



**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, November 14, 2023**

**11:00 a.m.**

**Boardroom**

**375 11<sup>th</sup> Street**

**Oakland, CA 94607**

**\*\*\*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. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *East Bay Municipal Utility District v. The 3M Company, et al*  
USDC, N.D. Cal., Case No. 4:23-cv-00738
2. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with David A. Briggs, Director of Operations & Maintenance, and David M. Cook, Manager of Security & Emergency Preparedness.
3. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluations: General Manager and General Counsel.

***(The Board will discuss Closed Session agenda items in Conference Room 8.)***

**REGULAR BUSINESS MEETING**  
**1:15 p.m.**

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PRESENTATION:**

- Annual Presentation Honoring EBMUD Veterans
- Service Award Recipients – July 2023 through September 2023

**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 8 recommendations, including 1 resolution)

1. Approve the Special Meeting Minutes of October 31, 2023.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after November 14, 2023 with the City of El Cerrito in an amount not to exceed \$1,300,000 for restoring asphalt pavement on Richmond Street and Elm Street as part of the Wildcat Pipeline Improvement, El Cerrito under Specification 2157.
4. Ratify payment and authorize agreement for Department of Transportation Drug and Alcohol testing third party administrator.
  - 4a. Ratify the extension of the agreement authorized under Board Motion No. 085-13 and payment of \$50,078 to Advanced Industrial Care, Inc. for the continuous work of providing drug and alcohol testing services rendered between June 30, 2021 and November 14, 2023.
  - 4b. Authorize an agreement beginning on or after November 14, 2023 with AIC through June 30, 2026, with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$302,000 to serve as Third Party Administrator of the District's Department of Transportation Drug and Alcohol Testing Program.
5. Authorize an amendment to the agreement previously authorized under Board Motion No. 043-21 with Mott MacDonald Group, Inc. to increase the agreement amount by \$580,922 to a total amount not to exceed \$2,524,600 for additional engineering design services for the Water Treatment Plant Effluent Meter, Large Customer Meter, Rate Control Station, and Regulator Improvements Design Project.

**CONSENT CALENDAR** (Continued):

6. Authorize amendments to agreements for flagging services.
  - 6a. Authorize amendments to the agreements previously authorized under Board Motion No. 218-22, with Bay Area Traffic Solutions, Inc.; Cal-Safety, Inc.; CMC Traffic Control Specialists Inc.; TPR Traffic Solutions; Traffic Control Pros; Traffic Management Inc.; and Yolanda's Construction Administration & Traffic Control Inc. to increase the aggregate amount of those agreements by \$3,600,000 to a total aggregate amount not to exceed \$6,450,000 and extend the agreement term to November 21, 2024 for flagging services.
  - 6b. Authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on November 14, 2023, 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.
7. Cancel the December 26, 2023 meetings of the Board of Directors.
8. Adopt a resolution authorizing the District to submit applications to the Wildlife Conservation Board for grants for three projects in their streamlined general grant program, specifically the planning and design of Lower Mokelumne River Floodplain Restoration in an amount up to \$650,000; the implementation of Lower Mokelumne River Diversion Screening in an amount up to \$1,100,000; and the construction of Pinole Creek Tomato Stand Fish Passage project in an amount up to \$250,000; and authorize the General Manager to negotiate and execute grant agreements if the District is selected to receive any grants. (Resolution)

**DETERMINATION AND DISCUSSION:**

9. Appointment of Manager of Pipeline Construction. (Resolution)
10. Appointment of Controller. (Resolution)
11. Legislative Update.
  - Mid-Session Report on State Legislation – Status of EBMUD Position Bills for the First Year of the 2023-24 State Legislative Session and Additional Bills of Interest
  - Update on Legislative Issues of Interest to EBMUD

**DETERMINATION AND DISCUSSION** (Continued):

12. Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel.
13. General Manager's Report.
  - Presentation on Disclosure Responsibilities Under Federal Securities Laws
  - General Manager's Monthly Report – October 2023

**REPORTS AND DIRECTOR COMMENTS:**

14. Committee Reports:
  - Special Finance/Administration
  - Planning
  - Sustainability
15. Other Items for Future Consideration.
16. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 28, 2023.***

**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

Date	Meeting	Time/Location	Topics
<b>Tuesday, November 14</b>	<b>Planning Committee</b>	9:15 a.m. Boardroom	<ul style="list-style-type: none"> <li>• East Bay Creek Habitat Restoration Projects</li> <li>• Lower Mokelumne River (FERC Project 2916) Relicense Project</li> </ul>
	<b>Sustainability Committee</b>	10:15 a.m. Boardroom	<ul style="list-style-type: none"> <li>• Calendar Year 2022 Greenhouse Gas Inventory</li> <li>• Resource Recovery Program Update</li> </ul>
	<b>Legislative/Human Resources Committee</b>		<ul style="list-style-type: none"> <li>• <i>Canceled</i></li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Thursday, November 23 &amp; Friday, November 24</b>	<b>Thanksgiving Holiday</b>		<ul style="list-style-type: none"> <li>• <i>Offices closed</i></li> </ul>
<b>Tuesday, November 28</b>	<b>Finance/Administration Committee</b>	TBD Boardroom	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, December 12</b>	<b>Planning Committee</b>	TBD Boardroom	
	<b>Legislative/Human Resources Committee</b>	TBD Boardroom	
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>

### 2023 Board Committee Members

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

**Closed Session and Regular Business Meetings**  
**Tuesday, November 14, 2023**  
**11:00 a.m. and 1:15 p.m.**

*EBMUD public Board meetings will be conducted in person and accessible via Zoom.  
These meetings are recorded, live-streamed, and posted on the District's website.*

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/j/97065086667>

\*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

**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.*

- 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 track time and inform each speaker when the allotted time has concluded
- 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
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- 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

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 topic 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 view the livestream of Board meetings, please visit:**  
<https://www.ebmud.com/about-us/board-directors/board-meetings/>

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**MINUTES**

**Tuesday, October 31, 2023**  
**East Bay Municipal Utility District**  
**Board of Directors**  
**375 Eleventh Street**  
**Oakland, California**

**Special Closed Session Meeting**

President Andy Katz called to order the Special Closed Session Meeting of the Board of Directors at 11:06 a.m. in the Administration Building Boardroom.

**ROLL CALL**

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

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

**PUBLIC COMMENT**

- Addressing the Board were the following: 1) Eric Larsen, President, AFSCME Local 444 commented on security and worker safety concerns, security for crews working at night, and allowing solo workers to pair up; 2) Tony Martin, Vice President, AFSCME Local 444 commented on security and worker safety concerns, vandalism and theft at the Oakport facility, and security for crews working at night; 3) Joey Smith, President, AFSCME Local 2019 commented on employee safety and previous requests for phones for staff and hand-sanitizing stations as safety measures; and 4) Ivette Rivera commented on the remarks by the union leaders, documents she will provide to the Board, and the Pierce/Bland case.

Director Coleman asked about an analysis to determine the District's cost if an employee is injured due to criminality. General Manager Clifford C. Chan stated he has met with District union leaders to discuss these issues and the additional work being done regarding security and worker safety. He highlighted other improvements being made at District facilities to address worker safety and said he participated in a meeting with other businesses organized by the Oakland Chamber of Commerce to discuss safety concerns. He reported the Board will be asked to consider approving additional funds for the District's existing security contract at its meeting on November 14, 2023. President Katz thanked the employees and union leaders for their comments and said he informed the Mayor of Oakland about District safety concerns; the Mayor has included the District and the General Manager in safety discussions. Staff was asked to provide information on actions being taken to address employee security concerns including safety training for staff and the capabilities of the District's contract security officers.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Katz announced the closed session agenda and the Board convened to Administration Building Conference Room 8 for discussion.

### **Special Business Meeting**

President Andy Katz called to order the Special Business Meeting of the Board of Directors at 12:57 p.m. in the Administration Building Boardroom.

### **ROLL CALL**

Directors April Chan, John A. Coleman, Doug A. Linney, Lesa R. McIntosh, Marguerite Young, and President Andy Katz were present at roll call. Director William B. Patterson arrived at 12:59 p.m.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

### **BOARD OF DIRECTORS**

President Katz led the Pledge of Allegiance.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

President Katz announced the Board of Directors approved the Ad Hoc Committee's recommendation. After a review of the entire record, the Ad Hoc Committee found each allegation by Lonna Coleman against General Manager Clifford C. Chan and General Counsel Derek T. McDonald to be unfounded. The Board found that no further investigation is warranted, and the investigation is closed. There were no other announcements required from closed session.

### **PUBLIC COMMENT**

- Addressing the Board was Ivette Rivera who commented on documents she provided to Board members during the closed session public comment period, documents she provided to Director Chan, the upcoming Zafra hearing, the Pierce/Bland case, her request for documents from the General Counsel, and being retaliated against.

### **CONSENT CALENDAR**

Item 1 was pulled from the Consent Calendar for separate discussion.

- Motion by Director Linney, seconded by Director McIntosh, to approve the recommended actions for Items 2-9 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

#### **1. Approve the Regular Meeting Minutes of October 10, 2023.**

Ivette Rivera asked the Board to have the meeting minutes revised to reflect that she was reporting retaliation and was being forced to participate in mediation. Secretary of the District Rischa S. Cole commented that similar to a previous request for revisions to meeting minutes, Ivette Rivera's request to revise the minutes would be included in today's meeting minutes. Secretary Cole asked the Board to consider approving the October 10 minutes as written.

- Motion by Director Linney, seconded by Vice President McIntosh, to approve the recommended actions for Item 1 carried (6-1) by the following voice vote: (Chan, Linney, McIntosh, Patterson, Young and Katz); NOES (Coleman); ABSTAIN (None); ABSENT (None).

**Motion No. 177-23** – Approved the Regular Meeting Minutes of October 10, 2023.

2. The following correspondence was filed with the Board: **1) Speakers' Bureau and Outreach Record CY23** dated October 23, 2023; and **2) Document** dated October 31, 2023 to Board of Directors regarding Public Records from Ivette Rivera.
3. **Motion No. 171-23** – Authorized an agreement beginning on or after October 31, 2023 with EETS, Inc. in an amount not to exceed \$525,130.82 for design services for the Pardee Dam Powerline Safety Improvements Project.
4. **Motion No. 172-23** – Authorized agreements beginning on or after October 31, 2023 with Chris Gatewood Industries dba CentriTEK; Centrifuge Systems, LLC dba Centrisys; and Flottweg Separation Technology, Inc. for three years with two options to renew for additional oneyear periods, in an aggregate amount, including option years, not to exceed \$900,000 for dewatering centrifuge overhaul and rehabilitation; and authorized additional agreements for dewatering centrifuge overhaul and rehabilitation, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 31, 2023, 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.
5. **Motion No. 173-23** – Authorized the Employee Bicycle Loan Program to allow employees to purchase a bicycle including bicycle components/accessories through an interest-free loan program.
6. **Motion No. 174-23** – Authorized an amendment to the agreement previously authorized under the General Manager's authority with Merrill Morris Partners to increase the agreement amount by \$24,930 to a total amount not to exceed \$104,930 and extend the agreement term to December 31, 2027 for landscape architecture services during construction for the Upper San Leandro Water Treatment Plant Maintenance and Reliability Improvements Project under Specification 2128.
- 7a. – **Motion No. 175-23** – Ratified the extension of the agreement previously authorized under Board
- 7b. **Motion No. 083-11** with Bentley Systems, Inc. and the payment of \$58,017.07 for supplying MicroStation CAD software during the period August 1, 2023 through October 31, 2023; and authorize an amendment to extend the agreement previously authorized under Board Motion No. 083-11 with Bentley Systems, Inc. through July 31, 2025, and to increase the agreement amount by \$506,396.40, which incorporates the ratified amount from the action above, for a total amount not to exceed \$2,528,396.40 for supplying MicroStation CAD software.
8. **Motion No. 176-23** – Approved the September 2023 Monthly Investment Transactions Report.
9. **Resolution No. 35369-23**– Amending Resolution No. 35353-23 To Add A New Job Classification Titled Senior Business Systems Analyst.

## **DETERMINATION AND DISCUSSION**

### **10. General Manager's Report.**

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY23 had been provided at Board places.

## **REPORTS AND DIRECTOR COMMENTS**

### **11. Committee Reports.**

- Filed with the Board were the Minutes for the October 10, 2023 Planning and Legislative/Human Resources Committee meetings.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day and received updates on the Monthly Investment Transaction Report; Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended September 30, 2023, and Quarterly Investment Report – September 30, 2023; the Voluntary Agreement Funding Agreement; Fiscal Year 2023 Key Performance Indicators Report; Fiscal Year Audit Preliminary Findings; and the Applicant Process Improvements Update.

### **12. Other Items for Future Consideration.**

None.

### **13. Director Comments.**

- Director Coleman expressed disappointment in the decision that came out of closed session. He also reported on plans to attend the ACWA fall conference in Indian Wells November 28–November 30.
- Director Patterson reported attending the Congressional Black Caucus Foundation's annual legislative conference in Washington D.C. September 20-23 and provided thoughts on the current state of violence in our society. He commented on the recent passing of his godson and said he would attend the memorial services during the lunch hour of the Board retreat on Friday, November 3, 2023. He also thanked everyone for their words of encouragement while he was out ill.
- Director Chan commented that Director Patterson is the conscious of the Board.
- Director Linney stated he is proud to serve on the Board with Director Patterson.
- Director Young reported participating in the Ward 3 briefing at San Pablo Reservoir on October 19. Approximately 50 people participated and there were lots of questions and interaction from the attendees. She thanked staff for their work. She also reported attending the District's Water Walk at the Mountain View Cemetery in Oakland on October 28. Approximately 35 people participated, and General Manager Clifford C. Chan provided an overview of the people buried at the cemetery and their connection to EBMUD.
- Director McIntosh and President Katz had no reports.

**ADJOURNMENT**

President Katz adjourned the meeting at 1:18 p.m.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: November 14, 2023

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Andy Katz, President of the Board

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Title:	Agreement with City of El Cerrito for Richmond Street and Elm Street Pavement Restoration	Meeting Date:	November 14, 2023
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**Environmental**

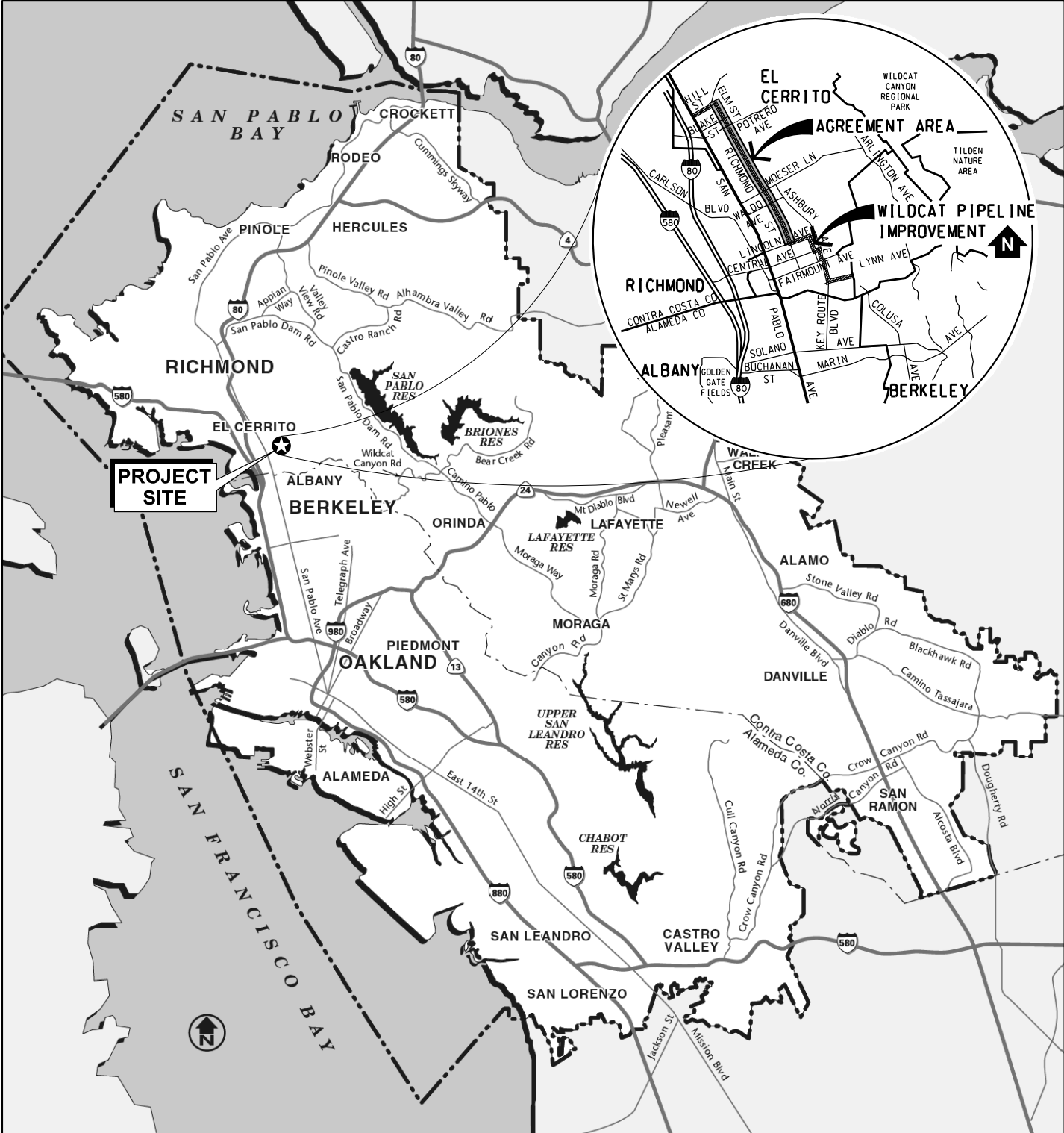
A California Environmental Quality Act Environmental Impact Report (EIR) was certified by the Board on December 10, 2013 under Resolution No. 33961-13. An addendum to the EIR was completed to record and analyze alignment changes due to unforeseen utility congestion issues and to reduce community impacts. The addendum was filed with the State Clearinghouse and the County of Contra Costa as part of a Notice of Determination on March 18, 2022.

**ALTERNATIVE**

**Do not authorize this agreement.** This alternative is not recommended because pavement restoration would still be required at the District’s expense. Opting out of agreement would be more costly to the District and the City and increase construction impacts to the community.

**Perform the pavement restoration with the Specification 2157 contractor.** This alternative is not recommended because the District’s pavement restoration would be demolished when the City performs its street improvement project following the Project.

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**PROJECT SITE  
LOCATION MAP**

NOT TO SCALE

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**AGREEMENT WITH CITY OF EL  
CERRITO FOR RICHMOND STREET  
AND ELM STREET PAVEMENT  
RESTORATION**

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Title:	Ratify Payment and Authorize Agreement for Department of Transportation Drug and Alcohol Testing Third Party Administrator	Meeting Date:	November 14, 2023
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**SERVICE PROVIDER SELECTION**

This item is being recommended as a direct award based on the firm’s demonstrated track record with the District of providing quality, timely testing services and their competitive costs based on industry standards. In 2013, AIC, a local small business, was selected through a request for proposals (RFP) process. Staff will issue a new RFP for these services in 2026.

**SUSTAINABILITY**

**Economic**

The FY 2024/FY 2025 adopted operating budget includes funding for the first two years of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

AIC’s agreement includes an adjustment clause that increases the cost of services by one percent annually.

**Social**

Locals 21 and 444 were notified of this agreement on September 6, 2023. Local 21 did not raise any specific issues related to this agreement. Local 444 issues were addressed at a meeting on September 8, 2023 and resolved.

At the request of Local 444, the RFP will be provided for their review prior to issuance in 2026.

**ALTERNATIVE**

**Do not authorize an agreement and award each test to available DOT service providers on a case-by-case basis.** This alternative is not recommended because the District would not be able to provide effective and timely service at a reasonable price.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Professional Services Agreement</b> Ratify Payment and Authorize Agreement for Department of Transportation Drug and Alcohol Testing Third Party Administrator						<b>DATE:</b> November 2, 2023						
<b>CONTRACTOR:</b> Advanced Industrial Care Inc. (AIC) Concord, CA				Small/Local Business Direct Award		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$352,078 *		<b>FIRM'S OWNERSHIP</b> Ethnicity: White      Gender: Women		<b>White Men</b> 25%		<b>White Women</b> 6%		<b>Ethnic Minorities</b> 25%		<b>Participation</b> 0.0% 100.0% 0.0%		
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b> M      W		<b>CONTRACTING PARTICIPATION</b>						
<i>PRIME:</i> Advanced Industrial Care Inc. (AIC)		\$352,078	White	x		White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<i>SUBS:</i>												
<b>TOTAL</b>		\$352,078				0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
			<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>			2		5		5		12			
<b>Percent of Total Employees:</b>			16.7%		41.7%		41.7%					
<b>MSA Labor Market %:</b>			33.3%		28.2%		38.5%					
<b>MSA Labor Market Location:</b>			Contra Costa County									
<b>COMMENTS</b>												
<p><b>Contract Equity Participation:</b> 100% White Women participation.</p> <p><b>Contract Duration:</b> Ratification for the continuous work through November 14, 2023 and New Agreement through June 30, 2026, with three options to renew for additional one-year periods</p> <p>*Total not to exceed: \$352,078 = \$50,078 (Ratification) + \$302,000 (New Agreement)</p>												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								





Title:	Amend Consultant Agreement for Water Treatment Plant Effluent Meters, Large Customer Meters, Rate Control Stations, and Regulators Improvements Project	Meeting Date:	November 14, 2023
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SUSTAINABILITY

**Economic**

Funding for this amendment is available in the FY 2024 adopted capital budget for the Water Loss Control project.

**Social**

Locals 2019 and 21 were notified of this amendment on September 11, 2023 and did not raise any specific issues related to this amendment.

**Environmental**

Installation of the types of facilities being designed under this agreement is typically exempt from the requirements of the California Environmental Quality Act (CEQA), and completion of the consultant’s design work is required to inform CEQA compliance for the project. Project approval for construction will only be considered following completion of CEQA review determined to be necessary based upon the consultant’s design work.

ALTERNATIVES

**Do not authorize the amendment.** This alternative is not recommended because this amendment is needed to complete design of critical safety and operational reliability improvements to the District’s water distribution system.

**Select another consultant to perform the work.** This alternative is not recommended because this additional work is integral to the original design under Mott MacDonald’s current agreement. Mott MacDonald is the Engineer-of-Record, is already familiar with the work and has the technical expertise and experience to complete the additional design services.

**Perform the work with District forces.** This alternative is not recommended because the safety and reliability improvements must be implemented as soon as possible to ensure reliability of the District’s water distribution system. District forces are working on other high priority 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>Professional Services Agreement -Amendment</b> Amend Consultant Agreement for WTP Effluent Meter, Large Customer Meter, Rate Control Station, and Regulator Improvements Design Project						<b>DATE:</b> October 13, 2023						
<b>CONTRACTOR:</b>						<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
Mott MacDonald Group, Inc. San Ramon, CA 94583			Local Business / Sole Proposer			<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>		
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>				<b>White Men</b>		<b>25%</b>		<b>0.0%</b>		
		<b>Ethnicity</b>		<b>Gender</b>		<b>White Women</b>		<b>6%</b>		<b>0.0%</b>		
\$580,922 *		Foreign Owned		-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>12.2%</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> Mott MacDonald Group, Inc.		\$509,867	Foreign	X								87.8%
<b>SUBS:</b> Anderson Pine Corporation		\$71,055	Black	X				12.2%				
<b>TOTAL</b>		\$580,922				0.0%	0.0%	12.2%	0.0%	0.0%	0.0%	87.8%
<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>			1,157		327		396		1,880			
<b>Percent of Total Employees:</b>			61.5%		17.4%		21.1%					
<b>MSA Labor Market %:</b>			39.0%		33.7%		27.3%					
<b>MSA Labor Market Location:</b>			Total USA									
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 87.8% Foreign Owned participation and 12.2% Ethnic Minority participation. <b>Contract Duration</b> : None  *Total not to exceed: \$2,524,600 =\$1,943,678 (Original) + \$580,922 (Amendment)												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				YES								





# BOARD ACTION

Agenda Number:	6a.-6b.	Meeting Date:	November 14, 2023
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## TITLE **AMEND AGREEMENTS FOR FLAGGING SERVICES**

**ACTION**       Motion:                                       Resolution:                                       Ordinance:

### RECOMMENDED ACTION

- Authorize amendments to the agreements previously authorized under Board Motion No. 218-22, with Bay Area Traffic Solutions, Inc.; Cal-Safety, Inc.; CMC Traffic Control Specialists Inc.; TPR Traffic Solutions; Traffic Control Pros; Traffic Management Inc.; and Yolanda’s Construction Administration & Traffic Control Inc. to increase the aggregate amount of those agreements by \$3,600,000 to a total aggregate amount not to exceed \$6,450,000 and extend the agreement term to November 21, 2024 for flagging services.
- Authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on November 14, 2023, 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

The proposed amendment will allow the District to utilize flagging services for another year. Flagging services include labor and equipment for traffic and pedestrian control, lane closures, and detours including setup, monitoring, and removal.

### DISCUSSION

Flagging services are used to safely manage vehicle, bicycle, and pedestrian traffic around District construction and repair sites to ensure the safety of workers and the public. Certified flaggers, appropriate signage, vehicles, and equipment are also required to comply with permitting agency requirements. The District has historically used flagging services to support District staff on an as-needed basis. In recent years, city and county requirements for traffic control have significantly increased in complexity and scope.

In November 2022, under Motion No. 218-22, the Board authorized agreements for flagging services for an amount not to exceed \$1,900,000 through November 22, 2023. On August 8, 2023, under Motion No. 131-23, the Board authorized amendment to the agreements to increase the aggregate amount by \$950,000 for a total amount not to exceed \$2,850,000 through November 22, 2023.

<b>Originating Department:</b> Maintenance and Construction	<b>Department Director or Manager:</b> Crystal J. Yezman	<b>CEP Forms?</b> Yes	<b>Board Action Type:</b> General Services
<b>Funds Available:</b> FY2024/2025 Award 7000005, page 29, Award 7000003, page 32; Award 7000006, page 33 and Award 7000024, page 34.	<b>Budget Coding:</b> 11.Variou.Variou.Variou.52970.000000		<b>Approved:</b>  
<b>Attachment(s):</b> P-035; P-061			

Title:	Amend Agreements for Flagging Services	Meeting Date:	November 14, 2023
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Flagging expenditures have increased over the past five years as a result of higher pipeline replacement rates and additional city requirements. Some cities and counties are now requiring flagger escorts for bicyclist and pedestrian detours. Complex traffic control plans for this planned work are prepared by licensed engineers. Traffic control remains highly variable; on many days no additional resources are needed while other days require over 20 contracted flaggers. This work supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

**SERVICE PROVIDER SELECTION**

In May 2020, a request for proposals (RFP) was posted on the District’s website and sent to eight potential proposers. Seven service providers submitted proposals. All proposers were selected based on the ability to meet specific requirements as outlined in the RFP.

**SUSTAINABILITY**

**Economic**

Funding for this purpose is available in the FY 2024 and FY2025 adopted operating and capital budgets for the Pipeline System Extensions, Pipeline Rebuild, Pipeline Relocations, and Pipeline System Improvements.

**Social**

Local 444 was notified of these amendments on October 9, 2023. Local 444 raised issues related to contracting out these services and recommends reducing the award by the dollar amount sufficient to hire six additional staff. The District and Local 444 met on October 5, 2023 and November 7, 2023. The District and Local 444 were unable to resolve the issue and Local 444 has advised the District that it may address the Board regarding contracting out flagging services. The District’s reasons for contracting are consistent with EBMUD’s criteria for contracting out work.

**ALTERNATIVES**

**Do not authorize these amendments for services.** This alternative is not recommended because flagging services are critical to support District operations.

**Add staff and equipment to reduce the need for services.** This alternative is not recommended because flagging services are highly variable and historically supported through as-needed service providers.

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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 - Amendment</b> Amend Agreements for Flagging Services						<b>DATE:</b> October 31, 2023						
<b>CONTRACTOR:</b>  Various Firms (See Below)				<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>42.8%</b>				
\$3,600,000 *		See Below	-	<b>White Women</b>		<b>6%</b>		<b>14.3%</b>				
\$3,600,000 *		See Below		<b>Ethnic Minorities</b>		<b>25%</b>		<b>42.9%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIMES:</b>												
Bay Area Traffic Solutions, Inc.		\$514,285.71	Hispanic	X				14.3%				
Cal-Safety, Inc.		\$514,285.71	White	X		14.3%						
CMC Traffic Control Specialists Inc.		\$514,285.71	White		X	14.3%	14.3%					
TPR Traffic Solutions		\$514,285.71	White	X		14.3%						
Traffic Control Pros		\$514,285.71	White	X		14.3%						
Traffic Management Inc.		\$514,285.71	Hispanic	X				14.3%				
Yolanda's Construction Administration & Traffic Control Inc.		\$514,285.71	Black		X			14.3%				
<b>SUBS:</b>												
None												
<b>TOTAL</b>		\$3,600,000				42.8%	14.3%	42.9%	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> 42.8% White Men, 14.3% White Women, and 42.9% Ethnic Minority participation. <b>Contract Duration:</b> through November 14, 2024												
*Total not to exceed: \$6,450,000 = \$1,900,000 (Original) + \$950,000 (Amendment) + 3,600,000 (Amendment)												
<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>Amend Agreements for Flagging Services</b>		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
<b>General Services Agreement - Amendment</b>		DATE: 10/31/2023	<b>National</b>	10.5	10.7	3.7	0.7	27.3		
			<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	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
<b>RP</b>	<b>EMM: H - LBE</b>	<b>Company Wide</b>	13	242	15	1	271	86.0%	48.4%	
Bay Area Traffic Solutions, Inc. Grace Carrera 44800 Industrial Dr Fremont, CA 94538 510-657-2543 ext. 240		Manager/Prof	0	13	4	0	17	65.4%		
		Technical/Sales	0	2	0	0	2	100.0%		
		Clerical/Skilled	1	9	2	1	13	81.3%		
		Semi/Unskilled	12	218	9	0	239	88.2%		
		<b>Bay Area</b>	13	242	14	1	270	85.7%	39.9%	
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>10/13/2021</b>			
		Co. Wide MSA:	<b>California</b>		# Employees-Co. Wide:		<b>315</b>	Bay Area:	<b>315</b>	
<b>RP</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	1	13	0	0	14	43.8%	39.9%	
Cal-Safety, Inc. Carmel Karrick 4366 Enterprise Street Fremont, CA 94538 510-656-5544		Manager/Prof	0	0	0	0	0	0.0%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	0	0	0	0	0	0.0%		
		Semi/Unskilled	1	13	0	0	14	56.0%		
		<b>Bay Area</b>	1	13	0	0	14	43.8%	39.9%	
		Co. Wide MSA:	<b>9 Bay Area Counties</b>		# Employees-Co. Wide:		<b>32</b>	Bay Area:	<b>32</b>	
<b>RP</b>	<b>WW: SBE</b>	<b>Company Wide</b>	4	38	4	0	46	85.2%	48.4%	
CMC Traffic Control Specialists Inc. Crystal Miks 3450 3rd Street, Unit 3G San Francisco, CA 94124 415-206-1700 ext.207		Manager/Prof	0	1	3	0	4	57.1%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	0	0	1	0	1	100.0%		
		Semi/Unskilled	4	37	0	0	41	89.1%		
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%	
		Co. Wide MSA:	<b>California</b>		# Employees-Co. Wide:		<b>54</b>	Bay Area:	<b>0</b>	
<b>RP</b>	<b>WM</b>	<b>Company Wide</b>	78	228	4	0	310	60.0%	27.3%	
TPR Traffic Solutions Maria Valdovinos 13217 Laureldale Avenue Downey, CA 90242 502-602-1777		Manager/Prof	0	1	0	0	1	2.2%		
		Technical/Sales	0	3	1	0	4	7.7%		
		Clerical/Skilled	68	62	1	0	131	42.0%		
		Semi/Unskilled	10	162	2	0	174	161.1%		
		<b>Bay Area</b>	10	26	2	0	38	46.3%	39.9%	
		Co. Wide MSA:	<b>Total USA</b>		# Employees-Co. Wide:		<b>517</b>	Bay Area:	<b>82</b>	
<b>RP</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	3	5	1	0	9	56.3%	39.9%	
Traffic Control Pros Jeff Bell 4050 Pike Lane, Suite B Concord, CA 94520 510-224-1735		Manager/Prof	0	0	0	0	0	0.0%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	1	0	0	0	1	33.3%		
		Semi/Unskilled	2	5	1	0	8	72.7%		
		<b>Bay Area</b>	3	5	1	0	9	56.3%	39.9%	
		Co. Wide MSA:	<b>9 Bay Area Counties</b>		# Employees-Co. Wide:		<b>16</b>	Bay Area:	<b>16</b>	
<b>RP</b>	<b>EMM: H</b>	<b>Company Wide</b>	438	786	97	9	1,330	65.3%	48.4%	
Traffic Management Inc. Chris Spano 4900 Airport Plaza, Suite 300 Long Beach, CA 90815 800-763-3999		Manager/Prof	36	53	16	1	106	72.6%		
		Technical/Sales	3	32	8	0	43	67.2%		
		Clerical/Skilled	7	69	19	1	96	30.9%		
		Semi/Unskilled	392	632	54	7	1,085	71.5%		
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%	
		Co. Wide MSA:	<b>California</b>		# Employees-Co. Wide:		<b>2,038</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)



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# BOARD ACTION

Agenda Number: 7.

Meeting Date: November 14, 2023

**TITLE** **CANCEL THE DECEMBER 26, 2023 MEETINGS OF THE BOARD OF DIRECTORS**

**ACTION**  Motion:  Resolution:  Ordinance:

**RECOMMENDED ACTION** Cancel the December 26, 2023 meetings of the Board of Directors.


**DISCUSSION**

The Board of Directors has traditionally canceled the Board committee, closed session, and regular meetings scheduled for the fourth Tuesday in December provided it does not adversely affect the operations of the District, to accommodate planned vacation of Directors and staff. This action provides for a vacation period from December 13, 2023 to January 8, 2024.

The Secretary of the District will notice cancellation of the December 26, 2023 Board meetings in compliance with the Brown Act. The first Board meetings after the break would be on Tuesday, January 9, 2024.

**ALTERNATIVE** **Do not cancel the December 26, 2023 Board meetings.** This alternative is not recommended because this action is in line with customary District practices. Additionally, District offices are scheduled to be closed on December 26, 2023 in observance of the Christmas holiday.

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<b>Originating Department:</b> Office of the Secretary	<b>Department Director or Manager:</b> Rischa S. Cole	<b>CEP Forms?</b> N/A	<b>Board Action Type:</b> Administrative
<b>Funds Available:</b> N/A	<b>Budget Coding:</b> N/A		<b>Approved:</b> 
<b>Attachment(s):</b> N/A			

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Title:	Grant Applications to the Wildlife Conservation Board for Three Fisheries and Wildlife Projects	Meeting Date:	November 14, 2023
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These projects support the District's Water Quality and Environmental Protection Strategic Plan goal.

## SUSTAINABILITY

**Economic**

Funding for this purpose is available in the FY 2024/FY 2025 adopted capital budget for the River and Watershed Award.

Cost share is not required, but may be beneficial, and is offered as staff time in all three grant applications ranging from 15 to 40 percent.

**Social**

These restoration projects exemplify the District's core value of Stewardship. Implementation of these projects will improve conditions to support native fisheries and wildlife in both the Mokelumne River and East Bay Watersheds. Community engagement will be an integral aspect of all three of these projects, which work with local landowners and local creek groups to support implementation and long-term success.

**Environmental**

The submission of a grant funding application is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 because there is no possibility that this action may have a significant effect on the environment. In addition, the Lower Mokelumne River Floodplain Restoration project is exempt from CEQA pursuant to Guidelines Section 15262 because the project involves planning/design phase studies. The Diversion Screening project is within the class of projects covered in the exemption in CEQA Guidelines Section 15301, repair and minor alteration of existing facilities, as it will improve existing riparian pump screens that do not meet current standards. The Tomato Stand Fish Passage project will improve fish passage for threatened steelhead, will minimize or avoid incidental impacts and is less than 5 acres or 500 linear feet and is included within the class of projects in CEQA Guidelines Section 15333, which exempts the small habitat restoration project, provided that certain conditions are met.

## ALTERNATIVE

**Do not authorize the District to apply for this grant funding.** This alternative is not recommended because grant funds are available to support these types of projects and without the funding, the District would need to provide funding from its own funding sources to pursue these projects.

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

AUTHORIZING APPLICATIONS TO THE WILDLIFE CONSERVATION BOARD FOR GRANT FUNDS FROM THE WILDLIFE CONSERVATION BOARD FOR THE LOWER MOKELUMNE RIVER FLOODPLAIN RESTORATION, LOWER MOKELUMNE RIVER DIVERSION SCREENING, AND PINOLE CREEK TOMATO STAND FISH PASSAGE PROJECTS

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the East Bay Municipal Utility District (District) is a public agency formed under the Municipal Utility District Act; and

WHEREAS, the District operates facilities on the Mokelumne River and has engaged in extensive efforts to enhance and restore the fish and wildlife species and habitat on the Mokelumne River; and

WHEREAS, funds were made available to the Wildlife Conservation Board for the enhancement or restoration of fish and wildlife habitat and for the development of public access facilities for hunting, fishing, or other wildlife-oriented recreational uses; and

WHEREAS, the District intends to apply for funding from the Wildlife Conservation Board to promote two District projects on the Lower Mokelumne River and one project on Pinole Creek in Contra Costa County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby authorizes and approves the filing of applications for grant funding from the Wildlife Conservation Board for three projects consisting of: (1) the Lower Mokelumne River Floodplain Restoration Projects at the Kramer-Colburn floodplain and George Reed floodplain; (2) the Lower Mokelumne River Diversion Screening Project; and (3) the Pinole Creek Tomato Stand Fish Passage Project.

BE IT FURTHER RESOLVED that if the District is offered grant funding, the Board of Directors authorizes the District to work with the Wildlife Conservation Board to negotiate grant agreements that will commit the District to comply with all applicable federal, state and local environmental, public health, and other appropriate laws and regulations and work with the other project partners to obtain all appropriate permits applicable to the project.

BE IT FURTHER RESOLVED that the Board of Directors appoints the General Manager or his designee as a representative of the District to conduct negotiations, execute, submit and sign all documents including but not limited to applications, agreements, amendments, payment requests, and other documents which may be necessary for the completion of the proposed

projects, and to execute the negotiated grant agreements and accept the funds.

ADOPTED this 14th day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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President

ATTEST:

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Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel



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**East Bay Municipal Utility District (EBMUD)  
Exempt Class Description**

Class Code:	1544	Established:	03/25/97
Salary Range:	86	Revised:	08/16/23
Unit:	EXMPT	Reviewed:	08/16/23

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**MANAGER OF PIPELINE CONSTRUCTION**

**DEFINITION**

Under administrative direction and as a division manager, through subordinate superintendents or supervisors, plans, organizes, staffs, directs and controls activities involved in the underground installation of pipelines and appurtenances in the East Bay Municipal Utility District's (EBMUD's) entire service area including:

- Pipeline Construction
- Paving installation and repair

**RESPONSIBILITIES AND DUTIES**

- Establishes division's pipeline and paving construction programs and approves and monitors section work plans and goals; sets division priorities to meet departmental goals and objectives.
- Plans, directs and evaluates division construction, installation, and repair, and staff activities; promotes high employee morale and employee productivity; ensures employee safety.
- Analyzes data and conducts studies and research to identify and implement more effective and productive work methods.
- Implements and enforces effective safety procedures and practices to identify, mitigate, and/or eliminate job hazards.
- Recommends policies and procedures as appropriate; approves and implements changes to improve production; establishes work standards to improve safety, quality, and quantity of work.
- Controls the operation to achieve established standards of efficiency and costs of construction by monitoring productivity, site inspections, research, personnel movement, budget expenditures and other operational activities.
- Visits construction sites to maintain effective communication, monitor progress on major projects and observe working conditions.
- Develops, reviews, and evaluates the effective use of personnel, equipment, and contract services used by the division to meet assigned objectives.
- Performs administrative duties such as budget preparation and control, employee selection and evaluation, training and professional development of staff, and report preparation.
- Builds partnerships with other divisions and agencies to work cooperatively and collaboratively to meet EBMUD needs.
- May represent the department as directed.
- Utilizes automated or computer-based work management systems, or other electronic or computer systems and applications, in the course of work.
- Performs other related duties and responsibilities as required.

**TYPICAL QUALIFICATIONS**

**Competency**

- Technical competency in the design, installation, construction, or maintenance of underground pipelines.
- Managerial competency in planning, organizing, directing, and controlling a large construction group.
- Effectively communicate verbally and in writing.

**Education and Experience**

1. No degree requirement.
2. Five (5) years of progressively responsible experience\* in supervising or managing the design,

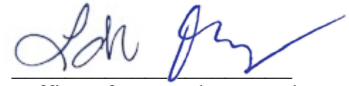
construction, maintenance, or operation of water distribution pipelines, facilities, or similar underground pipeline systems.

\*A related bachelor's degree may be substituted for one year of experience; or, a related graduate degree may be substituted for two years of experience.

**License, Certificate, or Credential**

Must possess a valid California driver's license and have a satisfactory driving record.

Previous Revisions: 07/01/2009  
08/27/2001  
03/25/1997



Office of General Counsel

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

APPOINTING DAVID KATZEV AS MANAGER OF PIPELINE CONSTRUCTION

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the Board of Directors has established the position of Manager of Pipeline Construction and such position has been assigned a salary range under the Management Salary Plan heretofore established for East Bay Municipal Utility District (District) officers, assistant officers, civil service exempt, and certain civil service classes; and

WHEREAS, the Manager of Pipeline Construction position is exempt from the District civil service pursuant to State of California Public Utilities Code section 12055; and

WHEREAS, the General Manager has recommended that David Katzev be appointed to serve as Manager of Pipeline Construction;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints David Katzev to serve as Manager of Pipeline Construction effective November 20, 2023.

Adopted this 14th day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE

\_\_\_\_\_  
General Counsel

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# EXEMPT CLASS DESCRIPTION

TITLE <b>CONTROLLER</b>	CLASS CODE <b>1517</b>	ESTABLISHED 11-16-87 REVISED 4-10-91
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Department <b>Finance</b>	Division/Section <b>Accounting</b>	Title of Supervisor <b>Manager of Finance</b>
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## RESPONSIBILITIES AND DUTIES

Under general direction and as a division manager, through subordinate supervisors, plans, organizes, staffs, directs and controls the activities and staff in these areas:

- o Financial Reporting
- o Accounts Receivable
- o Accounts Payable
- o Accounting Systems Control
- o Special Projects Accounting
- o Plant Records
- o Customer Accounting
- o Retirement System
- o Grants Accounting

Establishes accounting division's programs and sets priorities to meet departmental goals and objectives.

Develops, evaluates and implements procedures to improve financial and accounting systems; maintains high employee morale and employee productivity.

Recommends policies related to District-wide accounting.

Interfaces and coordinates activities with other District managers, outside agencies, and independent auditors; assists in the development and implementation of automated accounting systems.

Administers and coordinates closing of accounts, and the issuance of financial reports.

Prepares special and financial reports for the State of California and the District's Board of Directors.

Performs administrative duties such as budget preparation and control; employee selection, training and evaluation, and report preparation.

May represent the department and District as directed.

## TYPICAL QUALIFICATIONS

### Education and Experience:

Any combination of education and experience which has provided the desirable competency which typically requires a Bachelor's degree in Accounting or a closely related field and several years of progressively responsible experience in public accounting including some supervisory or senior staff responsibility.

### Competency:

Technical competency in governmental accounting in four or more areas described above. Managerial competency in planning, organizing, directing and controlling professional staff and activities of a large accounting function; effective verbal and written communications.

License, Certificate or Credential <b>None</b>	
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RESOLUTION NO. \_\_\_\_\_

APPOINTING DAVID GLASSER AS CONTROLLER

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the Board of Directors has established the position of Controller and such position has been assigned a salary range under the Management Salary Plan heretofore established for East Bay Municipal Utility District (District) officers, assistant officers, civil service exempt, and certain civil service classes; and

WHEREAS, the Controller position is exempt from the District civil service pursuant to State of California Public Utilities Code section 12055; and

WHEREAS, the General Manager has recommended that David Glasser be appointed to serve as Controller of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints David Glasser to serve as Controller effective November 20, 2023.

Adopted this 14th day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE

\_\_\_\_\_  
General Counsel

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 14, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Kathy Viatella, Manager of Legislative Affairs *KV*

SUBJECT: Mid-Session Report on State Legislation – Status of EBMUD Position Bills for the First Year of the 2023-24 State Legislative Session and Additional Bills of Interest

The first year of the 2023-24 state legislative session concluded on September 14, 2023. The deadline for Governor Newsom to act on all bills that passed out of the legislature was October 14, 2023. This memo provides a summary of the status of each bill that EBMUD adopted a formal position on during the 2023 legislative year, as well as the status of additional bills of direct interest. The final status of bills is reported as “chaptered,” “vetoed,” or “two-year bill.” Those bills that are reported as a “two-year bill” are active and may be considered by the legislature next year.

All statutes will take effect as noted. Copies of the relevant legislation will be made available upon request.

**EBMUD POSITION BILLS**

**AB 30 (Ward)** – Atmospheric rivers: research: reservoir operations  
 Status: Chaptered – Chapter 134; September 1, 2023  
 Effective Date: January 1, 2024  
 EBMUD Position: Support

AB 30 updates and broadens the Department of Water Resources (DWR) atmospheric rivers program to ensure DWR can continue improving atmospheric river prediction capabilities and forecast models, which could better inform reservoir operations and flood management.

**AB 388 (Connolly)** – Wildfire and Forest Resilience Action Plan: implementation strategies: roadmap  
 Status: Two-year Bill; Held in Senate Appropriations  
 EBMUD Position: Support

AB 388 would require the Department of Conservation, in consultation with various agencies, to develop guidelines for funding the implementation of regional priority strategies to support the

goals and key actions identified in California's Wildfire and Forest Resilience Action Plan and would allow the state to provide regional block grants to eligible entities.

**AB 460 (Bauer-Kahan)** – State Water Resources Control Board: water rights and usage: interim relief: procedures  
Status: Two-year Bill  
EBMUD Position: Concerns; Oppose unless Amended

AB 460 would grant the State Water Resources Control Board (SWRCB) broad latitude to issue immediate interim relief, and dispense with notice and a hearing to prevent imminent or irreparable injury to other legal users of water or to instream beneficial uses. The bill would allow the SWRCB to issue an interim relief order on its own motion or upon petition of an interested party to apply or enforce all of Division 1 of the Water Code in addition to broad policy principles, including the constitutional prohibition on waste and unreasonable use and water quality objectives that are continuously evolving. The bill's broad and ambiguous approach to interim relief would put water rights holders in the position of not knowing which uses the SWRCB will prohibit and enforce and would not allow a water right holder sufficient time to respond once an interim relief order has been issued.

EBMUD sought amendments to address the broad and ambiguous reasons for issuing interim relief and protect water rights holders due process rights. The amendments EBMUD sought would: 1) limit the circumstances for issuance of interim relief orders; 2) require notice of a violation and allow sufficient time for a water user to develop a response before a hearing; 3) protect water users rights to a hearing except in specified instances; 4) limit the duration of an interim relief order; and 5) maintain the independent standard of review in any superior court case involving judicial review of an order granting interim or permanent relief. The requested amendments were not amended into the bill.

**AB 727 (Weber)** – Product safety: cleaning products: perfluoroalkyl and polyfluoroalkyl substances  
Status: Vetoed  
EBMUD Position: Support

AB 727 was a pollution prevention measure to reduce the exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would have helped reduce the use of PFAS by banning the sale of cleaning products containing PFAS beginning January 1, 2026 and floor finishers and sealers containing PFAS beginning January 1, 2028.

Governor Newsom's veto message stated that while the governor supports the intent and has signed similar legislation in the past, the bill does not "identify or require any regulatory agency to determine compliance with, or enforce, the proposed statute" and that the bill falls "short of providing enhanced protection to California consumers due to lack of regulatory oversight. Previously enacted single-product chemical bans, which also lack oversight, are proving challenging to implement..." The veto message also says that "In order to instill consumer

confidence and effectively address public health and environmental concerns, I am directing the Department of Toxic Substances Control to engage with the author and the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products.”

**AB 735 (Berman)** – Workforce development: utility careers  
Status: Two-year Bill; Held in Assembly Appropriations  
EBMUD Position: Support

AB 735, a workforce development bill, would establish the High Road Utility Careers program, to be administered by the California Workforce Development Board, to connect individuals from underserved and unrepresented communities interested in careers in the utility sector with existing training programs and other resources. The bill is intended to ensure a continued reliable workforce for California utilities, including utilities that provide water and wastewater services.

**AB 754 (Papan)** – Water management planning: water shortages  
Status: Two-year Bill; Held in Senate Appropriations  
EBMUD Position: Oppose unless Amended

AB 754 is intended to assist water management planning and would require urban water suppliers that have a reservoir constituting at least 50 percent of total water supply to develop a target water supply storage curve, compare storage levels monthly to the target storage curve, and describe operational practices that include carryover targets and potential actions to be taken under a range of potential future hydrological conditions. This approach does not account for how urban water suppliers, including EBMUD, manage reservoir operations for multiple purposes such as water supply, flood control, and cold-water pool for downstream fisheries.

EBMUD sought amendments to do the following: 1) ensure the bill does not take a one-size-fits-all approach to reservoir management that conflicts with managing reservoirs for multiple purposes and other existing requirements; 2) remove requirements for automatic consumer conservation based on whether the target storage curve is being met regardless of a water suppliers need for conservation; and 3) remove language referencing water rights. While amendments were taken that addressed two of the three major concerns, amendments to address the one-size fits all approach to reservoir management were not taken.

**AB 755 (Papan)** – Water: public entity: water usage demand analysis  
Status: Chaptered – Chapter 542; October 8, 2023  
Effective Date: January 1, 2024  
EBMUD Position: Oppose unless Amended; Neutral

AB 755 seeks to provide a method to determine how high-water users are driving up water system costs. The bill requires public entities providing retail water service to conduct a water usage demand analysis prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service. EBMUD sought and secured amendments to ensure the

bill's approach does not subject retail water service providers to Proposition 218 liability and to remove language that would have applied service area wide water-use efficiency goals to individual households. Therefore, EBMUD moved to a neutral position.

**AB 1337 (Wicks)** – State Water Resources Control Board: water diversion curtailment  
Status: Two-year Bill  
EBMUD Position: Oppose unless Amended

AB 1337 would expand the State Water Resources Control Board (SWRCB) authority to issue curtailment orders to apply during any water year type when water is not available under the diverter's priority of right and would allow curtailments outside of a drought emergency. Expanding the SWRCB's curtailment authority beyond drought emergencies could have impacts for EBMUD and the Mokelumne River fishery.

EBMUD sought amendments to do the following: 1) limit the issuance of curtailment orders to critically dry years; 2) define critically dry year based on water year-types in existing water right decisions such as SWRCB Decision 1641; and 3) require the SWRCB to identify in regulations the curtailment methodologies upon which decisions will be based and to consider watershed priorities and existing settlement agreements or contractual arrangements. The requested amendments were not amended into the bill.

**AB 1423 (Schiavo)** – Product safety: PFAS: artificial turf or synthetic surfaces  
Status: Vetoed  
EBMUD Position: Support

AB 1423 was a pollution prevention measure that would have promoted the reduction of exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would have prohibited the sale of artificial turf containing PFAS beginning January 1, 2026. AB 1423 would also have prohibited public entities including schools from purchasing or installing artificial turf containing PFAS beginning January 1, 2026.

Similar to the veto message for AB 727, the governor's AB 1423 veto message noted that the bill does not identify a regulatory agency to enforce the bill's prohibitions and directed the Department of Toxic Substances Control to work with the author and the legislature to consider alternative approaches to regulating PFAS in consumer products.

**ACA 1 (Aguilar-Curry)** – Local government financing: affordable housing and public infrastructure: voter approval  
Status: Chaptered – Chapter 173; September 20, 2023; Pending approval by voters  
EBMUD Position: Support

ACA 1 is a constitutional amendment, pending voter approval, that will lower the voter threshold to allow a city, county, or special district to impose, extend, or increase special taxes with 55

percent voter approval to fund affordable housing, permanent supportive housing for persons at risk of chronic homelessness, and public infrastructure. Public infrastructure, as defined in ACA 1, includes water and wastewater treatment projects. ACA 1 will go before voters at the November 2024 general election.

**SB 361 (Dodd)** – Water resources: stream gages  
Status: Two-year Bill; Held in Senate Appropriations  
EBMUD Position: Support

SB 361 would require the Department of Water Resources and the State Water Resources Control Board, upon appropriation of funds by the legislature, to use the recommendations and data provided in the recently released California Stream Gaging Prioritization Plan 2022, to reactivate, upgrade, install, and maintain stream gages across California’s watersheds and to establish minimum operations and maintenance standards by 2030 to improve data collection. This bill would help to facilitate the collection of comprehensive streamflow information and other water data statewide.

**SB 878, SB 879, and SB 880 (Committee on Governance and Finance)** – Validations  
Status: SB 878 Chaptered – Chapter 30; June 29, 2023: Effective Date – June 29, 2023  
SB 879 Chaptered – Chapter 31; June 29, 2023: Effective Date – September 1, 2023  
SB 880 Chaptered – Chapter 32; June 29, 2023: Effective Date – January 1, 2024  
EBMUD Position: Support

These bills enact the First, Second, and Third Validating Acts of 2023. These acts retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may have made inadvertently and validates the organization, boundaries, acts, proceedings, and bonds of the state, cities, counties, and special districts. Enactment of these Validating Acts ensures the continued highest possible bond rating, resulting in the lowest possible interest rates on the sale of bonds. The three acts were enacted at different times to validate actions of the state and local government agencies that occur throughout the year.

### **ADDITIONAL BILLS OF INTEREST**

**SB 3 (Dodd)** – Discontinuation of residential water service: covered water system  
Status: Chaptered – Chapter 855; October 13, 2023  
Effective Date: January 1, 2024

SB 3 expands the scope of the Water Shutoff Protection Act by applying the act’s protections for customers to small community water systems (those with fewer than 200 service connections). The bill expands requirements for a water system to provide deferred or reduced payments and alternative payment schedules to all customers, not just those meeting certain conditions. Additionally, the bill expands the authority of the attorney general to bring an action in state court for specified actions declared to be unlawful by the bill’s provisions. The bill, subject to the availability of funding, also requires the State Water Resources Control Board to make funds

available for providing training statewide to community water systems with between 15 and 200 service connections to assist in compliance with the Water Shutoff Protection Act.

**SB 122 (Committee on Budget and Fiscal Review)** – Public resources trailer bill  
Status: Chaptered – Chapter 51; July 10, 2023  
Effective Date: July 10, 2023

SB 122 extends the California Water and Wastewater Arrearage Payment Program (CWWAPP) to cover eligible customer arrearages through December 31, 2022, for water and wastewater customers. There is an estimated \$600 million allocated for CWWAPP to address qualifying customer arrearages through this extended date.

**SB 389 (Allen)** – State Water Resources Control Board: investigation of water right  
Status: Chaptered – Chapter 486; October 8, 2023  
Effective Date: January 1, 2024

SB 389 authorizes the State Water Resources Control Board (SWRCB) to investigate and ascertain whether a water right is valid. The bill authorizes the SWRCB to issue an information order in furtherance of an investigation, as executed by the executive director of the SWRCB, as specified. The bill authorizes a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

CCC:KCV:DM/JW

Attachment: 2023-2024 Mid-Legislative Session – Status of EBMUD Position Bills by Topic

**2023-2024 Mid-Legislative Session – Status of EBMUD Position Bills by Topic**

<b>Topic</b>	<b>Bills</b>	<b>EBMUD Final Position</b>	<b>Status</b>
Local Government Finance	ACA 1 (Aguiar-Curry)	Support	Chaptered
PFAS	AB 727 (Weber)	Support	Vetoed
	AB 1423 (Schiavo)	Support	Vetoed
Water Rights/Water Supply/Resource Management	AB 30 (Ward)	Support	Chaptered
	AB 460 (Bauer-Kahan)	Concerns; Oppose unless Amended	Two-year
	AB 754 (Papan)	Oppose unless Amended	Two-year
	AB 755 (Papan)	Oppose unless Amended; Neutral	Chaptered
	AB 1337 (Wicks)	Oppose unless Amended	Two-year
	SB 361 (Dodd)	Support	Two-year; held in Appropriations
Wildfire and Forest Restoration	AB 388 (Connolly)	Support	Two-year; held in Appropriations
Workforce Development	AB 735 (Berman)	Support	Two-year; held in Appropriations
Validations	SB 878 (Committee on Governance and Finance)	Support	Chaptered
	SB 879 (Committee on Governance and Finance)	Support	Chaptered
	SB 880 (Committee on Governance and Finance)	Support	Chaptered

Additional Bills of Interest:			
Budget Bill – Water Arrearages	SB 122 (Committee on Budget and Fiscal Review)	N/A	Chaptered
Discontinuation of water service	SB 3 (Dodd)	N/A	Chaptered
Water Rights/Resources	SB 389 (Allen)	N/A	Chaptered

**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 14, 2023

MEMO TO: Board of Directors

FROM: Cindy R. Charan, Director of Human Resources *CRC*

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

On November 14, 2023, the Board will be meeting in closed session to conduct performance evaluations of the General Manager and the General Counsel. During the Board's regular meeting on November 14, 2023, it is recommended that consistent with past practice, the Board appoint three members of the Board to serve on an ad hoc committee as the Board's representatives in negotiating any amendments to the employment agreements with the General Manager and the General Counsel.

The Board can provide instructions to the ad hoc committee at the Board's next closed session meeting on November 28, 2023, in accordance with Government Code section 54957.6.

CRC:rdw

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 14, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Sophia D. Skoda, Director of Finance 

SUBJECT: Presentation on Disclosure Responsibilities Under Federal Securities Laws

During the November 14, 2023 Board meeting, staff along with the District's bond counsel, Stradling Yocca Carlson & Rauth, will give a presentation on the District's and Board's disclosure responsibilities under Federal securities laws. The purpose of this presentation is to provide training on compliance with the anti-fraud provisions of the Federal Securities Acts as they apply to the District, an issuer of municipal bonds, and its obligatory disclosures.

The District currently has \$2.6 billion in Water Revenue bonds and \$338 million in Wastewater Revenue bonds outstanding. Per the Fiscal Year 2024 Financing Plan, the District anticipates issuing an additional \$275 million in Water Revenue Bonds and \$25 million in Wastewater Revenue Bonds along with Water Revenue Refunding Bonds in spring 2024. The District regularly provides disclosure to the municipal bond market on its outstanding debt. Additionally, the District will publish extensive disclosure information in its offering documents related to the bond issues in spring 2024.

CCC:SDS:RLH

Attachment: Presentation on Disclosure Responsibilities Under Federal Securities Laws

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# Presentation to the Board of Directors of the East Bay Municipal Utility District

**Disclosure Responsibilities under  
the Federal Securities Laws**

*Jonathan Guz, Esq.  
Stradling Yocca Carlson & Rauth  
(949) 725-4106  
jguz@stradlinglaw.com*

November 14, 2023

# Introduction

This presentation will cover:

- The standards under the federal securities laws that apply when approving the Official Statement in connection with a bond sale or otherwise making public statements;
- The duties and responsibilities of Board members in approving the Official Statement in connection with a bond sale;
- SEC enforcement and why disclosure compliance is important; and
- Disclosure controls to mitigate exposure.

# Securities Laws - Indirect Regulation by the SEC

- Municipal issuers are **subject to the SEC's antifraud rules** even though they do not have to register securities and are exempt from the SEC's periodic reporting requirements.
- “When a municipal issuer releases information to the public that is reasonably expected to reach investors and the trading markets, such disclosure is subject to the antifraud provisions.” (SEC 2012 Report on Municipal Issuers)
- “The fact that [statements] are not published for purposes of informing the securities markets does not alter the mandate that they not violate antifraud proscriptions.” (March 1994 Statement of the Commission Regarding Disclosure Obligations of Municipal Securities and Others)

# Types of Disclosures to which Rules Apply

- Public statements: When a municipality elects to “speak to the market,” it must be accurate and complete.
- Generally, no requirement to speak.
- Examples of public statements:
  - Preliminary official statements and official statements – “Appendix A” describes the District and its finances and operations in detail;
  - Continuing disclosure filings/financial statements;
  - Other contexts, including speeches and presentations made by officers and officials such as Board members.

# Disclosure Standard: Rule 10b-5

- **Rule 10b-5:** It shall be unlawful for any person . . . to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.
- Under **Section 10(b)** of the Securities Exchange Act, an intentional or reckless act is required.
- Under **Section 17(a)** of the Securities Act, the SEC can charge securities fraud under a negligence standard (“knew or should have known”).

# The Question of Materiality

- The materiality standard remains opaque, guidance comes primarily from court decisions, SEC enforcement cases and SEC staff legal bulletins.
- Materiality is defined as:
  - a **substantial likelihood** that a **reasonable bond investor** or prospective investor **would consider it important** in making an investment decision; or
  - **viewed by a reasonable investor** as having **significantly altered the “total mix”** of available information.
- When information pertains to a possible future event, “materiality will depend at any given time upon a balancing of both the **indicated probability that the event will occur and the anticipated magnitude of the event.**”
- In practice, SEC staff takes a subjective, hindsight view of materiality.

# Duties and Responsibilities

## Guidance from SEC 1996 Orange County Report -

- “a public official may not authorize disclosure that the official knows to be false;”
- “nor may a public official authorize disclosure while recklessly disregarding facts that indicate that there is a risk that the disclosure may be misleading.”
- Exercise proper care and supervision not to make a material misstatement or omission and to prevent material misstatements and omissions in disclosure prepared by staff

# Discharging Responsibilities (cont.)

- Per Orange County report, steps “appropriate to the circumstances” to prevent the dissemination of materially false or misleading information “could have included becoming familiar with the disclosure documents and questioning the issuer’s officials, employees or other agents about the disclosure of those facts.”
  - Importance of Board review – Board members are uniquely positioned to have material information regarding all aspects of the organization and be informed of the significance of developments from a broader perspective
  - If you have questions or concerns, raise the issue with Finance and Treasury staff and legal office so it may be vetted prior to dissemination of the disclosure document

# Reliance on Professional Services

- Issuers and principals are ultimately accountable for the accuracy of statements of fact about the issuer and cannot delegate this responsibility.
- In the event of a misstatement, reliance on advice of professionals will only serve as a defense under limited circumstances.
- *Presence of counsel* does not equate to *advice of counsel* (a defense requiring a privilege waiver): SEC generally requires a direct request for advice on a particular disclosure topic.

# Statements Reasonably Expected to Reach the Market

- Statements made by the District or its officials that can be **reasonably expected to reach investors and the markets** may be material to investors and subject to the anti-fraud rules of the Federal securities law.
- Such statements may include:
  - Public statements, speeches, interview, reports released, press releases and publications;
  - Website postings, including social media; and
  - Roadshows and group or individual investor calls
- These statements may be made anytime, not just during a bond offering.

# SEC Enforcement Actions

- SEC applies nearly strict liability for compliance
- Recent cases have sought:
  - Financial penalties;
  - Individual accountability (control person liability);
  - Parallel criminal charges;
  - Admission of wrongdoing;
  - Public statements outside of offering materials or continuing disclosures.

# Consequences of Bad Disclosure

- SEC Investigation – fees for lawyers and consultants
- Adverse publicity
- Personal Fines
- Reduced market access
- May have to impose new procedures and oversight to settle SEC actions
- Rating Downgrades (could trigger increased credit/liquidity provider fees, higher borrowing costs)

# Disclosure Controls: Best Practices

Mitigate exposure through steps advocated by the SEC:

- Written Disclosure Policies and Procedures
- Regular Disclosure Training
- Seeking expert advice as warranted
- Regularly updating disclosure practices

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: November 14, 2023

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager *CCC*

SUBJECT: Monthly Report – October 2023

### HIGHLIGHTS

**In October, the District achieved historic salmon passage at Woodbridge Irrigation District Dam.** As of October 17, a total of 6,966 Chinook salmon have been observed passing the Woodbridge Irrigation District Dam. This is the highest cumulative salmon passage total to date in the history of the District escapement monitoring (approximately 30 years). The District has now surpassed the total of the 2022/2023 salmon run which was 6,935. In October, seasonal salmonid field monitoring was conducted on the Mokelumne River. Video monitoring for Chinook salmon, at the Woodbridge Irrigation District Dam, began for the 2023/2024 season on August 1. Three redd surveys have been conducted with a total of three redds observed. On October 17, spawning began at the Mokelumne River Fish Hatchery.

### WATER SUPPLY

**In October, staff continued coordination with Dublin San Ramon Services District's (DSRSD) operations to improve DSRSD-EBMUD Recycled Water Authority's recycled water system pressures.** DSRSD continues to modify and test their recycled water operations. They were able to increase the peak time usage pressures by a range of 10 to 15 pounds per square inch. The current pressure range is approximately 58 psi at peak time irrigation hours to about 105 psi at static conditions when there is no use. Staff continues to monitor the pressure.

**On October 18, staff met with the Bay Area Regional Reliability (BARR) partners to discuss concepts for future BARR efforts.** The BARR partners discussed each agency's regional hydraulic model objectives and specific agency interests in a leak detection program and water conservation webinar series. Staff also presented on the concept of a BARR partners dashboard that could be used for public education and agency coordination. The partners in attendance were Alameda County Water District, Bay Area Water Supply and Conservation District, Contra Costa Water District, EBMUD, Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, and Zone 7 Water Agency.

**Precipitation.** The East Bay precipitation for October was 0.22 inches (15 percent of average) and the season total was 0.22 inches (12 percent of average). The Mokelumne precipitation for October was 0.56 inches (21 percent of average) and the season total was 3.78 inches (96 percent of average).

**Water Releases**

**Camanche Reservoir.** The average rate of Camanche release for October was 958 cfs (460 cfs generation, 473 cfs sluice, and 25 cfs through the hatchery), and the average flow below Woodbridge Dam was 733 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" water year criteria.

**East Bay Reservoirs.** Releases were made from Upper San Leandro (USL) Reservoir and Chabot Reservoir to maintain the reservoirs within the winter operating storage ranges.

**Water Storage**

**Mokelumne reservoirs storage is 118 percent of average.** As of October 31, 2023, Pardee was at 551.8 feet or 100 percent of average, and Camanche was at 224.4 feet or 129 percent of average. Combined Pardee and Camanche reservoir storage was 508,000 acre-feet compared to 389,000 acre-feet last year.

**East Bay reservoirs storage is 113 percent of average.** As of October 31, 2023, USL was at 454.4 feet or 135 percent of average, San Pablo was at 295.2 feet or 95 percent of average, and Briones was at 572.7 feet or 115 percent of average. Total terminal reservoir storage was 127,000 acre-feet compared to 127,000 acre-feet last year.

**Mokelumne Aqueducts and Raw Water Pumping Plants.** The average rate of Mokelumne Aqueduct draft for October 2023 was 162 MGD. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

**Water Production.** Average rate of gross water production for October:

	<b>October 2023</b>	<b>October 2022</b>	<b>October 2020</b>	<b>Average of FY 2005-2007</b>
East of Hills	48 MGD	48 MGD	60 MGD	64 MGD
West of Hills	118 MGD	113 MGD	125 MGD	155 MGD
<b>Total</b>	<b>166 MGD</b>	<b>161 MGD</b>	<b>185 MGD</b>	<b>219 MGD</b>
Max Day Production	186 MGD (10/19/2023)	178 MGD (10/3/2022)	203 MGD (10/1/2020)	

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

**WATER QUALITY AND ENVIRONMENTAL PROTECTION**

**Orinda Water Treatment Plant Project’s September 19, 2023 grout leakage update.** On October 3, staff performed a final walkthrough of the cleanup of the grout discharge in San Pablo Creek. The contractor’s grouting operations for the Orinda Water Treatment Plant upgrade resulted in discharge of grout to the creek. Staff provided help with agency consultation and provided recommendations for species protections and monitoring during grout cleanup and

made restoration recommendations following grout removal. The final site walk confirmed that nearly all the grout that was discharged had been effectively removed with only limited temporary impacts to creek biota and habitats. On October 4, staff met with the California Department of Fish and Wildlife (CDFW) to provide an update on the grout leakage. CDFW expressed appreciation for the District's efforts to immediately notify external parties and restore the creek. On Monday, October 9, cleanup and restoration efforts were completed. CDFW provided direction on means and methods that would allow grouting work to resume under revised permit conditions and associated mitigation measures.

**In October, two industrial customers in the wastewater service area were issued a Notice of Violation (NOV).** The first NOV was issued to a metal finishing facility located in Berkeley for failure to submit its annual certified compliance reports by the required deadline. The second NOV was issued to a metal finishing facility located in Oakland for exceeding the monthly average federal discharge limit for copper and nickel. The industrial customer that failed to submit the compliance report is required to submit the report; the industrial customer that violated discharge limits is required to submit a written technical report and corrective action plan. Both industrial customers are required to pay fees to cover the District's administrative and/or sampling and reinspection costs.

**On October 11, staff met with the Central Valley Regional Water Quality Control Board (CVRWQCB) to tour the Lancha Plana Pond project site on the northeast shore of Camanche Reservoir.** Earlier this year, the CVRWQCB required the District to modify the existing earthen berm adjacent to the Camanche Reservoir to contain runoff impacted by mine drainage. Final repairs are expected to be completed in spring 2024.

**On October 26, staff installed the bridge for the Two Dog Fish Passage Project on the Upper San Leandro Reservoir watershed.** In 2022, staff completed the removal of the failing culvert and completed installation of fish passage elements in the channel at the site. The fish passage will allow native trout from Upper San Leandro Reservoir to access spawning habitat in Kaiser Creek. Installation of the abutments was completed this past summer and staff installed the 40-foot bridge. The final phase of the project will include grading for the approach to the bridge and adding a gravel surface.

**All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of October. This is the 290<sup>th</sup> consecutive month that the MWWTP experienced no exceedances.**

**The District received two odor reports from the public in October.** Staff investigated the first complaint and determined the likely source was a malfunctioning hydrogen sulfide sensor at the Influent Pump Station intake sample trough which may have led to ineffective pre-hypo boosting. The sensor was repaired, and hypo dosing was increased until the repair was completed to ensure effective odor control. Staff investigated the second complaint and determined the likely source was the Main Wastewater Treatment Plant because there was a hydrogen sulfide spike at the Influent Pump Station at the time of the complaint and the wind speed and direction

were favorable for off-site migration. Although a visit to the site did not detect any odors, hypo dosing was increased following the complaint.

## **INFRASTRUCTURE INVESTMENT**

### **Acorn No. 1, Derby, Scenic & Scenic East Reservoirs Rehabilitation Project update.**

Construction of the new 0.6-million-gallon concrete Acorn No. 1 reservoir in Danville is complete and the reservoir was placed into service under Specification 2153. This is the third of four reservoirs completed under the \$17.4 million project. Scenic East reservoir in Danville is scheduled to be completed in March 2024.

**In October, staff completed several pipeline replacement projects in Oakland.** The Davis Street area project replaced cast iron pipe with approximately 1,720 feet of 6-inch mortar-lined zinc coated ductile iron pipe. The Beauforest Drive area project replaced cast iron pipe with approximately 1,195 feet of 6-inch structurally enhanced polyvinyl chloride pipe. The Webster Street area project replaced cast iron pipe with approximately 5,200 feet of 6-inch structurally enhanced polyvinyl chloride pipe.

**In October, staff began a pipeline replacement project in the 84<sup>th</sup> Avenue and B Street area in Oakland.** This project will replace cast iron pipe with approximately 12,485 feet of 6-inch structurally enhanced polyvinyl chloride pipe. This project is expected to be completed in October 2024.

**In October, staff began a pipeline replacement project in the Mendocino Street area in Richmond.** This project will replace cast iron pipe with approximately 3,950 feet of 6-inch structurally enhanced polyvinyl chloride pipe. This project is expected to be completed in January 2024.

**On October 5, PG&E activated the electrical upgrades at the Mokelumne River Fish Hatchery residences.** These upgrades will support the ongoing project to upgrade the water treatment operations that support the residences.

**On October 12, the District hosted a virtual public meeting for the El Cerrito Wildcat Pipeline Project.** Staff provided information on the project purpose, scope, and schedule. Staff addressed comments on construction process, traffic control, work hours, and paving restoration. Approximately 25 people attended.

**On October 17, staff performed the annual dam safety inspections of the Pardee and Camanche facilities with representatives from the California Division of Safety of Dams.** The inspections included a review of the dams, dikes, spillways, outlets, and instrumentation. No significant items of concern were noted.

**On October 18, planned improvements at the District’s Fleet Maintenance East facility was approved by the City of Walnut Creek’s (City) Design Review Commission.** This was the last step in the formal planning approvals by the City. Staff is working on design drawings and specifications for the project and plans to submit the information to the City for building permits by June 2024.

**On October 19, the District hosted a virtual public meeting for the draft Environmental Impact Report (EIR) release for the Walnut Creek Water Treatment Plant Pretreatment Project.** Staff provided an overview of the EIR process, the project description, EBMUD’s standard practices and procedures, the Draft EIR conclusions and mitigation measures, and next steps. Staff conducted public outreach for this meeting including mailing notices to 63 stakeholder agencies and 750 postcards to residents in the Project vicinity, providing full hardcopies of the Draft EIR to two public libraries, posting the meeting to NextDoor, Facebook, and two Acalanes Ridge Open Space trailheads, and emailing customers registered on CustomerWatch. The primary comments and questions were related to construction-related traffic, noise, and dust, truck idling, parking, staging area activities, temporary sound barriers, site geology, and potential impacts of trucks crossing the East Bay Regional Park trail. Staff provided an initial response to the comments and directed the community members to the appropriate section of the Draft EIR in which their comments were addressed. Community members were encouraged to submit their comments in writing during the 45-day comment period, which ends November 13, 2023. All comments received will be responded to in the Final EIR, which is expected to be completed in summer 2024. Approximately 10 people attended.

**Mains repaired in October totaled 86.** The attached table lists the mains repaired by staff in October, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

## **CUSTOMER AND COMMUNITY SERVICES**

**In October, the District sent an informational flyer to approximately 60 plumbing contractor companies that perform private sewer lateral (PSL) repairs and testing within the District’s wastewater service area.** This flyer highlights the collaborative effort between the District and contractors to reduce sources of infiltration and inflow to San Francisco Bay by repairing privately-owned, leaky sewer laterals. It also provides links to additional resources to assist plumbing contractors to comply with PSL Program requirements.

**In October, the State Water Resources Control Board (State Water Board) adopted changes to the California Water & Wastewater Extended Arrearage Payment Program.** The program expands the period for addressing water and wastewater debt accrued between March 4, 2020 and December 31, 2022. The American Rescue Plan Act of 2021 is the funding source for the program. The State Water Board is set to open application for the program on November 1, 2023, with a 60-day application window. The District is actively engaged in

securing relief funds from this program to assist customers who have been impacted by the COVID-19 pandemic.

**On October 1, staff participated in the 16<sup>th</sup> annual Oaktoberfest celebration in the Dimond District in Oakland.** Staff provided information on water conservation and rebates, careers, and the District's Customer Assistance Program. Approximately 35,000 people attended.

**On October 3, staff met with PG&E to coordinate construction activities.** The two agencies shared information on current and upcoming work.

**On October 3, staff met with the City of Hayward to coordinate construction activities.** The two agencies shared information on current and upcoming work.

**On October 4, staff met with the City of Oakland to coordinate on various activities.** The two agencies discussed current and upcoming projects that required coordination and ways to improve the permitting process.

**On October 5, staff participated in the City of Oakland's monthly Utility Coordination meeting.** The agencies coordinated upcoming construction projects.

**On October 5, staff conducted a tour of the Main Wastewater Treatment Plant for members of the public.** Staff shared operations and pollution prevention information. Approximately 15 people attended.

**On October 6, the District hosted its 28<sup>th</sup> annual Pardee BBQ at Pardee Center in Valley Springs.** Attendees included other water agencies, water right holders, local and state elected officials, and stakeholders in the Mokelumne watershed to enhance partnerships and community relations. Approximately 160 people attended.

**On October 6, staff attended the Council of Industries' boat tour for networking and outreach in Richmond.** Approximately 20 people attended.

**On October 6, staff participated in the California Water Environment Association's, Sacramento Regional County Sanitation District's, and the Sacramento Area Sewer District's career fair in Sacramento.** Staff provided information on the District's application and recruiting process, including upcoming open positions. Approximately 50 people attended.

**On October 7, staff attended WhollyH2O's Birding BioBlitz at Briones reservoir and dam.** The event focused on finding and identifying as many species as possible at Briones Reservoir. Approximately five people attended.

**On October 10, staff presented at the Eden Area Municipal Advisory Committee meeting.** The presentation highlighted galvanized pipe requiring replacement, and the U.S. Environmental Protection Agency-directed water meter inspections in the service area. Approximately 10 people attended.

**On October 11, staff met with Alameda County and Castro Valley to coordinate construction activities.** The agencies shared information on current and upcoming work.

**On October 11, staff attended the Amador County Chamber of Commerce mixer in Plymouth.** Approximately 75 people attended.

**On October 12, staff met with the City of Pinole to coordinate construction activities.** The two agencies shared information on current and upcoming work.

**On October 12, staff met with Contra Costa County to continue discussions on a points of distribution plan.** This recurring meeting is to continue to flesh out a plan on water distribution to communities in the event of a major emergency.

**On October 14, staff participated in Walnut Creek’s Oktoberfest.** Staff provided information on water conservation and rebates, District careers, and the District’s Customer Assistance Program. The Water on Wheels trailer was present. Approximately 10,000 people attended.

**On October 16, staff presented at the Castro Valley Municipal Advisory Committee meeting.** The presentation highlighted galvanized pipe requiring replacement, and the U.S. Environmental Protection Agency-directed water meter inspections in the service area. Approximately 15 people attended.

**On October 16, staff participated in Water Forum Agreement 2.0 negotiations about American River corridor health.** The Water Forum is a diverse group of business and agricultural leaders, citizen groups, environmentalists, water managers, and local governments in the Sacramento region. The Water Forum’s co-equal objectives are to provide a reliable and safe water supply for the Sacramento region’s economic health and planned development and to preserve the Lower American River’s fishery, wildlife, recreational, and aesthetic values. Negotiations will continue into 2024 to develop a draft agreement.

**On October 17, staff presented at a Centre for Energy Advancement through Technological Innovation Dam Safety Interest Group webinar focused on sharing information on Emergency Action Plan (EAP) distribution practices.** The presentation highlighted how the District used SharePoint to electronically distribute EAPs. Approximately 50 people attended.

**On October 18, the District hosted a virtual Water Wednesday Speaker Series Event.** The topic “An Anatomy of Main Breaks” highlighted the different aspects of main breaks, including the cause of main breaks, repairing methods, and ways to prevent breaks from happening. Approximately 90 people attended.

**On October 19, staff participated in the U.C. Davis’ Science, Technology, Engineering, and Mathematics career fair.** Staff provided information on the District’s application and recruiting processes, including upcoming open positions. Approximately 50 people attended.

**On October 19, the Ramage Peak Trail was reopened to the public.** The trail was damaged during last winter's storms. The trail is located on the south watershed, between the communities of Castro Valley and San Ramon. Staff completed the repairs on October 18.

**On October 21, staff conducted three tours for officials from the City of Orinda and the public of the Orinda Water Treatment Plant.** The tour highlighted the disinfection improvements project. Approximately 50 people attended.

**On October 21, the District hosted the annual Family Fishing Day at San Pablo Reservoir.** This was the first time the event was held since the pandemic began in 2020. Approximately 200 people attended.

**On October 22, the District hosted the City of Lafayette's and Lafayette Chamber of Commerce's event the Lafayette Res Run for Education at Lafayette Reservoir.** Approximately 2,000 people attended.

**On October 24, staff participated in the Oakland Chinatown Improvement Council's annual meeting.** The meeting topics included the election of the board of directors and the revitalization of and safety in Chinatown. Approximately 50 people attended.

**On October 25, staff participated in Touro University's panel discussion on Built Environment, Housing, and Healthy Communities in Vallejo.** Staff answered questions on providing water service for housing. Approximately 55 people attended.

**On October 26, staff presented at the Garden Club of Orinda meeting.** The presentation highlighted the future of water in California. Approximately 25 people attended.

**On October 27, the District reopened the Independence Loop Trail.** Staff reconstructed a drainage crossing that had been washed away and addressed several other areas that were damaged by storms.

**On October 28, staff conducted a Water Walk at Mountain View Cemetery in Oakland.** Staff provided information on EBMUD's history and its founding. Approximately 30 people attended.

**On October 28, staff participated in the Greater Richmond Interfaith Program 37<sup>th</sup> annual Harmony Walk.** Staff provided information on water conservation and rebates, careers, and the District's Customer Assistance Program. Approximately 2,500 people attended.

**On October 29, staff participated in Unity Council's annual Dia de los Muertos in Oakland.** Staff provided information on water conservation and rebates, careers, and the District's Customer Assistance Program. The Water on Wheels trailer was present. Approximately 60,000 people attended.

**Media.** A media advisory was issued on October 13 to promote the upcoming Water Wednesday on the Anatomy of a Main Break. The contributions of the late Senator Dianne Feinstein highlighted her work on water issues, specifically the Freeport Project (CBS Sacramento). Sandretto Road closure was noted (Ledger Dispatch). EBMUD was featured in a speaker series for “Mastadons Among Us” (Ledger Dispatch). Mention of state conservation goals mentions EBMUD (The Berkeleyside). A San Pablo Family Fishing Day notice invited the public to attend (Contra Costa News). Thoughts about the nomination of EBMUD by an employee for the Freedom Award were shared (DefenseLINK).

**Social Media:**

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
Twitter	Biodiversity landscaping workshop	304	3,940	6
Facebook	Family fishing day at San Pablo Res	1,260	1,960	7
Instagram	Oakland Hills Fire anniversary	268	463	17
LinkedIn	Oakland Hills Fire anniversary	1,418	9,083	-84
Nextdoor	Water Walk – Cemetery Tour	8,149		

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Orinda Water Treatment Plant (Orinda)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Sobrante Water Treatment Plant Improvement (El Sobrante)
- Tappan Terrace Pipeline Replacement (Orinda)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek/Lafayette)

**Contract Equity**

**On October 10, staff participated in CalTrans’ Disadvantaged Business Enterprise Summit in Richmond.** Staff provided information on the business certification process, contracting, and procurement opportunities with state and local government agencies. Staff also provided information on upcoming contracting opportunities and tips on how to contract with the District. Approximately 200 people attended.

**On October 21, staff participated in Alameda County Public Works Agency's 2023 Construction Contractors Academy in Hayward.** Staff provided information on doing business with the District and upcoming construction contract opportunities. Approximately 20 people attended.

Contract Equity staff participated in the following customer events and outreach activities:

- October 5 – Stockton Chamber of Commerce Tradeshow Mixer – 250 attendees
- October 6 – Asian, Inc. 52<sup>nd</sup> Anniversary Gala – 300 attendees
- October 11 – State Fund Supplier Diversity Summit – 150 attendees
- October 18 – Construction Inclusion Week Event – 200 attendees
- October 19 - Woman’s Business Executive Council Pacific's Board meeting – 18 attendees
- October 26 – Oakland African American Chamber of Commerce Business Awards – 325 attendees
- October 30 – Lean About Upcoming Professional Services Agreements at BART – 127 attendees

### **Water Conservation**

**On October 4-5, staff participated in the 2023 Water Smart Innovations conference in Las Vegas, Nevada.** One presentation highlighted how the District transformed its outreach communication strategies to leverage social media and online services; the next presentation highlighted community building strategies and survey results from demonstration garden representatives. Staff also participated on a panel to discuss design considerations, placemaking principles, community building strategies, demonstration garden case studies, maintenance, and funding for the development, maintenance, and activation of demonstration gardens. Approximately 100 people attended.

**On October 5, the District hosted a webinar on sheet mulching.** The webinar gave an overview of sheet mulching benefits and included how-to instructions to support customers interested in converting their lawns to waterwise gardens. Staff also gave an update on water supply conditions and EBMUD resources such as landscape rebates and mulch coupons. Approximately 200 people attended.

**On October 19, staff presented at the Rockridge Community Planning Council Town Hall in Oakland.** The presentation highlighted topics aimed at helping homeowners reduce their water use at home, how to use the My Water Report portal, how to sign up for leak alerts, suggestions for water efficient landscaping, and an explanation of rebates and resources available to District customers. Approximately 25 people attended.

**On October 20, the District hosted a webinar on biodiversity, water conservation, and landscaping.** The webinar covered the importance of using local native plants to reduce species extinction, sequester carbon, and minimize water consumption, and included information on the District’s landscape rebate program. Approximately 65 people attended.

**On October 25, staff presented at the CA-NV American Water Works Association’s annual Fall Conference in Las Vegas, Nevada.** The presentation focused on the District’s Advanced Metering Infrastructure to help customers find and repair large water leaks on their property. Approximately 75 people attended.

**On October 27, staff participated in the 2023 Halloween Trick or Treat Event at the Oakland Arena.** Staff provided information about water conservation. Approximately 250 people attended.

**On October 29, staff participated in the Friends of Sausal Creek 18<sup>th</sup> annual Native Plant Sale in Oakland.** Staff provided information on water conservation, landscaping, and rebates. Approximately 400 people attended.

## **WORKFORCE PLANNING AND DEVELOPMENT**

**In October, staff presented to U.C. Berkeley’s Water and Wastewater Systems Design and Operation class and conducted a tour of a pipeline construction project.** On October 2 and 4, the presentations highlighted pipeline design fundamentals and innovations in pipeline replacement and maintenance. On October 6, staff conducted a site visit to an active pipeline construction project. On October 9 and 11, the presentation highlighted pipeline failure analysis and understanding design drawings. On October 20, staff conducted a tour of the Center for Smart Infrastructure to witness a pipe tension test.

**On October 12, the District hosted a virtual Customer Service Representative (CSR) I Information Session.** Staff provided information about the CSR I recruitment and application process to support the District’s workforce development strategies for diversifying applicant pools for entry level positions. Approximately 50 people attended.

**Staff participated in events/activities that support the District’s long-term efforts to develop a diverse pipeline of candidates for future workforce needs and expand collaborative relationships with local partner organizations:**

- **On October 4, staff participated in the California State University, Sacramento’s Fall 2023 Job & Internship Fair.** Staff provided information on water industry careers, the District’s application and recruitment processes. Approximately 30 people attended.
- **On October 12, staff participated in the Association of California Water Agencies Foundation’s webinar on diversity.** Staff provided information on the District’s long-term Workforce Development Strategy which includes enhanced outreach to diversify the candidate pool for mission critical jobs and underutilized job groups. Approximately 80 people attended.
- **On October 16, staff participated in San Francisco State University's Fall 2023 Science, Technology, Engineering, and Mathematics (STEM) Career Fair.** Staff provided information on water industry careers, the District’s application and recruitment processes. Approximately 25 people attended.
- **October 17, staff participated in the Future Build’s Career Exploration Day in Pittsburg.** Staff provided information on District careers, career pathways, recruitments, and the application process. Approximately 15 people attended.

- **On October 19, staff participated in the U.C. Davis’ Science, Technology, Engineering, and Mathematics Career Fair.** Staff provided information on water industry careers, and the District’s application and recruitment processes. Approximately 50 people attended.

**Tuition Reimbursement**

	October 2023	FY 2024 Total
# of Employees	9	48
# of Classes	9	65
Total Reimbursed	\$4,559.26	\$43,538.35

**Employment Information**

	October 2023	FY 2024 Total
Retirements – Regular	3	24
Retirements – Vested	2	5
Hires/Rehires	20	64
Other Separations	6	37

**FINANCIAL STABILITY**

**Capital Budget Transfers.** In October 2023, there was one capital transfer greater than \$2.5 million. The transfer was in the Water System for \$16.5 million from the Raw Water Infrastructure Award (7000061) to the Mokelumne Aqueducts Recoating Award (7000155). This transfer supported the Mokelumne Aqueduct Recoating Project Phase 13 (final phase) because construction estimates for the project are higher than originally estimated. Construction cost inflation as well as an increased scope for the final phase have resulted in an increase in the engineer’s estimate. The scope includes three layers of coating compared to the single layer in previous phases of recoating, and more access-road repairs than originally anticipated. Funds are available from the Raw Water Infrastructure award due to deferral of the Pardee Tunnel Access Repair and Improvement project to no earlier than FY 2029. The funds for that project will be requested for appropriation again once it is ready to proceed.

Through October 31, 2023, there have been four capital transfers for a total of \$22.85 million transferred. All four transfers were within the Water System.

**On October 10, an additional qualified service provider was added to the agreements for towing and vehicle relocation services.** Arrowhead Towing, Inc. meets District standards and has been added to increase flexibility and ensure service provider availability.

**On October 11, staff approved a 15 percent administrative change order for the Groundwater Sustainability Plan Groundwater Monitoring Services agreement with Terraphase Engineering.** The change order increase was to cover a water quality sampling event at Bayside. The total change order amount was \$15,755.70.

**On October 18, an additional qualified service provider was added to the agreements for asphaltic cement and concrete saw cutting services.** W.C. Maloney, LLC meets District standards and has been added to increase flexibility and ensure service provider availability.

**The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station’s surplus power sales for October is \$52,540.** The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$20,640 from the Port of Oakland. Earned revenue for FY 2024 to date is estimated at \$142,774 or 36 percent of the total FY 2024 budget of \$400,000.

**The estimated earned revenue from Mokelumne power sales for October is \$1,377,000.** The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). A total of \$149,000 was generated from REC sales – all from MCE. Resource Adequacy (RA) capacity sales to Ava Community Energy (name changed from East Bay Community Energy) earned \$304,250. Earned revenue to date through October is estimated at \$8,265,000 or 103.3 percent of the FY 2024 budgeted \$8.0 million. The forecasted revenue for FY 2024 is estimated to be higher at \$15.2 million due to the additional RA revenue from the Pardee 2024 RA sales contract with NRG Business Marketing LLC.

**There were no material, supply, or construction contracts from \$80,001 to \$100,000 and seven general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in October 2023.**

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Fiber Sense US, LLC	10/5/2023	White Male	Fiber optic leak detection pilot	N/A	Three years	\$75,450
Advanced Integrated Solutions	10/10/2023	White Male	Software upgrade services for the Wastewater Department’s Maximo system	N/A	Two years, with two options to renew for additional one-year periods	\$79,180
Associated Power Solutions, LLC	10/13/2023	White Male	Perform testing and inspection of the Camanche Powerhouse 4.16kV switchgear and Camanche switchyard	N/A	N/A	\$67,850
Nichols Consulting Engineers	10/20/2023	White Male	Consulting services to determine payment condition index for Wildcat Pipeline Improvement, El Cerrito	N/A	N/A	\$71,512.48
DLT Solutions LLC	10/25/2023	White Male	Supply four-month temporary licensing agreement for Autodesk software	N/A	September 25, 2023 through January 25, 2024	\$79,986.67
Peterson Power Systems, Inc.	10/26/2023	White Male	Replacement of the Claremont Center standby generator radiator	N/A	N/A	\$79,952

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Chain Link Fence & Supply, Inc.	10/31/2023	White Male	Fence removal and replacement services at Sobrante Water Treatment Plant	N/A	N/A	\$59,687

As of October 31, 2023, the District received benefit payments from the Low-Income Household Water Assistance Program (LIHWAP) for \$1,343,851.34 for Alameda County customers and \$237,506.00 for Contra Costa County customers. LIHWAP benefit payments are processed through designated local service provider for each county. The total amount received to date is \$1,581,357.34 and additional payments are expected as the state continues to process applications for the program. Eligible households have until March 31, 2024, to submit an application. The District will continue to share information on LIHWAP with customers.

Low-Income Household Water Assistance Program as of October 31, 2023		
County	Total Payment Amount	Total Count
Alameda County	\$1,343,851.34	1,084
Contra Costa County	\$237,506.00	258
<b>Grand Total</b>	<b>\$1,581,357.34</b>	<b>1,342</b>

Low-Income Household Water Assistance Program July 2022 - October 2023																
Month	July 2022		August 2022		September 2022		October 2022		November 2022		December 2022		January 2023		February 2023	
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received
Alameda	17	\$14,105.43	78	\$70,570.04	92	\$85,690.99	78	\$67,563.45	49	\$48,161.64	81	\$87,880.54	62	\$64,521.24	68	\$73,704.39
Contra Costa	0	\$0.00	10	\$5,707.69	12	\$6,295.35	10	\$7,408.44	13	\$8,318.57	14	\$15,972.87	26	\$21,385.89	18	\$11,357.19
<b>Totals</b>	<b>17</b>	<b>\$14,105.43</b>	<b>88</b>	<b>\$76,277.73</b>	<b>104</b>	<b>\$91,986.34</b>	<b>88</b>	<b>\$74,971.89</b>	<b>62</b>	<b>\$56,480.21</b>	<b>95</b>	<b>\$103,853.41</b>	<b>88</b>	<b>\$85,907.13</b>	<b>86</b>	<b>\$85,061.58</b>

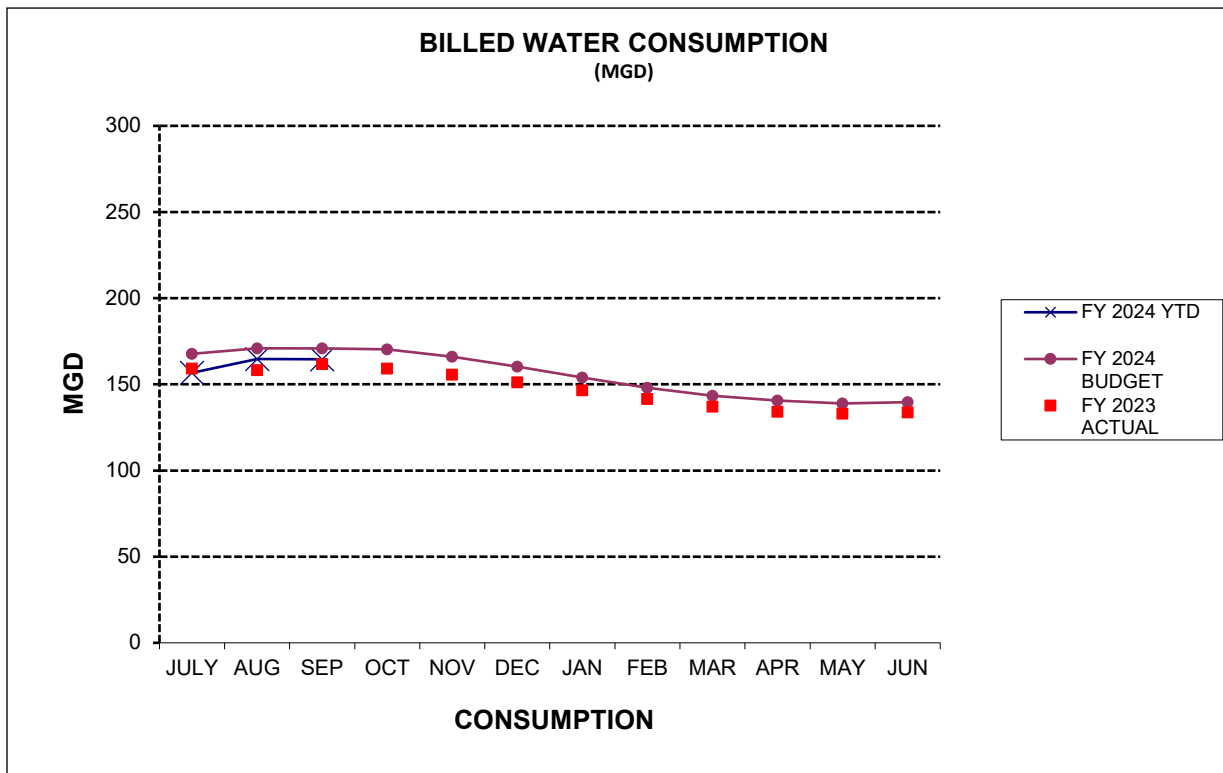
Month	March 2023		April 2023		May 2023		June 2023		July 2023		August 2023		September 2023		October 2023	
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payments
Alameda	45	\$51,726.67	72	\$77,037.41	66	\$82,589.30	35	\$58,917.54	67	\$105,425.64	95	\$164,667.46	111.00	\$188,740.64	69	\$104,089.80
Contra Costa	16	\$11,931.92	17	\$11,661.52	17	\$17,770.47	15	\$12,855.72	24	\$32,716.76	35	\$44,897.64	21.00	\$17,586.18	10	\$11,639.79
<b>Totals</b>	<b>61</b>	<b>\$63,658.59</b>	<b>89</b>	<b>\$88,698.93</b>	<b>83</b>	<b>\$100,359.77</b>	<b>50</b>	<b>\$71,773.26</b>	<b>91</b>	<b>\$138,142.40</b>	<b>130</b>	<b>\$209,565.10</b>	<b>132</b>	<b>\$206,326.82</b>	<b>79</b>	<b>\$115,729.59</b>

Total to Date	
Accounts	Payment Received
1,084	\$1,343,851.34
258	\$237,506.00
<b>1,342</b>	<b>\$1,581,357.34</b>

**Water Sales (Consumption)**

The following consumption information is the average billed water consumption in millions of gallons per day (MGD) for the first three months of FY 2024.<sup>1</sup> Budgeted average daily water consumption for FY 2024 is 139.7 MGD, and summer month consumption is generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2023 data for the same period of time.

<b>Fiscal Year-to-Date Billed Water Consumption</b>			
<b>Usage Type</b>	<b>FY 2024 (MGD)</b>	<b>FY 2023 (MGD)</b>	<b>Year-over-Year (% change)</b>
Residential	81.9	81.3	0.7%
Commercial	54.7	55.6	-1.6%
Industrial	19.8	16.9	17.2%
Public Authority	8.1	8.0	1.3%
<b>Total Billed Water Consumption</b>	<b>164.5</b>	<b>161.8</b>	<b>1.7%</b>

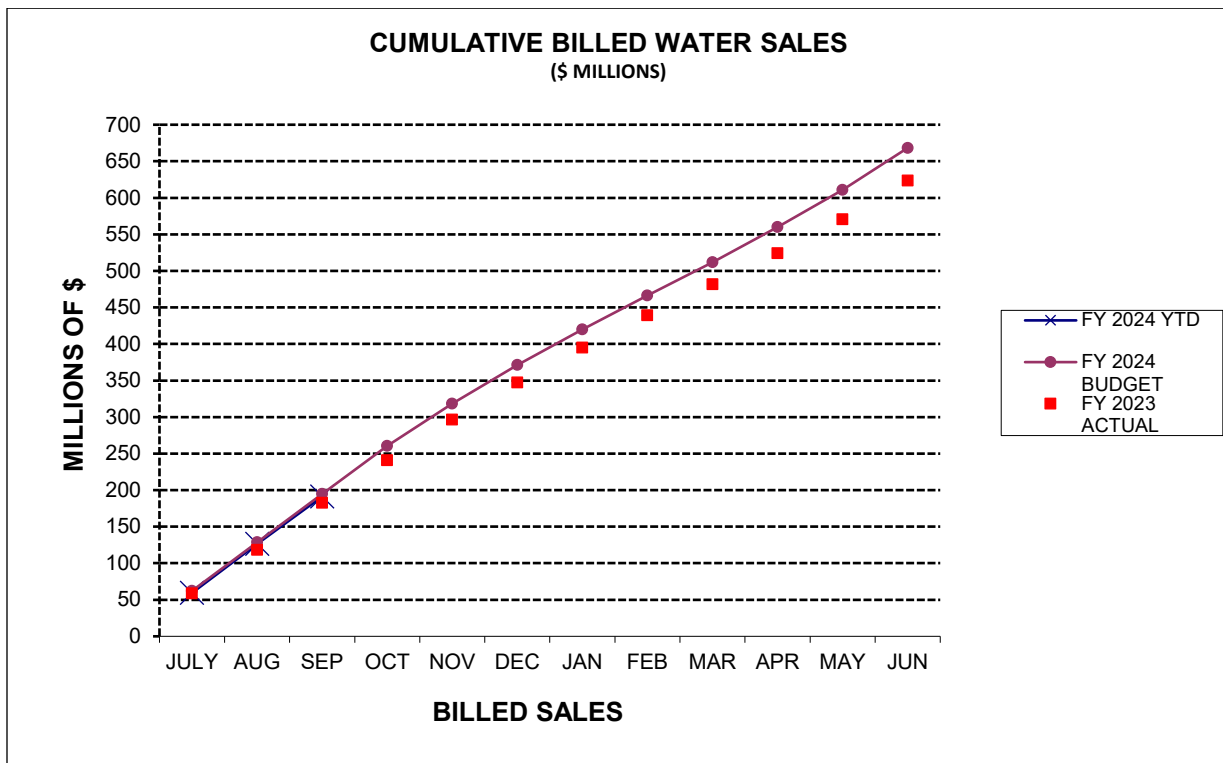


Source: Customer Information System

<sup>1</sup> Billed consumption is the amount of potable and non-potable water use for which EBMUD billed customers during the month and not actual customer usage within that month. During any month, roughly half of all EBMUD customers are billed for the prior two months of consumption. For example, a customer bill sent in early August would generally contain charges for water consumed in June and July.

**Water Sales (Revenue)**

FY 2024 water revenues billed through the end of September were \$191.3 million or 4.9% more than the FY 2023 revenue for the same period of \$182.4 million.<sup>2</sup> This increase in water revenues is a result of higher September 2023 consumption year-over-year and an 8.5% rate increase (effective July 1), partially offset by FY 2023 drought surcharges. FY 2024 water revenues through September are \$3.5 million less (or 1.8% less) than the budgeted water revenue of \$194.8 million due to lower-than-projected consumption.



Source: Customer Information System

<sup>2</sup> Water sales includes potable and non-potable water sales. FY 2023 water sales shown in this report include drought revenue (\$3.3M through August 2022).

October 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMO		DORRIS	PL	ASBESTOS CEMENT	6	1980	1,800	10/29/2023	10/29/2023	Y
ALAMO		PIEDRAS	CT	ASBESTOS CEMENT	6	1974	12,960	10/14/2023	10/16/2023	Y
ALAMO		STONE VALLEY	RD	ASBESTOS CEMENT	8	1960	3,150	10/18/2023	10/18/2023	Y
ALBANY		ADAMS	ST	ASBESTOS CEMENT	6	1957	11,520	10/10/2023	10/13/2023	Y
ALBANY		KAINS	AVE	CAST IRON	4	1941	8,640	10/13/2023	10/18/2023	Y
ALBANY		KAINS	AVE	CAST IRON	6	1940	4,320	10/17/2023	10/19/2023	Y
ALBANY		SAN PABLO	AVE	CAST IRON	4	1934	7,200	9/30/2023	10/4/2023	Y
BERKELEY		7TH	ST	STEEL	6	1936	1,800	10/19/2023	10/20/2023	Y
BERKELEY		ADDISON	ST	CAST IRON	6	1929	2,700	10/7/2023	10/8/2023	Y
BERKELEY		ADELINE	ST	CAST IRON	6	1928	2,250	10/5/2023	10/5/2023	Y
BERKELEY		GRANT	ST	CAST IRON	6	1931	0	9/28/2023	10/10/2023	Y
BERKELEY		M L KING JR	WAY	CAST IRON	6	1949	18,000	10/8/2023	10/9/2023	Y
BERKELEY		M L KING JR	WAY	CAST IRON	6	1904	29,970	10/8/2023	10/9/2023	Y
BERKELEY		M L KING JR	WAY	CAST IRON	6	1949	9,000	10/8/2023	10/9/2023	Y
BERKELEY		RUGBY	AVE	CAST IRON	6	1948	0	10/11/2023	10/16/2023	Y
CASTRO VALLEY		DAVID	ST	CAST IRON	6	1947	4,320	10/25/2023	10/27/2023	Y
DANVILLE		SUGAR MAPLE	DR	ASBESTOS CEMENT	12	1979	20,160	10/17/2023	10/18/2023	Y
DANVILLE		WHISPERING OAKS	LN	ASBESTOS CEMENT	6	1984	900	10/29/2023	10/29/2023	Y
EL CERRITO		ALBEMARLE	ST	CAST IRON	6	1925	28,800	10/23/2023	10/26/2023	Y
EL CERRITO		COLUSA	AVE	CAST IRON	6	1941	8,640	10/11/2023	10/16/2023	Y
EL CERRITO		MOESER	LN	CAST IRON	6	1953	0	10/17/2023	10/17/2023	Y
EL SOBRANTE		SAN PABLO DAM	RD	ASBESTOS CEMENT	6	1973	8,640	10/11/2023	10/16/2023	Y
EMERYVILLE		EMERY	ST	ASBESTOS CEMENT	8	1966	30,240	10/24/2023	10/26/2023	Y
LAFAYETTE		CRESCENT	DR	CAST IRON	4	1945	14,400	10/1/2023	10/2/2023	Y
LAFAYETTE		OAK CANYON	RD	STEEL	16	1968	0	9/12/2023	10/3/2023	Y
LAFAYETTE		SUMMIT	RD	ASBESTOS CEMENT	6	1954	1,800	10/30/2023	10/30/2023	Y
OAKLAND		15TH	ST	CAST IRON	4	1932	7,200	10/20/2023	10/20/2023	Y
OAKLAND	E	26TH	ST	CAST IRON	6	1929	7,200	10/21/2023	10/25/2023	Y
OAKLAND		36TH	ST	NON METALLIC / PLASTIC	8	1982	9,000	10/10/2023	10/11/2023	Y

*\*KPI = turn around time to repair the leak*

October 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		62ND	ST	CAST IRON	6	1938	14,400	9/30/2023	10/4/2023	Y
OAKLAND		76TH	AVE	CAST IRON	4	1949	29,970	10/20/2023	10/21/2023	Y
OAKLAND		84TH	AVE	CAST IRON	6	1924	1,440	10/26/2023	10/26/2023	Y
OAKLAND		89TH	AVE	ASBESTOS CEMENT	6	1955	6,750	10/25/2023	10/25/2023	Y
OAKLAND		96TH	AVE	CAST IRON	4	1911	9,000	10/31/2023	10/31/2023	Y
OAKLAND		105TH	AVE	CAST IRON	6	1939	7,200	10/27/2023	10/31/2023	Y
OAKLAND		ACALANES	DR	CAST IRON	4	1944	2,880	10/25/2023	10/26/2023	Y
OAKLAND		APGAR	ST	CAST IRON	6	1940	9,000	10/30/2023	10/30/2023	Y
OAKLAND		BANCROFT	AVE	CAST IRON	6	1925	1,350	10/13/2023	10/13/2023	Y
OAKLAND		CARMEL	ST	CAST IRON	6	1942	18,000	10/23/2023	10/23/2023	Y
OAKLAND		ELMAR	AVE	CAST IRON	6	1933	0	9/29/2023	10/3/2023	Y
OAKLAND		EMBARCADERO		CAST IRON	12	1949	45,000	10/15/2023	10/15/2023	Y
OAKLAND		ESTATES	DR	CAST IRON	8	1931	90,000	10/29/2023	10/30/2023	Y
OAKLAND		GOLF LINKS	RD	STEEL	16	1983	74,970	10/5/2023	10/6/2023	Y
OAKLAND		GRAND	AVE	CAST IRON	8	1931	31,500	10/15/2023	10/15/2023	Y
OAKLAND		GUNN	DR	STEEL	6	1972	0	10/24/2023	10/31/2023	Y
OAKLAND		HEGENBERGER	RD	CAST IRON	8	1947	18,000	10/17/2023	10/18/2023	Y
OAKLAND		HILLER	DR	STEEL	12	1964	0	9/25/2023	10/2/2023	Y
OAKLAND		HOLLY	ST	CAST IRON	6	1927	21,600	10/11/2023	10/12/2023	Y
OAKLAND		HOOD	ST	ASBESTOS CEMENT	6	1959	8,640	10/13/2023	10/18/2023	Y
OAKLAND		JOHNSTON	DR	CAST IRON	6	1931	18,000	10/31/2023	10/31/2023	Y
OAKLAND		KENMORE	AVE	ASBESTOS CEMENT	8	1968	5,400	10/14/2023	10/14/2023	Y
OAKLAND		LINDEN	ST	CAST IRON	6	1934	13,500	10/15/2023	10/15/2023	Y
OAKLAND		MACARTHUR	BL	WROUGHT IRON	16	1923	0	10/11/2023	10/18/2023	Y
OAKLAND		MAKIN	RD	CAST IRON	4	1943	18,000	10/14/2023	10/15/2023	Y
OAKLAND		MAPLE	AVE	CAST IRON	6	1939	10,080	10/6/2023	10/12/2023	Y
OAKLAND		OVAL	RD	CAST IRON	4	1949	5,760	10/18/2023	10/21/2023	Y
OAKLAND		REINHARDT	DR	CAST IRON	6	1952	25,920	10/2/2023	10/10/2023	Y
OAKLAND		SHELDON	ST	CAST IRON	6	1937	22,500	10/17/2023	10/17/2023	Y

*\*KPI = turn around time to repair the leak*

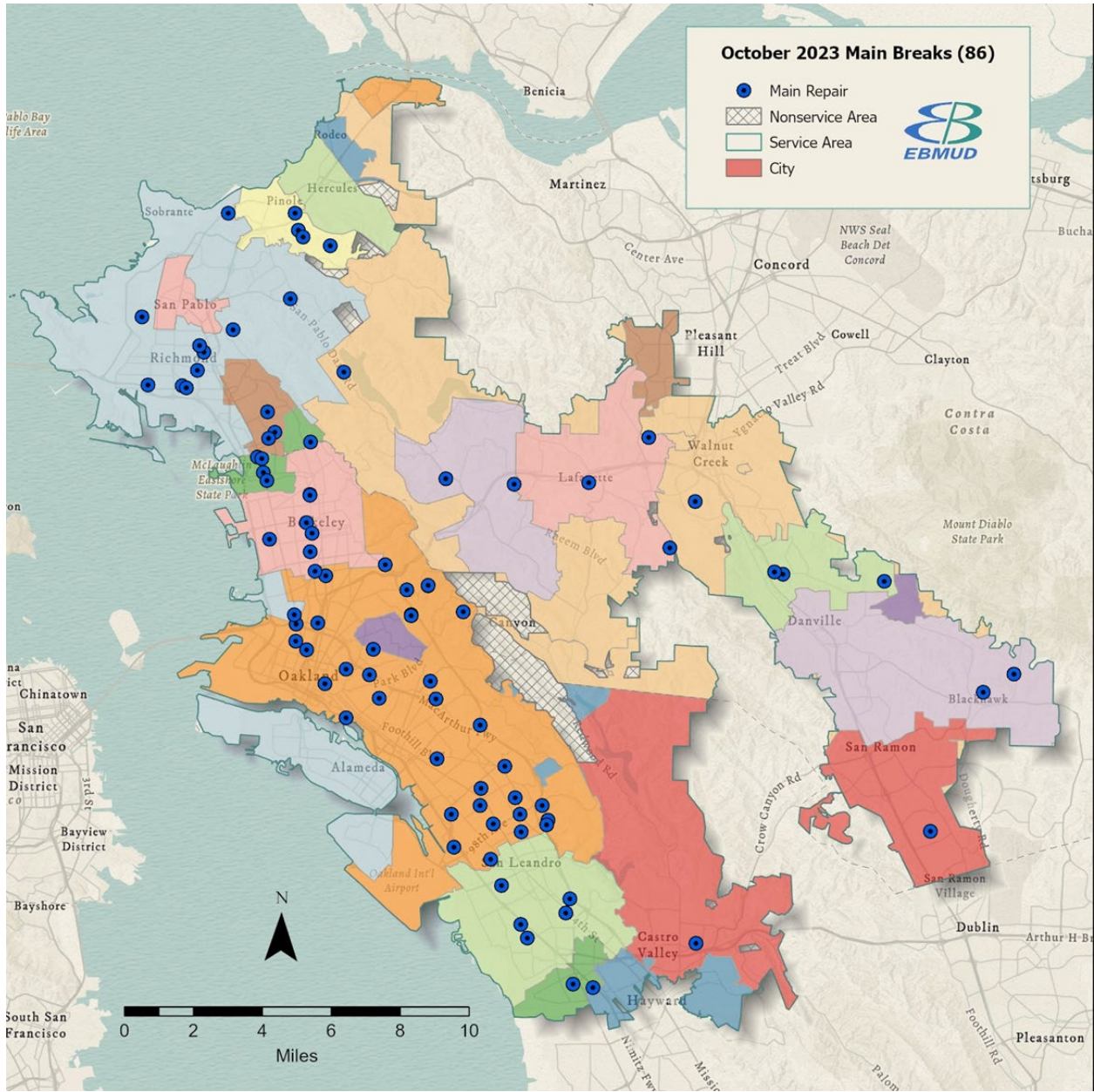
October 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		VALLEY VIEW	RD	ASBESTOS CEMENT	6	1958	0	10/10/2023	10/17/2023	Y
OAKLAND		VALLEY VIEW	RD	ASBESTOS CEMENT	6	1958	0	10/13/2023	10/17/2023	Y
OAKLAND		WEST	ST	CAST IRON	4	1936	27,000	10/30/2023	10/30/2023	Y
ORINDA		ARDILLA	RD	CAST IRON	4	1934	720	10/8/2023	10/8/2023	Y
ORINDA		TAHOS	RD	STEEL	8	1975	9,000	10/9/2023	10/9/2023	Y
PINOLE		BUCKSKIN	RD	ASBESTOS CEMENT	6	1970	18,000	10/13/2023	10/14/2023	Y
PINOLE		COLUSA	ST	ASBESTOS CEMENT	6	1958	90,000	10/27/2023	10/27/2023	Y
PINOLE		ESTATES	AVE	ASBESTOS CEMENT	8	1958	14,400	10/8/2023	10/9/2023	Y
PINOLE		HENRY	AVE	ASBESTOS CEMENT	8	1958	45,000	10/7/2023	10/8/2023	Y
RICHMOND		4TH	ST	CAST IRON	4	1939	5,760	10/23/2023	10/26/2023	Y
RICHMOND	S	28TH	ST	ASBESTOS CEMENT	6	1945	9,000	10/2/2023	10/2/2023	Y
RICHMOND		38TH	ST	CAST IRON	4	1941	5,760	10/10/2023	10/13/2023	Y
RICHMOND		BISSELL	AVE	CAST IRON	6	1936	900	10/3/2023	10/3/2023	Y
RICHMOND		GARVIN	AVE	CAST IRON	6	1939	17,280	10/20/2023	10/31/2023	Y
RICHMOND		LA HONDA	RD	ASBESTOS CEMENT	6	1962	1,800	10/17/2023	10/17/2023	Y
RICHMOND		OHATCH	DR	ASBESTOS CEMENT	8	1955	9,000	10/18/2023	10/18/2023	Y
RICHMOND		PARK	AVE	CAST IRON	6	1941	0	10/4/2023	10/9/2023	Y
RICHMOND		SPRING	ST	CAST IRON	6	1957	23,040	10/9/2023	10/12/2023	Y
RICHMOND		VIRGINIA	AVE	ASBESTOS CEMENT	4	1937	18,000	10/30/2023	10/30/2023	Y
SAN LEANDRO		148TH	AVE	CAST IRON	6	1939	1,440	10/10/2023	10/10/2023	Y
SAN LEANDRO		CORVALLIS	ST	CAST IRON	12	1951	15,030	9/30/2023	10/1/2023	Y
SAN LEANDRO		DRAKE	AVE	ASBESTOS CEMENT	6	1951	2,700	10/28/2023	10/29/2023	Y
SAN LEANDRO		GARDNER	BL	CAST IRON	4	1943	7,200	10/7/2023	10/7/2023	Y
SAN LEANDRO		WAKE	AVE	CAST IRON	6	1948	0	10/25/2023	10/31/2023	Y
SAN LORENZO		VIA PARO		CAST IRON	6	1944	18,000	10/24/2023	10/25/2023	Y
SAN LORENZO		VIA RINCON		CAST IRON	4	1944	2,880	10/19/2023	10/20/2023	Y
SAN RAMON		RIVIERA	WAY	ASBESTOS CEMENT	6	1976	22,500	10/1/2023	10/2/2023	Y
							<b>1,139,400</b>			

Non-surfacing leaks discovered by leak detection technologies	0
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*\*KPI = turn around time to repair the leak*

October 2023 MAIN BREAK REPAIRS											
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?	
Breaks caused by contractors or other agencies				0							
Other main breaks				86							
<b>Total water main repairs</b>				<b>86</b>							

*\*KPI = turn around time to repair the leak*



Customer Account Delinquency Information									
OCTOBER 2023									
(Data collection began September 1, 2017)									
<b>CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT</b>	March 23 <sup>31</sup>	April 23 <sup>32</sup>	May 23 <sup>33</sup>	June 23 <sup>34</sup>	July 23 <sup>35</sup>	August 23 <sup>36</sup>	Sept 23 <sup>37</sup>	Oct 23 <sup>38</sup>	Totals
New CAP Participants	185	175	218	175	197	266	211	200	12,772
CAP Renewals	282	236	251	254	274	212	228	184	13,013
CAP Departures	450	476	484	434	442	438	85	358	16,969
Total Active CAP Participants w/Active Accounts	8,723	8,698	8,687	8,784	8,975	9,155	9,274	9,371	
<b>PAYMENT PLANS</b>	March 23	April 23	May 23	June 23	July 23	August 23	Sept 23	Oct 23	Totals
Approved Payment Plans	1,864	1,648	2,048	2,104	2,031	1,443	1,817	2,105	214,624
Payment Plans Established After Service Interruptions	-	-	-	-	-	-	-	-	1,320
<b>SERVICE INTERRUPTIONS - RESIDENTIAL</b>	March 23	April 23	May 23	June 23	July 23	August 23	Sept 23	Oct 23	Totals
15-day Final Collection Notices	16,413	16,033	18,146	16,617	17,607	18,109	16,602	20,658	1,151,625
48-hr Service Interruptions Notices <sup>3</sup>	11,043	10,906	12,418	10,673	9,735	12,907	10,727	13,168	674,622
Service Interruption Orders Created	*	*	*	*	*	*	*	*	82,689
Service Interruptions Completed (Actual)	*	*	*	*	*	*	*	*	22,712
CAP Enrolled Service Interruptions	*	*	*	*	*	*	*	*	802
<b>WATER THEFT</b>	March 23	April 23	May 23	June 23	July 23	August 23	Sept 23	Oct 23	Totals
No. of Incidents	2	6	14	1	5	11	9	11	484
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	-	-	41
No. Water Theft Penalties Issued	-	-	-	-	-	-	1	-	228
No. of Appeals Received	-	-	-	-	-	-	-	-	10
No. of 1st Appeals Approved	-	-	-	-	-	-	-	-	5
No. of 1st Appeals Denied	-	-	-	-	-	-	1	-	8
<b>Multi-Family Liens<sup>1</sup></b>	March 23	April 23	May 23	June 23	July 23	August 23	Sept 23	Oct 23	Totals
Liens Filed	-	113	237	12	113	226	22	109	6,117
Released	-	7	4	2	56	32	58	-	4,973
Transferred to Alameda Cty.	-	-	-	-	-	305	-	-	2,194
Transferred to Contra Costa Cty.	-	-	-	-	-	27	-	-	400
Total/Month	0	120	241	14	169	590	80	109	13,684
<b>BAD DEBT - WRITE OFFS<sup>2</sup></b>	March 23	April 23	May 23	June 23	July 23	August 23	Sept 23	Oct 23	Totals
Total Referred to Collection Agency	\$ 436,979	\$ 442,105	\$ 328,670	\$ 454,204	\$ 354,919	\$ 424,469	\$ 467,300	TBD <sup>38</sup>	14,769,686
Write-Off % to Billed Revenue	0.81%	0.98%	0.62%	0.75%	0.53%	0.57%	0.64%	TBD <sup>38</sup>	

<sup>1</sup>Liens filed monthly represent delinquent accounts 4-6 months in arrears.  
<sup>2</sup>48-hour notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hour notices.  
<sup>3</sup>CAP applications processed through March 14, 2023; March 2023 collection agency. Write-off revenue for March will update in April 2023.  
<sup>4</sup>CAP applications processed through April 10, 2023; April 2023 collection agency. Write-off revenue for March and April 2023 will update in May 2023.  
<sup>5</sup>CAP applications processed through May 9, 2023; May 2023 collection agency. Write-off revenue for April and May will be updated in June 2023.  
<sup>6</sup>CAP applications processed through July 31, 2023; August 2023 collection agency. Write-off revenue for June and July will be updated in Aug 2023.  
<sup>7</sup>CAP applications processed through August 29, 2023; August 2023 collection agency. Write-off revenue for June and July will be updated in Sep 2023.  
<sup>8</sup>CAP applications processed through September 27, 2023; September 2023 collection agency will be updated in Oct 2023. Write-off revenue for June, July, August, and Sep will be updated when final revenue reports are posted by Accounting.  
<sup>9</sup>CAP applications processed through October 30, 2023; October 2023 collection agency will be updated in Nov 2023. Write-off revenue for Oct will be updated when final revenue reports are posted by Accounting.

\*Notes: Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld making 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.

Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Lafayette
Meter	4	1	2	17	4	3	1	2	3	1	7	4	1
Illegal Connection	-	1	-	1	-	-	-	-	-	-	-	-	-
Hydrant	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	4	2	2	18	4	3	1	2	3	1	7	4	1

Water Theft Type/City	Oakland	Orinda	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Totals since 9/1/2017
Meter	306	1	1	6	82	7	2	11	4	2	1	474
Illegal Connection	4	1	-	-	-	1	-	-	-	-	1	9
Hydrant	-	-	-	-	-	-	-	-	-	-	-	0
Total	310	2	1	6	82	8	2	11	4	2	2	483

**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 9, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Special Finance/Administration Committee Minutes – October 31, 2023

Chair William B. Patterson called to order the Special Finance/Administration Committee meeting at 9:16 a.m. in the Administration Building Boardroom. Director April Chan was present at roll call. Director John A. Coleman was absent (excused). Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Acting Controller Robert L. Hannay, Manager of Fisheries and Wildlife Michelle L. Workman, Director of Customer and Community Services Andrew L. Lee, Customer Services Manager Jack J. Flynn, Principal Management Analyst Nathan P. Hood, and Secretary of the District Rischa S. Cole.

**Public Comment.** None.

**Presentations/Documentation.** 1) Presentation entitled “Funding Agreement with Department of Water Resources to Support Voluntary Agreement Actions,” dated October 31, 2023; 2) Presentation entitled “Key Performance Indicators for Fiscal Year 2023,” dated October 31, 2023; 3) Presentation entitled “Fiscal Year 2023 Audit Preliminary Findings,” dated October 31, 2023; and 4) Presentation entitled “Applicant Process Improvements Update,” dated October 31, 2023.

**Monthly Investment Transactions Report.** Acting Controller Robert L. Hannay reviewed the report for September 2023 and highlighted the factors that caused the portfolio to decrease by about 1.1 percent during this period. The Committee raised no questions. It was moved by Director Chan, seconded by Director Patterson, and carried (2-0) by voice vote to accept the report. Director Coleman was absent (excused).

**Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended September 30, 2023, and Quarterly Investment Report – September 30, 2023.** Acting Controller Robert L. Hannay reviewed the reports which were filed in compliance with government statutes and cover the period July 1, 2023 through September 30, 2023. Mr. Hannay noted the transaction for the property in the Real Estate Summary report was executed at fair market price. It was moved by Director Chan, seconded by Director Patterson, and carried (2-0) by voice vote to accept the reports. Director Coleman was absent (excused).

**Voluntary Agreement (VA) Funding Agreement.** Manager of Fisheries and Wildlife Michelle L. Workman provided the presentation. The State Water Resources Control Board is updating the Water Quality Control Plan (WQCP) for the San Francisco Bay/Sacramento-San Joaquin Delta. In 2022, several agencies, including EBMUD, signed a Memorandum of Understanding (MOU) to develop the VAs as an alternative to meet the objectives of the WQCP. As part of the 2022 MOU, the District proposed flow and non-flow measures as the Mokelumne River’s contribution to the VAs. The flow

measures would include additional releases from Camanche Dam during certain year types. The non-flow measures would improve habitat and support the doubling goal of salmon in the Mokelumne River. As part of the 2023 California State budget process, DWR obtained funding for habitat improvement projects associated with the VAs and identified \$13.5 million for the Mokelumne River of which \$7.5 million would be allocated to EBMUD for non-flow measures, and \$3 million each would be allocated to North San Joaquin Water Conservation District and Amador Water Agency for projects they are implementing related to the VAs. The funding commitments are split between EBMUD and the State. The agreement has an eight-year term, will be between DWR and EBMUD, and is independent of the VAs “no regrets” agreement (e.g., as long as the District makes the habitat improvements as committed, the funding will be secured). The Mokelumne VA habitat commitments would be fully covered with \$1.5 million in District funds and the \$7.5 million from the agreements. Staff will present the funding agreement for Board consideration at its November 14, 2023 meeting. It was moved by Director Chan, seconded by Director Patterson and carried (2-0) by voice vote to support the staff recommendation. Director Coleman was absent (excused).

**Fiscal Year 2023 (FY 2023) Key Performance Indicators (KPIs) Report.** Principal Management Analyst Nathan P. Hood presented the report. For FY 2023, the District met or was on track to meet 94 percent of its measurable targets, compared to 95 percent in FY 2021. A total of five targets were not met and not on track: water system pipeline breaks per 100 miles of pipe; number of concrete digesters and concrete aerated grit tanks rehabilitated; Main Wastewater Treatment Plant (MWWTP) Administrative Facilities Seismic Retrofits design completion; percent of customers rating the District’s services as “good” or “excellent” in recreation; and Injury and Illness Investigations completed within 10 working days. Mr. Hood reviewed KPIs that were trending up in FY 2023 and the factors that resulted in the five targets not being met or on track. Mr. Hood and General Manager Clifford C. Chan responded to questions from the Committee regarding sanitary sewer overflow events in December 2022 and March 2023; when the District could expect to see decreases in main breaks per 100 miles of pipe; and the MWWTP Administrative Facilities Seismic Retrofit design contract. Addressing the Committee was Eric Larsen, President, AFSCME Local 444, who commented on employee development KPI metrics and comprehensive technical training programs being developed and coordinated by employee development. Staff was asked to provide information on the factors that delayed the MWWTP Administrative Facilities Seismic Retrofit design completion and to provide clear descriptions of the actions that will be taken to address unmet KPIs in future reports. It was moved by Director Chan, seconded by Director Patterson, and carried (2-0) by voice vote to accept the report. Director Coleman was absent (excused).

**Fiscal Year Audit Preliminary Findings.** Director of Finance Sophia D. Skoda presented the findings. While preparing the Fiscal Year (FY) 2023 audit, the District and its external auditor discovered inconsistencies in its accounting records related to inventory accounting and expense recognition in accounts payable. The final FY 2023 audited financial statements incorporate adjustments to correct these inconsistencies which were attributed to the financial information system replacement, changes in staff, and certain process-related deficiencies. In response to the findings, staff will improve processes and continue to strengthen internal controls. Ms. Skoda reviewed the District’s transition to its new financial information system; how new processes required by the system presented challenges to the District’s existing accounts payable process; benefits to adding five business days to the pre-audit review process; and planned improvements to the accounts payable process, the tag receipt process, and current inventory

management and account reconciliation processes. Ms. Skoda reported on updates made to the District's website to improve navigation to audit documents and confirmed the Board will receive the final FY 2023 audited financial statements before the November 28 Finance/Administration Committee meeting.

**Applicant Project Process Improvements Update.** Customer Services Manager Jack J. Flynn presented the update. In May 2023, the District conducted a three-day Applicant Project Process Improvement Workshop with representatives from workgroups that have a significant role in the applicant project process. The workshop attendees reviewed the process for four applicant project types: 1) main extensions, 2) fire hydrants, 3) private fire services, and 4) standard services. They identified nine areas for improvement for the applicant project process and five areas for improvements for the applicant project information systems. The proposed improvements were prioritized based on the potential to reduce application time, enhance customer satisfaction, and ensure feasible implementation. Mr. Flynn reviewed the goals, impacts and benefits, estimated completion dates for each of the process improvements, as well as results from improvements that have been implemented to date for the four applicant project types. Staff will continue implementing the recommended improvements and periodically seek feedback from the development community through forums and surveys. General Manager Clifford C. Chan confirmed the Board will receive an update on this item in May or June 2024 and thanked staff for their work.

**Adjournment.** Chair Patterson adjourned the meeting at 10:26 a.m.

CCC/RSC

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