under these agreements is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. The service providers listed above are licensed to perform work in California and are not on the State DIR debarment list. They are properly registered with the State DIR.

## **SUSTAINABILITY**

### **Economic**

The FY21 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

### **Social**

This type of work is not performed by District forces and consequently union notification was not required.

Removing dead, diseased, damaged, or otherwise hazardous trees addresses employee and public safety, increases the useful life of District facilities, provides regulatory-required vegetation control for fire prevention, and improves customer service by removing trees on District property that may cause damage to adjacent properties or public rights-of-way.

### **Environmental**

The District is required to comply with fire prevention requirements, which include removal of dead trees to reduce fire hazards and create natural firebreaks.

## **ALTERNATIVES**

**Solicit bids for each project/job.** This alternative is not recommended because it would generate an unnecessary administrative burden for District staff and increase the time to complete jobs.

**Perform the work with District forces.** This alternative is not recommended because staff does not have the training, equipment, or experience to safely perform this work.

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# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Tree Trimming and Related Services - Three-Year Contract with 2 One-Year Renewal Options						<b>DATE:</b> May 13, 2021					
<b>CONTRACTOR:</b> Various Firms (See Below)					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$5,500,000 *		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>86.6%</b>			
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>6.7%</b>			
		See Below		-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>6.7%</b>	
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIMES:</b>											
A Plus Tree, Inc.	\$366,667	White	X		6.7%						
Absolute Best Care	\$366,667	White	X		6.7%						
Arbor Products Ltd. dba Expert Tree Service	\$366,667	White	X		6.7%						
Arboricultural Specialties, Inc. dba The Professional Tree Care Co.	\$366,667	White	X		6.7%						
Arborist Now, Inc.	\$366,667	White	X		6.7%						
Arborwell, LLC dba Arborwell & SavATree	\$366,667	White	X		6.7%						
Arborworks, Inc.	\$366,667	White	X		6.7%						
Asomeo Environmental Restoration Industry, LLC	\$366,667	White	X		6.7%						
Bay Area Tree Specialists	\$366,667	White	X		6.7%						
Graham Tree Service, Inc.	\$366,667	White	X		6.7%						
Hamilton Tree Service, Inc.	\$366,667	White	X		6.7%						
Julia Cabrera dba Julian Tree Care	\$366,667	Hispanic	X				6.7%				
Quality Tree Care	\$366,667	White	X		6.7%						
Tree Service Unlimited, Inc.	\$366,667	White		X		6.7%					
West Coast Arborists, Inc.	\$366,667	White	X		6.7%						
<b>TOTAL</b>	\$5,500,000				86.6%	6.7%	6.7%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		See Attached Form P-061									
<b>Percent of Total Employees:</b>											
<b>MSA Labor Market %:</b>											
<b>MSA Labor Market Location:</b>											
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - 86.6% White Men participation, 6.7% White Women participation and 6.7% Ethnic Minority participation.											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title: Tree Trimming and Related Services - Three-Year Contract with 2 One-Year Renewal Options</b>		<b>Ethnic Minority Percentages From U.S. Census Data</b>							
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>		
		National	10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b> DATE: 5/13/2021		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	<b>Number of Ethnic Minority Employees</b>							
Company Name, Owner/Contact Person, Address, and Phone Number			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>P</b>	<b>WM: LBE</b>	<b>Company Wide</b>	0	59	1	0	60	45.5%	48.4%
A Plus Tree, Inc. Cody Andrews 3490 Buskirk Avenue Pleasant Hill, CA 94523 385-441-5695		Manager/Prof	0	15	0	0	15	30.6%	
		Technical/Sales	0	1	1	0	2	25.0%	
		Clerical/Skilled	0	3	0	0	3	37.5%	
		Semi/Unskilled	0	40	0	0	40	59.7%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	California		# Employees-Co. Wide:		132	Bay Area:	84
<b>P</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	0	3	0	0	3	75.0%	38.5%
Absolute Best Care Michael Petrovich 4165 Beryl Drive Concord, CA 94518 925-864-3767		Manager/Prof	0	2	0	0	2	66.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		<b>Bay Area</b>	0	3	0	0	3	75.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		4	Bay Area:	4
<b>P</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	0	15	0	0	15	75.0%	38.5%
Arbor Products Ltd. dba Expert Tree Service Brian Gates 601 Fish Ranch Road Orinda, CA 94563 510-918-1242		Manager/Prof	0	2	0	0	2	66.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	12	0	0	12	80.0%	
		<b>Bay Area</b>	0	15	0	0	15	75.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		20	Bay Area:	20
<b>P</b>	<b>WM: LBE</b>	<b>Company Wide</b>	10	59	0	0	69	54.3%	47.8%
Arboricultural Specialties, Inc. dba The Professional Tree Care Co. 2828 8th Street Berkeley, CA 94710 510-549-3954		Manager/Prof	2	2	0	0	4	28.6%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	7	0	0	7	38.9%	
		Semi/Unskilled	8	50	0	0	58	62.4%	
		<b>Bay Area</b>	10	59	0	0	69	54.3%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		127	Bay Area:	127
<b>P</b>	<b>WM</b>	<b>Company Wide</b>	1	16	1	0	18	60.0%	39.9%
Arborist Now, Inc. Elena Patrice 580 California Street, 12th Floor San Francisco, CA 94104 415-310-7781		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	4	1	0	6	60.0%	
		Semi/Unskilled	0	12	0	0	12	100.0%	
		<b>Bay Area</b>	1	16	1	0	18	60.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		30	Bay Area:	30
<b>P</b>	<b>WM: LBE</b>	<b>Company Wide</b>	1	144	3	1	149	80.1%	48.4%
Arborwell, LLC dba Arborwell & SavATree Cynthia Kirkman 23337 American Avenue Hayward, Ca 94545 510-606-1225		Manager/Prof	0	11	1	0	12	44.4%	
		Technical/Sales	0	1	0	0	1	6.7%	
		Clerical/Skilled	0	53	2	1	56	88.9%	
		Semi/Unskilled	1	79	0	0	80	98.8%	
		<b>Bay Area</b>	0	126	2	1	129	81.1%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		186	Bay Area:	159

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)

(P-061 - 7/11)



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title: Tree Trimming and Related Services - Three-Year Contract with 2 One-Year Renewal Options</b>		<b>Ethnic Minority Percentages From U.S. Census Data</b>							
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>		
		<b>National</b>	10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b> DATE: 5/13/2021		<b>9 Bay Area Counties</b>		5.5	16.2	14.2	0.4	39.9	
		<b>Alameda/CC Counties</b>		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	<b>Number of Ethnic Minority Employees</b>							
Company Name, Owner/Contact Person, Address, and Phone Number			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>P</b>	<b>WM</b>	<b>Company Wide</b>	0	110	0	0	110	62.1%	48.4%
Arborworks, Inc. Kavina Martinez 15466 Los Gatos Blvd., Suite 109-338 Los Gatos, CA 95032 866-936-8733		Manager/Prof	0	9	0	0	9	28.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	50.0%	
		Semi/Unskilled	0	99	0	0	99	70.2%	
		<b>Bay Area</b>	0	10	0	0	10	100.0%	39.9%
		Co. Wide MSA: <b>California</b>	# Employees-Co. Wide: <b>177</b>				Bay Area: <b>10</b>		
<b>P</b>	<b>WM: SBE</b>	<b>Company Wide</b>	1	20	2	0	23	43.4%	31.6%
Asomeo Environmental Restoration Industry, LLC Lawrence Kahn 2151 River Plaza Drive, Suite 105 Sacramento, CA 95833 917-359-5148		Manager/Prof	0	1	0	0	1	20.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	19	2	0	22	129.4%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	1	19	1	0	21	63.6%	39.9%
		Co. Wide MSA: <b>Sacramento</b>	# Employees-Co. Wide: <b>53</b>				Bay Area: <b>33</b>		
<b>P</b>	<b>WM: SBE</b>	<b>Company Wide</b>	0	41	0	0	41	83.7%	52.1%
Bay Area Tree Specialists Richard Smith 541 W. Capitol Expy. PMB #287 San Jose, CA 95111 408-836-9147		Manager/Prof	0	38	0	0	38	84.4%	
		Technical/Sales	0	2	0	0	2	66.7%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		<b>Bay Area</b>	0	41	0	0	41	83.7%	39.9%
		Co. Wide MSA: <b>San Jose</b>	# Employees-Co. Wide: <b>49</b>				Bay Area: <b>49</b>		
<b>P</b>	<b>WM: SBE</b>	<b>Company Wide</b>	0	7	0	0	7	77.8%	46.2%
Graham Tree Service, Inc. Raymond Graham 520 Doolittle Drive San Leandro, CA 94577 510-383-9585		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	50.0%	
		Semi/Unskilled	0	6	0	0	6	100.0%	
		<b>Bay Area</b>	0	7	0	0	7	77.8%	39.9%
		Co. Wide MSA: <b>Alameda/Contra Costa</b>	# Employees-Co. Wide: <b>9</b>				Bay Area: <b>9</b>		
<b>P</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	0	4	0	2	6	42.9%	38.5%
Hamilton Tree Service, Inc. Heather Hamilton 4949 Pacheco Blvd. Martinez, CA 94553 925-228-1010		Manager/Prof	0	0	0	2	2	40.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	4	0	0	4	44.4%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	4	0	2	6	42.9%	39.9%
		Co. Wide MSA: <b>Contra Costa</b>	# Employees-Co. Wide: <b>14</b>				Bay Area: <b>14</b>		
<b>P</b>	<b>EMM: L/SBE</b>	<b>Company Wide</b>	1	24	0	0	25	100.0%	38.5%
Julia Cabrera dba Julian Tree Care Julian Cabrera 561 Juliga Woods Street Richmond, CA 94804 510-860-8945		Manager/Prof	0	2	0	0	2	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	4	0	0	4	100.0%	
		Semi/Unskilled	1	18	0	0	19	100.0%	
		<b>Bay Area</b>	1	24	0	0	25	100.0%	39.9%
		Co. Wide MSA: <b>Contra Costa</b>	# Employees-Co. Wide: <b>25</b>				Bay Area: <b>25</b>		

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

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 10a-b.  
MEETING DATE May 25, 2021

**TITLE** VEHICLE COLLISION REPAIR AND GLASS REPLACEMENT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

- A. Authorize agreements with the service providers listed below for vehicle collision repair and glass replacement beginning on or after May 25, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$1,100,000.

Auto Glass Techs  
Falcon Collision Repair  
George V. Arth & Son

Maz Glass  
Grand Collision Center, Inc.  
GlassTek


- B. Authorize additional agreements for vehicle collision repair and glass replacement, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

**SUMMARY**

This agreement is for restoration of automotive, truck, and equipment damaged by collisions or road hazards.

**DISCUSSION**

In the past, the District issued individual purchase orders for collision and glass repairs. Board authorization is needed for multi-year agreements that will streamline administration and lower costs. In Fiscal Year 2021, ten collision repair orders and 94 glass repair orders have been placed to date. These agreements support the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21	Budget Coding: 756-5291; 756-5412	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Maintenance and Construction	Michael R. Ambrose	 General Manager
Attachment(s): P-035; P-061		

## **SERVICE PROVIDER SELECTION**

A request for proposals was posted on the District's website and sent to six qualified service providers. Six service providers submitted proposals and were selected based on the services they provide, quality of workmanship, and cost.

## **SUSTAINABILITY**

### **Economic**

The FY21 adopted operating budget includes funding for the first year of these multi-year agreements. Funding for the additional years will be considered as part of the associated budget development process.

### **Social**

This type of work is not performed by District forces and consequently union notification was not required.

## **ALTERNATIVES**

**Do not award this agreement.** This alternative is not recommended because individual purchase orders would continue to be issued and competitive bidding would not occur.

**Rebid the service.** This alternative is not recommended because the District engaged in a fair and competitive solicitation process.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Vehicle Collision Repair and Glass Replacement - Three-Year Contract with 2 One-Year Renewal Options						<b>DATE:</b> May 4, 2021						
<b>CONTRACTOR:</b> Various Firms (See Below)				Local / Small Businesses		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>33.3%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
\$1,100,000 *		See Below		-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>66.7%</b>		
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIMES:</b>												
Auto Glass Techs	\$183,333	Hispanic	X					16.7%				
Falcon Collision Repair	\$183,333	Hispanic	X					16.7%				
George V. Arth & Son	\$183,333	White	X		16.7%							
Maz Glass	\$183,333	White	X		16.7%							
Grand Collision Center, Inc.	\$183,333	Asian	X					16.7%				
GlassTek	\$183,333	Asian	X					16.7%				
<b>TOTAL</b>		\$1,100,000			33.3%	0.0%	66.7%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		INFORMATION NOT PROVIDED										
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 33.3% White Men participation and 66.7% Ethnic Minority participation.												
*Total not to exceed: \$1,100,000												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title:</b> Vehicle Collision Repair and Glass Replacement - Three-Year Contract with 2 One-Year Renewal Options		<b>Ethnic Minority Percentages From U.S. Census Data</b>							
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>		
		National	10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b> DATE: 5/4/2021		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	<b>Number of Ethnic Minority Employees</b>							
Company Name, Owner/Contact Person, Address, and Phone Number			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>EMM: H - L/SBE</b>	<b>Company Wide</b>	0	1	0	0	1	100.0%	53.9%
Auto Glass Techs Julio Lara Jr. 2926 San Pablo Avenue, Suite B Oakland, CA 94608  510-934-8964		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	0	0	0	0	0	NA	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:			NA	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 1			Bay Area: 1	
<b>RP</b>	<b>EMM: H - L/SBE</b>	<b>Company Wide</b>	0	8	0	0	8	80.0%	38.5%
Falcon Collision Repair Taylor Dominguez 1812 Arnold Industrial Place Concord, CA 94520  925-609-5960		Manager/Prof	0	2	0	0	2	66.7%	
		Technical/Sales	0	5	0	0	5	83.3%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	8	0	0	8	80.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 10			Bay Area: 10	
<b>RP</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	1	13	2	0	16	61.5%	53.9%
George V. Arth & Son Ron Arth 110 10th Street Oakland, CA 94607  510-836-2535		Manager/Prof	0	1	0	0	1	50.0%	
		Technical/Sales	1	8	1	0	10	62.5%	
		Clerical/Skilled	0	1	0	0	1	50.0%	
		Semi/Unskilled	0	3	1	0	4	66.7%	
		<b>Bay Area</b>	1	13	2	0	16	61.5%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 26			Bay Area: 26	
<b>RP</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	0	20	0	0	20	80.0%	39.9%
Maz Glass Ed Hemmat 2420 San Pablo Avenue Oakland, CA 94612  510-773-7100		Manager/Prof	0	3	0	0	3	37.5%	
		Technical/Sales	0	5	0	0	5	100.0%	
		Clerical/Skilled	0	5	0	0	5	100.0%	
		Semi/Unskilled	0	7	0	0	7	100.0%	
		<b>Bay Area</b>	0	20	0	0	20	80.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 25			Bay Area: 25	
<b>RP</b>	<b>EMM: A/PI - L/SBE</b>	<b>Company Wide</b>	0	8	2	0	10	100.0%	53.9%
Grand Collision Center, Inc. Ruel Tiamzon 22765 Grand Street Hayward, CA 94541  510-581-9700		Manager/Prof	0	0	2	0	2	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	8	0	0	8	100.0%	
		<b>Bay Area</b>	0	8	0	0	8	80.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 10			Bay Area: 10	
<b>RP</b>	<b>EMM: A/PI - L/SBE</b>	<b>Company Wide</b>	0	0	2	0	2	66.7%	53.9%
GlassTek Marrel Sengul 1726 Park Street, Unit B Alameda, CA 94501  510-217-8210		Manager/Prof	0	0	1	0	1	50.0%	
		Technical/Sales	0	0	1	0	1	100.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	0	2	0	2	66.7%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 3			Bay Area: 3	

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. 11.  
MEETING DATE May 25, 2021

**TITLE AUTHORIZE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT  
LOAN APPLICATION FEE PAYMENT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize the District to pay a \$100,000 application fee to the U.S. Environmental Protection Agency (EPA) for its Water Infrastructure Finance and Innovation Act (WIFIA) loan program.

**SUMMARY**

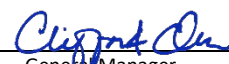
In October 2020, the District submitted a WIFIA Letter of Interest (LOI) to the EPA. Based on this LOI, the EPA invited the District to submit a formal application to WIFIA in January 2021. After carefully considering the relative costs and benefits of a WIFIA loan as compared to revenue bonds, staff recommends paying the \$100,000 non-refundable application fee required to submit the application. This will allow staff to submit a WIFIA application and continue to negotiate specific terms and conditions of the WIFIA loan before seeking Board approval for the loan. This fee will be applied to the final EPA-determined costs of securing the loan, which may total up to \$700,000. This item was presented at the May 25, 2021 Finance/Administration Committee meeting.

**DISCUSSION**

WIFIA is a federal loan program that provides financing to water and wastewater projects. The District spent the past several months examining the relative costs and benefits of the program and one major consideration is current and future interest rates for a WIFIA loan compared to revenue bonds. While future interest rates are not predictable, staff believes under many reasonable scenarios a WIFIA loan is more advantageous to the District. In addition, a WIFIA loan has certain flexible features revenue bonds do not have that could enhance the benefits of the program.

The potential savings and advantages of WIFIA include:

- A lower cost of financing under many reasonable interest rate scenarios.
- Potential additional flexibility in financing terms including extending the loan to 35 years from substantial project completion; deferring repayment until five years after project completion; and potentially subordinating the loan to existing revenue bonds.

Funds Available: FY21	Budget Coding: WSO/885/9710/5241	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): N/A		

- Ability to lock in a long-term interest rate without drawing on the loan immediately. Additionally, the District can utilize lower-cost short-term borrowing prior to the drawdown of a WIFIA loan.
- Participation demonstrates the District's commitment to federal infrastructure priorities, which may support the District's participation in future federal loan or grant programs.

Potential costs and disadvantages include:

- American Iron and Steel (AIS) requirements will increase costs by 1 to 3 percent compared to completing the projects without AIS requirements. AIS requires that certain iron and steel components are documented as produced in America.
- Increased costs and complexity for tracking compliance with AIS and the Davis-Bacon Act, which is related to paying prevailing wages.
- Potential schedule delays due to AIS-compliant material availability, which could add significant unexpected costs to the total project cost.
- AIS compliance risks include contractor compliance exposure.
- Added expenditures to the EPA throughout the construction and loan period, including approximately \$8,000-\$27,000 in annual fees during life of the loan.

The primary benefit remains lower interest rates compared to the District's own assumed costs of borrowing, though recent trends in the bond market have narrowed or eliminated these savings depending on assumptions used. Using interest rates as of early May, the District would have present value (PV) savings of approximately \$27 million (4.5% savings compared to total PV debt service of \$603 million using revenue bonds alone). If interest rates do not change over the next 30 years, and the revenue bonds are refunded twice for savings, the WIFIA loan would increase PV costs by \$24 million (or 4% increased costs). That said, interest rates remain historically low and it is reasonable to assume, under many scenarios, the District will save money by entering into a WIFIA loan.

The District will continue to evaluate the best way to maximize the other flexibility that WIFIA provides in the District's long-term capital financing plan. Participation in a WIFIA loan may enable the District to leverage existing or future short-term borrowing to its maximum benefit and decrease total interest costs. The District will also evaluate ways to ensure the WIFIA loan provides the maximum benefit to the District's creditworthiness as viewed by the major rating agencies.

Compliance with WIFIA construction requirements will increase costs and add risk related to construction and compliance. The District has complied with AIS and Davis-Bacon requirements for recent State Revolving Fund (SRF) loans. To comply with various federal requirements with projects of this size, the District will need seek support from specialist contractors to support compliance with AIS and Davis-Bacon requirements. These compliance considerations will continue to be part of the application and evaluation process if the District chooses to move forward with the application.

This loan supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.

## **SUSTAINABILITY**

### **Economic**

The FY21 adopted operating budget does not include funding for this unplanned expense. The fiscal impact associated with this action will be absorbed within the existing budget appropriation. If the Board chooses to enter into a WIFIA loan under a future action, the funding would be part of the District's existing debt financing plans and would replace other revenue bonds expected to be issued by the District over the next several years.

## **ALTERNATIVE**

**Substitute revenue bond financing.** This alternative is not recommended as many scenarios show that WIFIA will decrease total financing costs through the life of the loan.

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AGENDA NO. 12.1-12.3.  
MEETING DATE May 25, 2021

**TITLE** AUTHORIZE THE HYDROGEN FUELING STATION LEASE AGREEMENT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

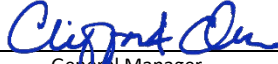
**RECOMMENDED ACTION**

Take the following actions related to the proposed lease with FirstElement Fuel, Inc. (Lessee) for construction and operation of a hydrogen fueling station on the District's West End property located at Engineer Road and Wake Avenue in Oakland:

1. Consider the addendum to the 2011 Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan Environmental Impact Report (2011 EIR) for the FirstElement Fuel Hydrogen Fueling Station.
2. Determine the proposed hydrogen fueling station lease would not cause environmental effects that were not analyzed in the 2011 EIR, that no further environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines section 15162, and that the proposed lease falls within the scope of and is adequately described in the 2011 EIR.
3. Authorize the execution of a ten-year land lease with Lessee, with one option to renew for an additional five-year lease term at the District's option, for approximately two acres of land (Land) located within the District's West End property to construct and operate a hydrogen fueling station.

**SUMMARY**

The West End property is a 15.9-acre parcel located adjacent to the MWWTP at Engineer Road and Wake Avenue which the District owns and is slowly expanding into. The Land for the proposed lease is located at the eastern most portion of the West End property. The Land contains a 28,000 square foot structure, which remains unoccupied due to structural deficiencies and seismic hazards. As part this project, the Lessee will demolish the building and construct a hydrogen fueling station. At this time, the District has no need to utilize this portion of the West End property and demolition of the building constitutes a site improvement for future District use. This project and the lease agreement were discussed at the May 11, 2021 Planning Committee meeting.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Wastewater	Eileen M. White	 General Manager
Attachment(s): Map of Lease Area		

## **DISCUSSION**

The Lessee is a hydrogen fueling station developer with a statewide network of hydrogen fueling stations under the brand name True Zero. True Zero operates nine hydrogen fueling stations in the Bay Area from Mill Valley to San Jose. The Lessee will be using the Land to construct and operate a station that provides renewable hydrogen to fuel cell electric drayage trucks serving the Port of Oakland. The hydrogen fueling station installation will be paid for in part by grant funds from the California Energy Commission.

The Lessee agrees to lease the Land on an as-is basis and will arrange for its utilities. The Land is encumbered by restrictions detailed in the Covenant to Restrict Use of Property – Environmental Restriction, and implemented through an Operation and Maintenance Plan approved by the Department of Toxic Substances Control (DTSC). These restrictions were incorporated in the Consent Agreement executed between the District and DTSC when the property was purchased. The restrictions are due to soil and groundwater contamination caused by the former landowner. Specific restrictions are to limit future development to non-sensitive uses (e.g., no hospitals, residences, or schools); prohibit installation of groundwater wells for potable use; and require communication with DTSC regarding excavation and soil disposal activities. The lease incorporates these encumbrances to ensure that both the District and the Lessee continue to meet their obligations under the various West End property covenants and restrictions.

The Land is available for alternative uses for at least the next ten years. Beyond that, the District may utilize this area for treatment process expansion to meet new regulatory requirements. In that case, the Land will be improved due to the demolition of the existing structure. If the Lessee requests an extension after the initial term and the District does not have a need for the Land, the lease may be extended for an additional five-year term. This approach provides the District flexibility to accommodate future needs for the Land.

## **SUSTAINABILITY**

### **Economic**

The base rent for this lease is \$23,635 monthly or \$283,620 annually, with subsequent increases at three percent annually. The total revenue realized by the District over the initial ten-year lease term will be approximately \$3.3 million and \$5.4 million if the District authorizes a five-year extension. The District will benefit from site improvements due to the building demolition.

### **Social**

The hydrogen fueling station promotes the use of zero-emission heavy duty vehicles serving the Port of Oakland. Air quality in the West Oakland community is significantly impacted by diesel emissions from Port of Oakland operations, and this project is a step forward in reducing emissions and improving air quality. The Land will also be maintained while remaining available for future District use.

### **Environmental**

In 2011, acting as the CEQA lead agency, the District prepared the 2011 EIR (SCH No. 2009112073), which analyzed the MWWTP Land Use Master Plan's 13 different land use elements for the MWWTP, including using the Land for emergency equipment storage and employee parking, and entry into revenue-

generating land leases on the West End property. On June 28, 2011, the Board certified the 2011 EIR, made CEQA findings and adopted a statement of overriding considerations, and approved the MWWTP Land Use Master Plan.

In support of the proposed lease, the District completed an addendum to the 2011 EIR describing the proposed change in use of the Land from emergency equipment storage and employee parking to a hydrogen fueling station. The addendum concludes that the proposed lease would not cause environmental effects that were not analyzed in the 2011 EIR, that no further environmental review is required pursuant to CEQA Guidelines section 15162, and that the proposed lease falls within the scope of the 2011 EIR, such that the Board may approve the proposed lease based on the analysis contained in the addendum and the 2011 EIR. As a revenue generating lease located on the West End property, the lease is also consistent with the types of land uses described and analyzed in the 2011 EIR. The lease would also require the Lessee to comply with all applicable mitigation measures from the 2011 EIR. On May 20, 2021 the Board received copies of the 2011 EIR, subsequent addenda, and the addendum for the FirstElement Fuel Hydrogen Fueling Station.

## **ALTERNATIVE**

**Do not execute the lease.** This alternative is not recommended because the District has no current plans to use the Land and if the lease is not executed, the District would lose this future revenue.



## BUILDING 1086 LEASE AREA







AGENDA NO. 13.  
MEETING DATE May 25, 2021

**TITLE WATER SUPPLY ASSESSMENT FOR THE 600 ADDISON STREET PROJECT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grant Acceptance	<input checked="" type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Approve the Water Supply Assessment (WSA) requested by the City of Berkeley (City) for the 600 Addison Street Project (Project), pursuant to California Water Code, Sections 10910-10915.

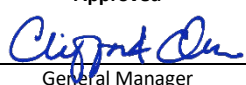
**SUMMARY**

The Project is located at 600 Addison Street in the City and is bounded by Berkeley Aquatic Park to the west, Addison Street to the north, Bancroft Way to the south, and 3<sup>rd</sup> Street to the east (see Attachment A). The Project area consists of approximately 8.4 acres. At build-out, the Project includes 461,822 square feet of office and research and development space with approximately 1,600 full-time employees, covered parking garages, and irrigated landscape.

The existing land uses consist of commercial buildings, outdoor soil/mulch stockpiling and transfer facility, irrigated landscaping, and surface parking with a historical water use of approximately 5,100 gallons per day (GPD). The projected water use at Project build-out is approximately 78,600 GPD. This demand is accounted for in the District's Urban Water Management Plan (UWMP) 2015. Approval of the WSA by the Board of Directors is required prior to its submittal to the City. The WSA is described in the attached letter (Attachment B) and, upon Board approval, will be sent to the City.

**DISCUSSION**

On April 13, 2021, the City submitted a formal request for a consultation between the District and the City regarding preparation of a WSA for the Project, pursuant to California Environmental Quality Act Guidelines, Section 15155, and California Water Code, Sections 10910-10915. The Project, for which a Mitigated Negative Declaration is being prepared, meets the threshold requirement for an assessment of water supply availability based on the amount of water this Project would require, which is greater than the amount of water required by a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space. The City is required to consult with the public water supplier to determine whether the water demand associated with the Project was included in its last UWMP and to assess whether its 20-year water supply (available during normal, single-dry and multiple-dry water years) will meet the water demand associated with the Project.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Engineering and Construction	Olujimi O. Yolo	 General Manager
Attachment(s): Location Map; District's Response to WSA Request		

The UWMP 2015 concludes that the District has, and will have, adequate water supplies to serve existing and projected demands within the Ultimate Service Boundary during normal and wet years but that deficits are projected for drought years. During multi-year droughts, the District may require significant customer water use reductions and also need to acquire supplemental supplies to meet customer demand. The UWMP 2015 includes Drought Management Program (DMP) Guidelines that establish the level of water use restrictions the District may implement under varying conditions. Under the DMP Guidelines, water use restrictions may be determined based upon either projected end-of-September Total System Storage (TSS) or water use restriction mandates from the State Water Resources Control Board. When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon the end-of-September TSS, the District's water use reduction requirements may be guided by the applicable state mandates. Under either scenario, while the District strives to keep water use reductions at or below 15 percent, if the drought is severe, mandatory water use reductions could exceed 15 percent.

The Project will be subject to the same drought restrictions that apply to all District customers. In addition, the proposed Project will be subject to District regulations aimed at encouraging efficient water use, such as Sections 29 and 31 of the District's Regulations Governing Water Service. Section 29, "Water Use Restrictions," promotes efficient water use by District customers and prohibits certain uses of potable water. Section 31, "Water Efficiency Requirements," identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.

The WSA letter requests that the City comply with the California Code of Regulations concerning water-efficient landscapes and District water service regulations, including compliance with Sections 29 and 31, described above, in force at the time the application is made. The District also requests a meeting to discuss water conservation opportunities in the Project area, which will identify timely opportunities to maximize water conservation and identify District programs, as well as state and federal best management practices applicable to the Project.

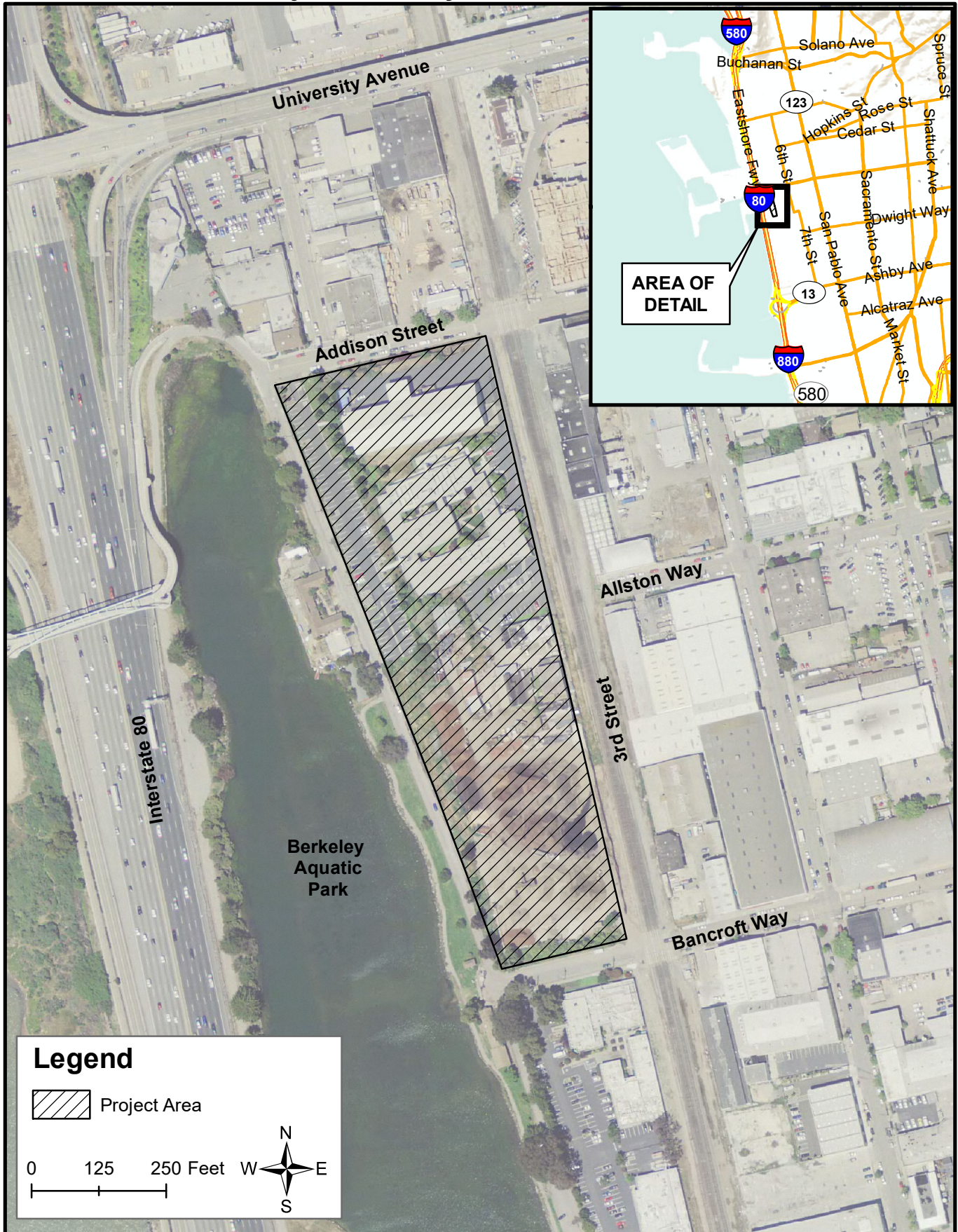
The Project is located within EBMUD's East Bayshore Project recycled water service area. Per District Policy 9.05 and Section 30, "Nonpotable Water Service" of the District's Regulations Governing Water Service, the project sponsor, at their expense, will be required to use non-potable water, including recycled water, for non-potable purposes including, but not limited to, landscape irrigation, commercial and industrial processes (e.g., cooling tower water), and toilet and urinal flushing in non-residential buildings. The project sponsor should work with the District to determine the feasibility and cost effectiveness of extending new recycled water mains to the Project site, at the project sponsor's expense, based on the anticipated Project water demand associated with non-potable purposes. The City and project sponsor should maintain continued coordination and consultation with the District regarding the required use of recycled water as they plan and implement various components of the Project.

## **ALTERNATIVES**

**Do not submit a response.** This alternative is not recommended because this assessment has been prepared pursuant to California Water Code, Sections 10910-10915 and is consistent with the law and the District's past WSAs.

# 600 Addison Street Project, Berkeley

## Attachment A





May 25, 2021

Leslie Mendez, Senior Planner  
City of Berkeley  
Planning and Development Department, Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: Water Supply Assessment – 600 Addison Street Project, Berkeley

Dear Ms. Mendez:

This letter is in response to your request made on April 13, 2021, for water agency consultation (Enclosure 1) concerning the Water Supply Assessment (WSA) for the 600 Addison Street Project (Project), located in the City of Berkeley (City), which is within East Bay Municipal Utility District's (EBMUD's) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

Pursuant to Sections 10910-10915 of the California Water Code, the Project meets the threshold requirement for an assessment of water supply availability based on the amount of water this Project would require, which is greater than the amount of water required by a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

Please note this WSA addresses the issue of water supply only and is not a guarantee of service; future water service is subject to the rates and regulations in effect at that time.

### **Project Demand**

The water demand for the Project is accounted for in EBMUD's water demand projections, as published in EBMUD's Urban Water Management Plan (UWMP) 2015 (Enclosure 2). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The existing land uses consist of commercial buildings, outdoor soil/mulch stockpiling and transfer facility, irrigated landscaping, and surface parking with a historical water use of approximately 5,100 gallons per day (GPD). The projected water use at Project build-out is approximately 78,600 GPD.

EBMUD's demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas. These changes increase demand for EBMUD water. EBMUD's UWMP 2015 projects water demands over time, accounting for estimated variations in demand usage minus

Leslie Mendez, Senior Planner  
May 25, 2021  
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conservation and recycled supply sources, as noted in the UWMP 2015, Table 4-1, Mid-Cycle Demand Projections (Table 1). Typically, EBMUD prepares a full demand study every ten years; the most recent version, the 2050 Demand Study, was completed in 2020. For planning purposes, water demands are estimated in five-year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class, as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. In 2014, EBMUD prepared the Mid-Cycle Demand Assessment (MCDA) in order to assess any significant effects on metered water consumption caused by the 2008-2010 drought, and the economic downturn that affected growth in the Bay Area. As part of the MCDA, EBMUD reviewed recently updated city and county general plans for significant changes since the 2040 Demand Study, and held meetings with representatives from the cities of Alameda, Oakland, Richmond and San Ramon. The MCDA concluded that, while the cities and counties might reach their build-out goals later than originally anticipated, they would still reach these goals by 2040. Accordingly, the MCDA validated the 2040 Demand Study, as demands are expected to gradually increase back to 2040 projected levels as development and water use return to pre-drought and pre-recession conditions. EBMUD completed a comprehensive demand study in 2020 with a long-term horizon of 2050. As part of the demand study, EBMUD reached out to each city and county in the service area to ask about projected development and future land-use changes. The study results will be incorporated into the UWMP 2020.

**Table 1**  
**Mid-Cycle Demand Projections (UWMP 2015, Table 4-1)**

TABLE 4-1		MID-CYCLE DEMAND PROJECTIONS				
AVERAGE ANNUAL DEMAND (MGD)	2015	2020	2025	2030	2035	2040
PROJECTED TOTAL DEMAND	232	267	276	290	304	312
CONSERVATION <sup>1</sup>	-33	-39	-44	-51	-57	-62
NON-POTABLE WATER <sup>1,2</sup>	-9	-11	-14	-17	-18	-20
PLANNING LEVEL OF DEMAND	190	217	218	222	229	230

1 See Chapters 6 and 7 for more discussion of water recycling and conservation, respectively.  
2 Non-potable water includes recycled water and raw water projects.

## Project Area

The Project area consists of approximately 8.4 acres and is bounded by Berkeley Aquatic Park to the west, Addison Street to the north, Bancroft Way to the south, and 3<sup>rd</sup> Street to the east. At build-out, the Project will include 461,822 square feet of office and research and development space with approximately 1,600 full-time employees, covered parking garages, and irrigated landscape.

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May 25, 2021  
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### **EBMUD Water Demand Projections**

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (MGD) in non-drought years. Section 4.1 of the UWMP 2015 outlines past and current EBMUD water demand, including Figure 4-1 which shows historic water use (including metered and unmetered demands) within EBMUD's service area, along with the number of customer accounts. The 2040 water demand forecast of 312 MGD for EBMUD's service area can be reduced to 230 MGD with the successful implementation of water recycling and conservation programs, as outlined in the UWMP 2015. Current demand is lower than estimated in the MCDA as a result of the recent multi-year drought. This is because the planning level of demand may differ from the actual demand in any given year due to water use reductions that typically occur during droughts. After droughts, a rebound effect is expected wherein demand rises back to projected levels. Thus, the MCDA still reflects a reasonable expectation for demand in year 2040, as the demands are expected to gradually increase back to 2040 projected demand levels as development and water use return to pre-drought and pre-recession conditions. The proposed Project's future development and operations will not change EBMUD's 2040 demand projection.

### **EBMUD Water Supply, Water Rights and the UWMP 2015**

EBMUD has water right permits and licenses that allow for delivery of up to a maximum of 325 MGD from the Mokelumne River, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders and the terms of the appropriative water right permits and licenses.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by senior water right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in precipitation and runoff.

During prolonged droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Project Phase 1, which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

The UWMP 2015, adopted on June 28, 2016 by EBMUD's Board of Directors under Resolution No. 34092-16, is a long-range planning document used to assess current and

Leslie Mendez, Senior Planner  
May 25, 2021  
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projected water usage, water supply planning, and conservation and recycling efforts. EBMUD's water supply sources are discussed in Section 1.5.1 of the UWMP 2015. EBMUD's main water supply is the Mokelumne River, and EBMUD has rights to receive up to 325 MGD of water from this source subject to the availability of runoff, senior water rights of other users, and downstream fishery flow requirements. EBMUD also has a Long-Term Renewal Contract (Contract No. 14-06-200-5183A-LTR1) with the United States (U.S.) Bureau of Reclamation to receive water from the Central Valley Project (CVP) through the Freeport Regional Water Facility in years when EBMUD's water supplies are relatively low (for more details, see Section 3.3.2 of the UWMP 2015). During some dry years, EBMUD may purchase water transfers to help meet customer demands. Section 5.1 of the UWMP 2015 discusses EBMUD's water transfer program.

EBMUD maintains a biennial budget and five-year capital improvement program to optimize investments and maximize drinking water quality, and the reliability, safety, flexibility, and overall efficiency of the water supply system. EBMUD's most recently adopted budget, which includes capital expenditures for the delivery of water supplies to its customers, can be found at <http://www.ebmud.com/about-us/investors/budget-and-rates/>.

EBMUD complies with applicable local, state, and federal regulations in the operation of its water supply system. Figure 1-4 of the UWMP 2015 illustrates the numerous local, state, and federal agencies that may regulate EBMUD's facilities and operations.

A summary of EBMUD's demand and supply projections, in five-year increments, for a 25-year planning horizon is provided in UWMP 2015, Table 4-5, Preliminary EBMUD Baseline Supply and Demand Analysis (Table 2).

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

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**Table 2**  
**Preliminary EBMUD Baseline Supply and Demand Analysis**  
**(UWMP 2015, Table 4-5)**

<b>TABLE 4-5</b>		<b>PRELIMINARY EBMUD BASELINE SUPPLY &amp; DEMAND ANALYSIS</b>					
<b>SUPPLY AND DEMAND COMPARISON - NORMAL YEAR (MGD)</b>		<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>
	<b>MOKELUMNE SYSTEM</b>	>190	>217	>218	>222	>229	>230
	<b>DEMAND TOTALS</b>	190	217	218	222	229	230
	<b>DIFFERENCE</b>	0	0	0	0	0	0
<b>DRY YEAR RESULTS FROM EBMUDSIM (MGD)</b>		<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>
<b>SINGLE DRY YEAR OR FIRST YEAR OF MULTI-YEAR DROUGHT</b>	<b>MOKELUMNE SYSTEM</b>	145	169	170	173	179	179
	<b>CVP SUPPLIES<sup>2</sup></b>	36	35	35	35	35	35
	<b>BAYSIDE<sup>3</sup></b>	0	0	0	0	0	0
	<b>SUPPLY TOTALS</b>	181	204	205	209	214	215
	<b>PLANNING LEVEL DEMAND<sup>1</sup></b>	190	217	218	222	229	230
	<b>RATIONING<sup>4</sup></b>	5%	6%	6%	6%	7%	7%
	<b>DEMAND TOTALS</b>	180	203	204	208	213	214
	<b>NEED FOR WATER (TAF)<sup>5</sup></b>	0	0	0	0	0	0
<b>SECOND YEAR</b>	<b>MOKELUMNE SYSTEM</b>	81	103	103	107	112	113
	<b>CVP SUPPLIES<sup>2</sup></b>	71	71	71	71	71	71
	<b>BAYSIDE<sup>3</sup></b>	0	0	0	0	0	0
	<b>SUPPLY TOTALS</b>	152	174	174	178	183	184
	<b>PLANNING LEVEL DEMAND<sup>1</sup></b>	190	217	218	222	229	230
	<b>RATIONING<sup>4</sup></b>	20%	20%	20%	20%	20%	20%
	<b>DEMAND TOTALS</b>	152	174	175	178	184	185
	<b>NEED FOR WATER (TAF)<sup>5</sup></b>	0	0	0	0	0	0
<b>THIRD YEAR</b>	<b>MOKELUMNE SYSTEM</b>	111	132	132	125	120	104
	<b>CVP SUPPLIES<sup>2</sup></b>	40	40	40	40	40	40
	<b>BAYSIDE<sup>3</sup></b>	1	1	1	1	1	1
	<b>SUPPLY TOTALS</b>	152	174	173	166	162	145
	<b>PLANNING LEVEL DEMAND<sup>1</sup></b>	190	217	218	222	229	230
	<b>RATIONING<sup>4</sup></b>	20%	20%	20%	20%	20%	20%
	<b>DEMAND TOTALS</b>	152	174	174	178	183	184
	<b>NEED FOR WATER (TAF)<sup>5</sup></b>	0	0	2	13	24	48

1. Planning Level of Demand accounts for projected savings from water recycling and conservation programs as discussed in Chapters 6 and 7 respectively. Customer demand values are based on the Mid Cycle Demand Assessment, October 2014.  
2. Projected available CVP supplies are taken according to the Drought Management Program Guidelines discussed in Chapter 3.  
3. For the purposes of this modeling effort, it is assumed that the Bayside Groundwater Project would be brought online in the third year of a drought.  
4. Rationing reduction goals are determined according to projected system storage levels in the Drought Management Program Guidelines discussed in Chapter 3.  
5. Need for Water includes unmet customer demand as well as shortages on the Lower Mokelumne River.



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The available supply and demand shown in Table 2 were derived from EBMUD's baseline hydrologic model with the following assumptions:

- Customer demand values are based on the MCDA, and planning-level demands account for projected savings from water recycling and conservation programs.
- EBMUD Drought Planning Sequence assumes water years 1976, 1977 and a modified 1978 hydrology.
- Total system storage is depleted by the end of the third year of the drought.
- EBMUD will implement its Drought Management Program (DMP) when necessary.
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights.
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases, as required by the JSA.
- EBMUD allocation of CVP supply is available the first year of a drought and subsequent drought years, according to the U.S. Bureau of Reclamation's Municipal and Industrial Shortage Policy.
- The Bayside Groundwater Project Phase 1 is available and brought online in the third year of a drought.

The UWMP 2015 concludes that EBMUD has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for multi-year droughts. During multi-year droughts, EBMUD may require significant customer water use reductions and may also need to acquire supplemental supplies to meet customer demand.

As discussed under the DMP Guidelines section in Chapter 3 of the UWMP 2015, EBMUD's system storage generally allows EBMUD to continue serving its customers during dry-year events. EBMUD typically imposes water use restrictions based on the projected storage available at the end of September and, based on recent changes to its DMP Guidelines (summarized below), may also implement water use restrictions in response to a State of California mandate. By imposing water use restrictions in the first dry year of potential drought periods, EBMUD attempts to minimize water use restrictions in subsequent years if a drought persists. Throughout dry periods, EBMUD must continue to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies.

The UWMP 2015 includes DMP Guidelines that establish the level of water use restrictions EBMUD may implement under varying conditions. Under the DMP Guidelines, water use restrictions may be determined based upon either projected end-of-September Total System Storage (TSS) or water use restriction mandates from the State Water Resources Control Board. When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon end-of-September TSS,

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EBMUD's water use reduction requirements may be guided by the applicable state mandates. Under either scenario, while EBMUD strives to keep water use reductions at or below 15 percent, if the drought is severe, mandatory water use reductions could exceed 15 percent.

Despite water savings from EBMUD's aggressive conservation and recycling programs and water use restrictions called for in the DMP Guidelines, supplemental supplies are still needed in significant, severe, and critical droughts. The proposed Project will be subject to the same drought restrictions that apply to all EBMUD customers. In addition, the proposed Project will be subject to EBMUD's regulations aimed at encouraging efficient water use, such as Sections 29 and 31 of EBMUD's Regulations Governing Water Service. Section 29, "Water Use Restrictions," promotes efficient water use by EBMUD customers and prohibits certain uses of potable water. Section 31, "Water Efficiency Requirements," identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.

### **Supplemental Water Supply and Demand Management**

The goals of meeting projected water needs and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation, and recycled water programs.

By 2011, EBMUD completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Project Phase 1 to augment its water supply during drought periods. However, additional supplemental supplies beyond those provided through these facilities will still be needed, as noted above. Chapter 5 of the UWMP 2015 describes potential supplemental water supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of CVP water through the Freeport Regional Water Facility is based on its Long Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre feet of CVP supply in a single dry year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500,000 total acre feet on September 30 of each year.

EBMUD is developing the Bayside Groundwater Project in phases to provide a source of supplemental supply in dry years. Construction of the first phase (Bayside Groundwater Project Phase 1) was completed in 2010, allowing EBMUD to inject treated potable water into a deep aquifer in the South East Bay Plain Groundwater Basin for later extraction, treatment, and use during severe droughts. A permit from the Department of Public Health is required before the groundwater can be extracted and treated for municipal use. As described in Chapter 4 of the UWMP 2015, EBMUD's drought planning calls for using the

Leslie Mendez, Senior Planner  
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Bayside Groundwater Project Phase 1 during the third year of multi-year droughts to provide up to 1 MGD of water to meet customer demands. Additional information on the Bayside Groundwater Project can be found in Section 5.3 and Appendix E of the UWMP 2015.

Chapter 5 of the UWMP 2015 also lists other potential supplemental water projects, including Northern California water transfers, Bayside Groundwater Project Expansion, expansion of Contra Costa Water District's Los Vaqueros Reservoir, and others that could be implemented to meet the projected long-term water supplemental need during multi-year drought periods. The UWMP 2015 identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for particular components, which will allow EBMUD to pursue the necessary supplemental supplies while minimizing the risks associated with future uncertainties, such as project implementation challenges and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

### **Water Conservation and Recycled Water Considerations**

The proposed Project presents opportunities to incorporate water conservation measures. Conditions of approval for the implementation of the proposed Project should require that the Project comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with the City to discuss conservation measures. This meeting will explore early opportunities to expand water conservation via EBMUD's conservation programs and best management practices applicable to the Project.

Conservation strategies will be required to achieve water use reduction goals and restrictions, including compliance with Sections 29 and 31, described above, of EBMUD's Regulations Governing Water Service, and all other legally mandated water conservation requirements.

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The Project is located within EBMUD's East Bayshore Project recycled water service area. Per District Policy 9.05 and Section 30, "Nonpotable Water Service" of the District's Regulations Governing Water Service, the project sponsor, at their expense, will be required to use non-potable water, including recycled water, for non-potable purposes including, but not limited to, landscape irrigation, commercial and industrial processes (e.g., cooling tower water), and toilet and urinal flushing in non-residential buildings. The project sponsor should work with the District to determine the feasibility and cost effectiveness of extending new recycled water mains to the Project site, at the project sponsor's expense, based on the anticipated Project water demand associated with non-potable purposes. The City and project sponsor should maintain continued coordination and consultation with the District regarding the required use of recycled water as they plan and implement various components of the Project.

The Project sponsor should contact Jennifer L. McGregor, Senior Civil Engineer, at (510) 287-1030 for further information.

Sincerely,

David J. Rehnstrom  
Manager of Water Distribution Planning Division

DJR:JWA:djr  
sb21\_097\_600 Addison Street Project\_WSA\_Letter.docx

Enclosures: 1. Letter of Request for Water Supply Assessment dated April 13, 2021  
2. EBMUD Urban Water Management Plan 2015

cc: Board of Directors w/o Enclosure 2



Sent via email:  
[David.Rehnstrom@ebmud.com](mailto:David.Rehnstrom@ebmud.com)

Planning and Development Department  
Land Use Planning Division

April 13, 2021

David J. Rehnstrom  
Manager of Water Distribution Planning  
East Bay Municipal Utility District  
375 Eleventh Street  
Oakland, CA 94607-4240

Subject: Request for Confirmation of Water Supply Assessment for the proposed 600 Addison Street Project, Berkeley (ZP2019-0215)

Dear Mr. Rehnstrom:

Pursuant to Section 10910 of the Water Code, the City of Berkeley is submitting this request to the East Bay Municipal Utility District (EBMUD) for a water supply assessment. The City is requesting EBMUD to determine whether the projected water demand associated with the proposed 600 Addison Street Project (project) was included in the adopted Urban Water Management Plan and, if it was not included, to prepare a water supply assessment as outlined in Section 10910(c)(3) of the Water Code. The assessment is required in order to determine whether adequate water supply is available to meet the project water demand for the project. This request is in response to your communication and comments, dated March 3, 2021 (enclosed) on the Notice of Intent (NOI) to Adopt a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project. Project approval and adoption of the IS/MND is currently scheduled for consideration by the City's Zoning Adjustments Board in late May 2021. The City is requesting expedited review of the water supply assessment.

The approximately 8.4-acre Project site is located at 600 Addison Street in the City of Berkeley, Alameda County (Assessor's Parcel Number [APN] 056-1952-000201). The site is developed with three buildings totaling approximately 55,000 square feet, an outdoor soil/mulch stockpiling and transfer facility, and associated surface parking, utility infrastructure, and landscaping. Currently, a total of 87 employees work on site. The Project sponsor is proposing to reconfigure the Project site into two parcels and redevelop the site with a R&D and Office campus that would accommodate research, innovation, lab, and/or office uses depending on the needs of the building tenant(s), which have not yet been identified. The proposed Project would consist of two separate R&D/Office buildings, referred to as Buildings A and B, totaling approximately 461,822 gross square feet, each with their own separate, four-story parking structure that would provide a total of 924 parking spaces. It is estimated that the

proposed uses would generate an estimated maximum of 1,600 full time employees on the site, for an increase of approximately 1,513 employees compared to existing conditions.

The City respectfully requests that EBMUD prepare a water supply assessment for the proposed project as described herein and in the Draft IS/MND which is available at: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/600 Addison - ZP2019-0215.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/600_Addison_-_ZP2019-0215.aspx). To assist EBMUD with the assessment, projected water demand calculations for the proposed project are also attached to this letter. The City acknowledges that this request for an assessment is a required part of the environmental documentation for the project. We appreciate your prompt response to this request.

I can be reached by email at [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info) or by mail at:

Leslie Mendez, Senior Planner  
City of Berkeley  
Planning and Development Department, Land Use Planning Division  
1947 Center Street, 2nd Floor  
Berkeley, California 94704

Thank you for your consideration of this request.

Sincerely,



Leslie Mendez, Senior Planner

Cc: Timothy McGowan [TMcGowan@EBMUD.com](mailto:TMcGowan@EBMUD.com)  
Jennifer McGregor [Jennifer.McGregor@EBMUD.com](mailto:Jennifer.McGregor@EBMUD.com)

Attachments:

1. Berkeley Commons Water Demand Memorandum, prepared by BKF, April 13, 2021
2. EBMUD Comment Letter on MND for 600 Addison Street Project, March 8, 2021



255 Shoreline Drive, Suite 200  
Redwood City, CA 94065  
(650) 482-6300, Fax (650) 482-6399

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## MEMORANDUM

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**Date:** April 13, 2021 **BKF No.:** 20191091

**To:** Nick Menchel, Lane Partners

**cc:** Marie Fernandes, Gensler

**From:** Ryan Bernal, BKF  
Blaise Bayens, BKF  
Evan Schulz, BKF

**Subject:** Berkeley Commons – Water Demand Memorandum

---

### Purpose

The purpose of this memorandum is to provide a summary of proposed project water demands associated with the redevelopment of the Berkeley Commons site.

### Background

The Berkeley Commons redevelopment is proposed on 8.36 acres of land. The site is bounded by Addison Street, Bolivar Drive, Bancroft Way, and the Union Pacific Railroad. The existing site is developed with three buildings totaling approximately 55,000 square feet, an outdoor soil/mulch stockpiling and transfer facility, and associated surface parking and landscaping. The site is currently served by an 8 inch domestic water main in Addison Street and a 4 inch domestic water extension from Allston Way. In addition, there is an existing 8 inch water main in Bancroft Way that serves a fire hydrant at the corner of Bancroft Way and the Union Pacific Railroad.

The proposed site consists of two office buildings, totaling approximately 461,822 gross square feet, with their own separate parking structures providing a total of 924 parking spaces. The project will extend and loop the existing water main from Addison Street, through Bolivar Drive, and along Bancroft Way. The project also proposes a public water main through a service access road along the eastern boundary of the site. Laterals from the service access road main will serve the buildings on-site.

### Existing Potable Water Demand

Existing potable water demands are included on Table 1 attached to this memorandum. The total potable water demand is based on unit demands for general office use and landscape irrigation. The existing potable water demand is estimated as 11,127 gallons per day.

## **Proposed Potable Water Demand**

Potable water demands are included in Table 2 attached to this memorandum. The total potable water demand is based on unit demands for general office use and landscape irrigation. The potable water demand for this project is 78,560 gallons per day.

## **Conclusion**

The gross building area of the site will increase from 55,000 square feet to 461,822 square feet, an increase of 406,822 square feet. The potable water demand for the site will also increase from 11,127 gallons/day to 78,560 gallons/day, an increase of 67,433 gallons/day.

## **Attachments:**

- Table 1: Existing Potable Water Demands
- Table 2: Proposed Project Potable Water Demands
- Attachment A: Excerpt from Water Supply Planning by David W. Prasifka (1994)
- Attachment B: Excerpt from Sacramento Valley Land Use/Water Supply Analysis Guidebook (2007)



**Table 1: Existing Potable Water Demands**

Site Area	8.36 Acres
Occupants	87
Building Area	55,000 sf
Site Area	364,162 sf
Landscape Area	25,700 sf

Use	Unit (sf)	Typical Water Demand (gallons per unit per day)	Average Daily Water Demand (gpd)
R&D/Office	55,000	0.164	9,020
Landscape Irrigation	25,700	0.082	2,107
<b>Total Potable Water Demand</b>			<b>11,127</b>

Notes:

1. Flowrate factor is based on reference material provided by EBMUD. See Attachment A: Excerpt from Water Supply Planning by David W. Prasifka.
2. Demand factor is based on an average demand of 4 acre-feet per acre per year. See Attachment B: Excerpt from Sacramento Valley Land Use/Water Supply Analysis Guidebook.

**Table 2: Proposed Project Potable Water Demands**

Site Area	8.36 Acres
Occupants	1,600
Building Area	461,822 sf
Site Area	364,162 sf
Landscape Area	34,412 sf

Use	Unit (sf)	Typical Water Demand (gallons per unit per day)	Average Daily Water Demand (gpd)
R&D/Office	461,822	0.164	75,739
Landscape Irrigation	34,412	0.082	2,821
<b>Total Potable Water Demand</b>			<b>78,560</b>

**Notes:**

1. Flowrate factor is based on reference material provided by EBMUD. See Attachment A: Excerpt from Water Supply Planning by David W. Prasifka.
2. Demand factor is based on an average demand of 4 acre-feet per acre per year. See Attachment B: Excerpt from Sacramento Valley Land Use/Water Supply Analysis Guidebook.

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# Water Supply Planning

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David W. Prasifka



Krieger Publishing Company  
Malabar, Florida  
1994

Table 1-6. Summary of Commercial and Institutional Water Use.

Type of Establishment or Institution	Selected Parameter	Annual Water Use (gpd/unit)		Maximum Day Water Use (gpd/unit)		Peak Hour Water Use (gpd/unit)	
		Expected	Design	Expected	Design	Expected	Design
Primary and secondary schools							
public elementary	gpd/student	5.38	8.67	9.68	13.00	49.10	52.40
public senior high	gpd/student	5.64	9.75				
public junior high	gpd/student	6.63	12.20	19.60	25.20	121.00	127.00
private elementary	gpd/student	2.24	6.09	3.10	6.92	25.70	29.50
private senior high	gpd/student	10.40	18.60	15.70	23.90	38.70	46.90
combined (grades 1–12)	gpd/student	8.49	18.70	16.80	27.00	51.30	61.50
Colleges							
students in residence	gpd/student	106	179	114	187	250	323
nonresident students	gpd/student	15	*	27	*	58	*
Hospitals	gpd/bed	346	559	551	764	912	1120
Nursing homes and institutions	gpd/bed	113	209	146	222	424	500
Apartments							
high-rise	gpd/occupied unit	218	322	426	530	745	849
garden-type	gpd/occupied unit	213	315	272	374	671	773
Hotels							
Hotels	gpd/sq. ft.	0.256	*	0.294	*	0.433	*
Motels							
Motels	gpd/sq. ft.	0.224	0.326	0.461	0.563	1.55	1.65
Office buildings							
general offices (– 10 years)	gpd/sq. ft.	0.093	0.164	0.173	0.244	0.521	0.592
general offices (+ 10 years)	gpd/sq. ft.	0.142	0.273				
medical offices	gpd/sq. ft.	0.618	*	1.660	*	4.970	*
Department stores							
Department stores	gpd/sq. ft. of total sales area	0.216	0.483	0.388	0.655	0.958	1.230
Shopping centers							
Shopping centers	gpd/sq. ft. of total sales area	0.160	*	0.232	*	0.412	*
Car washes							
Car washes	gpd/sq. ft.	4.78	*	10.3	*	31.5	*
Service stations							
Service stations	gpd/sq. ft. of garage & office space	0.251	0.485	0.590	0.824	4.890	5.120
Laundries							
commercial laundries & dry cleaners	gpd/sq. ft.	0.253	0.639	0.326	0.712	1.570	1.960
laundromats	gpd/sq. ft.	2.170	6.390	*	*	*	*
Restaurants							
drive-ins (parking only)	gpd/car space	109.0					
drive-ins (seating & parking)	gpd/seat	40.6					
conventional restaurants	gpd/seat	24.2	55.2	83.4	114	167	198

(continued)

# Sacramento Valley

## LAND USE/WATER SUPPLY ANALYSIS GUIDEBOOK

An addendum to the  
*Sacramento Valley Integrated  
Regional Water Management Plan*

Prepared for:



November 2007

<b>Table 2-2</b> <b>Typical Indoor/Outdoor Percentages for Non-Residential Land Uses</b>			
<b>Classification</b>	<b>Use Type</b>	<b>% acreage</b>	<b>Demands (af/acre)</b>
Moderate Intensity Office	Indoor	40	2
	Hardscape	50	n/a
	Landscape	10	4
Light Industrial Office	Indoor	60	2
	Hardscape	35	n/a
	Landscape	5	4
Community / Neighborhood Retail	Indoor	40	1
	Hardscape	55	n/a
	Landscape	5	4
Regional Retail	Indoor	35	1
	Hardscape	60	n/a
	Landscape	5	4
Light Industrial	Indoor	60	2
	Hardscape	35	n/a
	Landscape	5	4
Heavy Industrial	Indoor	45	3
	Hardscape	45	n/a
	Landscape	10	4
Parks	Indoor	5	.5
	Hardscape	20	n/a
	Landscape	75	4
Schools	Indoor	10	3
	Hardscape	40	n/a
	Landscape	50	4

*Non-Residential Water Demand Calculation:* Below is a general step-by-step approach for calculating non-residential water demand and an example based on this approach:

1. For each land use category, determine a percentage of coverage assigned to *indoor*, *hardscape* and *landscape* use types.
2. Multiply the total acreage for each land use category by the respective *indoor*, *hardscape* and *landscape* coverage percentage to obtain a total acreage for each use type in the class.
3. Multiply the acreage for each use type in the classification by the applicable unit demand factor to obtain an estimated water demand for each use type.



March 8, 2021

Leslie Mendez, Senior Planner  
City of Berkeley  
Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: Notice of Intent to Adopt a Mitigated Negative Declaration – 600 Addison Street  
Project (Project No. CBE1906.01), Berkeley

Dear Ms. Mendez:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the 600 Addison Street Project located in the City of Berkeley (City). EBMUD previously provided written comments to a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the project on November 7, 2017 (see enclosure); these comments in addition to the following comments apply to the project.

## **GENERAL**

Pursuant to Section 15155 of the California Environmental Quality Act (CEQA) Guidelines and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) is required as the project exceeds the threshold requirement for an assessment of water supply availability based on the amount of water this project would require (a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space or a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area). EBMUD notified the City that a WSA is required in the written comments to the NOP but has not received a request to date. Section 15155(e) of the CEQA Guidelines states “the city, county lead agency shall include the water assessment, and any water acquisition plan in the EIR, negative declaration or mitigated negative declaration, or any supplement thereto.” Preparation of the WSA will require that the project sponsor provide data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request was received.

## **WATER SERVICE**

EBMUD’s Central Pressure Zone, with a service elevation range between 0 and 100 feet,

will serve the proposed development. A water main extension and off-site pipeline improvements, at the project sponsor's expense, may be required to serve the property depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A minimum 20-foot wide right-of-way is required for installation of new and replacement water mains. Utilities to be installed in the right-of-way with the water mains must be located such that the new water mains meet the minimum horizontal and vertical separation distances with other utilities as set forth in the California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains within a right-of-way. These minimum horizontal separation distance requirements include, but are not limited to, 10 feet between the water main and sewer, 5 feet between the water main and storm drain, 7 feet from the face of curb, and 5 feet from the edge of the right-of-way. In addition, water mains must be vertically located a minimum of one foot above sewers and storm drains.

EBMUD's Standard Site Assessment Report and the project's MND indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work



may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected

Leslie Mendez, Senior Planner

March 8, 2021

Page 4

from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER RECYCLING**

The proposed project is located within EBMUD's East Bayshore Project recycled water service area. EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings, and other applications. The project sponsor coordinate closely with EBMUD during the planning of the project to further explore the options and implement plumbing and infrastructure requirements relating to recycled water use.

## **WATER CONSERVATION**

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:JRK:djr  
sb21\_043.doc

Enclosure

cc: Berkeley Commons, LLC  
644 Menlo Avenue, Menlo Park, CA 94025



AGENDA NO. 14.  
MEETING DATE May 25, 2021

**TITLE** MONTHLY INVESTMENT TRANSACTIONS REPORT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Approve the April 2021 Monthly Investment Transactions Report.

**SUMMARY**


In accordance with Policy 4.07 – Investment Policy, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The April 2021 report is being submitted to the Board for consideration. This report was reviewed at the May 25, 2021 Finance/Administration Committee meeting.

**DISCUSSION**

Pursuant to Policy 4.07 – Investment Policy, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors are presented in the quarterly investment report.

In April 2021, the portfolio increased from \$796.4 million to \$821.6 million. Net transactions increased the total by \$24.7 million. Interest received added \$0.5 million to the portfolio. Deposits into short-term liquidity funds totaled \$12.6 million, and \$22.0 million was withdrawn. The District purchased \$50.0 million in securities, and \$52.3 million in securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of \$36.4 million.

I:\Sec\2021 Board Related Items\052521 Board Agenda Items\FIN\FIN - Monthly Investment Transactions Report April 2021.docx

<b>Funds Available:</b> N/A	<b>Budget Coding:</b> N/A	<b>Contract Equity Forms?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Originating Department</b>	<b>Department Director or Manager</b>	<b>Approved</b>
Finance	Sophia D. Skoda	 General Manager
<b>Attachment(s):</b> Monthly Investment Transactions Report		

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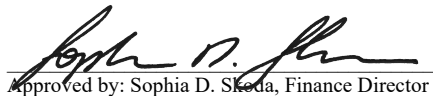
## **Monthly Investment Transactions Report**

### **April 2021**

This report is presented to the Board pursuant to Government Code Section 53607 and in accordance with the District's Investment Policy 4.07.

The attached report details transactions in the District's portfolio as follows:

- **Monthly Investment Transactions Summary** **Page 1**
- **Monthly Investment Activity** **Page 2**
  - Buys Page 3
  - Deposits Page 4
  - Matured Page 5
  - Calls Page 6
  - Sales Page 7
  - Withdrawals Page 8
- **Monthly Interest Activity** **Page 9**
  - Interest Received (Transferred to Wells Fargo) Page 10
  - Interest Received (Reinvested) Page 11

  
Approved by: Sophia D. Skoda, Finance Director

05/10/2021  
Date

SDS:AMM:MH



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Transactions Summary**  
**April 2021**

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	627,800,235.49	7,725,000.00	7,449.82	635,532,685.31
007 - Wastewater Consolidated	94,485,000.95	(10,010,000.00)	1,306.77	84,476,307.72
049 - Ferc Partnership	2,000,000.00	-	-	2,000,000.00
009 - BACWA	2,262,600.00	-	-	2,262,600.00
015 - DERWA	1,000,000.00	-	-	1,000,000.00
002 - FRWA	1,000,000.00	-	-	1,000,000.00
014 - IICP	150,500.00	-	-	150,500.00
010 - UMRWA	64,000.00	-	-	64,000.00
003 - Employees Retirement	17,223,961.86	(9,413,000.00)	16,843.34	7,827,805.20
099 - Wells Fargo**	50,432,669.42	36,428,041.05	434,524.98	87,295,235.45
<b>Total</b>	<b>796,418,967.72</b>	<b>24,730,041.05</b>	<b>460,124.91</b>	<b>821,609,133.68</b>

\* Portfolio balance presented at face value.

\*\*Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.

*Matt Houck*

Prepared by: Matt Houck, Accountant

*Kirk E Hutchins for S. Lindley*

Reviewed by: Sandy Lindley, Accounting Supervisor

*Andrea Miller*

Approved by: Andrea M. Miller, Controller

5-6-2021

Date

5-6-2021

Date

5-6-2021

Date

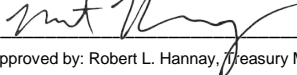


**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**April 2021**

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	50,000,000.00	-	(42,275,000.00)	-	-	-	-	7,725,000.00
007 - Wastewater Consolidated	-	-	(10,010,000.00)	-	-	-	-	(10,010,000.00)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	12,598,000.00	-	-	-	(22,011,000.00)	-	(9,413,000.00)
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
<b>Investment Activity Total</b>	<b>50,000,000.00</b>	<b>12,598,000.00</b>	<b>(52,285,000.00)</b>	<b>-</b>	<b>-</b>	<b>(22,011,000.00)</b>	<b>-</b>	<b>(11,698,000.00)</b>
099 - Wells Fargo	(50,000,000.00)	(12,598,000.00)	52,285,000.00	-	-	22,011,000.00	24,730,041.05	36,428,041.05
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>24,730,041.05</b>	<b>24,730,041.05</b>

\*Non-investment transactions are net receipts and expenditures in Wells Fargo resulting from activities other than investment and interest transactions detailed in this report.

Reviewed by: Damien Charléty, Principal Mgmt Analyst

  
 Approved by: Robert L. Hannay, Treasury Manager

Date  
 5/10/2021

Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Buys</b>										
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/18/2021	912796F95	4/13/2021	4/20/2021	5/18/2021	50,000,000.00	49,999,611.11	0.00	49,999,611.11
<b>Total</b>							<b>50,000,000.00</b>			

50,000,000.00	49,999,611.11	0.00	49,999,611.11
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Deposits</b>										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/5/2021	4/5/2021	N/A	4,209,000.00	4,209,000.00	0.00	4,209,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/15/2021	4/15/2021	N/A	4,204,000.00	4,204,000.00	0.00	4,204,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/30/2021	4/30/2021	N/A	4,185,000.00	4,185,000.00	0.00	4,185,000.00
<b>Total</b>							<b>12,598,000.00</b>			

<b>12,598,000.00</b>	<b>12,598,000.00</b>	<b>0.00</b>	<b>12,598,000.00</b>
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Matured</b>										
001 - Water System Consolidated	Federal Agency Issues Coupon	FNMA 2.5 4/13/2021	3135G0U27	4/13/2021	4/13/2021	4/13/2021	7,275,000.00	7,275,000.00	0.00	7,275,000.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 4/21/2021	9127962Q1	4/21/2021	4/21/2021	4/21/2021	34,000,000.00	34,000,000.00	0.00	34,000,000.00
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLMC 1.5 4/27/2021-18	3134G9EE3	4/27/2021	4/27/2021	4/27/2021	1,000,000.00	1,000,000.00	0.00	1,000,000.00
<b>Total</b>							<b>42,275,000.00</b>			
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 1.75 4/1/2021	3133ECKF0	4/1/2021	4/1/2021	4/1/2021	500,000.00	500,000.00	0.00	500,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 1.75 4/7/2021	3130AB5A0	4/7/2021	4/7/2021	4/7/2021	1,025,000.00	1,025,000.00	0.00	1,025,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FNMA 2.5 4/13/2021	3135G0U27	4/13/2021	4/13/2021	4/13/2021	3,920,000.00	3,920,000.00	0.00	3,920,000.00
007 - Wastewater Consolidated	Medium Term Notes	Toyota Motor Credit Corp 2.95 4/13/2021	89236TEU5	4/13/2021	4/13/2021	4/13/2021	215,000.00	215,000.00	0.00	215,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 2.375 4/15/2021	3133EKGY6	4/15/2021	4/15/2021	4/15/2021	3,500,000.00	3,500,000.00	0.00	3,500,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FNMA 2.28 4/23/2021-14	3136G0EG2	4/23/2021	4/23/2021	4/23/2021	850,000.00	850,000.00	0.00	850,000.00
<b>Total</b>							<b>10,010,000.00</b>			

52,285,000.00	52,285,000.00	0.00	52,285,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Calls										

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Sales										

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Withdrawals</b>										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/1/2021	4/1/2021	N/A	11,005,000.00	11,005,000.00	0.00	11,005,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/28/2021	4/28/2021	N/A	11,006,000.00	11,006,000.00	0.00	11,006,000.00
<b>Total</b>							<b>22,011,000.00</b>			

22,011,000.00	22,011,000.00	0.00	0.00
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**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**April 2021**

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	264,415.70	(256,965.88)	7,449.82
007 - Wastewater Consolidated	171,787.33	(170,480.56)	1,306.77
049 - Ferc Partnership	2,186.02	(2,186.02)	-
009 - BACWA	2,472.90	(2,472.90)	-
015 - DERWA	1,092.60	(1,092.60)	-
002 - FRWA	1,092.60	(1,092.60)	-
014 - IICP	164.75	(164.75)	-
010 - UMRWA	69.67	(69.67)	-
003 - Employees Retirement	16,843.34	-	16,843.34
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
<b>Interest Transactions Total</b>	<b>460,124.91</b>	<b>(434,524.98)</b>	<b>25,599.93</b>
<b>099 - Wells Fargo</b>	<b>-</b>	<b>434,524.98</b>	<b>434,524.98</b>
<b>Total</b>	<b>460,124.91</b>	<b>-</b>	<b>460,124.91</b>

\*Coupon and other interest received; reinvestment unavailable.

\*\*Coupon and other interest payments reinvested in specific portfolio.

*Matt Houck*  
 Prepared by: Matt Houck, Accountant  
*Kirk E Hutchins for S. Lindley*  
 Reviewed by: Sandy Lindley, Accounting Supervisor  
*Andrea Miller*  
 Approved by: Andrea M. Miller, Controller

5-6-2021  
 Date  
5-6-2021  
 Date  
5-6-2021  
 Date



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**April 2021**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Transferred to Wells Fargo)</b>										
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	4/12/2021	4/12/2021	10/12/2021	0.00	0.00	93,825.00	93,825.00
001 - Water System Consolidated	Federal Agency Issues Coupon	FNMA 2.5 4/13/2021	3135G0U27	4/13/2021	4/13/2021	4/13/2021	0.00	0.00	90,937.50	90,937.50
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLMC 1.5 4/27/2021-18	3134G9EE3	4/27/2021	4/27/2021	4/27/2021	0.00	0.00	7,500.00	7,500.00
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	64,481.44	64,481.44
001 - Water System Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	4/30/2021	4/30/2021	N/A	0.00	0.00	221.94	221.94
								<b>Total</b>		<b>256,965.88</b>
002 - FRWA	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	1,092.60	1,092.60
								<b>Total</b>		<b>1,092.60</b>
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 1.75 4/1/2021	3133ECKF0	4/1/2021	4/1/2021	4/1/2021	0.00	0.00	4,375.00	4,375.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 2 4/4/2022	3133ECKQ6	4/4/2021	4/4/2021	4/4/2022	0.00	0.00	5,000.00	5,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 1.75 4/7/2021	3130AB5A0	4/7/2021	4/7/2021	4/7/2021	0.00	0.00	8,968.75	8,968.75
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	4/12/2021	4/12/2021	10/12/2021	0.00	0.00	38,250.00	38,250.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FNMA 2.5 4/13/2021	3135G0U27	4/13/2021	4/13/2021	4/13/2021	0.00	0.00	49,000.00	49,000.00
007 - Wastewater Consolidated	Medium Term Notes	Toyota Motor Credit Corp 2.95 4/13/2021	89236TEU5	4/13/2021	4/13/2021	4/13/2021	0.00	0.00	3,171.25	3,171.25
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 2.375 4/15/2021	3133EKGy6	4/15/2021	4/15/2021	4/15/2021	0.00	0.00	41,562.50	41,562.50
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FNMA 2.28 4/23/2021-14	3136G0EG2	4/23/2021	4/23/2021	4/23/2021	0.00	0.00	9,690.00	9,690.00
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	10,405.52	10,405.52
007 - Wastewater Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	4/30/2021	4/30/2021	N/A	0.00	0.00	57.54	57.54
								<b>Total</b>		<b>170,480.56</b>
009 - BACWA	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	2,472.90	2,472.90
								<b>Total</b>		<b>2,472.90</b>
010 - UMRWA	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	69.67	69.67
								<b>Total</b>		<b>69.67</b>
014 - IICP	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	164.75	164.75
								<b>Total</b>		<b>164.75</b>
015 - DERWA	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	1,092.60	1,092.60
								<b>Total</b>		<b>1,092.60</b>
049 - Ferc Partnership	LAIF	LAIF LGIP	LGIP1001	4/27/2021	4/27/2021	N/A	0.00	0.00	2,186.02	2,186.02
								<b>Total</b>		<b>2,186.02</b>
								<b>0.00</b>	<b>0.00</b>	<b>434,524.98</b>
										<b>434,524.98</b>



EAST BAY MUNICIPAL UTILITY DISTRICT

Monthly Interest Activity

April 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Reinvested)</b>										
001 - Water System Consolidated	Local Government Investment Pool	CalTRUST LGIP	CALTRUST9230	4/30/2021	4/30/2021	N/A	0.00	0.00	833.32	833.32
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/30/2021	4/30/2021	N/A	0.00	0.00	5,240.48	5,240.48
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	MM3767	4/30/2021	4/30/2021	N/A	0.00	0.00	792.71	792.71
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley I	MM0852	4/30/2021	4/30/2021	N/A	0.00	0	583.31	583.31
								<b>Total</b>		<b>7,449.82</b>
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/15/2021	4/15/2021	N/A	0.00	0.00	16,843.34	16,843.34
								<b>Total</b>		<b>16,843.34</b>
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/30/2021	4/30/2021	N/A	0.00	0.00	951.74	951.74
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	MM3767	4/30/2021	4/30/2021	N/A	0.00	0	204.55	204.55
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley I	MM0852	4/30/2021	4/30/2021	N/A	0.00	0	150.48	150.48
								<b>Total</b>		<b>1,306.77</b>
							<b>0.00</b>	<b>0.00</b>	<b>25,599.93</b>	<b>25,599.93</b>





AGENDA NO. 15.  
MEETING DATE May 25, 2021

**TITLE** ORDINANCE AMENDING RETIREMENT ORDINANCE NO. 40

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input checked="" type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Conduct a second and final reading, and vote on an ordinance amending Section 21 and Section 41 of the EBMUD Employees' Retirement System Ordinance No. 40 to update the Mortality Tables and the minimum distribution age based on the Setting Every Community Up for Retirement Enhancement Act (SECURE Act) of 2019.


**SUMMARY**

The SECURE Act, signed into law in 2019, increased the age at which mandatory withdrawals are required from a retirement system, if a member has not yet retired, from 70½ to 72. While the SECURE Act took effect on January 1, 2020, the retirement plan language must be updated to reflect this change in the law no later than December 31, 2022. An update to Section 41 of the Retirement Ordinance is necessary to reflect this change.

Section 21 of the Retirement Ordinance provides for an optional modification of a member's retirement allowance. Optional benefits are calculated using the actuarial equivalent of the member's retirement allowance, which is determined using the actuarially assumed rate of return and mortality tables. The mortality tables have been updated pursuant to the recommendation of the Retirement System's actuary; therefore, the Retirement System is required to amend Section 21 to reflect the adopted mortality tables. The amendments to Section 21 take effect on July 1, 2021.

**DISCUSSION**

Section 21 of the Retirement Ordinance provides members with the option to receive the actuarial equivalent of their retirement allowance in the form of a lesser retirement allowance to provide for a greater benefit to a beneficiary. One factor used to determine the actuarial equivalent of the allowance is the mortality assumptions. A change to the mortality table used to calculate the benefit can impact the benefit. For this reason, the Internal Revenue Service requires information about the mortality table used for the benefit be specifically stated in the Retirement Ordinance. The updated mortality assumptions anticipate longer life expectancies for healthy and disabled retirees and shorter life expectancies for

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Human Resources	Laura A. Acosta	 General Manager
Attachment(s): Ordinance		

beneficiaries. It is based on updated data from the Retirement Plans Experience Committee of the Society of Actuaries that, for the first time, published mortality tables based exclusively on public sector pension plan experience in the United States. This reduction was recommended to the EBMUD's Retirement Board on November 20, 2020 as part of the July 1, 2016 - June 30, 2020 Actuarial Experience Study.

The SECURE Act included many provisions for both deferred compensation plans and defined benefit plans and affects one provision of Section 41 of the Retirement Ordinance. It increases the age at which a non-retired member would be required to begin minimum cash distributions if they are no longer working at EBMUD or a reciprocal public agency. The SECURE Act changes the age from 70½ to 72. Staff made this change administratively and a change to the Retirement Ordinance is necessary to reflect this change.

The amendments to the Retirement Ordinance to update the mortality tables and the age of mandatory withdrawals must take effect on July 1, 2021. The first reading of this Ordinance occurred at the May 11, 2021 Board of Directors meeting. The final action is scheduled with the second reading at the May 25, 2021 Board of Directors meeting. The ordinance amendments take effect no earlier than 31 days after the revised ordinance's passage, and after the Municipal Utility District Act requirement that the amendments be published once a week for two successive weeks in a newspaper of general circulation published in the District.

## **SUSTAINABILITY**

### **Economic**

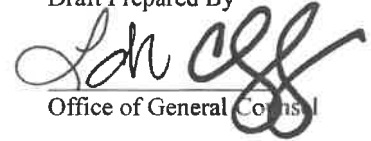
The action of the Retirement Board to follow the recommendation of the actuaries to edit the mortality tables helps ensure the long-term financial stability of the Retirement System. Additionally, approval of this Ordinance will allow the Retirement Ordinance to be updated and remain in compliance with Internal Revenue Service Regulations, lowering the risk of fines or other economic risks related to non-compliance.

### **Social**

Locals 21, 39, 444, and 2019 were notified of the change to the mortality tables referenced in the proposed Retirement Ordinance amendment at the Retirement Board meeting on November 19, 2020.

## **ALTERNATIVE**

**Do not approve amendments to the Ordinance.** This alternative is not recommended because the Retirement Ordinance would have an outdated mortality table and be out of compliance with the SECURE Act.



Office of General Counsel

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 21, "OPTIONAL MODIFICATION OF RETIREMENT ALLOWANCE," AND AMENDING SECTION 41, "MINIMUM DISTRIBUTION REQUIREMENTS," OF ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Introduced by Director

; Seconded by Director

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District that Ordinance No. 40, which is entitled "AN ORDINANCE ESTABLISHING A RETIREMENT SYSTEM FOR EMPLOYEES OF EAST BAY MUNICIPAL UTILITY DISTRICT, PROVIDING FOR THE PAYMENT OF RETIREMENT ALLOWANCES TO MEMBERS OF THE RETIREMENT SYSTEM, FOR THE PAYMENT OF DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND FOR THE COST OF LIVING ADJUSTMENT, PRESCRIBING THE CONDITIONS UNDER WHICH SAID ALLOWANCES AND BENEFITS SHALL BE PAID, DETERMINING RATES OF CONTRIBUTION AND THE AMOUNTS OF RETIREMENT ALLOWANCES, DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND THE PERCENTAGE OF COST OF LIVING ADJUSTMENT, AND PROVIDING FOR THE ADMINISTRATION OF SAID RETIREMENT SYSTEM," as amended from time to time, is further amended as follows:

1. Effective July 1, 2021, Section 21 of this Ordinance, entitled "Optional Modification of Retirement Allowance," shall be amended as follows:

(a) Within sixty (60) days prior to the date of retirement for disability, a Member may elect to receive the actuarial equivalent of his or her Retirement Allowance as of the date of retirement in the form of a lesser Retirement Allowance payable throughout life with the following option:

If he or she dies before he or she receives in Annuity payments the amount of his or her Accumulated Retirement Contributions as it stood at his or her retirement, the balance of such Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(b) Within sixty (60) days prior to the date of retirement for service, a Member may elect to receive the actuarial equivalent of his or her Retirement Allowance as of the date of retirement in the form of a lesser Retirement Allowance payable throughout life, with one of the following options:

Option 1: If he or she dies before he or she receives in Annuity payments the amount of his or her Accumulated Retirement Contributions as it stood at his or her retirement, the balance of such Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

Option 2: Upon his or her death, his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

Option 3: Upon his or her death, one-half of his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

Option 4: Upon his or her death, one-fourth of his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

(c) Election of any option must be in writing signed by the Member and filed with the Secretary of the Retirement Board within sixty (60) days prior to his or her retirement. A Member shall have no right to change the basis of his or her Retirement Allowance after the effective date of his or her retirement, except as provided in Subsections (d) and (f).

(d) If a Member has elected to receive a Retirement Allowance under this Section, and the named Beneficiary dies before the Member's first Retirement Allowance payment is due, said Member may elect to receive a Retirement Allowance computed in accordance with provisions of this Section or provisions of Section 15.

(e) Where no option is selected, a Member, upon retirement for service or disability, shall be entitled to receive a Retirement Allowance during his or her lifetime only, and all rights of said Member or of any other person or persons claiming under him or her, except the right to his or her Retirement Allowance which is payable for the month in which his or her death occurred, and the right to a survivorship benefit as provided in Section 20(c) shall cease with his or her death; provided, however, that if the Retired Member dies before his or her first Retirement Allowance is due, his or her Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(f) Upon the death of a Retired Member, or upon the death of a person receiving an allowance under Option 2, Option 3, or Option 4, the full amount of the Retirement Allowance covering the month in which he or she died shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(g) For purposes of this Section, the term "actuarial equivalent" means two or more optional forms of distribution that have the same present value as determined using the actuarial assumptions approved from time to time by the Retirement Board upon the recommendation of the Retirement System's actuary for determining System liabilities and incorporated into this Section.

The actuarial assumptions are the following:

- (1) Rate of Return: 7.00% effective July 1, 2019; and
- (2) Mortality Table:
  - (A) Service Retirement:
    - (i) Member: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
    - (ii) Beneficiary: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
  - (B) Disability Retirement:
    - (i) Member: Pub-2010 Non-Safety Disabled Retiree Amount-Weighted Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
    - (ii) Beneficiary: Pub-2010 Contingent Survivor Amount-Weighted Above-Median Mortality Tables, with rates increased by 5% for males and females, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 25% male and 75% female.

2. Effective as of January 1, 2020, Section 41 of this Ordinance, entitled "Optional Modification of Retirement Allowance," shall be amended as follows:

- (a) A Member's entire interest in the Retirement System must be distributed, or begin to be distributed, to the Member no later than the Member's Required Beginning Date. The term "Required Beginning Date" means April 1 of the calendar year following the latter of:
  - (1) the calendar year in which the Participant attains age 72 (or age 70 ½ if the Member reached age 70 ½ before January 1, 2020); or
  - (2) the calendar year in which the Participant retires.
- (b) Any other provision of the Plan to the contrary notwithstanding, all distributions will be made in compliance with a reasonable and good faith interpretation of Code Section 401(a)(9), including the incidental death benefit requirement in Code Section 401(a)(9)(G) and

Sections 1.401(a)(9)-1 through 1.401(a)(9)-9 of the Treasury regulations, as applicable to a governmental plan within the meaning of Section 414(d) of the Code.

The Retirement Board may promulgate such rules and regulations as it determines are necessary or advisable to ensure compliance with the requirements of this Section and a reasonable and good faith interpretation of Code Section 401(a)(9).

3. This Ordinance shall become effective and in full force and effect no sooner than at 12:01 a.m. on the thirty-first day after its passage.

---

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 11, 2021, held virtually due to the COVID-19 pandemic and in accordance with Executive Order No. N-29-20, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of

Directors held at the same place on May 25, 2021, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 21, "OPTIONAL MODIFICATION OF RETIREMENT ALLOWANCE," AND AMENDING SECTION 41, "MINIMUM DISTRIBUTION REQUIREMENTS," TO ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Introduced by Director

; Seconded by Director

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District that Ordinance No. 40, which is entitled "AN ORDINANCE ESTABLISHING A RETIREMENT SYSTEM FOR EMPLOYEES OF EAST BAY MUNICIPAL UTILITY DISTRICT, PROVIDING FOR THE PAYMENT OF RETIREMENT ALLOWANCES TO MEMBERS OF THE RETIREMENT SYSTEM, FOR THE PAYMENT OF DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND FOR THE COST OF LIVING ADJUSTMENT, PRESCRIBING THE CONDITIONS UNDER WHICH SAID ALLOWANCES AND BENEFITS SHALL BE PAID, DETERMINING RATES OF CONTRIBUTION AND THE AMOUNTS OF RETIREMENT ALLOWANCES, DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND THE PERCENTAGE OF COST OF LIVING ADJUSTMENT, AND PROVIDING FOR THE ADMINISTRATION OF SAID RETIREMENT SYSTEM," as amended from time to time, is further amended as follows:

1. Effective July 1, 2021, Section 21 of this Ordinance, entitled "Optional Modification of Retirement Allowance," shall be amended as follows:

(a) Within sixty (60) days prior to the date of retirement for disability, a Member may elect to receive the actuarial equivalent of his or her Retirement Allowance as of the date of retirement in the form of a lesser Retirement Allowance payable throughout life with the following option:

If he or she dies before he or she receives in Annuity payments the amount of his or her Accumulated Retirement Contributions as it stood at his or her retirement, the balance of such Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(b) Within sixty (60) days prior to the date of retirement for service, a Member may elect to receive the actuarial equivalent of his or her Retirement Allowance as of the date of retirement in the form of a lesser Retirement Allowance payable throughout life, with one of the following options:

Option 1: If he or she dies before he or she receives in Annuity payments the amount of his or her Accumulated Retirement Contributions as it stood at his or her retirement, the balance of such Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

Option 2: Upon his or her death, his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

Option 3: Upon his or her death, one-half of his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

Option 4: Upon his or her death, one-fourth of his or her lesser Retirement Allowance shall be continued throughout the life of and paid to the person nominated by him or her, effective with the first day of the month following the date of his or her death.

(c) Election of any option must be in writing signed by the Member and filed with the Secretary of the Retirement Board within sixty (60) days prior to his or her retirement. A Member shall have no right to change the basis of his or her Retirement Allowance after the effective date of his or her retirement, except as provided in Subsections (d) and (f).

(d) If a Member has elected to receive a Retirement Allowance under this Section, and the named Beneficiary dies before the Member's first Retirement Allowance payment is due, said Member may elect to receive a Retirement Allowance computed in accordance with provisions of this Section or provisions of Section 15.

(e) Where no option is selected, a Member, upon retirement for service or disability, shall be entitled to receive a Retirement Allowance during his or her lifetime only, and all rights of said Member or of any other person or persons claiming under him or her, except the right to his or her Retirement Allowance which is payable for the month in which his or her death occurred, and the right to a survivorship benefit as provided in Section 20(c) shall cease with his or her death; provided, however, that if the Retired Member dies before his or her first Retirement Allowance is due, his or her Accumulated Contributions shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(f) Upon the death of a Retired Member, or upon the death of a person receiving an allowance under Option 2, Option 3, or Option 4, the full amount of the Retirement Allowance covering the month in which he or she died shall be paid to his or her Beneficiary or, in the absence of a named Beneficiary then living, to his or her estate.

(g) For purposes of this Section, the term "actuarial equivalent" means two or more optional forms of distribution that have the same present value as determined using the actuarial assumptions approved from time to time by the Retirement Board upon the recommendation of the Retirement System's actuary for determining System liabilities and incorporated into this Section.

The actuarial assumptions are the following:

(1) Rate of Return: 7.00% effective July 1, 2019; and

(2) Mortality Table:

(A) Service Retirement:

(i) Member: ~~Headeount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional improvement scale MP-2015, set forward two years for males weighted 75% and set forward one year for females and weighted 25%; and~~

**Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and**

(ii) Beneficiary: ~~Headeount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional improvement scale MP-2015, set forward two years for males and weighted 25% and set forward one year for females and weighted 75%; and~~

**Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and**

(B) Disability Retirement:

(i) Member: ~~Headeount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional improvement scale MP-2015, set forward nine years for males and weighted 75% and set forward nine years for females and weighted 25%; and~~

**Pub-2010 Non-Safety Disabled Retiree Amount-Weighted Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and**

(ii) Beneficiary: ~~Headeount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional improvement scale MP-2015, set forward two years for males and weighted 25% and set forward one year for females and weighted 75%.~~

**Pub-2010 Contingent Survivor Amount-Weighted Above-Median Mortality Tables, with rates increased by 5% for males and females, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 25% male and 75% female.**

2. Effective as of January 1, 2020, Section 41 of this Ordinance, entitled "Optional Modification of Retirement Allowance," shall be amended as follows:

(a) A Member's entire interest in the Retirement System must be distributed, or begin to be distributed, to the Member no later than the Member's Required Beginning Date. The term "Required Beginning Date" means April 1 of the calendar year following the latter of:

- (1) the calendar year in which the Participant attains age ~~70-1/2~~ **72 (or age 70 ½ if the Member reached age 70 ½ before January 1, 2020)**; or
- (2) the calendar year in which the Participant retires.

(b) Any other provision of the Plan to the contrary notwithstanding, all distributions will be made in compliance with a reasonable and good faith interpretation of Code Section 401(a)(9), including the incidental death benefit requirement in Code Section 401(a)(9)(G) and Sections 1.401(a)(9)-1 through 1.401(a)(9)-9 of the Treasury regulations, as applicable to a governmental plan within the meaning of Section 414(d) of the Code.

The Retirement Board may promulgate such rules and regulations as it determines are necessary or advisable to ensure compliance with the requirements of this Section and a reasonable and good faith interpretation of Code Section 401(a)(9).

3. This Ordinance shall become effective and in full force and effect no sooner than at 12:01 a.m. on the thirty-first day after its passage.

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President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 11, 2021, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on

May 25, 2021, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

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ITEM 16

CORONAVIRUS UPDATE

WILL BE PROVIDED  
AS AN ORAL REPORT

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: May 25, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Kelly A. Zito, Special Assistant to the General Manager 

SUBJECT: 2021 Drought Update

**SUMMARY**

Following the Board's April 27, 2021 declaration of a Stage 1 drought, staff began disseminating key messages to stakeholders about the importance of individual actions to help the District achieve ten percent overall conservation and the District's long-term water supply planning efforts that ensure water for our communities this year and beyond. This memo summarizes drought response actions to date. Staff will update the Board regularly on future operational changes and water conservation messaging and outreach.

**DISCUSSION**

**Water Supply and Operations.** This year has been the driest year on record in the East Bay and the second driest year on record in the Mokelumne watershed. The precipitation received to date in the East Bay and in the Mokelumne watershed has been approximately 32 percent and 53 percent of average, respectively. Snow water content in the Mokelumne watershed has decreased to zero. Total storage in Pardee and Camanche reservoirs is 78 percent of average and 63 percent of capacity, and total storage in the East Bay reservoirs is 87 percent of average and 66 percent of capacity. The projected October 1 total system storage is approximately 425,000-acre feet (AF) under median conditions.

To supplement supplies the District plans to take delivery of up to 58,000 AF of Central Valley Project (CVP) water through Freeport Regional Water Authority (FRWA) beginning this summer with a schedule to be negotiated with the U.S. Bureau of Reclamation. Water from FRWA will primarily be treated at the Upper San Leandro (USL) and Sobrante water treatment plants (WTPs). These two water treatment plants will be operated at higher-than-normal rates during the drought. Additionally, the District is coordinating use of FRWA to wheel 3,200 AF of Contra Costa Water District's CVP water pursuant to the prior settlement agreement.

With higher production at the USL and Sobrante WTPs, many customers west of hills may notice changes to taste and odor. Water delivered through FRWA could be supplied to Orinda or

Walnut Creek WTPs next winter depending on hydrology and the timing of CVP water available to the District. Staff will operate the system to minimize taste and odor issues.

Delivery of recycled water is expected to be maximized – increasing from 7.4 million gallons per day (MGD) now to 8.9 MGD during the summer.

**Fisheries Operations.** Staff are conducting trap and haul operations in the Mokelumne River to move juvenile salmon around the Delta to minimize impacts of increased water temperatures. Staff will continue to monitor and track coldwater pool volumes and take management actions to meet fall water temperature targets. An additional volume will be made available for fall fish attraction pulse flows and/or coldwater pool supplementation due to taking of supplemental water supplies.

**Water Loss Prevention.** The District continues to minimize water loss with a variety of proactive monitoring efforts. Over the last three years the District has located and repaired over 200 leaks detected using approximately 2,000 leak detection devices located throughout the distribution system. These proactive repairs avoided an estimated 15 to 89 million gallons of water loss each year. An additional 700 leak detection devices will be installed by this fall. The District also continues to develop satellite-based leak detection to comprehensively survey the distribution system for additional leaks.

**Customer Outreach and Activity.** On April 27, staff sent a press release announcing the Board's drought declaration. Social media posts on the drought declaration generated 13,176 impressions on Twitter and 1,600 impressions on Facebook. On April 30, staff shared a video encouraging conservation on all social media platforms which generated over 1,600 views. On May 7, staff participated in an online chat, hosted by Bay City News, to answer drought questions. Between late April and mid-May staff responded to 66 media queries about drought, water supplies and customer conservation efforts from broadcast, print, and online media outlets including some Spanish-language outlets. Staff launched [ebmud.com/drought](http://ebmud.com/drought) with updated information about the Stage 1 drought declaration and water conservation resources. This information is accessible from the [ebmud.com](http://ebmud.com) homepage and other related pages such as Water Supply and the WaterSmart Center.

Drought messaging has been incorporated into email transmittals of Irrigation Reduction Information System water budgets. To outreach to Commercial Institutional and Industrial customers, a quarterly newsletter was sent to approximately 5,000 customers on April 13. The newsletter featured an article, "Statewide Snowpack Well Below Normal: What's in Store for Your Business?"

Automated emails for customers who make one-time payments or are enrolled in autopay will contain drought messaging starting with the May/June billing cycle. The top of bill message included in paper statements also includes drought messaging. Staff is developing drought messaging to incorporate into the bi-monthly Water Reports, reaching approximately 68 percent of customer accounts, including targeted messages for multi-family residential accounts.

The May/June *Customer Pipeline*, published prior to the drought declaration, encouraged customers to visit [ebmud.com/watersupply](http://ebmud.com/watersupply) for the latest drought news. The District's employee newsletter, *Splashes*, published five articles on drought this year. The Contact Center and customer-facing groups were provided frequently asked questions on the drought declaration.

In response to the last drought, the District created an online water waste reporting form at [ebmud.com/reportwaterwaste](http://ebmud.com/reportwaterwaste). The form was updated to include a drop-down menu with the type of water waste observed. Staff is updating [ebmud.com](http://ebmud.com) to add language encouraging customers to email photos or videos to provide additional detail. Staff reviews and follows-up on all reports.

Leak alerts continue to be a popular service with high rates of reported customer satisfaction. For Fiscal Year 2021 (July 2020 through April 2021), the District's web portal detected 59,557 leaks and alerted approximately 47 percent of those accounts (limited to customers with active email addresses in the system). Approximately half of those customers opened the leak alerts, and nearly 13 percent acknowledged resolution of the leak. Overall, 97 percent of customer feedback was positive. Staff continues to follow up by phone with unresponsive customers with significant potential leaks.

The District recently completed its "Spring Webinar Series," featuring six presentations on topics including water efficient irrigation, plant selection, rainwater harvest, graywater recycling, and home leak detection. Two of the webinars were offered in both English and Spanish.

The District continues to engage local government agencies, civic councils, community organizations, and other neighborhood groups with presentations designed to help residents understand drought and the impacts on water service and the environment. (see attached Speakers' Bureau and Outreach Record).

## **NEXT STEPS**

Staff will continue to update the Board regarding drought response activities including water supply projections, status of supplemental supplies, and outreach activities. In June, staff will launch a monthly virtual Speaker's Series, with the first topic on water supply, FRWA operations, and how the District has prepared for the current drought. The July installment will focus on water conservation beyond the success of past conservation efforts, including new technology and tools to help customers manage their water use. The upcoming July/August *Customer Pipeline* will focus on drought measures and ways to reduce outdoor water use.

CCC:KAZ:cw

Attachment

SPEAKERS' BUREAU and OUTREACH RECORD CY21						
Date/Time	Group	Ward	District Speaker/ Attendee	Type	Topics Requested	Estimated Audience
5/4/21 5pm	North Richmond Municipal Advisory Council	1	Director McIntosh, Clifford Chan, Sophia Skoda, Richard Lou, David Mercado, Mona Favorite-Hill and Sharla Sullivan	Virtual Presentation	EBMUD update	20
5/4/21 7:00pm - 8:30pm	Rossmoor Walnut Creek	2	Kathryn Horn and Shirley Lu	Virtual Presentation	EBMUD water supply	35
5/6/21 12pm	Lafayette Rotary	2	Vice President Coleman and Kathryn Horn	Virtual Presentation	EBMUD update	20
5/6/21 12pm	Budget, rates, and charges information session	District-wide	Clifford Chan, Sophia Skoda, Richard Lou, Jeanne Chase, David Mercado and Mona Favorite-Hill	Virtual Presentation	Prop 218, budget and rates	20
5/6/21 6pm	Budget, rates, and charges information session	District-wide	Clifford Chan, Sophia Skoda, Richard Lou, Jeanne Chase, David Mercado and Mona Favorite-Hill	Virtual Presentation	Prop 218, budget and rates	12
5/6/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7		Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
5/8/21	Peralta Hacienda Historical Park "Water Keepers" class	6	Ben Glickstein	Virtual Presentation	Water, wastewater, and creeks	4
5/12/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
5/12/21 6:30pm	Alameda County Mayors' Conference	3, 4, 5, 6, 7		Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	50

<b>Date/Time</b>	<b>Group</b>	<b>Ward</b>	<b>District Speaker/ Attendee</b>	<b>Type</b>	<b>Topics Requested</b>	<b>Estimated Audience</b>
5/13/21	Realtor Marketing Association (Danville)	2	Vice President Coleman and Kathryn Horn	Virtual Presentation	Water supply, budget and rates	75
5/13/21	San Ramon Rotary	2, 7	Vice President Coleman	Virtual Presentation	Water supply and drought	20
5/17/21 1:30pm	EBRPD Liaison Meeting	District-wide	Director Katz, Director Mellon, Clifford Chan, Dave Briggs, Andrew Lee, Mike Tognolini, Jimi Yoloeye, Kelly Zito, Elizabeth Bialek and Scott Hill	Virtual Presentation	Moraga Creek Erosion and Flood Control Project, East Bay Watershed Trail Use and Forest Health	20
5/17/21	Lafayette City Council	2	Scott Hill and Brett Kawakami	Virtual Presentation	Fuel reduction and Public Safety Power Shutoffs	
5/18/21 5:30pm - 6:30pm	Beacon Ridge Association	2	Geneva Gondak and Evan Jenkins	Virtual Presentation	Water conservation	15
5/19/21 12:30pm	Berkeley Rotary	4	Director Katz, Clifford Chan, Sophia Skoda, Richard Lou, Jeanne Chase, David Mercado, Mona Favorite-Hill, and Sharla Sullivan	Virtual Presentation	Climate change, drought, budget and rates	100
5/19/21	Moraga Orinda Fire Department	3	Clifford Chan, Dave Briggs and Kathryn Horn	Virtual presentation	Fire hydrant maintenance program	
5/27/21 8:30am	Moraga Valley Kiwanis	3	Director Young	Virtual Presentation	Water supply and drought	20

Date/Time	Group	Ward	District Speaker/ Attendee	Type	Topics Requested	Estimated Audience
5/27/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
6/3/21 6pm	Lake Chabot Rd. Quarry Site Project public meeting	7	Director Mellon, Chien Wang, Dave Rehnstrom, Jennifer MacGregor, Lindsay Edelman and Mona Favorite-Hill	Virtual Presentation	Public comment on the proposed Quarry site project	
6/8/21 7:00am - 7:30am	Danville Sycamore Valley Rotary Club	2	Vice President Coleman	Virtual Presentation	EBMUD update	20
6/8/21 7pm	San Ramon City Council	2, 7	Vice President Coleman	Virtual Presentation	Water supply and drought	30
6/9/21 6:30pm	Alameda County Mayors' Conference	3, 4, 5, 6, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	50
6/14/21 2:00pm - 3:30pm	Landscape Advisory Committee	District-wide	Christine Hawkins and Luke Sires	Webinar	Irrigation Basics	
6/21/21 7pm - 8pm	Pleasant Hill City Council	2	Vice President Coleman	Virtual Presentation	Water supply, drought, rates, and infrastructure	
6/24/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
7/1/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
7/14/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40

<b>Date/Time</b>	<b>Group</b>	<b>Ward</b>	<b>District Speaker/ Attendee</b>	<b>Type</b>	<b>Topics Requested</b>	<b>Estimated Audience</b>
7/22/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
8/5/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
8/11/21 11:30am -	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
8/26/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
9/2/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
9/8/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
9/23/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
10/7/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
10/13/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
10/28/21 8:30am	West County Mayors' and Supervisors Association	1, 3, 4	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
11/4/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100
11/10/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40
12/2/21 6:30pm	Contra Costa Mayors' Conference	1, 2, 3, 4, 7	TBD	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	100

<b>Date/Time</b>	<b>Group</b>	<b>Ward</b>	<b>District Speaker/ Attendee</b>	<b>Type</b>	<b>Topics Requested</b>	<b>Estimated Audience</b>
12/8/21 11:30am - 1:00pm	Exchange Club of San Ramon Valley (Danville)	2	Kathryn Horn	Virtual Meeting	No EBMUD speaker; attendance for networking and community updates.	40





## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: May 20, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Janetta M. Johnson, Assistant to the General Manager 

SUBJECT: Planning Committee Minutes – May 11, 2021

Chair Marguerite Young called to order the regular meeting of the Planning Committee at 8:30 a.m. She announced that in light of the COVID-19 pandemic, the meeting would be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate remotely while social distancing requirements are in effect. Directors Frank Mellon and Lesa R. McIntosh were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Manager of Pipeline Construction and Equipment Laura J. Johnson, Manager of Maintenance and Construction Michael R. Ambrose, Director of Water and Natural Resources Michael T. Tognolini, Manager of Fisheries and Wildlife Michelle L. Workman, and Manager of East Bay Watershed and Recreation Scott D. Hill, Manager of East Bay Watershed and Recreation Charles C. Beckman, Director of Wastewater Eileen M. White, and Senior Civil Engineer John M. Hake, Special Assistant to the General Manager Kelly A. Zito, Executive Assistant II Robyn Johnson, and Assistant to the General Manager Janetta M. Johnson.

**Public Comment.** None.

**Strategic Communications Plan.** Special Assistant to the General Manager Kelly A. Zito introduced Emily Otis with Katz & Associates (K&A) who presented a strategic communications plan (Plan). Ms. Otis discussed the benefits and purpose of having a strategic communication plan. Next, she highlighted the stakeholder groups and additional research used to develop the Plan. The Plan goal is to raise public awareness of and increase engagement around the District's work to provide high-quality water and wastewater services, protect public health and the environment, and plan for a resilient and sustainable future. The Plan, created with K&A, provides a framework to prioritize, unify and elevate messaging and outreach. K&A found the District performs an array of outreach activities, but the messages and strategies often lack focus and consistency. K&A concluded that while the District may not need to communicate *more*, it can communicate more strategically, proactively, and consistently to convey the District's core values and raise its profile. The Plan outlines a phased implementation approach for the next two years, including articulating a compelling story: vision, values, identity; prioritizing and streamlining communications; establishing a shared understanding and focus internally; ensuring access to information; building and expanding partnerships; and embracing innovation and industry leadership. Ms. Zito stated that staff will work with K&A to refine the Plan, timeline, and implementation phases; work to ensure communications efforts are prioritized and the Plan aligns with the recommendations in the Racial Equity and Justice pilot project on community engagement. Staff will present the Plan to the full Board later this year. Ms. Otis responded to Committee questions about whether the Plan will assist with evaluating partnerships/memberships/sponsorships and the thought process on selecting the themes. The Committee asked staff to ensure long-term partnerships align with the District's Strategic Plan goals, consider adding reliability and affordability as a theme, include known councils/associations into the Plan, and consider "Your Water" as a tagline.

**Paving and Other Related Services.** Manager of Pipeline Construction and Equipment Laura J. Johnson discussed the District's paving operations including workload and cost trends, backlog, and union communications. The District performs approximately 3,500 street excavations annually. To restore the paving, the District spends approximately \$20 million per year to satisfy city/county permit requirements. While most of the costs are associated with District forces, agreements with service providers for paving services (e.g., asphalt replacement or sealing) are required to meet workload peaks, address backlog, and reimburse cities and counties for joint paving agreements in the service area. The District employs eight paving crews (approximately 64 employees). The District has used contractors and joint paving agreements since the early 1990s to maintain a reasonable backlog. Between 2017 and 2019, District forces completed approximately 99 percent of the paving work. In 2020, numerous factors increased the paving backlog and limited the District's ability to reduce it including: increased pipeline replacement rates, more extensive paving requirements by city/county agencies, and periodic quarantining of crews, and delays in recruitments resulting in higher-than-normal vacancies in District paving positions due to the pandemic. As a result, District forces completed only about 80 percent of the paving work in calendar year 2020 with the remaining work completed by contractors. Moving forward, the annual spending for contracted-out paving is expected to decrease as the District fills vacant positions, the backlog (much of it pandemic-related) decreases, and the impact of COVID-19 on staffing subsides. In some cases, the city/county will require the District to pay the city/county to complete pavement restoration rather than have the District perform the work. The Board will be asked to consider at its meeting on May 11, 2021 amendments to the previously authorized agreements to increase the aggregate amount of those agreements by \$3,500,000 to a total aggregate amount not to exceed \$7,500,000 and extend the agreement terms for one additional year for paving and other related services. Addressing the Committee was Eric O. Larsen, Local 444 President, who objected to this work being contracted out and asked the District to add Limited-Term positions to address the backlog. Ms. Johnson responded to Committee questions about the benefits of having a small backlog. The Committee asked staff to investigate opportunities to increase diversity with paving service providers and evaluate appropriate staffing levels for the Paving Section. It was moved by Director McIntosh, seconded by Director Mellon, and carried (3-0) by roll call vote to support staff's recommendation.

**2020 Mokelumne Fall-run Chinook Salmon and Steelhead Returns.** Manager of Fisheries and Wildlife Michelle L. Workman presented an overview of the fish returns for 2020. In 2020, the Mokelumne River Chinook salmon return was considerably lower than the most recent decadal trend. While the District continues to provide a variety of actions to support the salmon population, the species is subject to multiple stressors. Returns to the Mokelumne this year could be based on survival during their life cycle or straying on their return to the Mokelumne. Survival issues could include poor ocean, Delta, or tributary conditions. Straying could be due to pulse and run timing, and high flows from the Sacramento River. To address these potential issues, staff will focus on attraction flow planning and fall temperature management. This fall, staff will coordinate Mokelumne pulse timing with Sacramento River operations and communicate earlier on DCC gate operations to minimize straying. Additionally, staff will coordinate reservoir operations, so the coldest water gets transferred from Pardee to Camanche, improving cold-water pool conditions and survival of juvenile salmon in the river. Weather and Delta conditions continue to challenge juvenile salmon migrating from the Mokelumne River and overcoming these effects will be at the forefront of fisheries management activities going forward. The District, working with resource agencies, will continue to implement measures to improve the survival of juvenile salmon as they migrate through the central Delta. The District recently accepted \$450,000 in grant funds from the Healthy Rivers Initiative under Proposition 68 to develop floodplain habitat and improve spawning conditions. In addition, the District will continue studies to evaluate the results of barging juvenile salmon and spring pulse flows; and continue to engage resource agency staff, advocacy groups, and others in key forums, such as the Central Valley Project Improvement Act Science Integration Team, Hatchery Scientific Review Group Statewide Policy Team, and

Central Valley Hatchery Coordination Team, to incorporate the latest science and help build on the successes of the last two decades.

**Annual Recreation Report – 2020.** This item was held over from the April 13, 2021 Planning Committee meeting. Due to time constraints this item was again held over to a future meeting.

**Hydrogen Fueling Station at the Main Wastewater Treatment Plant.** Senior Civil Engineer John M. Hake presented information on the proposed project and grant award for the Zero-Emission Drayage Truck and Infrastructure Pilot Project. In November 2020, the California Energy Commission (CEC) and the California Air Resources Board (CARB) jointly released solicitations for a zero-emission drayage truck and infrastructure project. CARB was providing \$20 million in grant funds to purchase zero-emission drayage trucks and CEC was providing \$20 million in grant funds for the fueling infrastructure to serve those trucks. A single applicant would assemble a team to manufacture and operate zero-emission drayage trucks, install and operate fueling infrastructure, and demonstrate the feasibility of this approach at a California port. The District announced that it was interested in leasing property to support such projects serving the Port of Oakland. Two teams indicated interest in utilizing the Main Wastewater Treatment Plant (MWWTP) property and staff submitted letters of support to CEC for both proposals. On April 5, 2021, Center for Transportation and Environment (CTE), an applicant proposing to fuel trucks serving the Port of Oakland, was selected as one of two proposed award recipients. CTE and FirstElement Fuel, Inc. (FirstElement), a hydrogen transportation fuel provider, would develop and operate the fueling station together at the MWWTP. FirstElement currently has 24 operational hydrogen fueling stations in California and expects to have a total of 80 stations in service throughout California by 2025. Staff is negotiating a lease agreement with FirstElement to install and operate a hydrogen fueling station on the West End property. CTE proposed to use heavy-duty fuel cell electric vehicles operating on renewable hydrogen fuel. The proposed project will fuel up to 30 heavy-duty fuel cell Class 8 tractor-trailers manufactured by Hyundai and leased to Glovis America. The proposed grant award to CTE is \$17.1 million in combined funds from CEC and CARB. Assuming CTE reaches agreement with both agencies on the project scope, a grant award is expected to be approved by CEC at its meeting on July 15, 2021. Planning, permitting, and site development would begin thereafter and the fueling station would be operational by 2023. The project will earn lease revenue at market rate. In addition, the lease site will be improved by demolition and environmental cleanup. If a hydrogen production facility is built to utilize the District's biogas or electricity to produce hydrogen and supply the fueling station, the District would also earn revenue from fuel and energy sales. Staff will continue to negotiate a fueling station site lease with FirstElement and expects to bring a lease agreement to the Board for consideration at its May 25, 2021 meeting. It was moved by Director Mellon, seconded by Director McIntosh, and carried (3-0) to accept staff's recommendation.

**Adjournment.** Chair Young adjourned the meeting at 10:07 a.m.

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: May 20, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Janetta M. Johnson, Assistant to the General Manager 

SUBJECT: Legislative/Human Resources Committee Minutes – May 11, 2021

Chair John A. Coleman called to order the Legislative/Human Resources Committee meeting at 10:20 a.m. He announced that in light of the COVID-19 pandemic, the meeting would be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate remotely while social distancing requirements are in effect. Director Lesa R. McIntosh was present at roll call. Director William B. Patterson joined the meeting at 10:35 a.m. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Manager of Legislative Affairs Marlaigne K. Dumaine, Manager of Human Resources Laura A. Acosta, Human Resources Analyst II Steven R. Currie, Special Assistant to the General Manager Kelly A. Zito, Executive Assistant II Robyn Johnson, and Assistant to the General Manager Janetta M. Johnson.

**Public Comment.** None.

**Legislative Update.** Manager of Legislative Affairs Marlaigne K. Dumaine provided an overview of four bills in Legislative Report No. 05-21. Ms. Dumaine reported on *AB 315 (Stone)* Voluntary Stream Restoration Property Owner Liability: Indemnification would grant limited liability protections to property owners who voluntarily allow habitat restoration projects to take place on their property. EBMUD conducts habitat restoration along the lower Mokelumne River, in the Mokelumne River watershed, and in the East Bay watershed. *AB 1110 (R. Rivas)* Zero-Emission Vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program is intended to remove barriers public agencies face in transitioning to zero-emission vehicles. Ms. Dumaine provided additional information on the author's intent regarding vehicle procurement as requested by the Board at its April 13, 2021 meeting. *AB 1371 (Friedman)* Recycling: Plastic: Packaging and Carryout Bags is intended to reduce plastic and single-use packaging pollution. *SB 372 (Leyva)* Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles is intended to help owners of medium- and heavy-duty vehicles purchase cleaner zero-emission alternatives. Ms. Dumaine provided additional information on the author's intent regarding vehicle procurement as requested by the Board at its April 13, 2021 meeting. It was moved by Director McIntosh, seconded by Director Coleman, and carried (2-0) to support staff's recommendations on AB 315, AB 1110, AB 1371, and SB 372. Director Patterson was absent (excused).

Ms. Dumaine also provided an update on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

**Fiscal Year 2021 Affirmative Action Program Report.** Human Resources Analyst II Steven R. Currie provided an overview of the District's Affirmative Action Program report for Fiscal Year 2021, the action plan, and recommendations. As a federal contractor, the District is required by federal regulations to annually update and adopt a written AAP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. Pursuant to these regulations, the District establishes annual placement goals (by job group) for minorities and women. The District also analyzes its hires for protected veterans, and analyzes its workforce by job group for qualified individuals with disabilities (IWDs). For FY20, placement and outreach efforts for minorities and/or women were focused on 7 of the District's 22 job groups (Supervising Engineering, Electrical/Structural Maintenance, Pipeline Maintenance, Mechanical Maintenance, Rangers, Heavy Equipment/Truck Operators, Service Maintenance). The minority and/or women placement goals for FY21 remain the same as in FY20 with the addition of Technicians. The action-oriented programs for FY21 include continuation of targeted outreach; additional hiring manager support for job groups with placement goals; continuation of the high school skilled-trades internship programs, development of ranger, engineering, and IT internship programs; implementation of recommendations from the Women in Trades Environment Scan Report; and development and implementation of the Diversity and Inclusion Strategic Plan. For the FY22 AAP, staff will employ a new strategy for enhancing targeted outreach. In addition to job families identified in the AAP, targeted diversity outreach strategies will be applied to all recruitments for positions in the lowest third job groups by percentages for both women and minorities. Addressing the Committee was Eric O. Larsen, Local 444 President, who commented on the need for the District to have apprenticeship programs versus internship programs. The Committee asked staff to evaluate apprenticeship programs for trades starting at Worker I level and continue to address diversity, inclusion, and unconscious bias in the hiring process. It was moved by Director McIntosh, seconded by Director Patterson, and carried (3-0) by roll call vote to accept the report.

**Adjournment.** Chair Coleman adjourned the meeting at 11:04 a.m.

CCC/JMJ