



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

NOTICE OF LOCATION CHANGE

**REGULAR CLOSED SESSION
and
REGULAR BUSINESS MEETINGS**

Tuesday, May 9, 2023

11 a.m. and 1:15 p.m.

Training Resource Center, 2nd Floor

375 11th Street

Oakland, CA 94607

The Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., will be held in the Administration Building Training Resource Center at 375 11th Street, Oakland, California due to Board Room renovations.

Dated: May 4, 2023

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

Rischa S. Cole

Secretary of the District

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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
REGULAR CLOSED SESSION**

Tuesday, May 9, 2023

11:00 a.m.

**Training Resource Center, 2nd Floor
375 11th 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. *Saji Pierce, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT

(The Board will discuss Closed Session agenda items in the Training Resource Center.)

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:

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 10 recommendations.)

1. Approve the Special Meeting Minutes and the Regular Meeting Minutes of April 25, 2023.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, ABASCO LLC, for supplying turbidity curtains for the Pardee Reservoir, beginning on or after May 9, 2023, for a total cost, after the addition of taxes, not to exceed \$145,682 under Request for Quotation No. 2310.
4. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$7,898,951 for the construction of the Main Wastewater Treatment Plant Secondary Clarifiers Rehabilitation Phase 3 project under SD-446.
5. Authorize a direct award contract to General Datatech LP for delivery, installation, and support and maintenance of the Quantum tape backup hardware for five years, beginning on or after May 9, 2023 for a total cost, after the addition of taxes, not to exceed \$157,013.
6. Authorize an agreement beginning on or after May 9, 2023 with Carl Warren & Company, LLC for \$600,182.16 for three years with two options to renew for additional two-year periods for a total amount, including option years, not to exceed \$1,561,331.88 for serving as the District's third-party administrator for claims administration in support of the District's liability and subrogation programs.
7. Authorize an agreement beginning on or after May 9, 2023, with Intake Screens, Inc. in an amount not to exceed \$100,000 for the design of three surface water diversion screens on the lower Mokelumne River.
8. Authorize an amendment to the agreement previously authorized under Board Motion No. 159-20 with Equifax Workforce Solutions to increase the agreement amount by \$110,000 to a total amount not to exceed \$320,000 and extend the agreement terms to May 1, 2026 for Protection and Affordable Care Act (ACA) compliance tracking, ACA tax form preparation and fulfillment, unemployment administration, and Work Number services (employment verifications).
9. Authorize actions related to paving and other related services.
 - 9a. Authorize amendments to the agreements previously authorized under Board Motion No. 121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; Forticon, Inc.; J. V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies to increase the aggregate amount of those agreements by \$5,000,000 to a total aggregate amount not to exceed \$10,000,000 and extend the agreement terms to May 9, 2024 for paving and other related services.
 - 9b. Authorize additional agreements for paving and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on May 9, 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.

CONSENT CALENDAR: (Continued)

10. Approve an addendum to the recordkeeping and administration services agreement previously authorized under Board Motion No. 199-19 with Fidelity Workplace Services, LLC to add investment advisory services through Fidelity Personal and Workplace Advisors LLC and Strategic Advisers LLC for retirees and other termed participants who maintain balances in the District's 401(a), 401(k) and 457 deferred compensation plans and authorize mutual indemnity provisions for the performance of such services through December 31, 2025. The costs for the investment advisory services will be paid by the participants.

DETERMINATION AND DISCUSSION:

11. Legislative Update:
 - Receive Legislative Update No. 04-23 and consider positions on the following bills: AB 735 (Berman) Workforce Development: Utility Careers; AB 1423 (Schiavo) Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances: Artificial Turf or Synthetic Surfaces; and receive information on Water Rights Modernization Legislation
 - Update on Legislative Issues of Interest to EBMUD
12. Second reading and vote to amend the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40), Section 21 to update the actuarially assumed rate of return from 7.00 percent to 6.75 percent. (Second Reading and Vote – Ordinance No. 374-23)
13. File a report and set a Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees for Fiscal Years 2024 and 2025.
 - 13.1. File the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, Other Fees, and Regulations.
 - 13.2. Set a Public Hearing for Tuesday, June 13, 2023, during the Board's regular meeting, to consider the report and recommendation and to comply with Proposition 218 requirements.
14. Adopt the Reporting Year 2022 Equal Employment Opportunity Program.
15. General Manager's Report:
 - Monthly Report – April 2023

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 23, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

W:\Board of Directors - Meeting Related Docs\Agendas 2023\05092023_regular agenda.doc

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, May 9	Planning Committee	9:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Los Vaqueros Reservoir Expansion Project Update Project Labor Agreements Review Paving and Other Related Services Update
	Legislative/Human Resources Committee	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Legislative Update Diversity, Equity, and Inclusion Strategic Plan Update Reporting Year 2022 Equal Employment Opportunity Program Report
	Board of Directors	11:00 a.m. Training Resource Center 1:15 p.m. Training Resource Center	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, May 23	Sustainability/Energy Committee	TBD Board Room	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Finance/Administration Committee	TBD Board Room	
	Board of Directors	11:00 a.m. Board Room 1:15 p.m. Board Room	
Monday, May 29	Memorial Day Holiday		<i>Offices closed</i>
Tuesday, June 13	Planning Committee	TBD Board Room	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Legislative/Human Resources Committee	TBD Board Room	
	Board of Directors	11:00 a.m. Board Room 1:15 p.m. Board Room	

2023 Board Committee Members

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

**Closed Session and Regular Business Meetings
Tuesday, May 9, 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=eUdZSGh5SG82akZiRDh2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

*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
- 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.

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

MINUTES

Tuesday, April 25, 2023

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

Special Meeting

President Andy Katz called to order the Special Meeting of the Board of Directors at 9:34 a.m. in the Administration Building Training Resource Center. The Board met in workshop session to receive information regarding updated regulations for water conservation; updates on the Bay-Delta Water Quality Control Plan and Voluntary Agreements, and the Los Vaqueros Reservoir Expansion Project; and to review topics covered during the Long-Term Water Supply Workshop held on February 28, 2023.

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 9:36 a.m.

Staff participants included General Manager Clifford C. Chan, Acting General Counsel Jon Salmon, Director of Water and Natural Resources Michael T. Tognolini, Manager of Water Supply Improvements Linda H. Hu, Manager of Water Conservation Charles M. Bohlig, Senior Civil Engineer Grace W. Su, and Secretary of the District Rischa S. Cole.

PUBLIC COMMENT

There was no public comment.

DISCUSSION

- Filed with the Board was a presentation entitled, "Long-Term Water Supply Workshop No. 2," dated April 25, 2023.

General Manager Clifford C. Chan introduced the workshop. Manager of Water Supply Improvements Linda H. Hu reviewed the topics discussed during the February 28, 2023 workshop which covered Freeport Regional Water Project and wheeling principles; the District's Recycled Water Program; groundwater projects (Demonstration Recharge, Extraction and Aquifer Management (DREAM) and Bayside); the Los Vaqueros Reservoir Expansion Project; and Advanced Metering Infrastructure. She reviewed today's workshop agenda and introduced the presenters.

Manager of Water Conservation Charles M. Bohlig presented an overview of the state's efforts regarding long-term improvements in water conservation and drought planning to adapt to climate change and the resulting droughts in California. He reviewed the long-term framework for water conservation and drought planning, the four components of the long-term framework, the water use objectives timeline. Water agencies are required to begin reporting on the four components in the

long-term framework in January 2024 and have discretion to invest in efficiency components to meet the required targets. Mr. Bohlig explained the components that make up the urban water use objective outlined in AB 1668 and SB 606; provided an update on the various components in the Water Use Efficiency objective; reviewed the District's single-family residential indoor standard gallons per capita per day goal required in AB 1434; and highlighted recommended standards for outdoor use, and standards for commercial, industrial, and institutional use. He noted that compliance with SB 555 regulations on water loss is required by January 1, 2028. The forecast for the District's water conservation efforts indicates that to date, customers have saved an estimated 50 million gallons per day (MGD) and are on course to achieve 60 MGD by 2030 and approximately 68-72 MGD by 2050. Water conservation trends indicate focus has shifted from indoor conservation to efforts to address outdoor water use and leaks and the use of real-time water use data. The District has been leveraging its Home Water Report for messaging and in 2022, delivered over 4.4 million messages to customers. Nearly 250,000 single-family residential customers receive these messages with an almost 65 percent open rate. Mr. Bohlig reported that starting in May, the District will begin piloting water budgets with employees that are also EBMUD customers and summarized upcoming actions to achieve the District's conservation goal efforts. There was considerable Board discussion regarding the information presented. Mr. Bohlig, General Manager Clifford C. Chan, and Senior Civil Engineer Casey J. LeBlanc responded to Board questions regarding the 65 percent open rate for Home Water Report messages; potential, additional subsidies from the District or the state to assist customers with converting outdoor landscaping; exceptions for customers that use water to grow their own food; promoting conservation when the District is no longer in a drought; the composition of the District's water loss levels on slide 14 and how those losses are measured; conservation messaging to customers whose water bills are paid by homeowners' associations or owners of multi-unit properties; the District's study on rainwater catchment; incentives for customers that replace turf with vegetable gardens; gray water system rebates; the selection process for employees to participate in the water budget pilot; and use of the District's logo in vendor ads for metering devices.

- Director McIntosh left the meeting at 10:44 a.m. and returned at 10:47 a.m.

Director of Water and Natural Resources Michael T. Tognolini provided an update on the Bay-Delta Water Quality Control Plan and Voluntary Agreements. A valley-wide memorandum of understanding (MOU) was signed in March 2022; EBMUD signed on to an amended version of the MOU in August 2022. The signatory water agencies are negotiating a set of agreements that will include a global agreement covering governance; a science program; and strategic planning and reporting. The agreements will also include direction on tributary-specific implementation and enforcement agreements. The signatory water agencies are scheduled to approve the set of agreements in 2024. The State Water Resources Control Board (SWRCB) is scheduled to release its environmental document in June 2023, which describe both the original unimpaired flow approach as well as the Voluntary Agreement approach to meeting regulatory needs. Mr. Tognolini discussed the scope of the Voluntary Agreement for the Mokelumne River, and the fundamental principles staff is using to negotiate the agreements. Staff will continue negotiations; monitor the SWRCB's environmental document release in June; and continue to provide regular updates to environmental non-governmental organizations, as well as to the District's Mokelumne River partners and stakeholders.

Senior Civil Engineer Grace W. Su presented an update on the District's participation in the Los Vaqueros Reservoir Expansion Project. The timeline to negotiate and execute the project service agreement and other key project agreements has been extended by six months to March and April 2024. Ms. Su reviewed the proposed schedule for executing the revised agreements and the EBMUD Board briefing schedule. Staff is scheduled to provide an update on a fifth amendment to the project's cost-sharing e.g., Multi-Party Agreement (MPA) to the Planning Committee on May 9. The current MPA is set to expire in June and additional funding is needed before the service agreement is executed in 2024. The EBMUD Board will be asked to consider approving the fifth amendment to the MPA at its August 8 meeting. Ms. Su highlighted the key project agreements scheduled for EBMUD Board consideration in December 2023 and March 2024, and the service agreement, which is scheduled to be presented for consideration in April 2024.

Manager of Water Supply Improvements Linda H. Hu reviewed recommended next steps which include continuing to evaluate wheeling proposals with partner agencies; conducting recycled water studies and updating the Recycled Water Master Plan; developing a groundwater supply strategy and conducting community outreach; addressing and communicating District issues in the Los Vaqueros Reservoir Expansion Project and negotiating the project agreements; advancing conservation efforts and exploring alternatives to full Advanced Metering Infrastructure deployment; continuing to negotiate Voluntary Agreements; and developing a funding strategy (state/federal funding, partner cost-sharing, etc.) and seeking creative solutions.

- President Katz left the meeting at 10:46 a.m. and returned at 10:48 a.m.

The Board discussed the information presented and asked about the studies being conducted to support EBMUD's participation in the Los Vaqueros Reservoir Expansion Project and whether staff could provide information regarding the project's funding in advance of the normal agenda packet distribution schedule. Staff confirmed information regarding the studies would be presented at upcoming Planning and Finance/Administration Committee meetings.

- Addressing the Board was Ivette Rivera who commented on how Director Chan's requests for information during meetings are addressed.

The Board thanked staff and requested the following:

- Additional information on customer satisfaction data for Home Water Reports
- An enhanced communication plan for water conservation messaging for homeowners' associations and multi-family residential customers
- Information on the District's rainwater catchment study
- Consider implementing a customer rebate for full gray water systems
- Consider rebate programs for landscape updates outside of turf replacement
- Consider alternative pricing models for residential customers to distinguish between indoor and outdoor use
- Review how vendors are using the District's logo in their advertising (i.e., for flow meters)

ADJOURNMENT

President Katz adjourned the Special Meeting at 11:02 a.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 9, 2023

Andy Katz, President of the Board

MINUTES

**Tuesday, April 25, 2023
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:10 a.m. in the Administration Building Training Resource Center.

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, Acting General Counsel Jon Salmon, Director of Water and Natural Resources Michael T. Tognolini (Item 1) and Engineering Manager Bradley M. Ledesma (Item 1).

PUBLIC COMMENT

- Addressing the Board were the following: 1) Lonna Coleman commented on the Board of Director's ethics policy and EBMUD staff's understanding of the Retirement Ordinance; and 2) Ivette Rivera commented on the First Amendment Coalition's "California Public Records Act Primer"; Ayriel Bland's employment application; her 2015 civil rights lawsuit with Monell-related claims; and the Pierce/Bland court case.
- Director Coleman left the meeting at 11:11 a.m. and returned at 11:15 a.m.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:17 pm. in the Administration Building Training Resource Center.

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, Acting General Counsel Jon Salmon, 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 met in closed session this morning to consider a request by the Office of General Counsel to authorize initiation of litigation in one matter. All Directors were present at the closed session. The Directors voted to authorize the Office of General Counsel to initiate litigation in the matter. The action, defendants, and other particulars will be disclosed, upon inquiry once the action is formally commenced. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Lonna Coleman commented on the Board of Director's ethics policy and EBMUD staff's understanding of the Retirement Ordinance; and 2) Ivette Rivera commented on the documents provided to the Board during public comment for Closed Session and documents submitted to the Board during public comment for the Regular meeting.
- Director Coleman left the meeting at 1:18 p.m. and returned at 1:23 p.m.

CONSENT CALENDAR

- Agenda Items 3 and 11 were pulled from the Consent Calendar for separate discussion.
 - General Manager Clifford C. Chan announced the Board received a revised copy of Item 7.2 which was updated to reflect the correct union notification date in the Social section of the document.
 - Motion by Director McIntosh, seconded by Director Linney, to approve the recommended actions for Items 1, 4-10, and 12-13 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. **Motion No. 064-23** – Approved the Special Meeting Minutes of February 28, 2023 and the Regular Meeting Minutes of April 11, 2023.
 2. The following correspondence was filed with the Board: **1)** Pages from First Amendment Coalition's "California Public Records Act Primer"; **2)** Pages from Ayriel Bland's employment application for EBMUD Attorney II; **3)** Pages from court documents pertaining to Ivette Rivera vs. East Bay Municipal Utility District et al. Case No. C15-00380-DMR; **4)** Memo dated January 9, 2003 from Dennis M. Diemer, General Manager to Board of Directors regarding Director Patterson to Receive the Department of Justice Award of Excellence for Civil Rights Work on January 15, 2003; **5)** Presentation entitled, "Amendment to EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) Section 21 – First Reading," dated April 25, 2023; **6)** Presentation entitled, "2023 Water Supply Availability & Deficiency Report," dated April 25, 2023; **7)** Presentation entitled, "Rescind and Suspend Remaining Drought Response Actions," dated April 25, 2023; **8)** Presentation entitled, "Service Award Recipients – January 2023 – March 2023," dated April 25, 2023; **9)** Memo dated April 25, 2023 from Kelly A. Zito, Special Assistant to the General Manager to Board of Directors regarding List of Customers in Violation of Excessive Water Use Penalty Ordinance;

10) Speakers' Bureau and Outreach Record CY23 dated April 25, 2023 (sorted by event type); **11)** Speakers' Bureau and Outreach Record CY23 dated April 25, 2023 (sorted by date/time); **12)** Revised Board Action Agenda Item 7.2 regarding Amend Consultant Agreement For Main Wastewater Treatment Plant Operations Center Improvements Project; **13)** Document entitled, "Saji Pierce, et al., Plaintiffs, v. East Bay Municipal Utility District, et al., Case No. 21-cv-04325-AGT United States District Court Northern District of California Subject to Stipulated Protective Order – Confidential"; **14)** Performance Appraisal for Maintenance Specialist Richard Coelho dated January 25, 2022; **15)** Performance Appraisal for Maintenance Specialist Joel Munoz dated June 29, 2022; **16)** State of California Public Employment Relations Board Unfair Practice Charge from AFSCME Local 444 filed June 15, 2022; and **17)** Flyer announcing EBMUD's 100th Birthday Party and Community Fair on May 21, 2023.

3. **Award a contract to the lowest responsive/responsible bidder, Cratus, Inc., in an amount not to exceed \$22,840,000 for construction of the Wildcat Pipeline Improvement, El Cerrito under Specification 2157.**

Director Coleman pulled the item to ask how trench soils from the project will be processed and staff communications with The San Francisco Bay Conservation and Development Commission regarding beneficial reuse of trench soils from District projects. Director of Engineering and Construction Olujimi O. Yoloye and Associate Civil Engineer Gus Cicala responded the contractor is responsible for processing the trench soils; discussed the potential for trench soils to be reused for the project and other beneficial reuse; and described the engineered backfill process. General Manager Clifford C. Chan said staff would provide information on the District's pilot on trench soils reuse and an update on discussions with The San Francisco Bay Conservation and Development Commission on future options for trench soils beneficial reuse.

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Item 3 carried (7-0) by the following voice vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 075-23 – Awarded a contract to the lowest responsive/responsible bidder, Cratus, Inc., in an amount not to exceed \$22,840,000 for construction of the Wildcat Pipeline Improvement, El Cerrito under Specification 2157.

4. **Motion No. 065-23** – Awarded a contract to the lowest responsive/responsible bidder, Disney Construction, Inc., in an amount not to exceed \$12,323,000 for construction of the Palo Seco Pumping Plant and Madrone Regulator Replacement, Almond Pumping Plant Flowmeter Replacement, and Madrone Reservoir Demolition Project, under Specification 2145; and consent to the withdrawal of the low bid of Anvil Builders, Inc.
5. **Motion No. 066-23** – Authorized a direct award contract to Fluid Conservation Systems Inc., for supplying handheld leak detection equipment, beginning on or after April 25, 2023 for a total cost, after the addition of taxes, not to exceed \$127,986.
- 6.1. **Motion No. 067-23** – Awarded a contract to the lowest responsive/responsible bidder, Dell Inc., for supplying two Dell storage servers, one security server, and six Distributed Control Systems host servers for the upgrade of the Lafayette Water Treatment Plant (WTP) and Walnut Creek WTP distributed control systems, beginning on or after April 25, 2023, after the addition of taxes, in an amount not to exceed \$155,762.82.

- 6.2. **Motion No. 068-23** – Awarded a contract to the lowest responsive/responsible bidder, NTT America, Inc., for supplying two CISCO network hardware configurations for the upgrade of the Lafayette and Walnut Creek Water Treatment Plant distributed control systems, beginning on or after April 25, 2023, after the addition of taxes, in an amount not to exceed \$182,924.13.
- 7.1 **Motion No. 069-23** – Awarded a contract to the lowest responsive/responsible bidder, Buhler Commercial, in an amount not to exceed \$7,118,690 for construction of the Main Wastewater Treatment Plant Operations Center Improvements Project under Specification SD-424.
- 7.2. **Motion No. 070-23** – Authorized an amendment to the agreement previously authorized under Board Motion No. 187-20 with Aetypic, Inc. to increase the agreement amount by \$114,832 to a total amount not to exceed \$542,989 for additional design services and engineering services during construction for the Main Wastewater Treatment Plant Operations Center Improvements Project under SD-424.
8. **Motion No. 071-23** – Authorized an agreement beginning on or after April 25, 2023 with Alisto Engineering Group in an amount not to exceed \$1,070,320 for field identification and creation of an inventory of existing pipe materials on customer-service laterals formerly served by a District lead service lateral.
9. **Motion No. 072-23** – Authorized an agreement beginning on or after April 25, 2023 with the City of San Ramon in an amount not to exceed \$84,700 for gate valve pot upgrades.
- 10a.- **Motion No. 073-23** – Authorized amendments to the agreements previously authorized under
- 10b. Board Motion No. 013-21, with Ahern Rentals Inc., Coast Counties Peterbilt PacLease, Doc Bailey Construction Equipment Inc., Gloria Washington Trucking, Inc., Herc Rentals Inc., Ibarra Team Construction Services, Inder Trucking, JS Cole Company, Monticello Trucking LLC, Nor Cal Rental Group dba Cresco Equipment Rentals, Pape Machinery Inc., S&L Transport, LLC, Sky Rock Inc., Sunbelt Rentals, Inc., Sunstate Equipment Co., LLC, Tri-West Tractor Inc., and United Rentals (North America), Inc. to increase the aggregate amount of those agreements by \$13,000,000 to a total aggregate amount not to exceed \$25,000,000 for bare equipment rentals through January 11, 2026; and authorized additional agreements for bare equipment rentals, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on April 25, 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.
11. **Authorize an amendment to the agreement previously authorized under Board Motion No. 095-18 with Bloomberg Finance L.P. to increase the agreement amount by \$175,000 to a total amount not to exceed \$329,130 and extend the agreement term to June 30, 2028 for Bloomberg Terminal, a financial information, communication, and trading platform.**

Director Coleman pulled the item to inquire about the need to use the Bloomberg Terminal and if the proposed amendment to the agreement had been presented to the Finance/Administration Committee. Director of Finance Sophia D. Skoda explained the benefits of using the Bloomberg Terminal and confirmed the original agreement had been presented to the Finance/Administration

Committee. Staff was asked to present future amendments to the Bloomberg Terminal agreement to the Finance/Administration Committee.

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

Motion No. 076-23 – Authorized an amendment to the agreement previously authorized under Board Motion No. 095-18 with Bloomberg Finance L.P. to increase the agreement amount by \$175,000 to a total amount not to exceed \$329,130 and extend the agreement term to June 30, 2028 for Bloomberg Terminal, a financial information, communication, and trading platform.

12. **Motion No. 074-23** – Approved the March 2023 Monthly Investment Transactions Report.
13. **Resolution No. 35344-23** – Amending Resolution No. 35296-22 To Amend Fiscal Year 2023 Wastewater System Debt Service Budget To Accommodate Higher Debt Service.

DETERMINATION AND DISCUSSION

14. **Introduction and first reading on amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40), Section 21 to update the actuarially assumed rate of return (ROR) from 7.00 percent to 6.75 percent.**

Manager of Employee Services Lisa A. Sorani provided an overview of the amendments to Section 21 of Ordinance No. 40. Section 21 of Ordinance No. 40 provides for an optional modification of a member's retirement allowance. Optional benefits are calculated using the actuarial equivalent of the member's retirement allowance, which is determined using the actuarially assumed ROR and mortality tables. The Segal Group, Inc., the District's Retirement Plan actuary, recommended a change to the actuarial ROR from 7 percent to 6.75 percent as part of the Economic Assumptions Review in preparation for their June 30, 2022 Actuarial Valuation Report. The Retirement Board adopted the new assumed ROR on January 19, 2023 and received the actuary's report at its March 9, 2023 meeting. The requirement to update Ordinance No. 40 is based on the 2010 Economic Growth and Tax Relief Reconciliation Act of 2001 rules which clarified that the actuarially assumed ROR used to determine optional forms of benefits be specified. Staff recommends the Board amend Ordinance No. 40 to reflect the change in the actuarially assumed ROR. The amendment to Ordinance No. 40 to update the actuarially assumed ROR should be finalized by July 1, 2023. The second reading and consideration for the Board to vote to adopt the amendment is scheduled for the Regular meeting on May 9, 2023. Ms. Sorani highlighted actions to be completed by staff if the Board adopts the amendments, which includes placing the Ordinance amendments in the newspaper for two successive weeks. Adoption of the Ordinance amendments will take effect 30 days after the vote to adopt, or on June 9, 2023.

Ordinance No. 374-23 – An Ordinance Amending Section 21, "Optional Modification Of Retirement Allowance," To Ordinance No. 40, Which Is The Employees' Retirement System Ordinance. (*Introduction and 1st Reading Only*)

15. **File the 2023 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declared the District’s water supply is sufficient for meeting customer demands in 2023.**

Engineering Manager Bradley M. Ledesma presented the Water Supply Availability and Deficiency Report which evaluates the adequacy of the current year’s (2023) water supply. Based on the current 2023 runoff projections, the District’s water supply is sufficient for meeting customer demands with sufficient end of year storage and after meeting flow obligations in the Lower Mokelumne River. Mr. Ledesma reviewed the status of the District’s average Calendar Year 2022 (CY) water demands compared to CY 2020 averages and reported as of April 19 East Bay precipitation was 36.12 inches or 144 percent of average; Mokelumne watershed precipitation was 69.81 inches or 160 percent of average; snow depth at Caples Lake was over 136 inches or 240 percent of average; snow water content in the Sierras was 63.72 inches or 246 percent of average; and the District’s total system storage was 600,000 acre-feet or 95 percent of average. He discussed the District’s end of September total system storage which is projected to be 630,000 acre-feet (TAF) and runoff which is projected at 1,335 TAF. The District’s Joint Settlement Agreement (JSA) year type is projected to be “normal and above.” He highlighted the District’s “normal and above” flow release obligations and said Woodbridge Irrigation District is scheduled to receive its base supply of 60 TAF; Jackson Valley Irrigation District is scheduled to receive 3.875 TAF; and North San Joaquin Water Conservation District is scheduled to receive 20 TAF. The District is projected to have surplus water to complete the Demonstration, Recharge, Extraction, and Aquifer Management Project pilot and for the Bayside Groundwater Project. Staff will notify the resource agencies regarding the surplus water in accordance with the JSA.

- Motion by Director Young, seconded by Director Patterson, to approve the recommended actions for Item 15 carried (7-0) by the following voice vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 077-23 – Filed the 2023 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declared the District’s water supply is sufficient for meeting customer demands in 2023.

- 16.1- **Adopt a resolution rescinding and suspending District drought response actions to:**
16.3 **1) Rescind the February 14, 2023 declaration of a Stage 1 drought and declare a Stage 0 drought in accordance with the District’s Water Shortage Contingency Plan; 2) Rescind the voluntary District-wide 10 percent water use reduction goal; and 3) Suspend implementation of the District’s Water Shortage Emergency Action Plan approved by the Board on May 10, 2022.**

Engineering Manager Bradley M. Ledesma provided the presentation. In response to dry conditions, on April 27, 2021, the Board adopted a resolution declaring a Stage 1 drought and established a voluntary water use reduction goal of 10 percent. On April 26, 2022, the Board declared a water shortage emergency within the District’s service area, a Stage 2 drought, and a mandatory Districtwide customer water use reduction goal of 10 percent. At that time, the Board also adopted emergency water use restrictions, affirmed the implementation of the Excessive Water Use Penalty Ordinance, and directed staff to implement expanded drought response and conservation measures. On May 10, 2022, the Board authorized an 8 percent drought surcharge and approved a Water Shortage Emergency Action Plan. Following this winter’s extremely wet weather, on February 14, 2023, the Board filed a preliminary Water Supply Availability and Deficiency Report (WSADR) that indicated the District’s water supplies are sufficient to meet

customer demand and downstream flow obligations. In response, the Board ended the 8 percent drought surcharge effective March 1, 2023, and downgraded from a Stage 2 drought to a Stage 1 drought within 30 days of the state updating its emergency drought regulations to provide for the lawful implementation of Stage 1. After the governor signed Executive Order N-5-23 on March 24, District staff implemented the directives of the Board's February 14, 2023 resolution on March 29. Based on the facts and conclusions set forth in the Final WSADR, filed by the Board on April 25, 2023, staff now recommends ending the three drought response measures that remain in effect. General Manager Clifford C. Chan announced the final list of customers in violation of the Excessive Water Use Penalty Ordinance had been provided at Board places.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 16.1-16.3 carried (7-0) by the following voice vote: (Chan, Coleman, Linney, McIntosh, Patterson, Young, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35345-23 – Rescinding Declaration Of Stage 1 Drought, Rescinding District-Wide Voluntary Water Use Reduction Goal Of Ten Percent, Suspending Implementation Of Water Shortage Emergency Action Plan, Declaring A Stage 0 Drought, And Making Necessary Findings.

17. **General Manager's Report.**

Service Award Recipients – January through March 2023.

Senior Human Resources Analyst Chad R. Thigpen provided the presentation that highlighted employees who have received service awards for 5 up to 35 years of service between January and March 2023. He concluded by highlighting the current average age of service and current average years of service at the District. Special Assistant to the General Manager Derry L. Moten responded to questions regarding previous average years of service, the current staff turnover rate, and the District's exit interview process. Staff was asked to provide information on the number of employees that left the District with less than 5 years of service and the reasons for their departure.

General Manager Clifford C. Chan announced the Board received EBMUD water bottles, copies of the flyer announcing EBMUD's 100th Birthday Party and Community Fair on May 21, 2023, and two versions of the Speakers' Bureau and Outreach Record CY23. The Board asked that information in the flyer be clarified regarding registration, and the costs for food and drinks at the event. The Board also requested mobile-friendly and PDF versions of the flyer.

REPORTS AND DIRECTOR COMMENTS

18. **Committee Reports.**

- Filed with the Board were the Minutes for the April 11, 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 the March 2023 Monthly Investment Transactions Report and the Quarterly Investment, Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended March 31, 2023.

19. Other Items for Future Consideration.

None.

20. Director Comments.

- Director Coleman reported participating in the FRWA Board meeting in Oakland on April 13 and the DERWA Board meeting in Dublin on April 24. He reported on plans to attend the UMRWA Board meeting at McLean Hall in Pardee on April 28; Lafayette City Council meeting to present on the Lafayette Reservoir Tower Design in Lafayette on May 8; and the East Bay Leadership Council Board meeting on May 19. He announced EBMUD Senior Civil Engineer Florence T. Wedington was appointed to the Central Contra Costa Sanitary District Board of Directors on April 20, 2023.
- Director Young reported participating in a tour of Skylines Garden with the Native Plant Society on April 8.
- Directors Chan, Linney, McIntosh, and Patterson and President Katz had no reports.

ADJOURNMENT

President Katz adjourned the meeting at 2:14 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 9, 2023

Andy Katz, President of the Board



BOARD ACTION

Agenda Number:	3.	Meeting Date:	May 9, 2023
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TITLE	TURBIDITY CURTAINS FOR PARDEE RESERVOIR
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, ABASCO LLC, for supplying turbidity curtains for the Pardee Reservoir, beginning on or after May 9, 2023, for a total cost, after the addition of taxes, not to exceed \$145,682 under Request for Quotation (RFQ) No. 2310.
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SUMMARY	The turbidity curtains will be installed on a temporary and as-needed basis to form a barrier around Pardee Tower to improve water quality at the inline water treatment plants (WTPs).
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DISCUSSION	Atmospheric rivers and wildfires in the watershed can result in high turbidity runoff into Pardee Reservoir. The runoff has elevated sediments and organics that are difficult to treat at the District's inline WTPs (e.g., Orinda WTP), and can require switching to local sources or reducing WTP production. The District will use its existing diving services contractor to install the curtains as special anchors are needed at the bottom of the reservoir to secure the curtains. When installed, these turbidity curtains will hang vertically in the water around Pardee Outlet Tower, acting as a barrier to divert or filter out sediments before they can enter the raw water intake to the Mokelumne Aqueducts. The curtains are not permanent and would only be installed during high-turbidity events. This item supports the District's Water Quality and Environmental Protection Strategic Plan goal.
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VENDOR SELECTION	An RFQ was sent to three firms, posted on the District's website, and advertised in the Oakland Tribune. Three bids were received. ABASCO LLC, a small business, was the lowest responsive/responsible bidder. ABASCO LLC met all the RFQ requirements and shall furnish the District with new turbidity curtains for the Pardee Reservoir.
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SUSTAINABILITY	Economic Funding for this purchase is available in the FY 2023 adopted capital budget for Water Treatment Plant Capital Improvements. Social Union notification was not required for the procurement of these materials. The District does not manufacture turbidity curtains.
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Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2023 CIP#2003502, Page 81	Budget Coding: 11.762.0000.2012014.53010	Approved: 	
Attachment(s): P-035; P-061			

Title:	Turbidity Curtains for Pardee Reservoir	Meeting Date:	May 9, 2023
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Environmental

Installation of the turbidity curtains is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the Class 4 exemption in Section 15304 of the CEQA Guidelines for minor alterations in the condition of land, water, and/or vegetation. This installation does not require a permit from either the Army Corps of Engineers or the Regional Water Quality Control Board. Per suggestion of the California Department of Fish and Wildlife, the anchors will be installed under the District's current Mokelumne Watershed Routine Maintenance Agreement (RMA), which was analyzed in the Initial Study/Mitigated Negative Declaration for the RMA for Watershed Activities adopted by the Board in November 2021. Staff is submitting an amendment request to include this project in the RMA this month.

ALTERNATIVES

Do not purchase these materials. This alternative is not recommended because the District has limited means of treating high turbidity water in Pardee Reservoir. These curtains add to the District's ability to mitigate high turbidity in Pardee Reservoir and continue to reliably meet customer demands.

Reject the bid and re-bid. This alternative is not recommended because the District engaged in a fair and competitive bid process. The bid received meets all specifications and is reasonable for the materials and supplies being purchased.

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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)

TITLE						DATE:					
Materials and Supplies Contract - RFQ No. 2310 Turbidity Curtains for the Pardee Reservoir						April 20, 2023					
CONTRACTOR: ABASCO LLC Humble, TX 77396					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity		Gender	White Women		6%		0.0%		
		White		Men	Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: ABASCO LLC		\$145,682	White	X		100.0%					
SUBS: None											
TOTAL		\$145,682			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		3		2		11		16			
Percent of Total Employees:		18.8%		12.5%		68.8%					
MSA Labor Market %:		31.5%		26.1%		42.4%					
MSA Labor Market Location:		Texas									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration : NA *Total not to exceed: \$145,682											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Turbidity Curtains for the Pardee Reservoir			Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL		
			National	10.5	10.7	3.7	0.7	27.3		
Materials and Supplies Contract - RFQ No. 2310		DATE: 4/20/2023	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number				B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	0	11	0	0	11	68.8%	42.4%	
ABASCO LLC Catrina Giles 8561 East North Belt Humble, TX 77396 281-446-1500 x304		Manager/Prof	0	1	0	0	1	25.0%		
		Technical/Sales	0	1	0	0	1	50.0%		
		Clerical/Skilled	0	0	0	0	0	0.0%		
		Semi/Unskilled	0	9	0	0	9	100.0%		
		Bay Area	0	0	0	0	0	0.0%	39.9%	
		AA Plan on File:	NA		Date of last contract with District:		NA			
		Co. Wide MSA:	Texas		# Employees-Co. Wide:		16		Bay Area: 0	
P	WM	Company Wide	6	1	2	0	9	8.8%	27.8%	
Elastec Inc. Sharon Behnke 1309 West Main Street Carmi, IL 6821 618-384-2775		Manager/Prof	0	0	0	0	0	0.0%		
		Technical/Sales	0	0	1	0	1	11.1%		
		Clerical/Skilled	0	0	1	0	1	7.7%		
		Semi/Unskilled	6	1	0	0	7	13.0%		
		Bay Area	0	0	0	0	0	0.0%	39.9%	
		Co. Wide MSA:	Illinois		# Employees-Co. Wide:		102		Bay Area: 0	
P	WM	Company Wide	INFORMATION NOT PROVIDED							
GEI Works LLC Karen Allen 2725 Kirby Circle NE, Bldg. 2-A Palm Bay, FL 32905 772-646-0597		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
		Co. Wide MSA:								

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



BOARD ACTION

Agenda Number:	4.	Meeting Date:	May 9, 2023
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TITLE	MAIN WASTEWATER TREATMENT PLANT SECONDARY CLARIFIERS REHABILITATION PHASE 3
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$7,898,951 for the construction of the Main Wastewater Treatment Plant (MWWTP) Secondary Clarifiers Rehabilitation Phase 3 project under SD-446.
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SUMMARY	This project includes replacement of the secondary sludge collector mechanism and repair of steel and concrete components on two clarifiers at the MWWTP. Safety access gates will also be installed for ten clarifiers, and electrical improvements and light pole lighting upgrades will be performed for all 12 clarifiers. This work is required to maintain effective and reliable operation of the wastewater treatment process and improve staff safety. This project was presented at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
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DISCUSSION	<p>There are 12 secondary clarifiers at the MWWTP that were constructed in the 1970s. Each has a collector system that scrapes sludge from the floor and skims scum off the water surface. Secondary Clarifiers 4 and 7 have extensive corrosion on their steel mechanical components, including the center support columns of the collectors, scrapers, and skimmers, and the equipment is at the end of its useful life. As part of this project, existing, easy-to-fabricate, but corrosion-prone, mild steel mechanisms will be replaced with more durable and corrosion-resistant stainless steel mechanisms. The collector systems for Clarifiers 1 and 10 were rehabilitated in 2017 under the Secondary Clarifiers Rehabilitation Phase 1 project. The collector systems for Clarifiers 8 and 12 were rehabilitated in 2021 and 2022, respectively, under the Secondary Clarifiers Rehabilitation Phase 2 project.</p> <p>This contract supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.</p>
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BID RESULTS	<p>Bid documents were posted on the District's website and issued to 24 resource organizations and 11 prospective bidders. Five bids were received, ranging from \$7,898,951 to \$9,983,000. The bid summary is attached. The engineer's estimate for this work is \$7,000,000.</p> <p>The submitted bid was higher than the engineer's estimate due to higher prices for electrical and pipe rehabilitation work.</p>
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Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Construction
Funds Available: FY2023, CIP# 2014077, Page 71	Budget Coding: 21-927-0000/3100031-55610		
Attachment(s): Bid Summary; P-035; P-061			

Title:	MWWTP Secondary Clarifiers Rehabilitation Phase 3	Meeting Date:	May 9, 2023
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The lowest responsive/responsible bidder, Garney Pacific, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Garney Pacific, Inc. and its listed subcontractors are properly registered with the State DIR.

In the past five years Garney Pacific, Inc., has not filed a Government Code Claim nor initiated any litigation against the District.

SUSTAINABILITY**Economic**

Funding for this work is available in the FY 2023 adopted capital budget for the Secondary Treatment project.

Social

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

Local 444 was notified of this contract on January 3, 2023, and did not raise any specific issues related to this contract.

Environmental

This work will help ensure the reliability of the wastewater treatment process and continued compliance with environmental laws and regulations. A California Environmental Quality Act Notice of Exemption was filed with the Alameda County Clerk on January 31, 2023.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because this project provides necessary repairs and improvements to critical wastewater treatment facilities to improve operational reliability and ensure continued compliance with regulatory requirements.

Reject all bids and rebid the work. This alternative is not recommended because rebidding the work would create significant delays and increase project costs.

Perform the work with District forces. This alternative is not recommended because District forces do not have the equipment or staff to perform this major capital work.

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EAST BAY MUNICIPAL UTILITY DISTRICT

SPECIAL DISTRICT NO. 1

**SPECIFICATION SD-446
MAIN WASTEWATER TREATMENT PLANT
SECONDARY CLARIFIER REHABILITATION PHASE 3**

MARCH 29, 2023

BID SUMMARY

BIDDER		TOTAL BID
1.	Garney Pacific, Inc.*	\$7,898,951
2.	Anvil Builders, Inc.	\$8,109,500
3.	C. Overaa & Co.	\$8,153,000
4.	Mountain Cascade, Inc.	\$8,467,185
5.	Marinship Development Interest LLC	\$9,983,000

*** Apparent Low Bidder**

Number of Proposals sent to Contractors	11
Number of Proposals sent to Resource Orgs	24
Number of Proposals sent to MBEs	1
Number of Proposals sent to WBEs	0
Number of Proposals sent to SBs	1
Number of bids received	5

Engineer's Estimate	\$7,000,000
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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)

TITLE SPECIFICATION NO.: SD-446 Main Wastewater Treatment Plant Secondary Clarifiers Rehabilitation Phase 3						DATE: April 10, 2023							
CONTRACTOR: Garney Pacific, Inc. Tracy, CA 95391					Local Business					PERCENTAGE OF CONTRACT DOLLARS			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%				
		Ethnicity	Gender		White Women		9%		0.0%				
\$7,898,951 *		White	Men		Ethnic Minorities		25%		0.0%				
CONTRACT EQUITY PARTICIPATION													
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION								
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign		
PRIME: Garney Pacific, Inc.	\$4,416,951	White	X		55.9%								
SUBS: Con J. Franke Electric, Inc.	\$1,630,000	White	X		20.6%								
Insituform Technologies, LLC	\$252,000	White	X		3.2%								
Murphy Industrial Coatings Inc.	\$1,600,000	White	X		20.3%								
TOTAL		\$7,898,951			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)													
		White Men		White Women		Ethnic Minorities		Total Employees					
No. of Employees:		39		6		63		108					
Percent of Total Employees:		36.1%		5.6%		58.3%							
MSA Labor Market %:		32.3%		27.8%		39.9%							
MSA Labor Market Location:		9 Bay Area Counties											
COMMENTS													
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: \$7,898,951													
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended					
NA				Yes									



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Main Wastewater Treatment Plant Secondary Clarifiers Rehabilitation Phase 3		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-446		DATE: 4/10/2023	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	1	55	3	1	60	55.6%	39.9%
Garney Pacific, Inc. HR Department 17510 W. Bethany Road Tracy, CA 95391 816-741-4600		Manager/Prof	0	2	2	0	4	16.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	1	0	6	50.0%	
		Semi/Unskilled	1	48	0	1	50	69.4%	
		Bay Area	1	55	3	1	60	55.6%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/8/2021		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		108		Bay Area: 0
S	WM: L/SBE	Company Wide	3	27	6	1	37	38.9%	47.4%
Con J. Franke Electric, Inc. Shannon Martin 317 N. Grant Street Stockton, CA 95202 209-462-0717		Manager/Prof	0	1	0	0	1	8.3%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	3	25	6	1	35	43.8%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	4	0	0	5	31.3%	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		95		Bay Area: 16
S	WM	Company Wide	0	16	1	0	17	77.3%	48.4%
Insituform Technologies, LLC Whitney Schulte 10260 Matern Place Santa Fe Springs, CA 90670 633-530-8000		Manager/Prof	0	5	1	0	6	85.7%	
		Technical/Sales	0	1	0	0	1	50.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	10	0	0	10	90.9%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		22		Bay Area: 0
S	WM: LBE	Company Wide	4	82	2	0	88	74.6%	48.4%
Murphy Industrial Coatings Inc. Linda Mendibles 2441 Station Drive Stockton, CA 95215 562-427-7720		Manager/Prof	0	2	1	0	3	21.4%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	4	78	1	0	83	81.4%	
		Semi/Unskilled	0	2	0	0	2	100.0%	
		Bay Area	1	58	0	0	59	80.8%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		118		Bay Area: 73
P	WM: LBE	Company Wide	16	113	65	0	194	85.8%	53.9%
Anvil Builders Inc. Maria Zavala 1550 Park Avenue Emeryville, CA 94608 415-285-5000		Manager/Prof	0	16	0	0	16	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	4	0	9	90.0%	
		Semi/Unskilled	16	92	61	0	169	91.8%	
		Bay Area	16	113	65	0	194	85.8%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		226		Bay Area: 226

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Main Wastewater Treatment Plant Secondary Clarifiers Rehabilitation Phase 3		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-446	DATE: 4/10/2023	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM: LBE	Company Wide	21	177	14	3	215	51.6%	48.4%
C. Overaa & Co. Maggie White 200 Parr Blvd. Richmond, CA 94801 510-234-0926		Manager/Prof	0	20	1	0	21	58.3%	
		Technical/Sales	2	30	4	0	36	75.0%	
		Clerical/Skilled	12	92	7	3	114	52.5%	
		Semi/Unskilled	7	35	2	0	44	37.9%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
Co. Wide MSA:		California	# Employees-Co. Wide: 417				Bay Area: 0		
P	WM: LBE	Company Wide	3	108	2	0	113	45.9%	39.9%
Mountain Cascade Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	3	0	0	3	8.8%	
		Technical/Sales	0	0	1	0	1	50.0%	
		Clerical/Skilled	0	3	1	0	4	21.1%	
		Semi/Unskilled	3	102	0	0	105	55.0%	
		Bay Area	3	108	2	0	113	49.6%	39.9%
Co. Wide MSA:		9 Bay Area Counties	# Employees-Co. Wide: 246				Bay Area: 228		
P	EMM: B - L/SBE	Company Wide	9	39	1	0	49	89.1%	39.9%
Marinship Development Interest LLC Derek Smith 2100 Embarcadero, Suite 205 Oakland, CA 94606 415-716-3965		Manager/Prof	1	2	0	0	3	75.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	10	1	0	13	81.3%	
		Semi/Unskilled	6	27	0	0	33	94.3%	
		Bay Area	9	39	1	0	49	89.1%	39.9%
Co. Wide MSA:		9 Bay Area Counties	# Employees-Co. Wide: 55				Bay Area: 55		

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)



BOARD ACTION

Agenda Number:	5.	Meeting Date:	May 9, 2023
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TITLE	QUANTUM TAPE BACKUP HARDWARE REFRESH FOR ENTERPRISE BACKUP SYSTEM
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Authorize a direct award contract to General Datatech LP (GDT) for delivery, installation, and support and maintenance of the Quantum tape backup hardware for five years, beginning on or after May 9, 2023 for a total cost, after the addition of taxes, not to exceed \$157,013.
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SUMMARY	The District's enterprise backup system archives critical data to physical disk media and then copies the data to physical tape media for offsite, secure retention. In November 2013, the Quantum tape library, which is used for this purpose, was initially purchased under Board Motion No. 160-13. The expected reliable service life of the Quantum tape library and drives is seven years; the current library must be replaced to ensure continued protection of data and stability of the District's backup system.
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DISCUSSION	<p>The tape library is used for the District's backup and recovery system. The system has a projected lifecycle of five to seven years. The library is now considered beyond end-of-life by the manufacturer. A complete refresh of the tape library hardware is necessary to ensure that backup data can be reliably copied to tape and recovered.</p> <p>The proposed tape library has higher storage capabilities along with enhanced encryption and ransomware protection capabilities that provide an extra layer of security for the District's critical backup data. This item supports the District's Long-Term Financial Stability Strategic Goal.</p>
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VENDOR SELECTION	This is a direct award contract to GDT. GDT, formerly Integrated Archive Systems (IAS), has been the lowest responsive/responsible bidder on all previous competitive bidding processes for Quantum hardware since 2013. GDT is an authorized reseller for Quantum hardware and therefore receives deeply discounted pricing that they pass along to the District. This direct award has been reviewed and approved by the Manager of Purchasing.
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Originating Department: Information Systems	Department Director or Manager: Orlando W. Leon	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2023	Budget Coding: 252/0000/2014197/2014223:00		Approved: 
Attachment(s): P-035; P-061			

Title:	Quantum Tape Backup Hardware Refresh for Enterprise Backup System	Meeting Date:	May 9, 2023
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SUSTAINABILITY

Economic

Funding for this purchase is available in the Fiscal Year 2023 adopted capital budget for the DSS/Servers/Network project.

Environmental

The Quantum i6 library uses “80 PLUS” certified power supplies for enhanced energy efficiency. The libraries are certified to meet the following emissions standards: CNS134358 Class A, EN55022:2010 Class A, FCC Part 15 Class A, KN 32, VCCI.

ALTERNATIVES

Continue to use discontinued and unsupported tape library hardware. This alternative is not recommended because the product is being discontinued and unsupported by the manufacturer, and sourcing compatible replacement components will become more difficult as more time passes.

Select a different tape library vendor. This alternative is not recommended because Quantum is recognized as an industry leader and produces extremely reliable hardware that meets District requirements. Additionally, investments that have been made in staff training and experience with Quantum hardware would be lost.

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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)

TITLE Materials and Supplies Contract Quantum Tape Backup Hardware Refresh for Enterprise Backup System						DATE: April 23, 2023						
CONTRACTOR: General Datatech LP Dallas, TX 75247					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%			
		Ethnicity		Gender	White Women		6%		0.0%			
		White		Men	Ethnic Minorities		25%		0.0%			
\$157,013 *												
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES: General Datatech LP		\$157,013	White	X		100.0%						
SUBS: None												
TOTAL		\$157,013				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
			White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:			INFORMATION NOT PROVIDED									
Percent of Total Employees:												
MSA Labor Market %:												
MSA Labor Market Location:												
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: May 9, 2023 to May 8, 2028 *Total not to exceed: \$157,013												
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA					NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Quantum Tape Backup Hardware Refresh for Enterprise Backup System			Ethnic Minority Percentages From U.S. Census Data						
					B	H	A/PI	AI/AN	TOTAL
			National	10.5	10.7	3.7	0.7	27.3	
Materials and Supplies Contract		DATE: 4/23/2023	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	INFORMATION NOT PROVIDED						
General Datatech LP Meagan Clemons 999 Metromedia Place Dallas, TX 75247 214-857-6100		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		AA Plan on File:							
		Co. Wide MSA:							

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



BOARD ACTION

Agenda Number:	6.	Meeting Date:	May 9, 2023
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TITLE	THIRD-PARTY CLAIMS ADMINISTRATION – PROPERTY DAMAGE CLAIMS
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 9, 2023 with Carl Warren & Company, LLC for \$600,182.16 for three years with two options to renew for additional two-year periods for a total amount, including option years, not to exceed \$1,561,331.88 for serving as the District's third-party administrator (TPA) for claims administration in support of the District's liability and subrogation programs.
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SUMMARY	The District's TPA provides all aspects of consulting services in support of the District's Risk Management programs including liability claims administration and loss summary reporting capabilities. Additional services include liability claims investigation, damage assessment, processing payments, and retaining experts and counsel to evaluate and/or defend claims and lawsuits filed against the District and the tracking and maintaining of loss data. The District adopted Policy 4.17 - Risk Management in the 1970s, and since that time the District has self-insured expected losses and has utilized a state-licensed TPA to investigate and resolve liability claims, including large or complex liability claims against the District. The estimated amount of the contract is based on the District's historical TPA costs.
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DISCUSSION	<p>TPA services for the District's liability and subrogation programs have been provided by Athens Administrators for the last ten years. The contract expires in 2023 and a request for proposals (RFP) has been issued to provide continuity in claims administration services.</p> <p>The TPA is required to demonstrate the necessary competency, depth of skills, and experience adjusting State of California liability claims. The credibility and quality of service of the TPA is critical because they meet with District customers, staff, claimants, insurance companies, and other public entities while adjusting claims on the District's behalf. Responsibilities include investigating claims to determine liability, issuing vendor and settlement payments for liability claims and supporting the District in litigation management in cases where the parties are unable to resolve disputes. Historically, the District receives approximately 350 liability claims each year. The claims referred to the TPA for adjusting are generally complex property damage claims.</p> <p>This work supports the District's Long-Term Financial Stability Strategic Plan goal.</p>
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Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2023	Budget Coding: 205.1815.8892300.52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	Third Party Claims Administration – Property Damage Claims	Meeting Date:	May 9, 2023
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**CONSULTANT
SELECTION**

An RFP was posted on the District’s website, sent to five firms within Alameda and Contra Costa counties, and placed on the Public Agency Risk Management Association website. One firm submitted a proposal. Carl Warren & Company, LLC was selected based upon their claims administration experience and customer service, quality control, trust accounting, and claims management policies and procedures.

SUSTAINABILITY**Economic**

The FY 2023 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be included as part of the associated budget development process.

The amount of the agreement will not exceed \$195,504 for year one, \$197,403.96 for year two and \$207,274.20 for year three. The amount is anticipated to increase up to six percent each year in years four through seven should options to renew be exercised.

Social

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

ALTERNATIVE

Do not approve the agreement. This alternative is not recommended because Carl Warren & Company, LLC is qualified to provide TPA services for the District’s liability and subrogation programs.

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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)

TITLE Professional Services Agreement Third Party Claims Administration - Property Damage Claims					DATE: April 14, 2023						
CONTRACTOR: Carl Warren & Company, LLC Anaheim, CA 92808 Sole Proposer					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$600,182.16 *		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Carl Warren & Company, LLC		\$600,182.16	White	X		100.0%					
SUBS: None											
TOTAL		\$600,182.16				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		30		45		69		144			
Percent of Total Employees:		20.8%		31.3%		47.9%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		California									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: Three years with 2 Two-year renewal options Total not to exceed: \$1,561,331.88											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	7.	Meeting Date:	May 9, 2023
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TITLE	LOWER MOKELUMNE RIVER SURFACE WATER DIVERSION SCREENING DESIGN PROJECT
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 9, 2023, with Intake Screens, Inc. in an amount not to exceed \$100,000 for the design of three surface water diversion screens on the lower Mokelumne River.
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SUMMARY	<p>The Joint Settlement Agreement for the District's Lower Mokelumne River Project identifies the need for improvement of habitat in the lower Mokelumne River ecosystem, including the installation of screens on surface water diversions to prevent unintended fish losses. In addition, the Voluntary Agreement Science Program has identified screening surface water diversions in accordance with National Marine Fisheries Service passage criteria as a non-flow Habitat Improvement Action in tributaries and the Delta which will reduce entrainment potential for juvenile salmonids. This agreement allows for the completion of construction ready designs and approved field and shop drawings of three site-specific privately owned surface water diversion screen designs for the lower Mokelumne River. Approving this agreement will support the District's efforts to secure grant funding for the construction and installation of three shovel-ready, high priority surface water diversion screening projects.</p>
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DISCUSSION	<p>The installation of fish screens on surface water diversions has been identified as an Ecosystem Action Priority on the lower Mokelumne River, as stated in the Joint Settlement Agreement. In addition, screening diversions within the lower Mokelumne River will account for restoration actions within the Voluntary Agreement Science Program. The lower Mokelumne River has over 50 active privately-owned water diversions between Camanche Dam and tidal influence. In 2017, the District received funding from the Central Valley Project Improvement Act Restoration Fund to rank and prioritize these privately-owned water diversions for screening to improve migratory fish success. The design of surface water diversion screens is best conducted by an organization with a proven track record in successfully constructing fish-friendly self-cleaning screens that meet the most stringent fish protection standards set forth by both state and federal resource agencies. Intake Screens, Inc. is the most qualified company to fulfill this contract and the only company providing the required services in the Central Valley. For the last 27 years, Intake Screens, Inc. has been designing and building new screen systems, in addition to retrofitting existing pump structures, and is uniquely qualified to provide these services. Staff is proposing to contract directly with Intake Screens, Inc. to complete the design phase of this project.</p>
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Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY23	Budget Coding: 481:3100049:5231	Approved: 	
Attachment(s): P-035; P-061			

Title:	Lower Mokelumne River Surface Water Diversion Screening Design Project	Meeting Date:	May 9, 2023
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This agreement supports the District's Water Quality and Environmental Protection Strategic Plan goal.

**CONSULTANT
SELECTION**

This agreement is being recommended as a direct award to Intake Screens, Inc. based on their specialized expertise and years of experience successfully designing and installing screens on surface water diversions.

SUSTAINABILITY**Economic**

Funding for this project is available in the Fiscal Year 2023 capital budget for F&W Projects and Mok Hatchery.

By authorizing this agreement, the District could use the approved plans to secure grant funding for the fabrication and installation of fish friendly screens, reducing the District's internal financial contribution to these essential projects.

Social

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

Environmental

With approximately 270 privately-owned water diversions on the Mokelumne River that the California Department of Fish and Wildlife have identified as lacking a sufficient screen design to prevent fish entrainment or impingement, screening high priority unscreened diversions will reduce juvenile fish mortality, thereby increasing outmigration survival of natural-origin salmonids within the lower Mokelumne River. Maximizing natural-origin outmigration survival by screening unscreened diversions provides a more sustainable fishery for ocean commercial and recreational fisheries as well as freshwater recreational fisheries opportunities. This agreement is for design of facilities and is not a project within the meaning of the California Environmental Quality Act because it will not result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change.

ALTERNATIVE

Recruit and select an alternative consultant. This alternative is not recommended because there are no other consultants in California with the proper experience in designing, building, and/or retrofitting surface water diversions.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE						DATE:					
Professional Services Contract Lower Mokelumne River Surface Water Diversion Screening Design Project						April 12, 2023					
CONTRACTOR:				Local / Small Business / Direct Award		PERCENTAGE OF CONTRACT DOLLARS					
Intake Screens, Inc. Sacramento, CA 95832						Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity		Gender		White Women		6%		0.0%	
		White		Men		Ethnic Minorities		25%		0.0%	
\$100,000 *											
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Intake Screens, Inc.		\$100,000	White	X		100.0%					
SUBS:											
TOTAL		\$100,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		8		2		8		18			
Percent of Total Employees:		44.4%		11.1%		44.4%					
MSA Labor Market %:		32.7%		30.0%		37.3%					
MSA Labor Market Location:		Sacramento									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: One year *Total not to exceed: \$100,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	8.	Meeting Date:	May 9, 2023
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TITLE	AMEND AGREEMENT FOR PROTECTION AND AFFORDABLE CARE ACT COMPLIANCE TRACKING, UNEMPLOYMENT ADMINISTRATION, AND VERIFICATION OF EMPLOYMENT SERVICES
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 159-20 with Equifax Workforce Solutions (EWS) to increase the agreement amount by \$110,000 to a total amount not to exceed \$320,000 and extend the agreement terms to May 1, 2026 for Protection and Affordable Care Act (ACA) compliance tracking, ACA tax form preparation and fulfillment, unemployment administration, and Work Number services (employment verifications).
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SUMMARY	The District has engaged EWS for ACA compliance and tax preparation services since 2015 when it was determined that the current payroll system could not support the ACA compliance requirements. Since that time, EWS acquired TALX, which added unemployment administration to the services provided by EWS. This action is needed to ensure the District remains in compliance with tracking and reporting requirement of the ACA and unemployment. In August 2020, funding for this agreement was increased from \$170,000 to \$210,000 under Board Motion No. 159-20.
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DISCUSSION	The District is required to remain in compliance with the ACA. Working with EWS will ensure the necessary compliance and information reporting requirements are met. The agreement includes the following terms: an auto-renewal feature in one-year increments with the agreement terminating at the end of the fifth year (May 1, 2026); a clause to cancel any or all of the services with 90 days' notice prior to the end of each one-year term if the District determines the services are no longer needed; and terms to terminate ACA-related services and maintain the unemployment and Work Number services, if needed. This agreement meets the District's Long-Term Financial Stability Strategic Plan goal.
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CONSULTANT SELECTION	In 2015, EWS was the only independent, non-payroll company that offered ACA compliance services that addressed the District's needs.
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Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024	Budget Coding: 365.8851100.4008511.52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreement For Protection And Affordable Care Act Compliance Tracking, Unemployment Administration, And Verification Of Employment Services	Meeting Date:	May 9, 2023
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SUSTAINABILITY

Economic

The FY 2023 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

ALTERNATIVES

Do not increase the agreement amount. This alternative is not recommended because additional funding is needed to maintain these compliance-related services.

Issue a new request for proposals. This alternative is not recommended because the District would incur additional costs due to the complexity of changing vendors and integrating a new vendor into the benefits administration system.

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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)

TITLE General Services Agreement - Amendment Amend Affordable Care Act Compliance Administrative Services, Unemployment Administration, and Verification of Employment						DATE: April 23, 2023					
CONTRACTOR: Equifax Workforce Solutions St. Louis, MO 63146						PERCENTAGE OF CONTRACT DOLLARS					
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$110,000 *		Publicly Held	-	Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Equifax Workforce Solutions	\$110,000	Publicly Held							100.0%		
SUBS: None											
TOTAL	\$110,000				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	2,231	2,028	3,098	7,357							
Percent of Total Employees:	30.3%	27.6%	42.1%								
MSA Labor Market %:	39.0%	33.7%	27.3%								
MSA Labor Market Location:	Total USA										
COMMENTS											
Contract Equity Participation: Zero Contract Equity participation since firm is a Publicly Held Corporation. Contract Equity Participation: NA *Total not to exceed: \$320,000 = \$210,000 (Multiple Previous Amendments) + \$110,000 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Affordable Care Act Compliance Administrative Services, Unemployment Administration, and Verification of Employment		Ethnic Minority Percentages From U.S. Census Data								
				B	H	A/PI	AI/AN	TOTAL		
		National		10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment		DATE: 4/23/2023	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	PHC		Company Wide	1,230	404	1,293	32	2,959	40.2%	27.3%
Equifax Workforce Solutions Russell McAllister 11432 Lackland Road St. Louis, MO 63146 314-703-2402			Manager/Prof	635	268	1,228	19	2,150	40.6%	
			Technical/Sales	43	14	13	2	72	13.4%	
			Clerical/Skilled	552	122	52	11	737	48.6%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	0	0	0	0	0.0%	39.9%
AA Plan on File: NA			Date of last contract with District: NA							
Co. Wide MSA: Total USA			# Employees-Co. Wide: 7,357 Bay Area: 0							

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



BOARD ACTION

Agenda Number:	9a.-9b.	Meeting Date:	May 9, 2023
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TITLE	AMEND AGREEMENTS FOR PAVING AND OTHER RELATED SERVICES
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	<ul style="list-style-type: none">• Authorize amendments to the agreements previously authorized under Board Motion No. 121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; Forticon, Inc.; J. V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies to increase the aggregate amount of those agreements by \$5,000,000 to a total aggregate amount not to exceed \$10,000,000 and extend the agreement terms to May 9, 2024 for paving and other related services.• Authorize additional agreements for paving and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on May 9, 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.
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SUMMARY	<p>In repairing and replacing the water distribution pipelines and appurtenances, the District performs approximately 4,000 street excavations annually to support system repairs and pipeline replacement. Restoring the street in accordance with local agency encroachment permit requirements includes replacing asphalt pavement and related services (e.g., asphalt sealing). These agreements are required to address seasonal workload peaks and participate with cities and counties in joint paving projects.</p> <p>The original Board Motion No. 121-22 for \$5,000,000 was authorized on May 10, 2022. Updates on paving and other services were presented to the Planning Committee on November 8, 2022 and May 9, 2023.</p>
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DISCUSSION	<p>The District has utilized contract paving services since the early 1990s to meet workload peaks, work with cities and counties on joint paving projects, and perform specialized paving District forces do not typically perform. Many cities have extensive paving plans which must be coordinated with District work to replace street paving from curb-to-curb. For example, nearly all paving in Oakland following pipeline replacement is now performed through joint agreements. Over the last five years, about 87 percent of paving (by volume) was performed with District forces.</p>
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Originating Department: Maintenance and Construction	Department Director or Manager: Michael R. Ambrose	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2023, CIP#000554; Page 21	Budget Coding: 11-747-VARIOUS-53110		
Attachment(s): P-035; P-061			

Title:	Amend Agreements for Paving and Other Related Services	Meeting Date:	May 9, 2023
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The services contracted for in these agreements cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

**SERVICE PROVIDER
SELECTION**

In February 2022, a request for qualifications was sent to 11 potential proposers. Six service providers submitted qualifications. ALB, Inc., American Asphalt Repair & Resurfacing Co., Inc., Carone & Company, Inc., Forticon, Inc., J. V. Lucas Paving, Inc., and MCK Services, Inc. were selected based on previous positive service experiences and relationships with the District. Additional service providers may be added as they are identified through other public agencies or the District's Equalizer Newsletter. As service providers are added, they will be selected for specific jobs on a rotational basis except in cases where the estimated cost of the individual job exceeds \$10,000. In those cases, staff will request quotes from three service providers (or all approved service providers if less than three) and the work will be awarded to the lowest responsive bidder.

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

In the event another public agency chooses to manage the construction; that agency will be responsible for complying with public contracting requirements and the District will pay that agency the District's share of the project costs.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2023 adopted capital budget for the Pipeline Rebuild project. The authorized funds also allow the District to participate in joint paving projects with local agencies. Advantages of joint projects include cost savings and streamlined contract management.

Social

Local 444 was updated on October 21, 2022 and officially notified of this amendment on March 9, 2023. Local 444 raised issues related to contracting out core work. Local 444 issues were addressed at meetings on March 2, 2023 and April 6, 2023 and resolved.

ALTERNATIVES

Do not perform this work. This alternative is not recommended because final pavement restoration must be performed within certain time limits.

Perform all work with District staff. This alternative is not recommended because the paving backlog will increase without additional resources and District forces does not perform joint paving projects with Public Agencies.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement - Amendment Amend Agreements for Paving and Other Related Services						DATE: April 18, 2022					
CONTRACTOR: Various Firms (See Below)					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		50.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$5,000,000 *		See Below		-		Ethnic Minorities		25%		50.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
ALB, Inc.	\$833,333	Hispanic	X					16.7%			
American Asphalt Repair & Resurfacing Co., Inc.	\$833,333	White	X		16.7%						
Carone & Company, Inc.	\$833,333	White	X		16.7%						
Forticon, Inc.	\$833,333	Hispanic	X					16.7%			
J.V. Lucas Paving, Inc.	\$833,333	Hispanic	X					16.7%			
MCK Services, Inc.	\$833,333	White	X		16.7%						
SUBS:											
None											
TOTAL		\$5,000,000			50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		See Attached Form P-061									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: 50% White Men and 50% Ethnic Minority participation. Contract Duration: Until May 9, 2024 *Total not to exceed: \$10,000,000 = \$5,000,000 (Original) + \$5,000,000 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreements for Paving and Other Related Services		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement - Amendment		DATE: 4/18/2022	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
MSA %								
RP	WM: L/SBE	Company Wide	4	22	0	0	26	72.2%
ALB, Inc. Robert Gonzalez 552 W 10th Street Pittsburg, CA 94565 925-427-1199		Manager/Prof	0	3	0	0	3	50.0%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	9	0	0	9	69.2%
		Semi/Unskilled	4	10	0	0	14	87.5%
		Bay Area	4	22	0	0	26	72.2%
		AA Plan on File:	NA		Date of last contract with District:		NA	
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		36 Bay Area: 36	
RP	WM: LBE	Company Wide	3	133	2	0	138	84.7%
American Asphalt Repair & Resurfacing Co., Inc. Allan Henderson 24200 Clawiter Road Hayward, CA 94545 510-723-0280		Manager/Prof	0	7	0	0	7	58.3%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	3	126	2	0	131	92.9%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	3	133	2	0	138	84.1%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		0 Bay Area: 164	
RP	EMM: H - L/SBE	Company Wide	3	31	2	0	36	41.9%
Carone & Company, Inc. Lloyd Carone 5009 Forni Drive, Suite A Concord, CA 94520 925-602-8800		Manager/Prof	0	1	0	0	1	16.7%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	0	2	0	2	28.6%
		Semi/Unskilled	3	30	0	0	33	45.2%
		Bay Area	3	31	2	0	36	41.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		86 Bay Area: 86	
RP	EMM: H - L/SBE	Company Wide	0	10	0	0	10	90.9%
Forticon, Inc. Everardo Ilanos 1300 Clay Street, Suite 600 Oakland, CA 94612 510-328-3230		Manager/Prof	0	1	0	0	1	100.0%
		Technical/Sales	0	1	0	0	1	50.0%
		Clerical/Skilled	0	1	0	0	1	100.0%
		Semi/Unskilled	0	7	0	0	7	100.0%
		Bay Area	0	10	0	0	10	90.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		11 Bay Area: 11	
RP	EMM: H - L/SBE	Company Wide	0	13	0	0	13	59.1%
J.V. Lucas Paving, Inc. Alberto Perez 251 Lafayette Circle, Suite 230 Lafayette, CA 94549 925-283-8027		Manager/Prof	0	2	0	0	2	50.0%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	1	8	0	0	9	69.2%
		Semi/Unskilled	0	3	0	0	3	100.0%
		Bay Area	1	13	0	0	14	63.6%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		22 Bay Area: 22	
RP	WM: LBE	Company Wide	1	32	1	0	34	61.8%
MCK Services, Inc. Jennifer McLaughlin 865 Howe Road Martinez, CA 94553 925-957-9200		Manager/Prof	0	2	1	0	3	30.0%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	18	0	0	18	90.0%
		Semi/Unskilled	1	12	0	0	13	56.5%
		Bay Area	1	32	1	0	34	61.8%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		55 Bay Area: 55	

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)



BOARD ACTION

Agenda Number:	10.	Meeting Date:	May 9, 2023
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TITLE	ADDING LIMITED INVESTMENT ADVISORY SERVICES TO FIDELITY ADMINISTRATION AND RECORDKEEPING SERVICES AGREEMENT
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input checked="" type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Approve an addendum to the recordkeeping and administration services agreement previously authorized under Board Motion No. 199-19 with Fidelity Workplace Services, LLC (Fidelity Investments) to add investment advisory services through Fidelity Personal and Workplace Advisors LLC (FPWA) and Strategic Advisers LLC (Strategic Advisers) for retirees and other termed participants who maintain balances in the District's 401(a), 401(k) and 457 deferred compensation plans and authorize mutual indemnity provisions for the performance of such services through December 31, 2025. The costs for the investment advisory services will be paid by the participants.
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SUMMARY	On the recommendation of the joint labor-management Deferred Compensation Advisory Committees (Advisory Committees), the proposed action authorizes an addendum to the 2019 agreement with Fidelity Investments that would allow retired and termed participants who maintain funds in the District's deferred compensation plans to access investment advisory services as provided by two firms who are wholly-owned subsidiaries of Fidelity Investments.
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DISCUSSION	<p>Fidelity Investments provides administration and recordkeeping services for the District's 401(a), 401(k), and 457 deferred compensation plans including online account access, customer service phone representatives, on-site meetings and much more. Services are provided under a current agreement authorized December 10, 2019. During the RFP process ahead of the contract renewal in 2019, the Advisory Committees' members reviewed investment advisory services with Fidelity and requested to add these services to be available for retired and termed participants in the deferred compensation plans.</p> <p>The Advisory Committee reviews the investments available in the deferred compensation plans and works to ensure the investments are appropriate for the plans and charge the lowest fees possible. The new investment advisory services utilize only the core investment fund lineup to build a customized investment portfolio. Participants must enroll in the advisory services and confirm they understand the cost, procedures, and risks associated with the investments.</p> <p>Execution of the proposed addendum to add the investment advisory services of FPWA and Strategic Advisers, requires mutual general indemnification consistent with the terms in the agreement with Fidelity Investments.</p>
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Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		
Attachment(s): N/A			

Title:	Adding Limited Investment Advisory Services to Fidelity Administration and Recordkeeping Services Agreement	Meeting Date:	May 9, 2023
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SUSTAINABILITY

Economic

These additional services added to the agreement will be paid for by the eligible participants who enroll in the services.

Social

The Advisory Committees are made up of both management staff and representatives from each union that participates in the deferred compensation plans.

ALTERNATIVE

Do not approve this addendum to the Fidelity recordkeeping agreement. This alternative is not recommended because the Advisory Committees recognize the importance of offering investment advisory services to retirees and other termed participants through the District's deferred compensation plans where the committees work to ensure high quality and low cost investments are available for all participants.

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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)

TITLE					DATE:						
Professional Services Contract Adding Limited Investment Advisory Services to the Recordkeeping Services Agreement with Fidelity Workplace Services, LLC					April 25, 2023						
CONTRACTOR:					PERCENTAGE OF CONTRACT DOLLARS						
Various Firms (See below) Direct Award					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
NA *		White		Men	Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
Fidelity Personal and Workplace Advisors LLC		NA	White	X		33.3%					
Fidelity Workplace Services, LLC		NA	White	X		33.3%					
Strategic Advisers LLC		NA	White	X		33.3%					
SUBS:											
None											
TOTAL		NA				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			INFORMATION NOT PROVIDED								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Cost for the investment advisory services are paid by the participant.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Adding Limited Investment Advisory Services to the Recordkeeping Services Agreement with Fidelity Workplace Services, LLC		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Contract		DATE: 4/25/2023	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	INFORMATION NOT PROVIDED						
Fidelity Personal and Workplace Advisors LLC Rick Mitchell 245 Summer Street Boston, MA 02210 617-563-2266		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		AA Plan on File:							
		Co. Wide MSA:							
RP	WM	Company Wide	INFORMATION NOT PROVIDED						
Fidelity Workplace Services, LLC Rick Mitchell 245 Summer Street Boston, MA 02210 859-386-7108		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	WM	Company Wide	INFORMATION NOT PROVIDED						
Strategic Advisers LLC Scott Senseney 245 Summer Street Boston, MA 02210 859-386-7108		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 4, 2023

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative Report No. 04-23

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on May 9, 2023.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 735 (Berman) Workforce development: utility careers; 2) Support AB 1423 (Schiavo) Product safety: perfluoroalkyl and polyfluoroalkyl substances: artificial turf or synthetic surfaces; and receive information on water rights modernization legislation.

STATE LEGISLATION

RECOMMENDED POSITION

AB 735 (Berman)	WORKFORCE DEVELOPMENT: UTILITY CAREERS	SUPPORT
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Existing law, the California Workforce Innovation and Opportunity Act, requires the California Workforce Development Board (CWDB) to assist the governor in the development of a high road economy that offers an educated and skilled workforce with fair compensation and treatment in the workplace. In this regard, existing law requires the CWDB to assist in the administration, promotion, and expansion of, as well as field assistance for, high road training partnerships.

Existing law requires the California Department of Education (CDE) to develop a career guidance model for science and technology for use in school district counseling programs to provide information to pupils in grades 7 through 12, regarding the potential for employment, educational requirements, and other matters pertaining to careers in the fields of science and technology.

AB 735, as introduced on February 13, 2023, would establish the High Road Utility Careers (HRUC) program, to be administered by the CWDB, to connect existing resources with

individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the CWDB to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations; and to coordinate the program with existing and future programs and initiatives administered by the CWDB, including high road training partnerships, to connect interested individuals with available resources. The bill would require the HRUC program, upon appropriation by the legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers from low-income communities to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities.

AB 735 would require the CDE, by January 1, 2025, to partner with regional and statewide trade associations, among other groups, to develop and distribute career guidance materials to pupils in grades 9 through 12, regarding potential employment, educational requirements, and other relevant information pertaining to careers in these utilities.

According to the author, “California electric and gas utilities, water and wastewater agencies, and telecommunications providers are facing a critical wave of retirements, workforce shortages, and growing demand for a skilled utility workforce. Utilities must build a sustainable workforce pipeline for prospective and existing workers in order to make progress on California’s clean energy goals, maintain reliable water service, and create more resilient infrastructure, among other essential services provided by the utilities sector. AB 735 would create a statewide approach to address workforce challenges for the utility sector.”

With regard to cost benefit, AB 735 would benefit the utility sector by creating a statewide pipeline to guide prospective workers to obtain the training and skills for employment within the utility sector. The bill’s goals are consistent with EBMUD’s own workforce development objectives as well as the 2023 state initiative to promote workforce development and workforce diversity as part of broader diversity, equity, and inclusion efforts. There are no anticipated costs to EBMUD.

EBMUD previously supported SB 61 (Hurtado) in 2021 which would have authorized the CWDB to increase availability of supportive service programs to assist low-income workers complete employment training programs.

AB 735 is sponsored by the California Municipal Utilities Association (CMUA). The official support and opposition list to AB 735 is shown below.

Support

Association of California Water Agencies (ACWA)
Burbank Water and Power
California Municipal Utilities Association
California Special Districts Association
California State Association of Counties

City of Palo Alto
City of Roseville
City of Sacramento Department of Utilities
Edison International and Affiliates, Including Southern California Edison
Imperial Irrigation District
Irvine Ranch Water District
League of California Cities
Rancho California Water District
Sacramento Municipal Utility District
San Diego County Water Authority
Santa Clara Valley Water District

Opposition

None listed

AB 1423 (Schiavo)	PRODUCT SAFETY: PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES: ARTIFICIAL TURF OR SYNTHETIC SURFACES	SUPPORT
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Existing law, beginning January 1, 2025, generally prohibits any person from manufacturing, delivering, selling, or offering for sale any cosmetic product in California that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Existing law similarly prohibits, beginning July 1, 2025, a person from manufacturing, delivering, selling, or offering for sale in the state any new textile articles that contain regulated PFAS and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with the law.

AB 1423 (Schiavo), as amended on April 13, 2023, is intended to reduce the use of PFAS. AB 1423 would primarily do three things: 1) prohibit, beginning January 1, 2024, a public entity including cities and counties, a public or private K-12 school, and a public or private institution of higher learning, as specified in the bill, from purchasing or installing artificial turf that contains regulated PFAS; 2) require manufacturers or installers of artificial turf, beginning January 1, 2024, to notify the party the artificial turf is sold to or installed for that the artificial turf contains regulated PFAS; and 3) prohibit, beginning January 1, 2025, the manufacture or sale of artificial turf in the state that contains regulated PFAS.

Under AB 1423, a manufacturer of artificial turf must use the least toxic alternative when replacing regulated PFAS in artificial turf to comply with the bill's provisions. In addition, AB 1423 would authorize civil penalties not to exceed \$5,000 for first violations and up to \$10,000 for each subsequent violation. The measure would allow enforcement actions to be brought by the state attorney general, a district attorney, a city attorney, or a county counsel.

According to the Assembly Committee on Environmental Safety and Toxic Materials, PFAS “are a large group of synthetic, highly fluorinated substances that have been widely used in industrial and consumer applications for their heat, water, and lipid resistance properties for more than seven decades. PFAS are long-lasting chemicals that break down very slowly over time.” The Committee notes that PFAS can migrate into soil, water, and air during production, use and disposal. Scientific studies have shown that there are harmful health effects linked to PFAS.

According to AB 1423’s findings and declarations, PFAS are “routinely used in the production and manufacturing of artificial turf” and are emitted as part of the dust as artificial turf fields age and degrade due to use and exposure to the elements. The bill also notes that “children are uniquely at risk to exposure to PFAS playing on artificial turf or synthetic grass as their height leads them to more readily inhale, ingest, and come in dermal contact with dust emitted from” the artificial turf fields, though adults are also exposed when playing on artificial turf.

EBMUD has an extensive water quality program, which includes sampling, testing, and treatment, to ensure that customers receive high-quality drinking water that meets or exceeds all state and federal regulatory requirements. EBMUD voluntarily monitored its drinking water in 2020-2021 for several PFAS chemicals including PFOA and PFOS and did not detect significant concentrations of these substances.

With regard to wastewater, the State Water Resources Control Board issued an investigative order that requires publicly owned treatment works (treatment plants) to monitor for a variety of PFAS compounds in influent, effluent, and biosolids. EBMUD’s Main Wastewater Treatment Plant, is part of a PFAS monitoring study in collaboration with the San Francisco Bay Regional Water Quality Control Board through the Regional Monitoring Program run by the San Francisco Estuary Institute.

The first phase of the study showed PFAS in the influent and effluent of all Bay Area municipal wastewater, including EBMUD’s, but at levels comparable to, or much lower than, the level of PFAS found in household products. The second phase of the study initiated in 2022 is looking at upstream sources to better understand how residential, commercial, and specific industrial sources contribute to PFAS found in wastewater. The results from this phase are expected to be released by summer of 2023.

Seeing as PFAS are ubiquitous in consumer and industrial products, and water and wastewater agencies have limited means to control the trace amounts of these chemicals that enter the environment from a variety of sources; a source control or pollution prevention approach may offer the best way to reduce PFAS in the environment and protect public health.

AB 1423 takes a pollution prevention approach to address the proliferation of PFAS in the environment by phasing out their use in artificial turf. The bill is consistent with EBMUD’s 2023 state legislative initiative on water quality. The bill is not anticipated to result in additional costs

to EBMUD and could benefit EBMUD and its ratepayers in terms of improved public health that would accrue from eliminating a source of PFAS.

EBMUD has supported prior legislation to address PFAS pollution at its source. Earlier this year, the Board adopted a support position on AB 727 (Weber) to ban PFAS in cleaning products. AB 727 is pending in the legislature. In 2022, EBMUD supported AB 1817 (Ting) that banned PFAS in textile products. AB 1817 was signed into law (Chapter 762 of 2022). Also in 2022, EBMUD supported AB 2247 (Bloom) that would have required manufacturers of PFAS or products containing PFAS sold or distributed in California to report those PFAS or products containing PFAS on a publicly accessible database. AB 2247 was vetoed. In 2021, EBMUD supported AB 1200 (Ting) that banned food packaging containing PFAS and required chemical disclosures for cookware sold in California. AB 1200 was signed into law (Chapter 503 of 2021).

The official support and opposition list to AB 1423 is shown below.

Support

A Voice for Choice Advocacy
Active San Gabriel Valley
American College of Obstetricians and Gynecologists District IX
Ban Single Use Plastic (SUP)
California Product Stewardship Council
California Professional Firefighters
Clean Water Action
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Elders Climate Action, NorCal and SoCal Chapters
Environmental Working Group
Friends Committee on Legislation of California
Glendale Environmental Coalition
National Stewardship Action Council
Natural Resources Defense Council (NRDC)
Safe Healthy Playing Fields, Inc.
Sierra Club California
Surfrider Foundation
Urban Ecology Project

Opposition

None listed

INFORMATION ITEM

WATER RIGHTS MODERNIZATION LEGISLATION

INFORMATION

The California Constitution requires the reasonable and beneficial use of water. Under the public trust doctrine, the State Water Resources Control Board (SWRCB), among other state agencies, is required to take the public trust into account in the planning and allocation of water resources and to protect the public trust whenever feasible.

Existing law vests the SWRCB with the authority to adopt reasonable rules and regulations to carry out its statutory powers and duties. Existing law also authorizes the SWRCB to adopt emergency regulations in certain conditions of severe drought to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use, or the preparation of monitoring reports.

Existing law authorizes the SWRCB to govern the exercise of water rights by issuing permits and licenses to water users who initiated a water right after 1914 and to impose conditions on the exercise of such rights which are required or authorized by law. Persons who use water under a water right initiated before that date, or under a riparian right, are exempt from the requirement to obtain a permit or license but are subject to certain judicially enforceable limitations on diversion and use. Existing law establishes the Water Rights Fund (Fund), which consists of various fees and penalties. The moneys in the Fund are available upon appropriation by the legislature for the administration of the SWRCB's water rights program.

Several water rights modernization bills have been introduced in the legislature in 2023 to implement recommendations from the February 2022 Planning and Conservation League (PCL) report titled "Updating California Water Laws to Address Drought and Climate Change." The bills have been amended and updates are provided here:

- AB 460 (Bauer-Kahan): State Water Resources Control Board: interim relief.
The bill as amended on April 26 would:
 - Authorize the SWRCB to issue in adjudicative proceedings, on its own motion or upon petition of an interested party, an interim relief order to apply or enforce waste and unreasonable use, the public trust doctrine, water quality objectives, requirements of water rights permits or licenses, and measures to protect fish.
 - Require SWRCB to give at least 10 days prior notice and provide an opportunity for a hearing before issuing an interim relief order, unless the SWRCB makes a finding that "consideration of the matter is urgent."
 - Require the SWRCB to hold a hearing within 15 days at the request of the party subject to any immediate interim relief order and allow an aggrieved party to seek a writ of mandate no later than 15 days after the hearing.

- By December 31, 2024, requires the SWRCB to adopt regulations providing a process for how hearings will be conducted.
 - Allow the SWRCB, as part of the interim relief order, to require a diverter to halt all practices deemed harmful, take steps to mitigate harm, complete technical and monitoring work, fund and participate in studies to evaluate impact of water diversion or use, reimburse SWRCB for its expenses, and/or “take other required action.”
 - Provide that a person or entity that violates the terms or conditions of a permit, license, certificate or registration or an interim relief order issued by the SWRCB would be subject to civil penalties up to \$10,000 per day and \$2,500 per acre-foot of water diverted.
 - Exempt regulations and interim relief orders from the requirements of the California Environmental Quality Act (CEQA).
- AB 1337 (Wicks): State Water Resources Control Board: water shortage enforcement.
The bill as amended on April 20 would:
 - Authorize the SWRCB to issue a curtailment order for any diversion regardless of basis of right when water is not available under the diverter’s priority of right.
 - Allow the SWRCB to adopt regulations to implement curtailment orders.
 - Make failure to comply with a curtailment order a trespass and authorize the SWRCB to issue a cease and desist order when a water right holder fails to curtail diversion when water is unavailable under the water right’s holder of priority.
- SB 389 (Allen): State Water Resources Control Board: determination of water right.
The bill as amended on April 27 would:
 - Authorize the SWRCB to investigate the legal basis for the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right.
 - Authorize the SWRCB, in furtherance of an investigation, to issue an information order to a water right claimant, diverter, or user requiring such person to provide technical reports or other information related to a diversion of use of water, including information pertaining to basis of water right claimed, patent date claimed for the place of use, notice date of the appropriation and the date of actual delivery of water for beneficial use, prior diversions and use, including direct diversions and diversions to storage, and diversions and use of transferred water.
 - Authorize SWRCB, after notice and hearing, to issue a decision or order determining the diversion and use is authorized or not authorized and to determine its authorized scope.
 - Authorize the SWRCB to determine a forfeiture of a right through non-use, in whole or part, without regard to whether any other water user within the stream system has made a conflicting claim to the water.
 - Requires that the water right claimant, diverter, or user subject to an investigation to bear the burden of proof to establish, by a preponderance of evidence, the elements of the claimed basis of right.

- Allows the SWRCB to adopt regulations to implement the requirements of the bill.

Staff remain concerned with aspects of AB 460 and AB 1337. In general, the bills seek to expand the SWRCB authority to regulate and curtail surface water diversions, including those made by pre-1914 appropriative and riparian water right users, and to reduce due process protections provided to water users in the administration of water rights. AB 460 would grant the SWRCB the authority to issue interim relief that differs from how the courts impose interim relief, such as preliminary injunctions, in key respects: the SWRCB could act on its own motion to limit the use of water rights in new and unforeseen ways, and then immediately enforce the new limitations with little advance notice, if any. This authority could potentially stop or delay projects that can be beneficial for managing water supply, dealing with drought, or discharging treated wastewater, without the benefit of an evidentiary hearing with a neutral third party.

The April 26 amendments to AB 460 authorize the SWRCB to issue an interim relief order before a hearing if the SWRCB finds that immediate compliance is necessary to prevent imminent or irreparable injury to other users, or to instream beneficial; require the SWRCB to conduct a hearing within 15 days after issuing an immediate interim relief order; allow an aggrieved party subject to an immediate interim relief order to seek a writ of mandate after the hearing; and delay implementation of the bill until December 31, 2024 so the SWRCB can adopt regulations to govern interim relief order hearings. AB 1337 was substantially amended on April 20 to clarify the SWRCB has the necessary authority to curtail pre-1914 water rights. In addition, the amendments allow the SWRCB to adopt regulations for curtailment orders if they choose, but also permits the SWRCB to curtail during non-drought emergencies.

Staff remains concerned by the broad scope of both bills and the lack of due process protections which are important before the SWRCB takes steps to modify or restrict the exercise of water rights. Otherwise, the East Bay water supply could be at risk along with the millions of dollars of public investment in the Mokelumne River project and other essential water infrastructure.

Staff will continue to work with the authors' offices to address EBMUD concerns with the legislation in the context of EBMUD's water rights, access to supplies, and its role in protecting the Mokelumne River fishery and will report to the Board in June.

CCC:KCV:jw/dm

Attachments

ASSEMBLY BILL

No. 735

Introduced by Assembly Member Berman

February 13, 2023

An act to add Section 49605 to the Education Code, and to amend Section 14005 of, and to add Article 5 (commencing with Section 14050) to Chapter 3 of Division 7 of, the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 735, as introduced, Berman. Workforce development: utility careers.

(1) Existing law, the California Workforce Innovation and Opportunity Act, requires the California Workforce Development Board to assist the Governor in the development of a high road economy that offers an educated and skilled workforce with fair compensation and treatment in the workplace. In this regard, existing law requires the board to assist in the administration, promotion, and expansion of, as well as field assistance for, high road training partnerships, as defined.

This bill would establish the High Road Utility Careers (HRUC) program, to be administered by the board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program, upon

appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

(2) Existing law requires the State Department of Education to develop a career guidance model for science and technology for use in school district counseling programs in order to provide information to pupils in grades 7 through 12, regarding the potential for employment, educational requirements, and other matters pertaining to careers in the fields of science and technology.

This bill would require the department, by January 1, 2025, to partner with regional and statewide trade associations, among other groups, to develop and distribute informational materials for career guidance to pupils in grades 9 through 12, regarding the potential for employment, educational requirements, and other matters pertaining to careers in these utilities.

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

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

- 1 SECTION 1. Section 49605 is added to the Education Code,
- 2 immediately following Section 49604, to read:
- 3 49605. No later than January 1, 2025, the State Department of
- 4 Education shall partner with regional and statewide trade
- 5 associations and industry groups for water, wastewater, and electric
- 6 utilities, and with vocational training programs offered through
- 7 unions and nonprofit, community-based organizations, to develop
- 8 and distribute informational materials for career guidance to pupils
- 9 in grades 9 through 12, regarding the potential for employment,
- 10 educational requirements, and other matters pertaining to careers
- 11 in these utilities. Interested pupils shall be directed to the
- 12 Employment Development Department for potential placement in
- 13 utility jobs.
- 14 SEC. 2. Section 14005 of the Unemployment Insurance Code
- 15 is amended to read:
- 16 14005. For purposes of this division:
- 17 (a) "Board" means the California Workforce Development
- 18 Board.

1 (b) “Agency” means the Labor and Workforce Development
2 Agency.

3 (c) “Career pathways,” “career ladders,” or “career lattices” are
4 an identified series of positions, work experiences, or educational
5 benchmarks or credentials with multiple access points that offer
6 occupational and financial advancement within a specified career
7 field or related fields over time. “Career pathways,” “career
8 ladders,” and “career lattices” offer combined programs of rigorous
9 and high-quality education, training, and other services that do all
10 of the following:

11 (1) Align with the skill needs of industries in the economy of
12 the state or regional economy involved.

13 (2) Prepare an individual to be successful in any of a full range
14 of secondary or postsecondary education options, including
15 apprenticeships registered under the National Apprenticeship Act
16 of 1937 (29 U.S.C. Sec. 50 et seq.), except as in Section 3226 of
17 Title 29 of the United States Code.

18 (3) Include counseling to support an individual in achieving the
19 individual’s education and career goals.

20 (4) Include, as appropriate, education offered concurrently with
21 and in the same context as workforce preparation activities and
22 training for a specific occupation or occupational cluster.

23 (5) Organize education, training, and other services to meet the
24 particular needs of an individual in a manner that accelerates the
25 educational and career advancement of the individual to the extent
26 practicable.

27 (6) Enable an individual to attain a secondary school diploma
28 or its recognized equivalent, and at least one recognized
29 postsecondary credential.

30 (7) Help an individual enter or advance within a specific
31 occupation or occupational cluster.

32 (d) “Cluster-based sector strategies” mean methods of focusing
33 workforce and economic development on those sectors that have
34 demonstrated a capacity for economic growth and job creation in
35 a particular geographic area.

36 (e) “Data driven” means a process of making decisions about
37 investments and policies based on systematic analysis of data,
38 which may include data pertaining to labor markets.

39 (f) “Economic security” means, with respect to a worker, earning
40 a wage sufficient to support a family adequately, and, over time,

1 to save for emergency expenses and adequate retirement income,
2 based on factors such as household size, the cost of living in the
3 worker's community, and other factors that may vary by region.

4 (g) "Evidence-based" means making use of policy research as
5 a basis for determining best policy practices. Evidence-based
6 policymakers adopt policies that research has shown to produce
7 positive outcomes, in a variety of settings, for a variety of
8 populations over time. Successful, evidence-based programs deliver
9 quantifiable and sustainable results. Evidence-based practices
10 differ from approaches that are based on tradition, belief,
11 convention, or anecdotal evidence.

12 (h) "High-priority occupations" mean occupations that have a
13 significant presence in a targeted industry sector or industry cluster,
14 are in demand, or projected to be in demand, by employers, and
15 pay or lead to payment of a wage that provides economic security.

16 (i) (1) "In-demand industry sector or occupation" means either
17 of the following:

18 (A) An industry sector that has a substantial current or potential
19 impact, including through jobs that lead to economic
20 self-sufficiency and opportunities for advancement, on the state,
21 regional, or local economy, as appropriate, and that contributes to
22 the growth or stability of other supporting businesses, or the growth
23 of other industry sectors.

24 (B) An occupation that currently has or is projected to have a
25 number of positions, including positions that lead to economic
26 self-sufficiency and opportunities for advancement, in an industry
27 sector so as to have a significant impact on the state, regional, or
28 local economy, as appropriate.

29 (2) The determination of whether an industry sector or
30 occupation is "in-demand" under this subdivision shall be made
31 by the board or local board, or through the regional planning
32 process in which local boards participate under the Workforce
33 Innovation and Opportunity Act, as appropriate, using state and
34 regional business and labor market projections, including the use
35 of labor market information.

36 (j) "Individual with employment barriers" means an individual
37 with any characteristic that substantially limits an individual's
38 ability to obtain employment, including indicators of poor work
39 history, lack of work experience, or access to employment in
40 nontraditional occupations, long-term unemployment, lack of

1 educational or occupational skills attainment, dislocation from
2 high-wage and high-benefit employment, low levels of literacy or
3 English proficiency, disability status, or welfare dependency,
4 including members of all of the following groups:

- 5 (1) Displaced homemakers.
- 6 (2) Low-income individuals.
- 7 (3) Indians, Alaska Natives, and Native Hawaiians, as those
8 terms are defined in Section 3221 of Title 29 of the United States
9 Code.
- 10 (4) Individuals with disabilities, including youths who are
11 individuals with disabilities.
- 12 (5) Older individuals.
- 13 (6) Ex-offenders.
- 14 (7) Homeless individuals, as defined in Section 14043e-2(6) of
15 Title 42 of the United States Code, or homeless children and
16 youths, as defined in Section 11434a(2) of Title 42 of the United
17 States Code.
- 18 (8) Youth who are in, or have aged out of, the foster care system.
- 19 (9) Individuals who are English language learners, individuals
20 who have low levels of literacy, and individuals facing substantial
21 cultural barriers.
- 22 (10) Eligible migrant and seasonal farmworkers, as defined in
23 Section 3322(i) of Title 29 of the United States Code.
- 24 (11) Individuals within two years of exhausting lifetime
25 eligibility under Part A of Title IV of the Social Security Act (42
26 U.S.C. Sec. 601 et seq.).
- 27 (12) Single parents, including single, pregnant women.
- 28 (13) Long-term unemployed individuals.
- 29 (14) Transgender and gender nonconforming individuals.
- 30 (15) Any other groups as the Governor determines to have
31 barriers to employment.

32 (k) “Industry cluster” means a geographic concentration or
33 emerging concentration of interdependent industries with direct
34 service, supplier, and research relationships, or independent
35 industries that share common resources in a given regional
36 economy or labor market. An industry cluster is a group of
37 employers closely linked by common product or services,
38 workforce needs, similar technologies, and supply chains in a given
39 regional economy or labor market.

1 (l) “Industry or sector partnership” means a workforce
2 collaborative, convened or acting in partnership with the board or
3 a local board, that does the following:

4 (1) Organizes key stakeholders in an industry cluster into a
5 working group that focuses on the shared goals and human
6 resources needs of the industry cluster and that includes, at the
7 appropriate stages of development of the partnership:

8 (A) Representatives of multiple businesses or other employers
9 in the industry cluster, including small and medium-sized
10 employers when practicable.

11 (B) One or more representatives of a recognized state labor
12 organization or central labor council, or another labor
13 representative, as appropriate.

14 (C) One or more representatives of an institution of higher
15 education with, or another provider of, education or training
16 programs that support the industry cluster.

17 (2) The workforce collaborative may include representatives of
18 any of the following:

19 (A) State or local government.

20 (B) State or local economic development agencies.

21 (C) State boards or local boards, as appropriate.

22 (D) A state workforce agency or entity providing employment
23 services.

24 (E) Other state or local agencies.

25 (F) Business or trade associations.

26 (G) Economic development organizations.

27 (H) Nonprofit organizations, community-based organizations,
28 or intermediaries.

29 (I) Philanthropic associations.

30 (J) Industry associations.

31 (K) Other organizations, as determined to be necessary by the
32 members comprising the industry sector or partnership.

33 (m) “Industry sector” means those firms that produce similar
34 products or provide similar services using somewhat similar
35 business processes, and are closely linked by workforce needs,
36 within a regional labor market.

37 (n) “Local labor federation” means a central labor council that
38 is an organization of local unions affiliated with the California
39 Labor Federation or a local building and construction trades council

1 affiliated with the State Building and Construction Trades Council
2 of California.

3 (o) “Sector strategies” means methods of prioritizing
4 investments in competitive and emerging industry sectors and
5 industry clusters on the basis of labor market and other economic
6 data indicating strategic growth potential, especially with regard
7 to jobs and income, and exhibit the following characteristics:

8 (1) Focus workforce investment in education and workforce
9 training programs that are likely to lead to jobs providing economic
10 security or to an entry-level job with a well-articulated career
11 pathway into a job providing economic security.

12 (2) Effectively boost labor productivity or reduce business
13 barriers to growth and expansion stemming from workforce supply
14 problems, including skills gaps and occupational shortages by
15 directing resources and making investments to plug skills gaps
16 and provide education and training programs for high-priority
17 occupations.

18 (3) May be implemented using articulated career pathways or
19 lattices and a system of stackable credentials.

20 (4) May target underserved communities, disconnected youths,
21 incumbent workers, and recently separated military veterans.

22 (5) Frequently are implemented using industry or sector
23 partnerships.

24 (6) Typically are implemented at the regional level where sector
25 firms, those employers described in subdivisions (j) and (l), often
26 share a common labor market and supply chains. However, sector
27 strategies may also be implemented at the state or local level
28 depending on sector needs and labor market conditions.

29 (p) “Workforce Innovation and Opportunity Act of 2014” means
30 the federal act enacted as Public Law 113-128.

31 (q) (1) “Earn and learn” includes, but is not limited to, a
32 program that does either of the following:

33 (A) Combines applied learning in a workplace setting with
34 compensation allowing workers or students to gain work experience
35 and secure a wage as they develop skills and competencies directly
36 relevant to the occupation or career for which they are preparing.

37 (B) Brings together classroom instruction with on-the-job
38 training to combine both formal instruction and actual paid work
39 experience.

(2) “Earn and learn” programs include, but are not limited to, all of the following:

(A) Apprenticeships.

(B) Preapprenticeships.

(C) Incumbent worker training.

(D) Transitional jobs, as described in paragraph (5) of subsection (d) of Section 3174 of Title 29 of the United States Code, as that section read on January 1, 2021, and subsidized employment with an employer of record, which may include, but not be limited to, an employment social enterprise or a worker cooperative, particularly for individuals with barriers to employment.

(E) Paid internships and externships.

(F) Project-based compensated learning.

(r) “High road” means a set of economic and workforce development strategies to achieve economic growth, economic equity, shared prosperity and a clean environment. The strategies include, but are not limited to, interventions that:

(1) Improve job quality and job access, including for women and people from underserved and underrepresented populations.

(2) Meet the skill and profitability needs of employers.

(3) Meet the economic, social, and environmental needs of the community.

(s) “High road training partnership” means an initiative or project that models strategies for developing industry-based, worker-focused training partnerships, including labor-management partnerships. High Road Training partnerships operate via regional, industry- or sector-based training partnerships comprised of employers, workers, and their representatives including organized labor, community-based organizations, education, training, and social services providers, and labor market intermediaries. High Road Training partnerships demonstrate job quality standards and employment practices that include, but are not limited to, the following:

(1) Provision of comparatively good wages and benefits, relative to the industry, occupation, and labor market in which participating workers are employed.

(2) Payment of workers at or above local or regional living wage standards as well as payment at or above regional prevailing wage standards where such standards exist for the occupations in question.

1 (3) A history of investment in employee training, growth, and
2 development.

3 (4) Provision of opportunities for career advancement and wage
4 growth.

5 (5) Safe and healthy working conditions.

6 (6) Consistent compliance with workplace laws and regulations,
7 including proactive efforts to remedy past problems.

8 (7) Adoption of mechanisms to include worker voice and agency
9 in the workplace.

10 (t) “High road construction careers” are high road training
11 partnerships that invest in regional training partnerships comprised
12 of local building trades councils, workforce, community, and
13 education interests that connect to state-approved apprenticeship
14 programs, that utilize the standard Multi-Craft Core
15 preapprenticeship training curriculum and provide a range of
16 supportive services and career placement assistance to women and
17 people from underserved and underrepresented populations.

18 (u) “Career advancement” means demonstrated progression
19 along a career ladder as evidenced by both wage growth and
20 occupational advancement.

21 (v) “Employment social enterprise” means a nonprofit or
22 for-profit organization that meets all of the following requirements:

23 (1) Is organized as a social purpose corporation or a benefit
24 corporation, or as an organization incorporated within a larger
25 organization.

26 (2) Demonstrates evidence of a mission to provide and to access
27 employment and social supports with on-the-job and life skills
28 training to a direct labor force comprised of individuals with a
29 “barrier to employment,” as that phrase is defined in Section 3102
30 of Title 29 of the United States Code, as that section read on
31 January 1, 2021.

32 (3) Is evidence-based and utilizes data-driven policies in
33 implementing procedures and measuring outcomes.

34 (4) Produces or assembles goods or provides services, or a
35 combination of both.

36 (w) “Worker cooperative” has the same meaning as defined in
37 Section 12253.5 of the Corporations Code.

38 (x) “*High Road Utility Careers program*” or “*HRUC*” means
39 the program established in Article 5 (commencing with Section
40 14050) of Chapter 3.

SEC. 3. Article 5 (commencing with Section 14050) is added to Chapter 3 of Division 7 of the Unemployment Insurance Code, to read:

Article 5. High Road Utility Careers Program

14050. For purposes of this article, the following definitions apply:

(a) “California Workforce Development Board” or “board” means the California Workforce Development Board established pursuant to Article 1 (commencing with Section 14010).

(b) “HRUC program” or “HRUC” means the High Road Utility Careers program.

(c) “Utilities” includes private and public entities that provide electric, gas, water, wastewater, sewer, trash, recycled water, or telecommunication services in California.

14051. (a) There is hereby established the High Road Utility Careers program, to be administered by the California Workforce Development Board.

(b) The primary purpose of HRUC is to connect existing resources with individuals interested in careers in the utility sector and to ensure a continued reliable workforce for California utilities.

(c) For purposes of administering the HRUC, the board shall do all of the following:

(1) Administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations. The board shall coordinate, where possible, and share resources, tools, and information with these partners.

(2) Coordinate the HRUC program with existing and future programs and initiatives administered by the board, including high road training partnerships and the Breaking Barriers to Employment Initiative, in order to align interested individuals with available resources.

(3) Partner with public schools, including, but not limited to, high schools, technical colleges, community colleges, universities, and continuing education schools to promote career placement in the utility sector.

14052. The HRUC program shall do all of the following:

(a) Partner with regional and state trade associations, industry groups, vocational training programs offered through nonprofit,

1 community-based organizations, and unions to promote training
2 on essential job duties required for working in utilities and on
3 diversity, equity, and inclusion. The board shall partner with public
4 schools, including, but not limited to, high schools, technical
5 colleges, community colleges, universities, and continuing
6 education schools to promote career placement in the utility sector.

7 (b) Prioritize supportive services and career placement assistance
8 to people from underserved and underrepresented populations.

9 (c) Provide individuals interested in employment within the
10 utility sector with the services needed to enter, participate in, and
11 complete broader workforce preparation, training, and education
12 programs, and, ultimately, to obtain and retain employment.

13 (d) Build systems and policies to advance equity, access to skills
14 and economic opportunity, and job quality.

15 (e) Through a network of trainings, workshops, classes, and
16 presentations, seek to educate the potential workforce on regional
17 and statewide opportunities in utility work.

18 (f) (1) Seek to create regional partnerships across California
19 with utility members.

20 (2) These regional partnerships shall work together to collect
21 existing content, and create new content, to reach potential
22 candidates with an emphasis on diversity, equity, and inclusion.

23 14053. Upon appropriation by the Legislature for this express
24 purpose, the HRUC program shall dedicate funding and resources
25 toward accomplishing all of the following goals:

26 (a) Connecting workers to high-quality jobs or entry-level work
27 with defined routes to advancement.

28 (b) Increasing skills and opportunities while expanding pipelines
29 for low-income populations.

30 (c) Prioritizing upward mobility for residents of low-income
31 communities.

32 (d) Addressing worker, employer, and industry needs.

33 (e) Developing workforce development programs or providing
34 research, planning, and development, or both.

35 (f) Connecting workers to existing resources and services.

36 (g) Developing regional strategies to support workers and
37 communities in adapting to and creating new workforce
38 opportunities.

O

AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY APRIL 10, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1423

Introduced by Assembly Member Schiavo

February 17, 2023

An act to add Chapter 12.6 (commencing with Section 108948) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1423, as amended, Schiavo. Product safety: perfluoroalkyl and polyfluoroalkyl substances: artificial turf or synthetic surfaces.

Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. Existing law similarly prohibits, commencing January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously used, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions.

This bill would, commencing January 1, 2024, require a manufacturer or installer of a covered surface, defined as artificial turf or a synthetic surface that resembles grass, proposing to design, sell, or install a field with a covered surface to any party to notify the party at the earliest

possible date that the covered surface contains regulated PFAS, as defined. The bill would also prohibit, commencing January 1, 2024, a public entity, including a charter city, charter county, city, or county, any public or private school serving pupils in kindergarten or any of grades 1 to 12, inclusive, a public institution of higher education, other than the University of California, or a private institution of higher education from purchasing or installing a covered surface containing regulated PFAS, as provided. ~~Commencing~~

Commencing January 1, 2025, the bill would prohibit a person or entity from manufacturing, distributing, selling, or offering for sale in the state any covered surface that contains regulated PFAS. *The bill would provide that a violation of this prohibition is punishable by a specified civil penalty, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.* The bill would require a manufacturer of a covered surface to use the least toxic alternative when replacing regulated PFAS in a covered surface in accordance with these provisions.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Perfluoroalkyl and polyfluoroalkyl substances, a class of
- 4 chemicals known as “PFAS,” are highly toxic and highly persistent
- 5 in the environment.
- 6 (b) PFAS have been linked by scientific, peer-reviewed research
- 7 to severe health problems, including kidney and liver damage,
- 8 developmental harm, and immune system disruption.
- 9 (c) PFAS is routinely used in the production and manufacturing
- 10 of artificial turf and is emitted as part of the dust as the fields age
- 11 and degrade due to use and exposure to the elements.
- 12 (d) Children are uniquely at risk to exposure to PFAS playing
- 13 on artificial turf or synthetic grass as their height leads them to
- 14 more readily inhale, ingest, and come in dermal contact with dust

1 emitted from the fields. Adults are also exposed to PFAS when
2 playing on these fields.

3 SEC. 2. Chapter 12.6 (commencing with Section 108948) is
4 added to Part 3 of Division 104 of the Health and Safety Code, to
5 read:

6
7 CHAPTER 12.6. ARTIFICIAL FIELDS
8

9 108948. For purposes of this chapter, the following definitions
10 apply:

11 (a) “Covered surface” means artificial turf or a synthetic surface
12 that resembles grass.

13 (b) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS”
14 means a class of fluorinated organic chemicals containing at least
15 one fully fluorinated carbon atom.

16 (c) “Regulated PFAS” includes either of the following:

17 (1) PFAS that a manufacturer has intentionally added to a
18 product and that has a functional or technical effect in the product.

19 (2) The presence of PFAS in a product or product component
20 at or above one part per million, as measured in total organic
21 fluorine.

22 108948.1. Commencing January 1, 2024, a manufacturer or
23 installer of a covered surface proposing to design, sell, or install
24 a field with a covered surface to any party shall notify the party at
25 the earliest possible date that the covered surface contains regulated
26 PFAS.

27 (a) (1) Commencing January 1, 2024, a covered surface
28 containing regulated PFAS shall not be purchased or installed by
29 any of the following entities:

30 (A) A public entity, including a charter city, charter county,
31 city, or county.

32 (B) A public or private school serving pupils in kindergarten or
33 any of grades 1 to 12, inclusive.

34 (C) A public or private institution of higher education, except
35 as provided in paragraph (2).

36 (2) Commencing January 1, 2024, the University of California
37 is requested to comply with the prohibition described in paragraph
38 (1).

39 (3) Paragraph (1) shall not apply to those entities listed in
40 subparagraphs (A) to (C), inclusive, of paragraph (1) who have

1 concluded the design and permitting of a covered surface,
2 contracted for the installation of a covered surface, or purchased
3 a covered surface on or before December 31, 2023.

4 108948.2. (a) Commencing January 1, 2025, no person or
5 entity shall manufacture, distribute, sell, or offer for sale in the
6 state any covered surface that contains regulated PFAS.

7 (b) *Upon an action brought by the Attorney General, a city*
8 *attorney, a county counsel, or a district attorney, a person or entity*
9 *that violates subdivision (a) shall be liable for a civil penalty not*
10 *to exceed five thousand dollars (\$5,000) for a first violation, and*
11 *not to exceed ten thousand dollars (\$10,000) for each subsequent*
12 *violation.*

13 (c) *This section does not impair or impede any other rights,*
14 *causes of action, claims, or defenses available under any other*
15 *law. The remedies provided in this section are cumulative with*
16 *any other remedies available under any other law.*

17 108948.3. A manufacturer of a covered surface shall use the
18 least toxic alternative when replacing regulated PFAS in a covered
19 surface in accordance with this chapter.

20 SEC. 3. The Legislature finds and declares that the potential
21 public health harm due to the presence of PFAS in any public park
22 or public space in California is a matter of statewide concern and
23 is not a municipal affair as that term is used in Section 5 of Article
24 XI of the California Constitution. Therefore, Section 2 of this act
25 adding Section 108948.1 of the Health and Safety Code applies
26 to all cities, including charter cities.

AMENDED IN ASSEMBLY APRIL 26, 2023

AMENDED IN ASSEMBLY MARCH 30, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 460

**Introduced by Assembly Member Bauer-Kahan
(Principal coauthor: Assembly Member Friedman)**

February 6, 2023

An act to amend Sections 1055, 1055.2, 1126, and 1846 of, to add Sections 1051.2 and 1055.5 to, and to add Chapter 3.6 (commencing with Section 1115) to Part 1 of Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

AB 460, as amended, Bauer-Kahan. State Water Resources Control Board: water rights and usage: interim relief: procedures.

(1) Existing law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Existing law requires the board to take appropriate actions to prevent waste or the unreasonable use of water.

This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant. Because

the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

(2) Existing law authorizes the executive director of the board to issue a complaint to any person or entity on which administrative civil liability may be imposed pursuant to specified law, and requires the complaint to be served by personal notice or certified mail.

This bill would expand methods of notice for those purposes to include notice in accordance with the manner of service of a summons under specified provisions of the Code of Civil Procedure.

(3) Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability.

This bill would require the State Water Resources Control Board to adjust for inflation, by January 1 of each year, beginning in 2025, the amounts of civil and administrative liabilities or penalties imposed by the board in water right actions, as specified.

(4) The California Constitution requires the reasonable and beneficial use of water. Under the public trust doctrine, the State Water Resources Control Board, among other state agencies, is required to take the public trust into account in the planning and allocation of water resources and to protect the public trust whenever feasible. The board and the California regional water quality control boards are required to set forth water quality objectives in state and regional water quality control plans. Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available upon appropriation by the Legislature for the administration of the board's water rights program.

Existing law requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam, as specified.

This bill would authorize the board to issue, on its own motion or upon the petition of an interested party, an interim relief order to a diverter or user of water in adjudicative proceedings to apply or enforce specified provisions of law related to water rights and quality. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which

a violation occurs and ~~\$5,000~~ \$2,500 for each acre-foot of water diverted in violation of the interim relief order. The bill would require these funds to be deposited in the Water Rights Fund. *The bill would make these provisions operative on January 1, 2025.*

(5) Existing law authorizes any party aggrieved by any decision or order of the State Water Resources Control Board, not later than 30 days from the date of final action by the board, to file a petition for a writ of mandate for judicial review of the decision or order. Existing law requires a court to exercise its independent judgment on the evidence in any case involving the judicial review of certain cease and desist orders issued by the board and in any other case in which the court is authorized by law to exercise its independent judgment on the evidence.

This bill would require an aggrieved party to file a petition for reconsideration with the board to exhaust the party's administrative remedies before filing an action for judicial review of the board's decision or order under specified circumstances. The bill would require the scope of review of a board decision or order regarding interim relief to be the same as for a court of appeal review of a superior court decision granting or denying a preliminary injunction. The bill would generally prohibit, except as provided, a legal or equitable process from issuing in any proceeding in a court against the board or an officer of the board to review, prevent, or enjoin certain adjudicative proceedings or a decision or order of the board before a final decision or order of the board is issued.

(6) Existing law authorizes a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued by, or an order or regulation adopted by, the board to be held civilly liable for an amount not to exceed \$500 for each day that the violation occurs.

The bill would increase the amount of civil liability for the above-described violations to *\$1,500 for each day in which the violation occurs*, \$10,000 for each day in which the violation ~~occurs~~ occurs, and \$2,500 for each acre-foot of water diverted or used that amounted to the violation.

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

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

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

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

1 SECTION 1. Section 1051.2 is added to the Water Code, to
2 read:

3 1051.2. (a) In conducting an investigation or proceeding
4 specified in Section 275 or 1051, or in Article 7 (commencing with
5 Section 13550) of Chapter 7 of Division 7, the board may inspect
6 the property or facilities of a person or entity to ascertain whether
7 the purposes of Section 100 and this division are being met or to
8 ascertain compliance with any permit, license, certification,
9 registration, decision, order, or regulation issued under Section
10 275, this division, or Article 7 (commencing with Section 13550)
11 of Chapter 7 of Division 7.

12 (b) If consent to inspect is denied or otherwise withheld, the
13 board is authorized to obtain an inspection warrant pursuant to the
14 procedure set forth in Title 13 (commencing with Section 1822.50)
15 of Part 3 of the Code of Civil Procedure for purposes of an
16 inspection under this section. However, in the event of an
17 emergency affecting the public health or safety, an inspection may
18 be performed without consent or the issuance of a warrant.

19 SEC. 2. Section 1055 of the Water Code is amended to read:

20 1055. (a) The executive director of the board may issue a
21 complaint to any person or entity on which administrative civil
22 liability may be imposed pursuant to Section 1052, Section 1119,
23 Article 4 (commencing with Section 1845) of Chapter 12 of Part
24 2, or Section 5107. The complaint shall allege the act or failure to
25 act that constitutes a trespass or violation, the provision of law
26 authorizing civil liability to be imposed, and the proposed civil
27 liability.

28 (b) The complaint shall be served by personal notice or certified
29 mail, or in accordance with the manner of service of a summons
30 under Article 3 (commencing with Section 415.10) of, and Article
31 4 (commencing with Section 416.10) of, Chapter 4 of Title 5 of
32 Part 2 of the Code of Civil Procedure. The complaint shall inform
33 the party served that the party may request a hearing not later than
34 20 days from the date the party was served and that the board may
35 adopt an order setting administrative civil liability based on the
36 allegations set forth in the complaint without a hearing if the party
37 does not sign a written request for a hearing that is delivered to,
38 or received by mail by, the board within 20 days after the date the

1 party was served. The hearing shall be before the board or a
2 member of the board, in accordance with Section 183.

3 (c) The board, after any necessary hearing, may adopt an order
4 setting administrative civil liability, or determining that a liability
5 shall not be imposed.

6 (d) Orders setting administrative civil liability shall become
7 effective and final upon issuance thereof and payment shall be
8 made.

9 SEC. 3. Section 1055.2 of the Water Code is amended to read:

10 1055.2. A person or entity shall not be subject to both civil
11 liability imposed under Section 1055 and civil liability imposed
12 by the superior court under Section 1052, Section 1119, or Article
13 4 (commencing with Section 1845) of Chapter 12 of Part 2 for the
14 same act or failure to act.

15 SEC. 4. Section 1055.5 is added to the Water Code, to read:

16 1055.5. (a) (1) The board shall adjust on an annual basis, by
17 January 1 of each year beginning in 2025, all civil and
18 administrative liabilities or penalties imposed by the board in an
19 action brought at the request of the board pursuant to this division,
20 to adjust the maximum amounts specified in this division for
21 inflation, as established by the amount by which the California
22 Consumer Price Index for the month of June of the year prior to
23 the adjustment exceeds the California Consumer Price Index for
24 June of the calendar year in which legislation was last enacted
25 establishing or amending the maximum amount of the liability or
26 penalty.

27 (2) The amount of any liability or penalty determined pursuant
28 to this subdivision shall be rounded as follows:

29 (A) To the nearest multiple of ten dollars (\$10) in the case of a
30 liability or penalty that is less than or equal to one hundred dollars
31 (\$100).

32 (B) To the nearest multiple of one hundred dollars (\$100) in the
33 case of a liability or penalty that is greater than one hundred dollars
34 (\$100), but less than or equal to one thousand dollars (\$1,000).

35 (C) To the nearest multiple of one thousand dollars (\$1,000) in
36 the case of a liability or penalty that is greater than one thousand
37 dollars (\$1,000), but less than or equal to ten thousand dollars
38 (\$10,000).

(D) To the nearest multiple of five thousand dollars (\$5,000) in the case of a liability or penalty that is greater than ten thousand dollars (\$10,000).

(3) Inflation adjustments made pursuant to this subdivision are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The updated civil and administrative liability or penalties pursuant to the inflation adjustment shall be filed with the Secretary of State and published in the California Code of Regulations.

(b) This section does not apply to any liability imposed under Section 1538.

(c) The board shall report to the Legislature, in accordance with Section 9795 of the Government Code, with regard to the implementation of this section.

SEC. 5. Chapter 3.6 (commencing with Section 1115) is added to Part 1 of Division 2 of the Water Code, to read:

CHAPTER 3.6. INTERIM RELIEF

1115. (a) The board may issue an interim relief order to a diverter or user of water in adjudicative proceedings to apply or enforce any of the following with respect to water held under any basis of right:

(1) Section 2 of Article X of the California Constitution.

(2) The public trust doctrine.

(3) Water quality objectives or principles and guidelines adopted under subdivision (b) of Section 13142, Section 13149, Section 13170, or 13241.

(4) The requirements set forth in permits, licenses, certificates, and registrations issued under Part 2 (commencing with Section 1200), including actions that invoke the board's reserved jurisdiction or continuing authority.

(5) Any provision in Division 1 (commencing with Section 100), this division, or Article 7 (commencing with Section 13550) of Chapter 7 of Division 7.

(6) Section 5937 of the Fish and Game Code.

(b) The board may commence an interim relief proceeding on its own motion or upon the petition of an interested party. The board shall not accept a petition that does not include all of the following information:

1 (1) The name and mailing address of the petitioner.

2 (2) A description of the specific diversion or use of water that
3 the petitioner is contesting.

4 (3) A statement of the petitioner's interest in the contested
5 diversion or use of water.

6 (4) Identification of the adjudicative proceedings in which
7 interim relief is requested.

8 (5) A description of the harm or injury complained of.

9 (6) An explanation of the nexus between the diversion or use
10 and the alleged harm or injury.

11 (7) The relief the petitioner is requesting.

12 (8) A statement of reasons explaining why the relief is justified.

13 (9) Any additional information that the board may deem
14 appropriate.

15 (c) The board may dismiss a petition that does not raise
16 substantial issues that are appropriate for review.

17 (d) Except as provided in subdivision (e), the board shall provide
18 notice at least 10 days before the hearing date.

19 (e) The board may issue an interim order prior to the opportunity
20 for a hearing ~~in either of the following cases:~~ *so long as the order*
21 *includes a finding by the board that immediate compliance is*
22 *necessary to prevent imminent or irreparable injury to other legal*
23 *users of water, or to instream beneficial uses.*

24 ~~(1) The order includes a finding by the board that immediate~~
25 ~~compliance is necessary to prevent imminent or irreparable injury~~
26 ~~to other legal users of water, or to instream beneficial uses.~~

27 ~~(2) The motion or petition alleges violation of a regulation or~~
28 ~~order adopted by the board pursuant to Section 1058.5 or a~~
29 ~~regulation adopted pursuant to Section 1058 to curtail diversions~~
30 ~~to protect instream flows or prior water rights.~~

31 (f) If the board issues an interim relief order prior to the
32 opportunity for a hearing, it shall, at the request of the party to
33 whom the order is issued, hold a hearing within 15 days of the date
34 the board receives the request for a hearing, unless the party to
35 whom the interim relief order is issued agrees to an extension of
36 that period.

37 ~~(g) In any hearing pursuant to this section, the board may, in its~~
38 ~~discretion, provide that the evidence to be considered shall be~~
39 ~~based on declarations under penalty of perjury, the testimony of~~
40 ~~witnesses at the hearing, or both. The board shall also consider~~

1 ~~oral or written legal argument that is provided in a timely manner~~
2 ~~by the parties. The board may establish a schedule for filing~~
3 ~~declarations, exhibits, and written arguments.~~

4 *(g) On or before December 31, 2024, the board shall adopt*
5 *regulations providing for a formal process for which any hearing*
6 *pursuant to this section is to be governed. The regulations may*
7 *include any of the following:*

8 *(1) Whether to provide that the evidence to be considered shall*
9 *be based on declarations under penalty of perjury, the testimony*
10 *of witnesses at the hearing, or both.*

11 *(2) Whether to consider oral or written legal argument that is*
12 *provided in a timely manner by the parties.*

13 *(3) A schedule by which the board will accept filed declarations,*
14 *exhibits, and written arguments prior to a hearing pursuant to this*
15 *section.*

16 *(4) Any other evidentiary or procedural rules the board deems*
17 *necessary and appropriate to carry out this section.*

18 ~~(h) If the board issues an interim relief order after considering~~
19 ~~the declaration of any witness who is not made available during~~
20 ~~the hearing for cross-examination, pursuant to subdivision (e), the~~
21 ~~interim relief order shall remain in effect for a period not to exceed~~
22 ~~180 days unless the party to whom the interim relief order is issued~~
23 ~~agrees to an extension of that period. This subdivision is not a~~
24 ~~limitation on the authority of the board to issue any additional~~
25 ~~interim relief in response to changed circumstances.~~

26 *(i) In determining whether to provide interim relief, and the*
27 *nature and extent of the relief, the board shall consider all relevant*
28 *circumstances, including available information concerning the*
29 *effects on other legal users of water, fish, wildlife, and other*
30 *instream beneficial uses, the extent of harm, the necessity for relief,*
31 *and any appropriate measures to minimize any adverse effects of*
32 *providing interim relief. Sufficient grounds shall exist for interim*
33 *relief upon the same showing as would be required for a superior*
34 *court to grant a preliminary injunction.*

35 *(j) Any party aggrieved by an interim relief order may, not later*
36 *than 15 days after the hearing provided for in subdivision (f), file*
37 *a petition for a writ of mandate for review of the decision or order.*
38 *Reconsideration before the board shall not be an administrative*
39 *remedy that is required to be exhausted before filing a petition for*
40 *writ of mandate.*

1 (k) Section 1094.5 of the Code of Civil Procedure shall govern
2 judicial proceedings pursuant to subdivision (j).

3 1115.5. (a) As part of the interim relief order, the board may
4 require a water diverter or user to do any of the following:

5 (1) Cease all harmful practices.

6 (2) Employ specific procedures and operations to prevent or
7 mitigate the harm.

8 (3) Complete technical and monitoring work and prepare and
9 submit reports on that work, including draft environmental
10 documentation.

11 (4) Participate in, and provide funding for, studies that the board
12 determines are reasonably necessary to evaluate the impact of the
13 diversion or use that is the subject of the adjudicative proceeding.

14 (5) Reimburse the board's expenses for the preparation of any
15 necessary environmental documentation.

16 (6) Take other required action.

17 (b) The board shall set a schedule for compliance with any
18 interim relief order.

19 1116. If the board orders interim relief, the board shall set a
20 schedule, as soon as reasonably possible, for the board's
21 consideration of permanent relief. The schedule shall include
22 actions that the water diverter or user is required to undertake to
23 ensure timely consideration of the permanent relief. The actions
24 required of the water diverter or user may include, but are not
25 limited to, the completion of technical and monitoring work, the
26 preparation and submittal of reports on that work, including draft
27 environmental documentation, and the reimbursement of the
28 board's expenses. Any permanent relief shall be granted after
29 notice and an opportunity for a hearing.

30 1116.5. Notwithstanding Section 15300.2 of Title 14 of the
31 California Code of Regulations, actions of the board under this
32 chapter shall be deemed to be within the meaning of Section 15308
33 of Title 14 of the California Code of Regulations.

34 1117. The board may review and revise any part of an interim
35 relief order at any time after notice to all interested parties and an
36 opportunity for a hearing. *If a hearing is requested, the board shall*
37 *establish the hearing date within 15 calendar days and shall not*
38 *review or revise the interim relief order until the hearing occurs.*

39 1117.5. The issuance or denial of an interim relief order by the
40 board does not alter the burdens of proof or the burdens of coming

1 forward with respect to the board's final decision on the merits in
2 the adjudicative proceeding in which interim relief is requested.

3 1118. This chapter is not a limitation on the jurisdiction of any
4 court or agency over any matter within that court or agency's
5 jurisdiction.

6 1118.5. If a water diverter or user does not comply with an
7 interim relief order, the Attorney General, upon the request of the
8 board, shall petition the superior court for prohibitory or mandatory
9 injunctive relief, as necessary, through the issuance of a temporary
10 restraining order, preliminary injunction, or permanent injunction.

11 1119. (a) (1) Any person or entity that violates an interim
12 relief order issued by the board is liable for a civil penalty not to
13 exceed the sum of the following:

14 (A) Ten thousand dollars (\$10,000) for each day in which a
15 violation occurs.

16 (B) ~~Five thousand dollars (\$5,000)~~ *Two thousand five hundred*
17 *dollars (\$2,500)* for each acre-foot of water diverted in violation
18 of the interim relief order.

19 (2) Civil liability may be imposed by the superior court. The
20 Attorney General, upon request of the board, shall petition the
21 superior court to impose the liability. The Superior Court shall
22 impose the civil penalty if it determines by a preponderance of the
23 evidence that the water diverter or user subject to the interim relief
24 order has violated the order.

25 (3) Civil liability may be imposed administratively by the board
26 pursuant to Section 1055.

27 (b) In determining the appropriate amount, the court or board,
28 as the case may be, shall consider all the relevant circumstances,
29 including the extent of harm caused by the violation, the nature
30 and persistence of the violation, the length of time over which the
31 violation occurs, and any corrective action undertaken by the
32 violator.

33 (c) All funds recovered pursuant to this section shall be
34 deposited in the Water Rights Fund.

35 (d) Remedies under this section are in addition to, and do not
36 supersede or limit, any and all other remedies, civil or criminal.

37 1119.5. This chapter does not limit any authority held by the
38 board under this code or any other provision of law.

39 1119.6. *This chapter shall become operative on January 1,*
40 *2025.*

1 SEC. 6. Section 1126 of the Water Code is amended to read:

2 1126. (a) It is the intent of the Legislature that all issues
3 relating to state water law decided by the board be reviewed in
4 state courts, if a party seeks judicial review. It is the intent of the
5 Legislature that judicial review of a final decision or order of the
6 board shall be in accordance with this section. It is further the
7 intent of the Legislature that the courts assert jurisdiction and
8 exercise discretion to fashion appropriate remedies pursuant to
9 Section 389 of the Code of Civil Procedure to facilitate the
10 resolution of state water rights issues in state courts.

11 (b) Any party aggrieved by any decision or order may, not later
12 than 30 days from the date of final action by the board, file a
13 petition for a writ of mandate for review of the decision or order.
14 An aggrieved party shall file a petition for reconsideration with
15 the board to exhaust that party's administrative remedies before
16 filing an action under this section, or under Section 21167 of the
17 Public Resources Code if the board is a respondent in connection
18 with its issuance of an order or decision subject to this chapter,
19 only if the initial decision or order is issued under authority
20 delegated to an officer or employee of the board. The time for
21 filing the petition for writ of mandate and the time for filing an
22 action or proceeding in which the board is a respondent under
23 Section 21167 of the Public Resources Code shall be extended for
24 any person who seeks reconsideration by the board pursuant to
25 this article.

26 (c) Section 1094.5 of the Code of Civil Procedure shall govern
27 judicial proceedings under this section. The scope of review of a
28 decision or order issued under Chapter 3.6 (commencing with
29 Section 1115) shall be the same as for a court of appeal review of
30 a superior court decision granting or denying a preliminary
31 injunction.

32 (d) If no aggrieved party petitions for a writ of mandate within
33 the time provided by this section, the decision or order of the board
34 is not subject to review by any court.

35 (e) In any court case reviewing a decision or order by the board
36 relating to a permit or license to appropriate water held by the state
37 through the department or any other state agency, or to a permit
38 or license to appropriate water held by the United States through
39 the Bureau of Reclamation or any other federal agency, the election
40 by the United States, or any agency thereof, not to be a party shall

1 not, in and of itself, be the basis for dismissal pursuant to Section
2 389 of the Code of Civil Procedure or any other provision of law.

3 (f) Except as provided in this section, a legal or equitable process
4 shall not issue in a proceeding in a court against the board or an
5 officer of the board to review, prevent, or enjoin either of the
6 following:

7 (1) An adjudicative proceeding under this division.

8 (2) A decision or order of the board before a final decision or
9 order is issued.

10 SEC. 7. Section 1846 of the Water Code is amended to read:

11 1846. (a) (1) A person or entity may be liable for a violation
12 of paragraph (2) in an amount not to exceed the sum of the
13 following:

14 (A) *One thousand five hundred dollars (\$1,500) for each day*
15 *in which the violation occurs.*

16 ~~(A)~~

17 (B) Ten thousand dollars (\$10,000) for each day in which the
18 violation occurs.

19 ~~(B)~~

20 (C) Two thousand five hundred dollars (\$2,500) for each
21 acre-foot of water diverted or used that amounted to the violation.

22 (2) (A) A term or condition of a permit, license, certificate, or
23 registration issued under this division.

24 (B) A regulation or order adopted by the board.

25 (b) Civil liability may be imposed *pursuant to subparagraph*
26 *(B) or (C) of paragraph (1) of subdivision (a)* by the superior court.
27 The Attorney General, upon the request of the board, shall petition
28 the superior court to impose, assess, and recover those sums.

29 (c) Civil liability may be imposed *pursuant to subparagraph*
30 *(A) of paragraph (1) of subdivision (a)* administratively by the
31 board pursuant to Section 1055.

32 SEC. 8. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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AMENDED IN ASSEMBLY APRIL 20, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1337

Introduced by Assembly Member Wicks

February 16, 2023

An act to *amend Sections 1052 and 1831 of, and to add Chapter 2.5 (commencing Section 1065) to Part 1 of Division 2—of of, the Water Code, relating to water.*

LEGISLATIVE COUNSEL’S DIGEST

AB 1337, as amended, Wicks. State Water Resources Control Board: ~~water shortage enforcement.~~ *diversion curtailment.*

(1) Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability.

This bill would expand the instances when the diversion or use of water is considered a trespass.

~~Existing~~

(2) Existing law establishes the State Water Resources Control Board in the California Environmental Protection Agency and vests the board with various powers and duties, including, among other things, to ascertain whether or not water heretofore filed upon or attempted to be appropriated is appropriated under the laws of this state. Existing law authorizes the board to adopt emergency regulations if, among other things, the regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s

priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would authorize the board to adopt regulations for various water conservation purposes, including, but not limited to, to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to implement these regulations through orders curtailing the diversion or use of water under any claim of right. The bill would require the board to provide notice and an opportunity to be heard before issuing an order, except where an opportunity to be heard before the issuance of an order would be impractical given the likelihood of harm to the purposes of the various water conservation regulations. The bill would provide that a person or entity may be civilly liable for a violation of any regulation or order issued by the board pursuant to these provisions in an amount not to exceed \$1,000 for each day in which the violation has occurred and \$2,500 for each acre-foot of water diverted or used in violation of the applicable requirement. The bill would authorize the imposition of this civil liability by the superior court, as specified, or administratively by the board. The bill would provide that a regulation or order issued by the board pursuant to these provisions, or by emergency regulation, is exempt from CEQA. *issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right. The bill would authorize the board to adopt regulations to implement this provision.*

(3) *Existing law authorizes the board to issue a cease and desist order against a person who is violating, or threatening to violate, certain requirements relating to water use.*

This bill would additionally authorize the board to issue a cease and desist order when a water right holder fails to curtail diversions when water is unavailable under the water right holder's priority of right.

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

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

1 *SECTION 1. (a) It is the intent of the Legislature that the State*
2 *Water Resources Control Board shall be able to exercise its full*
3 *authority under Section 2 of Article X of the California*
4 *Constitution, the public trust doctrine, and Division 1 (commencing*
5 *with Section 100) and Division 2 (commencing with Section 1000)*
6 *of the Water Code to ensure that the use or diversion of water*
7 *under any claim of right serves the public interest.*

8 *(b) It is the intent of the Legislature that this bill clarify that the*
9 *State Water Resources Control Board has the necessary authority*
10 *to curtail pre-1914 water rights and address the gap in the state*
11 *board's authority revealed by the court in the series of cases known*
12 *as the California Water Curtailment Cases.*

13 *SEC. 2. Section 1052 of the Water Code is amended to read:*

14 1052. (a) The diversion or use of water subject to this division
15 other than as authorized in this division is a trespass.

16 (b) (1) An action for the issuance of injunctive relief as may
17 be warranted by way of temporary restraining order, preliminary
18 injunction, or permanent injunction, may be brought by the
19 Attorney General on behalf of the board, or in the Attorney
20 General's independent capacity in the name of the people of the
21 State of California, where the diversion or use of water is
22 threatened, is occurring, or has occurred.

23 (2) (A) A civil action for a violation under this section resulting
24 from unlicensed cannabis cultivation may also be brought by a
25 city attorney or county counsel, upon approval of the board, in the
26 name of the people of the State of California.

27 (B) A city attorney or county counsel shall inform and
28 coordinate with the board as to the investigation of potential
29 violations of this section related to unlicensed cannabis cultivation.
30 Unless the board withholds its approval within 21 days after the
31 local jurisdiction provides notice of its intent to file, the local
32 jurisdiction may deem the board's silence as approval.

33 (c) A person or entity committing a trespass as defined in this
34 section may be liable in an amount not to exceed the following:

35 (1) If the unauthorized diversion or use occurs in a critically
36 dry year immediately preceded by two or more consecutive below
37 normal, dry, or critically dry years, or during a period for which
38 the Governor has issued a proclamation of a state of emergency

1 under the California Emergency Services Act (Chapter 7
2 (commencing with Section 8550) of Division 1 of Title 2 of the
3 Government Code) based on drought conditions, the sum of the
4 following:

5 (A) One thousand dollars (\$1,000) for each day in which the
6 trespass occurs.

7 (B) Two thousand five hundred dollars (\$2,500) for each
8 acre-foot of water diverted or used in excess of that diverter's
9 water rights.

10 (2) If the unauthorized diversion or use is not described by
11 paragraph (1), five hundred dollars (\$500) for each day in which
12 the unauthorized diversion or use occurs.

13 (3) Notwithstanding paragraphs (1) and (2), up to three thousand
14 five hundred dollars (\$3,500) for each day in which the
15 unauthorized diversion or use for unlicensed cannabis cultivation
16 occurs.

17 (d) Civil liability for a violation of this section may be imposed
18 by the superior court or the board as follows:

19 (1) The superior court may impose civil liability in an action
20 brought by the Attorney General, upon request of the board, to
21 impose, assess, and recover any sums pursuant to subdivision (c).
22 In determining the appropriate amount, the court shall take into
23 consideration all relevant circumstances, including, but not limited
24 to, the extent of harm caused by the violation, the nature and
25 persistence of the violation, the length of time over which the
26 violation occurs, and the corrective action, if any, taken by the
27 violator.

28 (2) The superior court may impose civil liability in an action
29 for a violation under this section resulting from unlicensed cannabis
30 cultivation brought by a city attorney or county counsel to impose,
31 assess, and recover any sums pursuant to subdivision (c). In
32 determining the appropriate amount, the court shall take into
33 consideration all relevant circumstances, including, but not limited
34 to, the extent of harm caused by the violation, whether the violation
35 was intentional or committed knowingly, the nature and persistence
36 of the violation, the length of time over which the violation has
37 occurred, and the corrective action, if any, taken by the violator.
38 The court shall make its findings on the record.

39 (3) The board may impose civil liability in accordance with
40 Section 1055.

(e) (1) Upon appropriation by the Legislature, funds recovered in an action pursuant to this section shall be used to proportionally reimburse the Attorney General, city attorney, county counsel, and the board for costs of bringing the action, including reasonable attorney's fees, and of investigating the violation and supporting the prosecution of the action.

(2) Except for reimbursements to the Attorney General, city attorney, or county counsel, as specified in paragraph (1), all funds recovered pursuant to this section shall be deposited in the Water Rights Fund established pursuant to Section 1550.

(f) The remedies prescribed in this section are cumulative and not alternative.

~~SECTION 1.~~

SEC. 3. Chapter 2.5 (commencing with Section 1065) is added to Part 1 of Division 2 of the Water Code, to read:

CHAPTER 2.5. WATER SHORTAGE ENFORCEMENT

1065. (a) *The board may issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right.*

(b) *Failure to comply with a curtailment order is a trespass as provided in Section 1052.*

(c) *The board may adopt regulations to implement this section.*

~~1065. The board may adopt regulations for any of the following purposes:~~

~~(a) To prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water.~~

~~(b) To promote water recycling or water conservation.~~

~~(c) To protect public trust resources.~~

~~(d) To require curtailment of diversions when water is not available under the diverter's priority of right.~~

~~(e) In furtherance of any of the purposes of this section, to require reporting of diversion or use or the preparation of monitoring reports.~~

~~1066. (a) The board may implement regulations through orders curtailing the diversion or use of water under any claim of right.~~

~~(b) (1) The board shall provide notice and an opportunity to be heard, except where an opportunity to be heard before the issuance of an order would be impractical given the likelihood of harm to~~

1 the purposes described in Section 1065, or other relevant
2 circumstances.

3 (2) The opportunity to be heard may be tailored to the
4 circumstances, may be a collective rather than individual process,
5 and may be written or oral.

6 (3) If the board does not provide an opportunity to be heard
7 before the issuance of an order, the board shall promptly provide
8 the opportunity after the issuance of the order, such as through the
9 petition for reconsideration process pursuant to Chapter 4
10 (commencing with Section 1120).

11 1067. (a) A person or entity may be civilly liable for a violation
12 of any regulation or order issued under this chapter in an amount
13 not to exceed the sum of the following:

14 (1) One thousand dollars (\$1,000) for each day in which the
15 violation has occurred.

16 (2) Two thousand five hundred dollars (\$2,500) for each
17 acre-foot of water diverted or used in violation of the applicable
18 requirement.

19 (b) Civil liability may be imposed by the superior court. The
20 Attorney General, upon the request of the board, shall petition the
21 superior court to impose, assess, and recover those sums.

22 (c) Civil liability may be imposed administratively by the board
23 pursuant to Section 1055.

24 1068. A regulation or order issued by the board under this
25 chapter or Section 1058.5 shall be exempt from the requirements
26 of the California Environmental Quality Act (Division 13
27 (commencing with Section 21000) of the Public Resources Code).

28 1069. This chapter does not limit any authority held by the
29 board under this code or any other law.

30 *SEC. 4. Section 1831 of the Water Code is amended to read:*

31 1831. (a) When the board determines that any person is
32 violating, or threatening to violate, any requirement described in
33 subdivision (d), the board may issue an order to that person to
34 cease and desist from that violation.

35 (b) The cease and desist order shall require that person to comply
36 forthwith or in accordance with a time schedule set by the board.

37 (c) The board may issue a cease and desist order only after
38 notice and an opportunity for hearing pursuant to Section 1834.

39 (d) The board may issue a cease and desist order in response to
40 a violation or threatened violation of any of the following:

1 (1) The prohibition set forth in Section 1052 against the
2 unauthorized diversion or use of water subject to this division.

3 (2) *When a water right holder fails to curtail diversions when*
4 *water is unavailable under the water right holder's priority of*
5 *right.*

6 ~~(2)~~

7 (3) Any term or condition of a permit, license, certification, or
8 registration issued under this division.

9 ~~(3)~~

10 (4) Any decision or order of the board issued under this part,
11 Section 275, Chapter 11 (commencing with Section 10735) of Part
12 2.74 of Division 6, or Article 7 (commencing with Section 13550)
13 of Chapter 7 of Division 7, in which decision or order the person
14 to whom the cease and desist order will be issued, or a predecessor
15 in interest to that person, was named as a party directly affected
16 by the decision or order.

17 ~~(4)~~

18 (5) A regulation adopted under Section 1058.5.

19 ~~(5)~~

20 (6) Any extraction restriction, limitation, order, or regulation
21 adopted or issued under Chapter 11 (commencing with Section
22 10735) of Part 2.74 of Division 6.

23 ~~(6)~~

24 (7) Any diversion or use of water for cannabis cultivation if any
25 of paragraphs (1) to ~~(5)~~; (6), inclusive, or any of the following
26 applies:

27 (A) A license is required, but has not been obtained, under
28 Chapter 6 (commencing with Section 26060) or Chapter 7
29 (commencing with Section 26070) of Division 10 of the Business
30 and Professions Code.

31 (B) The diversion is not in compliance with an applicable
32 limitation or requirement established by the board or the
33 Department of Fish and Wildlife under Section 13149.

34 (C) The diversion or use is not in compliance with a requirement
35 imposed under paragraphs (1) and (2) of subdivision (b) of Section
36 26060.1 of, and paragraph (3) of subdivision (a) of Section 26070
37 of, the Business and Professions Code.

- 1 (e) This article does not alter the regulatory authority of the
- 2 board under other provisions of law.

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AMENDED IN SENATE APRIL 27, 2023

SENATE BILL

No. 389

Introduced by Senator Allen

February 9, 2023

An act to add Article 6 (commencing with Section 1860) to Chapter 12 of Part 2 of Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Allen. State Water Resources Control Board: determination of water right.

Existing law establishes the State Water Resources Control Board within the California Environmental Protection Agency. Existing law provides generally for the appropriation of water. Existing law provides that it is the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water.

This bill ~~would~~ *would, upon specified findings*, authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified. *The bill would authorize the state board to adopt regulations to implement these provisions.*

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

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

SECTION 1. Article 6 (commencing with Section 1860) is added to Chapter 12 of Part 2 of Division 2 of the Water Code, to read:

Article 6. Determination of Basis of Right

1860. ~~The~~ Upon a finding that there is reason to believe that the information would protect the public interest or further the state board's responsibilities under Section 2 of Article X of the California Constitution or the public trust doctrine, the state board may investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right.

1861. In furtherance of an investigation authorized pursuant to Section 1860, the state board may issue an information order to a water right claimant, diverter, or user to provide technical reports or other information related to a diversion and use of water, including, but not limited to, all of the following:

(a) Information in addition to any information required to be reported pursuant to Part 5.1 (commencing with Section 5100).

(b) Information related to the basis of the water right claimed.

(c) Information related to the patent date claimed for the place of use.

(d) Information related to the notice date of the appropriation and the date of actual delivery of water to beneficial use.

(e) Information related to prior diversions and use, including direct diversions and diversions to storage.

(f) Information related to the diversions and use of transferred water.

1862. After notice and opportunity for hearing, the state board may issue a decision or order determining the diversion and use basis of right, including the authorized scope of the diversion and use, or may issue a decision or order determining that the diversion and use is not authorized under any basis of right.

1863. In determining under this article whether a holder of an appropriative water right has forfeited the right or any portion of the right pursuant to Sections 1240 and 1241, the state board is not required to find the existence of a conflicting claim by any

1 water right holder within the stream system during the period of
2 forfeiture.

3 1864. In any state board proceeding to determine a diversion
4 and use basis of right under this article, the water right claimant,
5 diverter, or user shall have the burden of proving by the
6 preponderance of evidence the elements of the basis of right.

7 1865. Nothing in this article shall limit the authority of the
8 state board to issue any decision or order, or to take any other
9 action authorized by law.

10 1866. *The state board may adopt regulations to implement this*
11 *article.*

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BOARD ACTION

Agenda Number:	12.	Meeting Date:	May 9, 2023
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TITLE	ORDINANCE AMENDING SECTION 21 OF ORDINANCE NO. 40
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ACTION	<input type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input checked="" type="checkbox"/> Ordinance:
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RECOMMENDED ACTION	Second reading and vote to amend the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40), Section 21 to update the actuarially assumed rate of return (ROR) from 7.00 percent to 6.75 percent.
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SUMMARY	Section 21 of Ordinance No. 40 provides for an optional modification of a member's retirement allowance. Optional benefits are calculated using the actuarial equivalent of the member's retirement allowance, which is determined using the actuarially assumed ROR and mortality tables. The actuarially assumed ROR has been updated pursuant to the recommendation of the Retirement System's actuary, Segal Group, Inc. (Actuary). It is required that Section 21 of Ordinance No. 40 be amended to reflect the adopted ROR. The first reading of this amendment was conducted at the EBMUD Board of Directors meeting on April 25, 2023.
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DISCUSSION	<p>Section 21 of Ordinance No. 40 provides members with the option to receive the actuarial equivalent of their retirement allowance in the form of a lesser amount in order to provide for a greater benefit to a surviving beneficiary (referred to as optional forms of benefits).</p> <p>One factor used to determine the actuarial equivalent of the allowance is the actuarially assumed ROR. The actuarially assumed ROR is also used to determine the value of cash-outs, and posting of interest to employee accounts, as well as in the actuarial valuation and impacts employer contribution rates.</p> <p>The requirement to update Ordinance No. 40 is based on the 2010 Economic Growth and Tax Relief Reconciliation Act of 2001 rules which clarified that the actuarially assumed ROR used to determine optional forms of benefits be specified. Subsequently, Section 21 of Ordinance No. 40 is updated each time the Retirement Board adopts the District's recommendation to change the actuarially assumed ROR.</p> <p>At its January 19, 2023 meeting, the Retirement Board adopted the Actuary's recommendation to change the actuarially assumed ROR from 7.00 percent to 6.75 percent. This reduction was recommended to the Retirement Board by the Actuary as part of the Economic Assumptions Review in preparation for their June 30, 2022 Actuarial Valuation Report. The Actuarial Valuation Report was presented to the Retirement Board at its March 9, 2023 meeting. Staff recommends that the EBMUD Board amend Ordinance No. 40 to reflect the change in the ROR to 6.75 percent.</p>
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Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		
Attachment(s): Ordinance			

Title:	Ordinance Amending Section 21 of Ordinance No. 40	Meeting Date:	May 9, 2023
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The amendment to Ordinance No. 40 to update the actuarially assumed ROR should be finalized by July 1, 2023. To meet this deadline, the first reading of Ordinance No. 40 occurred at the EBMUD Board of Directors meeting on April 25, 2023. The final action is scheduled with the second reading at the EBMUD Board of Directors meeting on May 9, 2023. Next, in accordance with the Municipal Utility District Act, the amendment must be published once a week for two successive weeks in a local newspaper of general circulation published within the district. The ordinance amendment can then take effect 30 days after the revised ordinance's passage. The Ordinance change will then be effective July 1, 2023, which is the effective date of the adopted ROR.

SUSTAINABILITY**Economic**

The action of the Retirement Board to follow the recommendation of the actuaries to edit the assumed ROR, helps to ensure the long-term stability of the Retirement System. Approval of Ordinance No. 40 will allow the Retirement Ordinance to be updated and remain in compliance with Internal Revenue Service (IRS) Regulations, lowering the risk of fines or other economic risks related to non-compliance.

Social

The unions were notified of the change to the assumed ROR referenced in the proposed Ordinance No. 40 amendment at the January 19, 2023 Retirement Board meeting.

ALTERNATIVE

Do not approve the amendment to Ordinance No. 40. This alternative is not recommended because Ordinance No. 40 would not be in compliance with IRS Regulations.

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ORDINANCE NO. _____

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

Introduced by Director

; Seconded by Director

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

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

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

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

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

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

absence of a named Beneficiary then living, to his or her estate.

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

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

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

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

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

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

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

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

The actuarial assumptions are the following:

- (1) Rate of Return: 6.75% effective July 1, 2023; and
- (2) Mortality Table:
 - (A) Service Retirement:
 - (i) Member: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
 - (ii) Beneficiary: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
 - (B) Disability Retirement:
 - (i) Member: Pub-2010 Non-Safety Disabled Retiree Amount-Weighted Mortality Tables with rates increased by 5% for males, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 75% male and 25% female; and
 - (ii) Beneficiary: Pub-2010 Contingent Survivor Amount-Weighted Above-Median Mortality Tables, with rates increased by 5% for males and females, projected 25 years with the two-dimensional mortality improvement Scale MP-2020, weighted 25% male and 75% female.

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

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 25, 2023, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action

was scheduled for the regular meeting of said Board of Directors held at the same place on May 9, 2023, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

ORDINANCE NO. _____

AN ORDINANCE, EFFECTIVE AS OF MAY 9, 2023, AMENDING SECTION 21, "OPTIONAL MODIFICATION OF RETIREMENT ALLOWANCE," TO ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Introduced by Director

; Seconded by Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The actuarial assumptions are the following:

- (1) Rate of Return: ~~7.00~~6.75% effective July 1, ~~2019~~2023; and

(2) Mortality Table:

(A) Service Retirement:

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

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

(B) Disability Retirement:

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

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

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

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 25, 2023, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action

was scheduled for the regular meeting of said Board of Directors held at the same place on May 9, 2023, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



BOARD ACTION

Agenda Number:	13.1.-13.2.	Meeting Date:	May 9, 2023
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TITLE	REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FISCAL YEARS 2024 AND 2025 REVISIONS TO THE WATER AND WASTEWATER SYSTEM SCHEDULE OF RATES AND CHARGES, CAPACITY CHARGES, OTHER FEES, AND REGULATIONS
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ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
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RECOMMENDED ACTIONS	<ol style="list-style-type: none">1. File the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, Other Fees, and Regulations.2. Set a Public Hearing for Tuesday, June 13, 2023, during the Board's regular meeting, to consider the report and recommendation and to comply with Proposition 218 requirements.
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SUMMARY	After two workshops held on January 24, 2023 and March 28, 2023, adoption of the FY 2024 and FY 2025 proposed rates and charges is scheduled for Board consideration at its June 13, 2023 meeting. The Report and Recommendation of the General Manager for revisions to the rates, charges, fees, and regulations includes the following revisions for FY 2024 and FY 2025:
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Water System

- Rate Schedule for Water Service*
- Account Establishment Charge
- Charges for Special Services
- Water Service Installation Charges
- Private Fire Service Installation Charges
- Public Fire Hydrant Installation Charges
- Water Main Extension Charges
- Standard Participation Charge (SPC)
- System Capacity Charges
- Water Demand Mitigation Fees
- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

Wastewater System

- Rates for Treatment Service*
- Wet Weather Facilities Charge*

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? N/A	Board Action Type: Financial
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Biennial Report and Recommendation of the General Manager Fiscal Years 2024 and 2025			

Title:	Report and Recommendation of the General Manager FY 2024 and 2025 Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, Other Fees, and Regulations	Meeting Date:	May 9, 2023
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- Industrial Permit Fees
- Other Fees (Monitoring, Violation Follow-up, and Private Sewer Lateral Compliance)
- Testing Fees
- Rates for Resource Recovery Material Treatment
- Capacity Fees
- Wastewater Interceptor Connection Review, Coordination and Inspection Fee

Water Service Regulations

- Section 1

**Subject to Proposition 218 procedural and substantive requirements.*

I:\Sec\2023 Board Related Items\050923 Board Agenda Items\FIN\File Rates Report 050923.docx



BIENNIAL REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FISCAL YEARS 2024 & 2025



**REVISIONS TO THE WATER AND
WASTEWATER SYSTEM SCHEDULE OF
RATES AND CHARGES, CAPACITY
CHARGES, AND OTHER FEES**

**EAST BAY MUNICIPAL UTILITY DISTRICT
OAKLAND, CALIFORNIA**

East Bay Municipal Utility District
Biennial Report and
Recommendation of the
General Manager
Fiscal Years 2024 and 2025

Revisions to the Water and Wastewater System
Schedule of Rates and Charges, Capacity Charges,
and Other Fees

*Presented to the Board of Directors
by Clifford C. Chan, General Manager on
May 9, 2023*

East Bay Municipal Utility District

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 4, 2023

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Biennial Report and Recommendation of the General Manager Fiscal Years 2024 & 2025 Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees

Every two years, the District develops a report with recommendations on revisions to the District's rates and charges for the water and wastewater systems that are subject to California Constitution Article XIII D, Section 6 (commonly known as Proposition 218). The District's proposed Fiscal Years 2024 and 2025 (FY 2024 and FY 2025) water and wastewater system charges subject to Proposition 218 were presented to the Board along with the proposed FY 2024 and FY 2025 operating and capital budgets at the March 28, 2023 Budget Workshop No. 2. Prior to the workshop, the Board received a draft copy of the Proposition 218 notice which provides information about the public hearing on the proposed revisions to the District's water and wastewater system charges. Mailing of the notice is complete. The public hearing is scheduled for June 13, 2023.

The report summarizes all proposed changes to rates and charges subject to Proposition 218 and other fees and charges not subject to Proposition 218. The proposed charges are designed to meet Board policy goals and recover costs identified in the proposed FY 2024 and FY 2025 operating and capital budgets. In preparation for the FY 2024 and FY 2025 budget and rates determination, two Board workshops were held this year (January 24 and March 28) to discuss details of the proposed budget, including staffing, capital projects, water sales projections, and rate sensitivities.

The District hired an independent rate consultant to perform a cost of service (COS) study for the water system in 2015 and the wastewater system in 2019. The COS studies ensure charges are appropriately and equitably established in compliance with California law, including Proposition 218. In addition, the District hired an independent rate consultant to perform a study of the System Capacity Charge (SCC) that was completed in 2021. The proposed FY 2024 and FY 2025 rates, charges, and fees incorporate the results and methodologies of the COS studies and SCC Study and are set at the level necessary to provide the revenue required for proposed FY 2024 and FY 2025 expenditures.

Water consumption has historically remained depressed after a significant drought as customers continue their conservation habits. Planning for this lower consumption due to the recent drought, along with increases in the cost of chemicals, energy, labor, and construction costs and a significant

increase in capital investments have resulted in proposed water and wastewater rate increases for FY 2024 and FY 2025 that are higher than most recent annual rate increases.

The following is a summary of the proposed changes.

Water System

- Increase water charges (service, flow, elevation, and private fire service) 8.5 percent overall for FY 2024 and an additional 8.5 percent overall for FY 2025. These increases are necessary to provide sufficient revenue for the proposed FY 2024 and FY 2025 operating and capital expenses for the water system.
- Maintain the staged system of Drought Surcharges developed in the District's COS Study as a contingency plan in the event of a drought. At the Board's option, the Drought Surcharge percentage may be imposed on the potable Water Flow Charge when the Board declares a drought Stage 2, 3, or 4, to the extent necessary to address the projected fiscal impacts of the drought, not to exceed maximum percentages for each stage.

Other Water Fees and Charge

- Implement proposed changes to Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule H – Standard Participation Charge (SPC), Schedule J – System Capacity Charge (SCC), and Schedule N – Water Demand Mitigation Fees to update the cost calculations using the methodology from the 2021 SCC Study.
- Implement changes to the Real Property Use Application Fees, Recreation Use Fees, and Public Records Act Fee Schedules to reflect current costs.
- Modify Water Service Regulations Section 1 – Explanation of Terms Used in these Regulations due to changes in California's zoning allowances and cities within our service area allowing duplexes and triplexes on single family lots.

The proposed increases to rates and charges for the water system in FY 2024 and FY 2025 are higher than the projections made in FY 2021 when the FY 2022 and FY 2023 biennial budget was adopted. At that time, it was projected that water system charges in FY 2024 and FY 2025 would need to increase by 4.0 percent each year based on moderate levels of cost inflation, steady water consumption, and moderate increases to capital spending. Due to the significant increase in cost inflation, higher spending on capital projects to make necessary improvements to water

infrastructure, and the reduction in water consumption in response to the recent drought, the proposed water system charges are higher than originally projected.

Currently, the average residential water user consumes about 8 hundred cubic feet (CCF) per month (about 200 gallons per day), down from 10 CCF in FY 2013 and 12 CCF in FY 2007. The average residential user will see an increase of \$5.83 per month (8.5 percent) in FY 2024 from \$68.66 to \$74.49 and an increase of \$6.30 per month (8.5 percent) in FY 2025 from \$74.49 to \$80.79. After the FY 2024 and FY 2025 rate increases are implemented, the average customer would see an increase of about \$0.40 per day above their current FY 2023 water bill. The actual impact to individual customers bills will vary depending on their actual water consumption.

As part of long-term financial stability efforts, the District maintains a staged system of Drought Surcharges to recover water shortage-related costs. Under this staged system, the Drought Surcharge rises as the severity of the water shortage increases (i.e., Stage 1 – 0 percent; Stage 2 – up to 8 percent; Stage 3 – up to 20 percent; Stage 4 – up to 25 percent on the Water Flow Charge) reflecting District costs needed for response. If the District declares a Stage 2 or greater drought during FY 2024 or FY 2025, these Drought Surcharge percentages could be imposed. Before imposing the Drought Surcharge, the District will prepare an updated drought budget and the Board may develop and adopt a Drought Surcharge based on the updated COS Study at the level necessary to address the projected fiscal impact of the drought. Any Drought Surcharge imposed will be consistent with the existing staged system and will not exceed the maximum percentages described in the COS Study. An 8.0 percent Drought Surcharge on the Water Flow Charge was implemented during the Stage 2 Drought during the first eight months of FY 2023. It was suspended effective March 1, 2023 because it had resulted in sufficient additional revenue to address the fiscal impact of the drought. Due to the improved water supply condition in FY 2023, it is unlikely that the District will be under drought conditions in FY 2024.

Wastewater System

- Increase the wastewater treatment charges (service, flow, and strength) and the Wet Weather Facilities Charge (WWFC) by 8.5 percent for FY 2024 and an additional 8.5 percent for FY 2025. These increases are necessary to provide sufficient revenue for the District's proposed FY 2024 and FY 2025 operating and capital expenditures.
- Retain the existing SF Bay Pollution Prevention Fee of \$0.20 and \$5.48 per month for residential and non-residential customers, respectively, without increase.

Other Wastewater Fees and Charges

- Implement the proposed changes to Schedule C – Wastewater Department Industrial Permit Fees. The charges were increased to reflect current costs.
- Implement the proposed changes to Schedule D – Wastewater Department Other Fees. The charges were increased to reflect current costs.

- Update the Laboratory Test Charges in Schedule E – Wastewater Department Testing Fees to reflect current costs.
- Implement the proposed changes to Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment. The charges were increased to reflect current costs.
- Implement the changes to Schedule G – Wastewater Department Capacity Fees (WCF) to update cost calculations using the methodology from the 2019 WCF study.
- Implement the changes to the FY 2024 fee for review, coordination and construction inspection for connections made to the interceptors in Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee to reflect current costs.

The proposed increases to rates and charges for the wastewater system in FY 2024 and FY 2025 are higher than the projections made in FY 2021 when the FY 2022 and FY 2023 biennial budget was adopted. At that time, it was projected that wastewater system charges in FY 2024 and FY 2025 would need to increase by 4.0 percent each year based on moderate levels of cost inflation and moderate increases for capital projects. Due to the significant increase in cost inflation and higher spending on capital projects to make necessary improvements to wastewater infrastructure, the proposed wastewater system charges are higher than originally projected.

The FY 2024 and FY 2025 wastewater rates are proposed to increase by 8.5 percent in FY 2024 and an additional 8.5 percent in FY 2025. The impact of the proposed changes to the FY 2024 and FY 2025 wastewater system charges on customer bills will depend on the type of customer and the volume of wastewater discharge.

For the typical single-family residential homeowner who pays both the wastewater treatment charges collected on the water bill and the Wet Weather Facilities Charge collected on the property tax bill, the total proposed increase for wastewater system charges is 8.4 percent for FY 2024 and 8.4 percent for FY 2025. The changes to the FY 2024 wastewater service charges result in an increase of \$2.09 per month from \$24.89 to \$26.98 (8.4 percent) on the monthly wastewater charge collected on the water bill for the average residential customer. For FY 2025, the bill would increase \$2.26 per month from \$26.98 to \$29.24 (8.4 percent). However, the actual impact to individual customers will vary depending on their actual water consumption. The wastewater service charges collected on the water bill include the San Francisco Bay Pollution Prevention monthly fee, which remains at \$0.20 per month for FY 2024 and FY 2025 for residential customers. In addition to the wastewater charges collected on the water bill, property owners within the District's wastewater service area also pay a Wet Weather Facilities Charge via their property tax bill that varies with individual lot size. The annual Wet Weather Facilities Charge is proposed to increase 8.5 percent to \$135.82 in FY 2024 and increase 8.5 percent to \$147.38 in FY 2025 for the typical residential customer. The Charge imposed on property owners of larger lots will increase by the same percentage (8.5 percent), but the amount paid will be higher in accordance with Schedule B.

Proposition 218 establishes specific rules for implementing new or increasing existing property related fees, including water and wastewater rates and certain other charges and fees imposed by the District. In compliance with Proposition 218, the District will hold a public hearing on June 13, 2023 to consider the adoption of the charges. The Proposition 218 notice for the June 13, 2023 public hearing was sent by mail to the record owners of parcels upon which the proposed charges will be imposed and tenants directly responsible for the payment of the proposed charges (i.e., account holders who are not property owners) at least 45 days prior to the scheduled public hearing.

Any owner of record, and any customer who pays water and/or wastewater charges to the District, may submit a written protest to the proposed increased water and wastewater system charges; however, only one written protest will be counted per identified parcel. Any written protest must: (1) state the specific service charge increase (water and/or wastewater) for which the protest is being submitted; (2) provide the location of the identified parcel (by customer account number, street address, or assessor's parcel number); and (3) include the name and signature of the property owner or tenant submitting the protest. Written protests against the proposed increases may be personally delivered to the District, submitted at the hearing, or mailed to the District. Protests submitted by fax, email, or other electronic means, will not be counted. To be tabulated, any written protest must be received by the District prior to the close of the June 13, 2023 public hearing. If affected parcel owners or customers representing a majority of affected parcels submit written protests, the proposed increases may not be imposed.

The proposed rates and charges for the water and wastewater systems are recommended to be effective on bills issued on or after July 1, 2023 for FY 2024, and on or after July 1, 2024 for FY 2025. The customer billing system will prorate bills for water and wastewater rate increases that occur during the billing cycle. All other proposed changes to the other fees and charges for the water and wastewater systems will be effective July 1, 2023. The proposed changes to the calendar year 2024 Recreation Use Fees are effective January 1, 2024.

CCC:SDS:rcf

Chapter 1 – Water System Rates, Charges and Fees

INTRODUCTION

The District updates the water system's rates, charges, and fees biennially in conjunction with the development of its biennial budget. The charges are designed to recover costs identified in the proposed operating and capital budgets and to meet Board policy goals. The District's water system rates and charges include a Water Service Charge, which is a fixed charge to the ratepayer that does not change regardless of water use, and a Water Flow Charge, which is a variable charge depending upon the level of water used (also known as a consumption or volumetric charge). In addition to the Water Service Charge and the Water Flow Charge, the District's water system rates and charges levied under specified circumstances include a water Elevation Surcharge, a Private Fire Service Charge, and Nonpotable/Recycled water charges, as well as a system of Drought Surcharges. The District completed a cost of service (COS) study in FY 2015 to ensure that all District's rates and charges for the water system are appropriately and equitably established, and consistent with California law including Proposition 218. The proposed overall increase to the water system's rates and charges is 8.5 percent for FY 2024 and 8.5 percent for FY 2025; however, the overall impact to individual customers will vary depending on their actual water consumption. Illustrations of the varying impacts are presented on page 1-7 for FY 2024 and FY 2025.

Details of the COS analysis and the FY 2024 and FY 2025 calculations are contained in the District's April 2015 COS study and the updated COS analysis for FY 2024 and FY 2025 (see Appendix A). They are also addressed in the March 23, 2023, General Manager's memorandum to the Board which discusses the proposed FY 2024 and FY 2025 water system rates and charges that are subject to Proposition 218.

In response to the last three-year drought, water sales for FY 2023 fell below the water sales assumptions used for the FY 2022 and FY 2023 financial plans. For the first eight months of FY 2023, the District was under a Stage 2 drought and assessed an eight percent drought surcharge on the water flow charge for all potable water. The water supply conditions have greatly improved this year, and the drought surcharge was suspended effective March 1, 2023. On April 25, 2023, the District moved to Stage 0 with no water use reduction goals. Water consumption has historically remained depressed after a significant drought as customers continue their conservation habits. Planning for this lower consumption due to the drought, along with increases in the cost of chemicals, energy, labor, and construction costs and a significant increase in capital investments have resulted in higher proposed water rate increases for FY 2024 and FY 2025 relative to recent past annual rate increases.

The proposed rates and charges for the water system will be effective on bills issued for water service on or after July 1, 2023 for FY 2024, and on or after July 1, 2024 for FY 2025.

RECOMMENDATIONS

The recommendations in this section cover the rates and charges for the water system, including the Water Service Charge, Water Flow Charge (consumption), Drought Surcharges, Elevation Surcharge, Private Fire Service Charge, and fees and charges related to the installation of water and private fire service and other ancillary charges. All proposed schedules can be found in Chapter 5.

Recommended changes to rates, charges, fees, and water service regulations for the water system are:

Water System Rates and Charges Subject to Proposition 218:

- Increase water charges (service, flow, elevation, and private fire service charges) set forth in Schedule A – Rate Schedule for Water Service by 8.5 percent for FY 2024 and an additional 8.5 percent for FY 2025. These increases support the projected FY 2024 and FY 2025 operating and capital expenditures.
- Adopt the FY 2024 and FY 2025 water system rates and charges as shown in Water System Schedule A – Rate Schedule for Water Service.
- Retain Drought Surcharges set forth in Schedule L – Drought Surcharge Rate Schedule for Water Service in the event of a Stage 2 or greater drought declaration in FY 2024 or FY 2025.

Water Fees, Charges, and Service Regulations Not Subject to Proposition 218:

- Implement proposed changes to Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The increases reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The changes increase the charges in these schedules to reflect current costs.
- Implement changes to the Real Property Use Application Fees, Recreation Use Fees, and Public Records Act Fee Schedules to reflect current costs, including increases in fees charged to the District for various services.
- Modify Water Service Regulations Section 1 – Explanation of Terms Used in these Regulations due to changes in California’s zoning allowances and cities within our service area allowing duplexes and triplexes on single family lots.

DISCUSSION

Water System Rates and Charges

Increase rates and charges for the water system by 8.5 percent in FY 2024 and 8.5 percent in FY 2025.

The purpose of the rates and charges for the water system is to recover costs in the District’s operating and capital budgets for the water system and to meet the Board’s policy goals. The increases address the District’s needs as presented in its proposed biennial budget for FY 2024 and FY 2025. Details of the proposed increases to the individual components of the water system rates and charges are shown below under Water System Cost of Service and FY 2024 and FY 2025 Proposed Charges. Details of the FY 2024 and FY 2025 budget objectives, operating budget,

capital expenses, and debt expenses are available in the FY 2024 and FY 2025 Proposed Biennial Budget and Capital Project Summaries.

The proposed increases in water system rates and charges set forth in Schedule A – Rate Schedule for Water Service for FY 2022 and FY 2023 are lower than the projections made in FY 2021 when the FY 2022 and FY 2023 biennial budget was adopted. At that time, it was projected that water system charges in FY 2024 and FY 2025 would need to increase by 4.0 percent each year based on moderate levels of cost inflation, steady water consumption, and moderate increases to capital spending. Due to the significant increase in cost inflation, higher spending on capital projects, and the reduction in water consumption in response to the recent drought, the proposed water system charges are higher than originally projected.

District revenues are in large part dependent upon water usage which is projected to be about 4 percent less than the prior projections for water usage assumed for the FY 2023 budget. The proposed charges are based on the assumption that water consumption will be 139.7 million gallons per day (MGD) in FY 2024 and 143.9 MGD in FY 2025. The District declared a Stage 2 drought on April 26, 2022 with a mandated water use reduction of 10 percent along with an 8 percent drought surcharge. As water supply conditions improved in 2023, the District ended the drought surcharge and effective April 25, 2023, the District moved to a Stage 0 with no water use reduction goals. Because of large snowpack in the watershed in 2023, drought conditions will likely occur in FY 2024, but water consumption will be slightly depressed from non-drought levels due to customers' water conservation practices from the drought.

However, the District will continue to incur fixed costs associated with providing water service. As such, based on projected water consumption, rates and charges for the water system need to increase by 8.5 percent in FY 2024 and an additional 8.5 percent in FY 2025 to cover the expenditures identified in the proposed FY 2024 and FY 2025 operating and capital budgets, and to meet Board policy goals. The details of the FY 2024 and FY 2025 budget objectives, operating budget, capital expenses, and debt expenses are contained in the Proposed FY 2024 and FY 2025 Biennial Budget and Capital Project Summaries that was presented to the Board at the March 28, 2023 workshop. Table 1 below illustrates the amount of revenue needed from the FY 2024 and FY 2025 increases in water system rates and charges to fund FY 2024 and FY 2025 expenditures. Between FY 2023 and FY 2025, operation and maintenance (O&M), debt service, and capital expenses are budgeted to increase by varying degrees. In total, expenses in FY 2025 are projected to be \$1,190.0 million. The District can access a variety of non-water system revenues, such as property taxes, lease revenues, water system reserves, and bond proceeds (for capital expenses only) to pay for O&M and capital expenses. These revenues are projected to cover \$477.7 million of expenditures in FY 2025, leaving \$742.3 million to be paid for from revenues from the rates and charges of the water system. FY 2023 water system rates and charges are projected to generate \$643.2 million of the necessary \$742.3 million, leaving \$108.1 million, or 17.0 percent, of incremental expenditures to be addressed from increases in water system rates and charges. This 17.0 percent increase is proposed to be distributed over two years, with an 8.5 percent increase in FY 2024 and an 8.5 percent increase in FY 2025.

Table 1 – Revenue Shortfalls (In Million\$) Addressed Through Rate Increase

	FY 2023	FY 2025	2-Yr Δ
Revenue Requirement			
+ O&M expense	\$328.7	\$413.2	25.7%
+ Debt service expense	222.4	256.3	15.2%
+ Capital expense	377.2	520.5	38.0%
Total expenses =	\$928.3	\$1,190.0	28.2%
- Other revenues	-288.3	-447.7	55.3%
Revenue requirement =	\$640.0	\$742.3	16.0%
Revenue Adjustment			
+ Revenue requirement		\$742.3	
- Revenue from existing rates		-634.2	
Difference =		\$108.1	
Total Rate Revenue Requirement Adjustment		17.0%	

The proposed operating and capital budgets, combined with the decreased water consumption projections, contribute to the increased FY 2024 and FY 2025 water system's rates and charges in roughly the following proportions:

- Operating – significant increases in expenses such as chemicals, energy, and computer software, as well as increases in labor and benefits, and additional funded positions drive approximately 60 percent of the additional rate revenue required in FY 2024 and FY 2025.
- Capital – increases in capital improvement plan and debt service drive approximately 40 percent of the additional rate revenue required in FY 2024 and FY 2025.

Retain the Drought Surcharge percentages calculated in the COS and implemented in FY 2016 as a contingency in the event of a water shortage in FY 2024 or FY 2025.

As part of long-term financial stability efforts, the District maintains a staged system of Drought Surcharges to recover water shortage related costs, including, without limitation, reduced revenues due to mandatory conservation, increased rates for purchased water, administrative costs, and penalties or fines for consumption of water over state-mandated limits. Under this staged system the Drought Surcharge rises as the severity of the water shortage increases. The Drought Surcharge percentages that were developed in the 2015 COS study and adopted and implemented for FY 2016 will remain available in the event of a Stage 2 or greater drought.

In its 2015 COS study, the District developed a detailed COS analysis to calculate the Drought Surcharges for the District's drought stages. The 2015 COS study calculated Drought Surcharges that would address the financial aspects of a limited or restricted water supply situation for each drought stage. The revenue requirement for each drought stage was developed and a Drought Surcharge was calculated to recover the revenue requirement based on the decreased water sales,

costs of supplemental supply and increased customer service-related costs during a drought. The District's COS study calculated Drought Surcharge percentages of up to 8 percent, 20 percent, and 25 percent to be assessed on the potable Water Flow Charge in each billing period during Drought Stages 2, 3, and 4, respectively. In the FY 2016 and FY 2017 budget, the Board adopted the staged system of Drought Surcharges to recover water shortage-related costs. After declaring a Stage 2 drought in April 2022, the District implemented an 8 percent Drought Surcharge on the potable Water Flow Charge for FY 2023 water bills. Effective March 1, 2023, the Board ended the drought surcharge, and moved to Stage 0 on April 25, 2023.

The District's Drought Surcharges are set forth in Schedule L – Drought Surcharge Rate Schedule for Water Service. Prior to implementing Drought Surcharges, the District will prepare an updated drought budget and develop and adopt exact Drought Surcharges based on the COS study. Any Drought Surcharges imposed will be consistent with the existing staged system and will not exceed the maximum Drought Surcharge percentages listed in Schedule L. The District's Proposition 218 notice for FY 2024 and FY 2025 includes information regarding these surcharges so that they remain available to the Board to implement in the event the District is in a Stage 2 or greater drought.

Water System Cost of Service Study and Proposed FY 2024 and FY 2025 Rates and Charges

State law and District policy require the District's rates and charges be based on COS and that they be proportional to the cost of providing service on a parcel basis. A COS study allocates operating and capital costs to customer classes based both on customer class usage characteristics and on facility design and operations. This nexus between usage and cost forms the financial and legal basis for setting utility rates and charges. Over time, both customer usage characteristics and costs can change and a COS study helps reconcile these changes with revenues under existing rates and charges. COS studies often result in recommended modifications to existing rates and charges. The District retained Raftelis Financial Consultants (RFC) to perform COS studies for the water system rates and charges, including a study of the proposed drought rate structure. The RFC study was completed in FY 2015 and indicated that the District's water system rates and charges are consistent with Proposition 218's cost of service requirements. The RFC study also recommended certain adjustments to the rates and charges, which have been incorporated into the proposed FY 2024 and FY 2025 water system rates and charges. The proposed FY 2024 and FY 2025 rates were developed from the expenses, revenues, customer information, debt information, and revenue requirements for FY 2024 and FY 2025 using the methodology and rate models from the most recent water system COS study (see Appendix A). The adjustments ensure the rates and charges for the water system represent the District's current costs of providing water service and allocate such costs proportionally to customers. The District's established and proposed rates for water service do not exceed the proportional cost of providing water service on a parcel basis at each given level of usage.

Based on the rate models from the District's COS studies, water system rates and charges have five customer classes: single-family residential, multi-family residential, all other (including non-residential, commercial, and industrial), private fire service, and nonpotable/recycled. Together, the rates and charges of the water system are structured to proportionately recover the costs of providing water service among the various customer classes. The District's rates and charges for the water system have five components: a Water Flow Charge, a Water Service Charge, an Elevation Surcharge, a Private Fire Service Charge, and a Drought Surcharge.

The Water Flow Charge is charged to all customers based on customer class and recovers a portion of the District's fixed costs as well as the variable costs associated with provision of water. The Water Flow Charge is imposed per unit of water consumed per month, with each unit of water equaling 748 gallons. The Water Service Charge is a fixed charge upon all water customers, based on the size of the meter serving the property, and recovers the remaining portion of the District's fixed costs. The Elevation Surcharge applies only to properties within designated geographic pressure zones and recovers the increased costs of pumping water to such areas. The Private Fire Service Charge applies only to properties with a private fire service connection and is charged based on the size of the private fire connection serving the property to pay for the costs of maintaining adequate water pressure to serve the private fire service connection. Finally, the Drought Surcharge is imposed upon the Board's declaration of a Stage 2, 3, or 4 drought, and recovers the increased costs associated with providing water under water shortage conditions.

Proposed FY 2024 and FY 2025 Water System Rates and Charges Subject to Proposition 218

Overall, the rates and charges for the water system are proposed to increase by 8.5 percent in FY 2024 and an additional 8.5 percent in FY 2025. Individual charges are rounded to the nearest whole cent after the increases are applied to the current charges. The impact on a customer's water bill of the proposed increases will differ slightly for each customer class and for individual customers within each customer class depending on water use and meter size. Tables 2 through 6 illustrate the impact of the proposed increases on specific charges for various categories of users. All these tables incorporate the proposed increases consistent with the COS study.

Table 2 illustrates the rates for various single-family residential customers in FY 2023, FY 2024, and FY 2025 at varying levels of usage. The bottom row of the table shows the impact of the increases on the average single-family residential customer. The monthly water bill for FY 2023 based on the average use for single-family residential customers is \$68.66 and would rise to \$74.49 in FY 2024, an increase of \$5.83 a month (19 cents a day) or 8.5 percent. In FY 2025 the monthly water bill would rise to \$80.79, an additional increase of \$6.30 a month (21 cents a day) or 8.5 percent.

The table shows the water bill impact from the proposed increases based on differing levels of usage. The user in the 25th percentile is among the lowest users of water at 4 CCF per month; only 25 percent of ratepayers use less. Users in the 50th percentile are the median users at 6 CCF of water; half of ratepayers use more and half use less. Ratepayers in the 75th percentile use 10 CCF of water per month; three quarters of ratepayers use less. Finally, ratepayers in the 95th percentile use 24 CCF per month; 95 percent of ratepayers use less. Monthly bills in FY 2024 for the range of usage shown below range from \$52.66 to \$201.85 and reflect an 8.5 percent increase from the corresponding monthly bill in FY 2023. Monthly bills in FY 2025 range from \$57.12 to \$218.95 and reflect an increase of 8.5 percent over FY 2024 monthly bills. The overall impact to individual customers will vary depending on the actual water consumption. Exhibit 1 shows a comparison of the proposed FY 2024 annual water bill for a typical single-family residential customer using 8 CCF per month with the water bill for other local water agencies.

Table 2 – Single-Family Residential Customer Monthly Water Bill Impacts – Including Proposed Water Service and Flow Charges

Single Family Residential Water Charges on Water Bill (5/8" and 3/4" meters)								
	Use (CCF)	FY 2023 Bill	FY 2024 Bill	Increase from FY 2023	Percent Change	FY 2025 Bill	Increase from FY 2024	Percent Change
25 th Percentile	4	\$48.54	\$52.66	\$4.12	8.5%	\$57.12	\$4.46	8.5%
50 th Percentile (median use)	6	\$57.74	\$62.64	\$4.90	8.5%	\$67.94	\$5.30	8.5%
75 th Percentile	10	\$81.30	\$88.21	\$6.91	8.5%	\$95.67	\$7.46	8.5%
95 th Percentile	24	\$186.02	\$201.85	\$15.83	8.5%	\$218.95	\$17.10	8.5%
Average Single Family Residential Use	8	\$68.66	\$74.49	\$5.83	8.5%	\$80.79	\$6.30	8.5%

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

Table 3 illustrates the FY 2024 and FY 2025 monthly bill impact due to increases for multi-family residential and other customers based on the size of the customer's water meter and monthly water usage in CCF.

Table 3 – Other Customer Monthly Water Bill Impacts – Includes Proposed Water Service and Flow Charges

Multi-Family Residential and Non-Residential Water Charges on Water Bill									
	Meter (Inches)	Use (CCF)	FY 2023 Bill	FY 2024 Bill	Increase from FY 2023	Percent Change	FY 2025 Bill	Increase from FY 2024	Percent Change
Multi-Family Residential 4 dwelling units	1	25	\$208.03	\$225.65	\$17.62	8.5%	\$244.85	\$19.20	8.5%
Multi-Family Residential 5+dwelling units	1	50	\$370.53	\$401.90	\$31.37	8.5%	\$436.10	\$34.20	8.5%
Commercial	1	50	\$369.03	\$400.40	\$31.37	8.5%	\$434.60	\$34.20	8.5%
Industrial	2	500	\$3,365.17	\$3,651.23	\$286.06	8.5%	\$3,963.23	\$312.00	8.5%

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

Table 4 illustrates the FY 2024 and FY 2025 monthly Water Service and Private Fire Service Charges by meter size. Table 5 illustrates the Proposed Flow Charge and Elevation Surcharge.

Table 4 – Proposed Monthly Water Service Charges (Meter Size) and Private Fire Service Charges (\$/Meter Size)

Monthly Water Service and Private Fire Service Charges on Water Bill					
	FY 2023	FY 2024	Percent Change	FY 2025	Percent Change
Private Fire Service Charge					
4"	\$156.48	\$169.78	8.5%	\$184.21	8.5%
6"	\$305.87	\$331.87	8.5%	\$360.08	8.5%
8"	\$485.15	\$526.39	8.5%	\$571.13	8.5%
Water Service Charge					
Single-Family Residential 5/8" & 3/4"	\$30.14	\$32.70	8.5%	\$35.48	8.5%
Multi-Family Residential 2"	\$130.17	\$141.23	8.5%	\$153.23	8.5%
All Other 4"	\$391.81	\$425.11	8.5%	\$461.24	8.5%

Table 5 – Proposed Monthly Water Flow Charge (Volume) and Elevation Surcharge (\$/CCF)

Water Flow and Elevation Charges on Water Bill					
Flow Charges	FY 2023	FY 2024	Percent Change	FY 2025	Percent Change
Single Family Residential					
Tier 1 up to 7 CCF	\$4.60	\$4.99	8.5%	\$5.41	8.4%
Tier 2 up to 16 CCF	\$6.32	\$6.86	8.5%	\$7.44	8.5%
Tier 3 over 16 CCF	\$8.35	\$9.06	8.5%	\$9.83	8.5%
Multi-Family Residential	\$6.50	\$7.05	8.5%	\$7.65	8.5%
All other accounts (commercial/industrial)	\$6.47	\$7.02	8.5%	\$7.62	8.5%
Nonpotable/Recycled Water	\$5.04	\$5.47	8.5%	\$5.93	8.4%
Elevation Surcharge* (\$/CCF)					
Pressure Zone 1	\$0.00	\$0.00		\$0.00	
Pressure Zone 2	\$0.93	\$1.01	8.6%	\$1.10	8.9%
Pressure Zone 3	\$1.93	\$2.09	8.3%	\$2.27	8.6%

*Elevation Surcharge is assessed to certain customers based on location. The Elevation Surcharge is applied to each unit of water delivered to properties in some pressure zones, and is calculated to recover the increased cost of power and facility costs required to pump water to locations 200 feet or more above sea level.

Drought Surcharges

Table 6 below shows the current Drought Surcharge percentages on potable Water Flow Charges, as set forth in Schedule L – Drought Surcharge Rate Schedule for Water Service. The Drought Surcharge percentages are applied to each of the potable Water Flow Charges including the three single-family residential tiers, multi-family, and all other Flow Charges. The Drought Surcharge percentages for each of the four drought stages are independent of each other; the percentage surcharges are not additive to each other. Additionally, the Drought Surcharges shown below are maximum percentages, meaning the actual Drought Surcharge implemented in any level may be less than the amounts listed below depending on the required reduction in water usage. The Drought Surcharge does not apply to the Elevation Surcharge or Nonpotable/Recycle Water Flow Charge.

Table 6 – Drought Surcharge Percentages on Potable Water Flow Charges

	Maximum Applicable Drought Surcharge Percentage in 4 Stages			
	1	2	3	4
All potable water flow charges	0%	8%	20%	25%

If a Stage 2 or higher drought is declared, prior to implementing Drought Surcharges, the District will update the drought related costs and develop and adopt surcharges consistent with the COS study, not to exceed the Drought Surcharge percentages listed above. The District's Proposition 218 notice for FY 2024 and FY 2025 includes information regarding these Drought Surcharges that remain available as a contingency plan.

RECOMMENDED REVISIONS TO OTHER WATER SYSTEM FEES AND CHARGES NOT SUBJECT TO PROPOSITION 218

In addition to the changes in the water system rates and charges described above, this report recommends revisions to other District water system fees and charges. These fees and charges are not subject to the requirements of Proposition 218. However, to the extent they are subject to Proposition 26, they are in full compliance with its requirements. Proposition 26 governs local government rates and charges, and provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval, unless it fits within one or more of its seven stated exceptions. If a rate/charge is subject to Proposition 26 and does not fall within an exception to its "tax" definition, then it will be deemed a tax that is subject to voter approval.

The District periodically reviews the fees and charges in the Schedules of Water System Charges to ensure that the fees and charges are consistent with legal requirements and reflect updated costs. Copies of the fees and charges recommended for revisions are shown under Chapter 5 of this report. For FY 2024, the following schedules of fees and charges are recommended to be updated to reflect the District's increased costs, including those related to salaries and benefits:

- Schedule B – Account Establishment Charge
- Schedule C – Charges for Special Services
- Schedule D – Water Service Installation Charges
- Schedule E – Private Fire Service Installation Charges
- Schedule F – Public Fire Hydrant Installation Charges

- Schedule G – Water Main Extension Charges
- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

Schedule B – Account Establishment Charge

The Account Establishment Charge recovers the District's costs for establishing a new customer account or transferring a customer's existing account from one address to another when a customer moves within the District's service area. The Account Establishment Charge is proposed to increase from \$63 to \$67 in FY 2024 based on the analysis of the District's current labor cost. Customers who use the EBMUD website and online process to set up a new account generate lower labor costs than those who call the District for the same service. Accordingly, the Account Establishment Charge is lower for customers who set up an account online, reflecting the District's labor cost savings. In FY 2024, the Account Establishment Charge for online customers is proposed to increase from \$47 to \$51 to reflect the District's updated labor costs.

Schedule C – Charges for Special Services

Schedule C contains the charges for special customer services such as the meter testing program, backflow prevention program, lien program, public hydrant meters, and service interruptions. After a detailed review of the District's costs to provide each of these services, the following changes are proposed for FY 2024.

Service Trip Charge

The Service Trip Charge will remain at \$50 in FY 2024, and the after-hours Service Trip Charge will increase from \$74 to \$79 in FY 2024 reflecting the increased cost for overtime.

Service Interruption Charges

When a customer's bills remain unpaid, the District has an extensive process to work with the customer to collect the unpaid bills, including offering the Customer Assistance Program to qualifying low-income customers and payment arrangements. For instances when the unpaid bills remain outstanding after continual efforts by the District to work out payment arrangements, the District has adopted a flow restrictor program as an alternative to shutoff for single-family residential accounts where the customer of record is not the owner of the single-family residential property. For instances where the customer of record with outstanding unpaid bills is the owner of the single-family residential property, instead of installing a flow restrictor, a lien will be placed on the property.

For non-residential customers with delinquent bills, the District discontinues water service after an extensive notification process and works with the customer to make payment arrangements. To begin the water service discontinuation process, field services staff visits the service address to notify the customer of the shutoff unless a payment is made within seven business days of the

mailed 48-hour notice¹. This field visit triggers a Service Interruption Charge which is \$50, reflecting District costs. If the customer pays the outstanding water charges including the Service Interruption Charge or makes a payment plan within three business days, their water service will not be shut off. If no payment or payment plan is made within three business days, the water service is shut off at the meter and this field visit triggers a Service Interruption Charge which is \$50. After the customer pays the delinquent charges owed to the District, another Service Interruption Charge of \$50 for service restoration is assessed to restore the service. If the customer requests service be restored after normal business hours, a higher after-hours Service Interruption Charge is assessed instead of the normal Service Interruption Charge to reflect the District's increased costs for providing this service after hours. The after-hours Service Interruption Charge will increase from \$74 to \$79 for FY 2024.

If it is determined that the customer tampered with the water meter after the District has shut off water service, Field Services will turn off and lock the meter. If the service is restored by the customer and the bills remains unpaid, an S-Lock will be placed over the meter at an additional charge. The S-Lock charge is proposed to increase from \$67 to \$71 for FY 2024. If the customer is determined to have tampered with the S-Lock, the meter will be plugged at a proposed FY 2024 Plug Service Interruption Charge of \$479, an increase from the current charge of \$453 to reflect updated labor charges².

Wasteful Use Charge and Wasteful Use Flow-Restrictor Installation Charges

If the District suspects that a customer is using water in a wasteful manner, District staff contacts the customer and investigates the customer's water use. If it is determined that the customer is violating the District's Water Service Regulations on water waste (Section 29), a Wasteful Use Charge will be charged to recover the cost of monitoring the customer's ongoing water use. The Wasteful Use Charge for FY 2024 will remain at \$50. If the customer continues to violate the Water Service Regulations Section 29, a flow restrictor may be installed at the customer's expense. The cost of installing the flow restrictor has been updated for FY 2024, increasing the Wasteful Use Flow-Restrictor Installation Charge from \$131 to \$141 for small meters under 1-1/2 inches.

Flow restrictors used as part of the District's payment management program for single-family residential customers do not trigger the Wasteful Use Flow-Restrictor Installation Charges as these installations are funded as part of the overall customer service function.

Backflow Device Annual Certification and Violation Charges

To ensure that the water system is not compromised by contaminants, pollutants, or plumbing hazards, the District requires a backflow prevention device on some water service connections. A Backflow Device Annual Certification Charge is assessed to cover the administrative costs related to inspection and verification, and is proposed to be \$62 for FY 2024, an increase from the current rate of \$61. The District maintains a list of certified private companies that can perform the required backflow test. For a company to be included on the list of certified backflow testers, the District charges a Certified Tester Listing Charge. The Certified Tester Listing Charge for FY 2024 is

¹ Effective March 12, 2020, the District suspended water service discontinuations due to non-payment in response to COVID-19. To ensure single-family residential customers have access to water to meet basic needs, the District will begin implementation of the Alternative to Shutoff Program for single-family residential customers due to non-payment in accordance with its policies during FY 2024.

² In addition to these charges, customers engaging in acts of meter tampering could be subject to potential penalties for water theft in accordance with the District's Water Theft Penalty Ordinance.

proposed to be \$177, an increase from the current charge of \$173. If it is determined that a customer has violated the District's backflow prevention requirements, the District charges a Backflow Device Violation Charge, which is proposed to increase from \$605 to \$619 in FY 2024, to recover the District's costs to shut off the water service and restore the service once the District verifies that the backflow requirements have been met.

Intervening Water Service Agreement Fee

The District has a program that automatically transfers a property's water service account to the landlord when a tenant who is the EBMUD account holder terminates service. This program allows for water service to continue uninterrupted while the property is vacant without the landlord having to open a new account and pay an Account Establishment Charge for that property. There is a one-time processing fee for the Intervening Water Service Agreement, to recover the administrative costs to set up the agreement. For FY 2024, the Processing Fee for Intervening Water Service Agreement is proposed to increase from \$64 to \$76 to reflect updated labor costs.

Public Hydrant Meter Account Establishment and Site Visit Charges

The hydrant meter program provides customers with a 3-inch hydrant meter that can be hooked up to a public fire hydrant to meter water use when temporary water service has been approved by the District. The Public Hydrant Meter Account Establishment and Renewal Charge to establish and annually renew the hydrant meter account is proposed to increase in FY 2024 from \$128 to \$137. The hydrant meter program requires customers to enter into an agreement through which customers agree to regularly self-report meter readings and periodically exchange their meters. When a customer does not follow terms of the agreement, a Public Hydrant Meter Account Site Visit Charge is charged to recover the cost of investigation and site visits by a Field Services Representative or other District staff to recover the meter. For FY 2024, the Public Hydrant Meter Account Site Visit Charge is proposed to increase to \$273 from the current charge of \$256 to reflect the District's updated labor costs. For FY 2024, the security deposit for the hydrant meter will increase from \$900 to \$1,350 to reflect the current replacement cost of the hydrant meter. The hydrant meter security deposit is collected upfront when the customer is issued the hydrant meter. Security deposits are held for the duration of the account. When a hydrant meter is returned, it is inspected by EBMUD's meter shop to determine if there are any damages. If the hydrant meter is damaged or missing when the meter is due to be returned, the account is charged for any damages or for replacement. When the account is closed, the deposit is applied towards the final bill, which may include damage and replacement charges. The remaining balance if any, will be refunded to the customer. The hydrant meter security deposit is currently listed on the hydrant meter application form and beginning in FY 2024 it will also be listed Schedule C – Charges for Special Services.

Schedule D – Water Service Installation Charges

Schedule D contains the installation charges for lateral and meter installations for standard services. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost analysis for each individual installation charge and updated the labor, equipment, materials, and overhead required for each installation. The current labor and benefit rates, equipment charges, and materials and handling costs were used in the analysis.

Service installation charges for FY 2024 proposed to increase 17.5 percent on average with increases varying from 0 to 73 percent depending on the specific installation as shown in the

proposed Schedule D – Water Service Installation Charges of this report. The proposed FY 2024 installation charges include increases for salaries and benefits, materials, and equipment.

Schedule E – Private Fire Service Installation Charges

Schedule E contains the installation charges for private fire services that supply capacity for private fire sprinkler systems. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost analysis for Private Fire Service Installation Charges and updated the labor, equipment, materials, and overhead required for each installation.

Private Fire Service Installation Charges for FY 2024 are proposed to increase 10.7 percent on average with increases varying from 5 to 14 percent as shown in the proposed Schedule E – Private Fire Service Installations Charge of this report. The proposed FY 2024 installation charges include increases for salaries and benefits, materials, and equipment.

Schedule F – Public Fire Hydrant Installation Charges

Schedule F contains the installation charges for public fire hydrants. The Public Fire Hydrant Installation Charge is almost exclusively paid by developers as a requirement for new development areas or for projects in redevelopment areas.

Public Fire Hydrant Installation Charges for FY 2024 are proposed to increase 8.0 percent on average with increases varying from 0 to 13 percent as shown in the proposed Schedule F – Public Fire Hydrant Installations Charges of this report. The proposed FY 2024 installation charges include increases for salaries and benefits, materials, and equipment.

Schedule G – Water Main Extension Charges

Schedule G contains the installation charges for water main extensions for both District-installed, and applicant-installed main extensions. The District performs all the work for all water main extensions that are up to 1,000 feet. For main extensions greater than 1,000 feet, the District performs the engineering and design, survey and inspection work, and the applicant is responsible for installation of the pipeline. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost of recent main extensions.

Water Main Extension Charges for FY 2024 are proposed to increase 11.1 percent on average with increases varying from 7 to 12 percent as shown in the proposed Schedule G – Water Main Extension Charges of this report. The proposed FY 2024 charges include increases for salaries and benefits, materials, and equipment.

Public Records Act Fee Schedule

The recommended revisions to the Public Records Act Fee Schedule cover the costs of duplication of District records in accordance with the Public Records Act. The recommended changes to the fee schedule include updating the cost of duplication and programming labor charges to reflect updated direct labor costs for the job classifications involved in providing the records. The labor costs for providing existing paper and electronic records are proposed to increase from \$0.65 per minute to \$0.68 per minute, and for records on tape, CDs, or DVDs from \$0.65 per minute to \$0.68 per minute. Additionally, the labor costs associated with work necessary to provide records that are not readily available is proposed to increase from \$1.24 per minute to \$1.30 per minute.

Real Property Use Application Fees

The District may allow for use of its property by other public agencies or private entities after evaluating if the proposed use adversely impacts District operations, is compatible with District land management policies and practices, and if there are measurable benefits to the District. The Real Property Use Application Fees schedule recovers the District's costs of evaluating the applications based on the type of use being requested. For FY 2024, Real Property Use Application Fees are proposed to increase by 7.2 percent on average with increases varying from 2 to 11 percent, reflecting the District's current costs.

Recreation Use Fees

The District operates three upcountry recreation areas (Camanche Hills Hunting Preserve, Camanche North and South Shore, and Pardee) and two local watershed recreation areas (Lafayette and San Pablo). These recreation areas provide access to the District's watershed to the general public while maintaining the integrity of the water supply. For those who choose to visit the recreation areas, the District has established a schedule of fees that generate revenue to support the operation of the recreation areas. The District uses several concessionaires to assist with the upcountry and the San Pablo recreation areas; Lafayette recreation area is operated by District forces. The District also permits public access to extensive trail networks in the East Bay and Mokelumne watersheds. The schedule of Recreation Use Fees is proposed to and approved by the Board of Directors as part of the annual rate setting process. Discounts are available to seniors, distinguished veterans, active and retired military personnel, and disabled visitors on select recreation use fees, consistent with long-standing Board policy objectives.

The Camanche Regional Park Advisory Board (CRPAB) was established by EBMUD's Board of Directors with Resolution 31778 in December 1986 to review and advise the District and the local counties on matters including operations, rules and fees at Camanche Recreation Area. The CRPAB replaced the former Joint Powers Authority (JPA) Park Board and is comprised of two county board appointed representatives each from Amador, Calaveras and San Joaquin Counties. The CRPAB meets in March, July and November of each year, and typically reviews and advises on the proposed recreation rates and charges at the November and March meetings preceding EBMUD's rates and charges process. The CRPAB met on March 16, 2023, and approved the changes to the Recreation Use Fees proposed for the Camanche Recreation Area and the Camanche Hills Hunting Preserve for calendar year 2024.

Camanche North and South Recreation Area

There are proposed increases for calendar year 2024 to fees related to daily vehicle and boat entry, fishing access permits, camping, and RV sites. The average proposed increase for these fees is 9 percent. These fee increases will help offset increasing operational costs and are comparable to the fees for similar services in the area. The formula determining monthly mobile home space fees remains unchanged but the dollar amount for the previous year's rate has been removed and replaced with calendar year 2023 Rate. This change increases transparency and reduces confusion in determining updated rents.

Camanche Hills Hunting Preserve

There are proposed increases for calendar year 2024 to fees related to bird processing, hunting dog rental, archery range, and nightly RV parking. The average proposed increase for these fees is 25 percent. These fee increases will help offset increasing operation costs, particularly those related to bird processing and hunting dog rentals.

Lafayette Recreation Area

There are no changes proposed to the Lafayette Recreation Area fees.

Pardee Recreation Area

There are no changes proposed to the Pardee Recreation Area fees.

San Pablo Recreation Area

There are five changes to the San Pablo Recreation Area fee schedule. A \$100 damage deposit fee was added for gazebo and picnic site rentals. The visitor center and deck rental options were eliminated. The 3-month entry and boat launch fees were eliminated. A \$25 fee was added for annual pass replacement. And the boat towing fee was reduced from \$50 to \$40.

Watershed Trails

A pilot study of providing free annual watershed trail passes to low-income customers was recently completed, with the results presented to the Planning Committee. The recommendation from the committee was to add a low-income trail permit to the EBMUD recreation use fee schedule. This would be a free annual trail pass for applicants who self-certify as low-income. It is anticipated that the revenue impact would be less than \$20,000 per year for the free low-income trail pass program. The revenue loss would be made up from non-rate revenue sources such as land leases and billboard advertising revenues. The low-income free annual watershed trail permit will be available beginning July 1, 2023.

Water Service Regulations

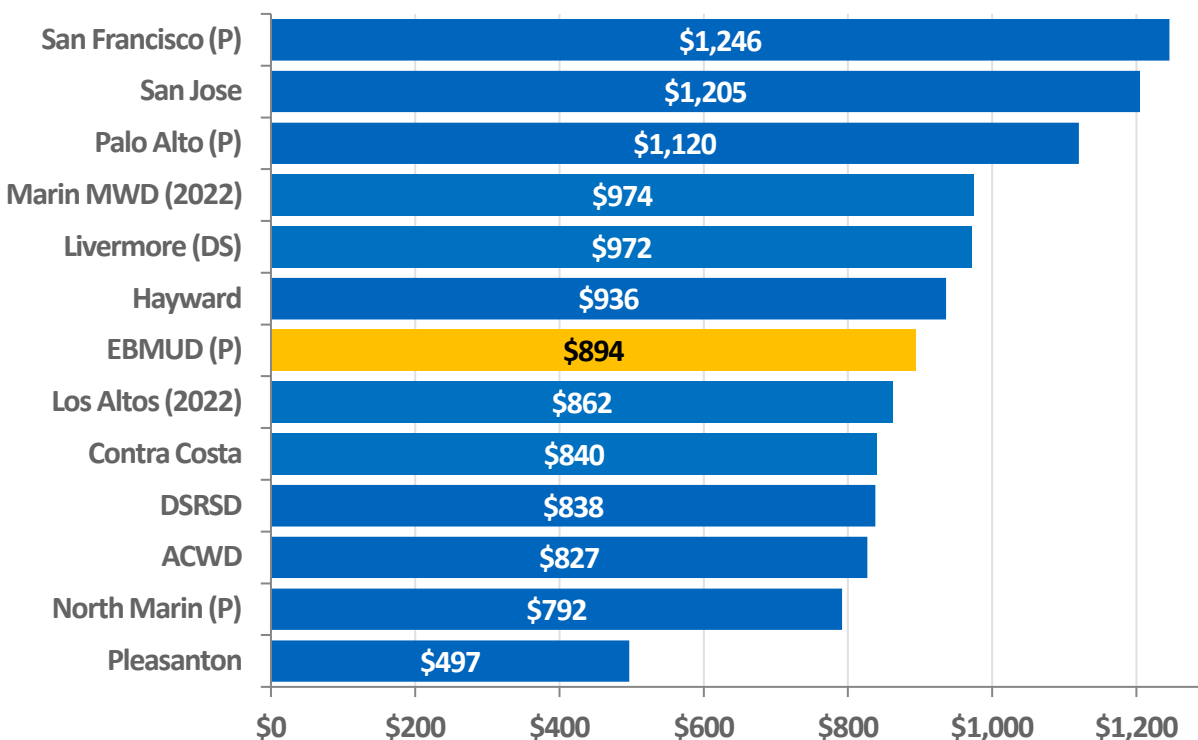
In support of the District's efforts to provide and maintain water service to its customers, the District needs to make several changes to Sections 1 of its Regulations Governing Water Service.

Section 1 – Explanation of Terms Used in these Regulations

Section 1 of the Regulations is proposed to be updated due to changes in California's zoning allowances and in cities within the service area allowing duplexes and triplexes on single family lots. The change would allow the District to determine a single-family or multi-family premises using the land use designation as well as the intended use. This will help applicants and customers by not tying their premises designation solely to what the land is zoned for.

Exhibit 1

COMPARATIVE RESIDENTIAL WATER CHARGES – 8 Ccf/mo Annual Charge for SFR – July 2023



*Displays the costs based on EBMUD's average SFR water use of 8 ccf/mo. Actual average consumption at other agencies may be lower or higher.

(P) = FY 2024 Proposed Rate

(2022) = Rate as of 7/1/2022, proposed rates not yet available

(DS) = Includes drought-related charges.

Chapter 2 – Water System Capacity Charges/ Water Demand Mitigation Fees

INTRODUCTION

There is a continuing need to construct improvements to both the water supply and water distribution systems to ensure that there will be reliable and secure water service for each new or upsized connection to the District's system. The System Capacity Charge (SCC) was first established in 1983 as a means of assessing an applicant's appropriate share of the costs of water distribution capital improvements within the SCC regions of the District. On July 1, 1986, an appropriate share of the costs of future water supply improvements was added to the SCC. The District utilizes Water SCCs to recover from new customers their proportional share of the costs of constructing future water supply projects, as well as buy-in for existing system-wide and regional public facilities for supply, storage, transmission, treatment, and distribution that are of proportional benefit to the person or property being charged.

All applicants for water service are required to pay the SCC when the installation of a new service or upsizing of an existing connection is needed. The SCC is applied on a regional basis (see map on page 2-7), and the SCC charge is updated annually to reflect construction cost escalation for facilities that have already been built or increased cost estimates for facilities yet to be constructed and financed.

The SCC consists of three components:

1. A System-wide Buy-In Component, which is calculated to recover a portion of the cost of existing facilities that serve the system as a whole;
2. A Regional Buy-In Component, which is calculated to recover a portion of the costs of existing facilities that serve one of the three SCC regions (notably treatment plant and distribution facilities); and
3. A Future Water Supply (FWS) Component, which is calculated to recover a portion of the costs of future water supply projects that are allocated to new and upsized connections.

In 2021, the District completed a comprehensive SCC Study which updated the methodology, facility costs and analysis used to calculate the SCC. The SCC Study incorporated the latest information available to the District including the District's lower water use trends, projections from the 2050 Demand Study, and updates to the value of the District's water system facilities. For FY 2024, the SCC was updated for changes in facility costs and other financial factors from the 2021 SCC study.

The District also has a Standard Participation Charge (SPC), a District-wide connection charge that is applicable to only a few remaining contracts for service entered into prior to 1983 that was first established in 1978. The SPC was designed to recover the District-wide average cost of distribution facilities constructed to serve new connections and was superseded by the SCC in 1983. A FWS Component was added to the SPC in 1986. The SPC charge is calculated to recover the latest Water Supply Management Plan costs and will continue to be less than the SCC charge in most regions and has been updated for FY 2024 using the results of the 2021 SCC study. Customers

eligible for service under the SPC regulations can pay for service under the more favorable of either of the SPC or SCC terms and conditions.

RECOMMENDATIONS

1. Adopt the FY 2024 Schedule H – Standard Participation Charge for the SPC that reflects the allowable cost for facilities necessary to serve applicants who had separate facility agreements with the District prior to July 1, 1983.
2. Adopt the FY 2024 Schedule J – System Capacity Charge for rates that were updated from the calculations and methodology adopted from the 2021 Water SCC Study update.
3. Adopt the FY 2024 Schedule N – Water Demand Mitigation Fees for “The Wendt Ranch,” “The Meadows,” “The Wiedemann Ranch Development,” the “Camino Tassajara Integrated Project” and the “Gale Ranch Phase II” projects, which reflect the latest proposed costs for the FWS Component of the SCC. In addition, the Water Use Offset Fees and Additional Water Use Offset Fees for “The Wiedemann Ranch Development” have been updated to reflect the latest U.S. City Average of the Consumer Price Index.

If adopted, the changes and updates recommended for the SCC, SPC, and Water Demand Mitigation Fees will be effective on July 1, 2023. These charges and fees are not subject to the requirements of California Constitution Article XIII D, section 6 (i.e., Proposition 218). However, to the extent they are subject to California Constitution Article XIII C, Section 1(e) (i.e., Proposition 26) and California Government Code Section 66013, and they are in full compliance with the requirements of those laws.

DISCUSSION

The District utilizes water SCCs to recover from new customers a share of the costs of constructing future water supply projects, and buy-in for existing public facilities for storage, transmission, treatment and distribution that are of proportional benefit to the person or property being charged. The SCC program allows the District to adhere to the principle of *‘growth-pays-for-growth’* which recovers the cost of providing system capacity to new customers for both existing system infrastructure and the additional future water supplies that will be needed to meet new demand. The SCCs are designed to recover the proportionate capacity-related costs of new connections on the water system.

In 2021, with the assistance from a rate consultant, the District updated the methodology, facility costs, and customer use analysis used to calculate the SCC. The 2021 SCC Study continued the SCC approach of having three SCC regions (east of hills, hills, and west of hills) to recognize the differences in typical demand profiles and capacity across the District’s service area and three cost components: a system-wide component, a regional component, and a future water supply component. The system-wide component ensures new or upsized connections pay for their proportionate share of the value of existing facilities that serve the entire service area. The regional component serves the same purpose, but for specific facilities that primarily benefit the water service within the region. The future water supply component collects the incremental cost of constructing future water supply projects to serve new or upsized connections.

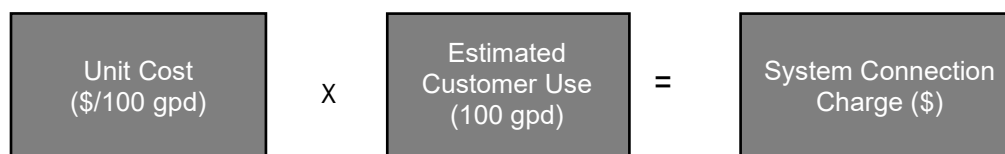
Pursuant to the methodology outlined in the 2021 SCC Study, the proposed SCC for FY 2024 has been updated for the Engineering News Record Construction Cost Index escalation to reflect

increasing costs to reproduce existing plant assets, depreciations calculations, outstanding debt and capital funding cash balances. In addition, the Los Vaqueros Reservoir Expansion project has been added to the Future Water Supply Projects need for new water demand. The updated calculations to the 2021 SCC Study for the proposed FY 2024 SCC are shown in Exhibit 1.

SCC Unit Costs

The cost of capacity for new customers is calculated on a unit cost per 100 gallons per day of demand basis. The SCC is then calculated by multiplying the unit cost of capacity by the customer's estimated capacity requirement, both of which are calculated specifically for each of the three regions. The 2021 SCC Study provides a comprehensive review of the District's SCC calculation methodology, including the calculation of the unit cost per 100 gallons per day, as well as the demand basis for assessing the charge to individual applicants. The formula used to calculate SCCs is shown in Figure 1.

Figure 1: SCC Formula



SCC unit costs were evaluated based on the existing system systemwide, regional, and future water supply assets and their respective capacity to provide service to the District's customers. The following updates to the 2021 SCC Study were made in the determination of the unit cost for FY 2024.

- Updated existing asset valuation from replacement cost new (RCN) for all assets to a mix of RCN and an RCN less depreciation to account for the ongoing investments occurring within some asset classes.
- Updated the future water supply cost component of the SCC unit cost calculations for recent cost estimates for these projects.
- Updated the outstanding principal on current debt and cash balances reserved for capital projects.

Table 1 summarizes the updated FY 2024 unit costs for each of the individual SCC component. Details of the unit costs calculations are shown in Exhibit 1. The FY 2023 total unit costs are provided for comparison purposes.

Table 1: Updated SCC Unit Costs for FY 2024

Unit Costs \$/100 gpd					
Region	System-Wide Buy-In	Regional Buy-In	Future Water Supply	FY 2024 Total	Current FY 2023 Total
Region 1	\$4,025	\$1,949	\$1,017	\$6,991	\$6,438
Region 2	\$4,025	\$4,930	\$1,017	\$9,972	\$9,240
Region 3	\$4,025	\$2,946	\$1,017	\$7,988	\$7,367

Estimated Customer Use

Presently, the District assesses SCCs to new customers based on an average water use for single-family residential (SFR), multi-family residential (MFR), and non-residential customer classes. The District presently determines average daily water consumption values for meters up through 1-1/2 inches within each SCC region, and established SCCs based on those averages. For meter sizes larger than 1-1/2 inches, the SCC is presently determined using the same methodology as for smaller meters but calculated on a case-by-case basis from the unit charges of the three SCC components and multiplied by the estimated required demand of the requested service installation.

The 2021 SCC Study used recent water use data from 2005 to 2017 to update typical water use characteristics for each customer class, both system-wide and in each region. Based on the review of historical usage patterns, the District's current methodology for developing estimated customer use by customer class, and industry standards, the 2021 SCC Study updated the average water use by customer class, meter size (up to 1-1/2 inches) and SCC region. In the analysis of MFR per dwelling unit consumption, the study differentiated the estimated demand based on MFR dwelling unit size.

Tables 2 to 4 present the estimated water use for each customer class used in the calculation of the SCC.

Table 2: Single-Family Customer Water Use (gallons per day)

Region	Meter Size		
	5/8" & 3/4"	1"	1-1/2"
Region 1	190	270	345
Region 2	210	450	580
Region 3	490	750	965

Table 3: Multi-Family Customer Water Use (gallons per day)

Region	Dwelling Unit Size	
	≤ 500 sq. ft	> 500 sq. ft
Region 1	95	120
Region 2	95	120
Region 3	95	120

Table 4: Non-Residential Customer Water Use (gallons per day)

Region	Meter Size			
	5/8"	3/4"	1"	1-1/2"
Region 1	246	402	765	1,995
Region 2	334	478	856	2,430
Region 3	460	704	1,254	3,089

SCC Rate Calculations

The proposed FY 2024 SCC rates are shown in Table 5 for a 3/4-inch meter for SFR applicants. These meter connections account for the majority of all future water service connections. Larger meters pay proportionately more based on the estimated usage of the new connections. Consistent with past practice, the proposed FY 2024 SCCs have been rounded to the nearest ten dollars. See Schedule J – System Capacity Charge in Chapter 5 for a complete list of the proposed FY 2024 SCC.

Table 5: SFR SCC for 3/4" Meter

Region	Water Consumption	Unit Costs	Capacity Charge		
	Residential 3/4" (gpd)	\$/100 gpd	Current	FY 2024	Change
Region 1	190	\$6,991	\$12,230	\$13,280	8.6%
Region 2	210	\$9,972	\$19,400	\$20,940	7.9%
Region 3	490	\$7,988	\$36,100	\$39,140	8.4%
Region 3C	775	\$14,836	\$108,310	\$114,980	6.2%
Region 3D	775	\$15,114	\$110,230	\$117,130	6.2%

The proposed FY 2024 SCC rates are shown in Table 6 for MFR applicants on a per dwelling unit basis. Consistent with past practice, the proposed FY 2024 SCCs have been rounded to the nearest ten dollars. Following the recommendations of the 2021 SCC Study, the SCC has two categories for MFR dwelling units over 500 square foot category and 500 square foot and under category, reflecting differences in water use per dwelling unit. The study found MFR per dwelling unit water use to be relatively consistent across the regions but found variation with dwelling unit square footage.

Table 6: MFR per Dwelling Unit SCC

MFR Category Dwelling Size	Region	Water Consumption	Unit Costs	Capacity Charge		
		Per Dwelling Unit (gpd)	\$/100 gpd	Current	FY 2024	Change
Over 500 Square Feet	Region 1	120	\$6,991	\$7,730	\$8,390	8.5%
	Region 2	120	\$9,972	\$11,090	\$11,970	7.9%
	Region 3	120	\$7,988	\$8,840	\$9,590	8.5%
500 Square Feet and Under	Region 1	95	\$6,991	\$6,120	\$6,640	8.5%
	Region 2	95	\$9,972	\$8,780	\$9,470	7.9%
	Region 3	95	\$7,988	\$7,000	\$7,590	8.4%

The proposed FY 2024 SCC rates are shown in Table 7 for a 5/8-inch meter for non-residential applicants. Larger meters pay proportionately more based on the estimated usage of the new connections. Consistent with past practice, the proposed FY 2024 SCCs have been rounded to the nearest ten dollars. See Schedule J – System Capacity Charge in Chapter 5 for the complete list of the proposed FY 2024 SCC.

Table 7: Non-Residential SCC for 5/8" Meter

Region	Water Consumption	Unit Costs	Capacity Charge		
	Residential 5/8" (gpd)	\$/100 gpd	Current	FY 2024	Change
Region 1	246	\$6,991	\$15,840	\$17,200	8.6%
Region 2	334	\$9,972	\$30,860	\$33,310	7.9%
Region 3	460	\$7,988	\$33,890	\$36,740	8.4%

Applicants for nonpotable/recycled water service have their SCC calculated based solely on the FWS Component. These customers are not served by the potable water system; they are served through a separate nonpotable/recycled water system.

East Bay Municipal Utility District Distribution System SCC Regions



Exhibit 1 – Update of 2021 SCC Study Calculations for Proposed FY 2024 SCC

The full 2021 SCC Study can be found under the *Water System Capacity Fee Study* link on the EBMUD website, <https://www.ebmud.com/customers/billing-questions/budget-and-rates>.

Table 2-1: Summary of Asset Valuation by Asset Type

Account	Description	Original Cost	Valuation Approach	Systemwide or Regional	Asset Value in Analysis
1001	Auto Control System	\$81,648,191	RCN	Systemwide	\$177,282,105.86
1005	Hydroelectric Power Gen.	56,772,898	RCN	Systemwide	188,064,137
1007	General Facilities & Equip.	3,002,422	RCN	Systemwide	4,539,644
1015	Source of Water Supply	123,081,736	RCN	Systemwide	1,010,611,916
1025	Raw Water Transmission	561,984,497	RCN	Systemwide	3,090,918,426
1060	Raw Water Trans Pump	211,775,800	RCN	Systemwide	395,769,324
1080	Terminal Reservoirs	238,718,428	RCN	Systemwide	1,189,925,546
1090	Reclamation Facilities	111,457,846	RCN	Systemwide	211,522,543
1100	Water Treatment	539,894,743	RCN	Regional	1,311,393,986
1130	Distribution Pumping	266,899,454	RCNLD	Regional	220,582,082
1140	Distribution Reservoirs	445,046,095	RCNLD	Regional	532,286,808
1166	Distribution Mains	1,670,335,062	RCNLD	Regional	3,085,821,984
1170	Distribution Aqueducts	90,921,572	RCNLD	Regional	170,425,537
1175	Pressure Regulators	49,386,792	RCN	Regional	102,609,274
1180	Venturi Meters	10,350,836	RCN	Regional	21,437,626
1185	Distribution Hydrants	70,208,451	RCN	Regional	266,999,837
1200	General Plant Structures	246,981,204	RCN	Systemwide	538,001,031
1205	Equipment-Trans & Constr.	84,153,036	RCNLD	Systemwide	37,322,672
1210	Equipment-Office	25,530,952	RCNLD	Systemwide	1,054,778
1215	Equipment- Eng. & Labor	4,130,190	RCNLD	Systemwide	234,211
1220	Equipment-Tools & Work	5,579,112	RCNLD	Systemwide	583,754
1225	Equipment- Stores	17,208	RCNLD	Systemwide	7,519
1230	Equipment- Shop	2,881,072	RCNLD	Systemwide	496,530
1240	Non-Operative Property	1,397,142	RCN	Systemwide	6,687,762
1245	Recreational Facilities	86,607,722	RCN	Systemwide	128,057,649
1300	Land Source of Supply	7,832,091	RCN	Systemwide	129,825,281
1310	Land Raw Water Trans	3,952,008	RCN	Systemwide	61,802,648
1315	ROW Raw Water Trans	1,269,406	RCN	Systemwide	4,232,121
1320	Land Terminal Reservoirs	24,383,749	RCN	Systemwide	260,735,179
1330	Land Water Treatment	3,439,560	RCN	Systemwide	25,556,558
1340	Land Reclamation	2,174,793	RCN	Systemwide	5,241,876
1350	Land Distribution	7,799,925	RCN	Systemwide	75,806,042
1355	Land	1,775,115	RCN	Systemwide	5,454,844
1360	Land General Plan	17,164,349	RCN	Systemwide	37,967,081
1370	Land	990,966	RCN	Systemwide	25,632,035
1910	Unallocated As-Built Costs	10,304,085	RCN	Systemwide	23,707,082
1911	Deferred Software Costs	80,892,824	RCN	Systemwide	133,032,927
1981	Watershed Master Plan	7,620,641	RCN	Systemwide	13,198,415
1985	Lab Expansion Costs	8,874,204	RCN	Systemwide	20,561,676
1988	Engineering & Env. Studies	116,452,637	RCN	Systemwide	226,128,494
	DERWA	84,784,101	RCN	Systemwide	69,290,320
	Freeport	410,009,849	RCN	Systemwide	316,443,304
	CWIP	522,919,362	RCN	Systemwide	522,919,362
TOTAL		\$6,301,402,127			\$14,650,171,925

Table 2-3: Net System Value Calculation

Buy-In Component	Value
System Assets	\$14,650,171,925
Capital Reserve Cash Balance	368,665,000
Outstanding Principal on Debt	-2,683,587,841
Net System Value	\$12,335,249,084
Net System Value as a Percentage of System Assets	84.20%

Table 2-4: Net System Value Calculation by Service Area

Service Area	Replacement Value	Net Value %	Net Value
System Wide Replacement Value	\$8,938,614,791	84.20%	\$7,526,194,264
Region 1 Replacement Value	2,639,087,829	84.20%	2,222,076,703
Region 2 Replacement Value	1,288,039,773	84.20%	1,084,512,285
Region 3 Replacement Value	1,784,429,532	84.20%	1,502,465,832
Total Value	\$14,650,171,925		\$12,335,249,084

Table 2-5: Unit Cost Calculation by Service Area

Service Area	Net Value	Potable Consumption Estimate (MGD)	Unit Cost (\$/100 gpd)
System Wide Replacement Value	\$7,526,194,264	187	\$4,025
Region 1 Replacement Value	\$2,222,076,703	114	\$1,949
Region 2 Replacement Value	\$1,084,512,285	22	\$4,930
Region 3 Replacement Value	\$1,502,465,832	51	\$2,946

Table 2-6: Future Water Supply Capital Projects

Future Water Supply Unit Cost Components	Total CIP
<i>Recycled Water Projects</i>	
San Ramon Valley Recycled Water Project	\$50,000,000
East Bayshore Recycled Water Project	130,000,000
Richmond Advance Recycled Expansion (RARE)	110,000,000
Phillips 66 Refinery	53,000,000
<i>Groundwater Projects</i>	
Groundwater Bayside Phase 2	37,100,000
San Joaquin Banking Project	65,200,000
Los Vaqueros Reservoir Project	114,000,000
Total	\$559,300,000

Table 2-7: Updated SCC Unit Costs

Region	Unit Costs \$/100 gpd			
	System-Wide Buy-In	Regional Buy-In	Future Water Supply	Total
Region 1	\$4,025	\$1,949	\$1,017	\$6,991
Region 2	\$4,025	\$4,930	\$1,017	\$9,972
Region 3	\$4,025	\$2,946	\$1,017	\$7,988

Figure 2-3: Future Water Supply Unit Cost Determination

$$\frac{\text{Value of Future Water Supply Projects (\$559.3 M)}}{\text{New Demand (55 MGD)}} = \text{Future Water Supply Unit Cost (\$1,017 per 100/gpd)}$$

Chapter 3 – Wastewater System Rates, Charges and Fees

INTRODUCTION

The District updates the wastewater system's rates, charges and fees biennially in conjunction with the development of its budget. The charges are designed to recover the costs identified in the proposed operating and capital budgets and to meet Board policy goals. Wastewater system charges for wastewater treatment that are collected on the water bill include the Service Charge, Strength Charge, and Flow Charge. Other wastewater charges include special fees collected to fund the San Francisco Bay Pollution Prevention Program (SF Bay Pollution Prevention Fee) and the Wet Weather Facilities Charge (WWFC). The District completed a cost of service (COS) study in May 2019 to ensure that all the District's charges are appropriately and equitably established and consistent with California law, including Proposition 218. Overall, the FY 2024 proposed rates will generate 8.5 percent more revenue for the District in FY 2024 than the current FY 2023 rates. For FY 2025, an additional 8.5 percent increase to the proposed FY 2024 rates is necessary to meet the FY 2025 revenue requirement. The overall impact to individual customers will vary depending on their wastewater strength and water consumption. Illustrations of the varying impacts are presented below for FY 2024 and FY 2025.

Details of the COS analysis and the FY 2024 and FY 2025 rate calculations from the District's May 2019 COS study are shown in Appendix A. They are also addressed in the March 23, 2023 General Manager's memorandum to the Board which discusses the proposed FY 2024 and FY 2025 wastewater rates and charges that are subject to Proposition 218 (California Constitution article XIII D, section 6). The rates and charges for the wastewater system will be effective on bills issued on or after July 1, 2023 for FY 2024, and on or after July 1, 2024 for FY 2025.

RECOMMENDATIONS

The recommendations in this section cover wastewater system charges including Treatment Charges for Service, Strength and Flow, WWFC, SF Bay Pollution Prevention Fee, Permit Fees, Testing Fees, Resource Recovery Fees, Interceptor Connection Fees, and Other Fees. All proposed schedules can be found in Chapter 5.

Recommended changes to the rates, charges, and fees for the wastewater system are:

Wastewater Treatment Charges, Wet Weather Facilities Charge, and SF Bay Pollution Prevention Fee (Subject to Proposition 218):

- Increase the wastewater treatment charges (service, flow, and strength) set forth in Schedule A – Wastewater Department Rates for Treatment Service and the Wet Weather Facilities Charges (WWFC) set forth in Schedule B – Wastewater Department Wet Weather Facilities Charge by 8.5 percent for FY 2024 and an additional 8.5 percent for FY 2025. These increases support the District's proposed FY 2024 and FY 2025 operating and capital expenditures.
- Adopt the FY 2024 and FY 2025 Wastewater Treatment Rates and Charges as shown in Wastewater System Schedule A – Rates for Treatment Service.

- Adopt the FY 2024 and FY 2025 Wastewater System Schedule B – Wastewater Department Wet Weather Facilities Charge.
- Retain the existing SF Bay Pollution Prevention Fee of \$0.20 and \$5.48 per month for residential and non-residential customers respectively, as shown in Schedule D – Wastewater Department Other Fees.

Wastewater Fees and Charges Not Subject to Proposition 218:

- Increase the Wastewater Discharge Permit, Estimation Permit, and Limited Term Discharge Permit Fees by 5 to 6 percent in FY 2024 as shown in Schedule C – Wastewater Department Industrial Permit Fees.
- Increase the Monitoring Fee and Violation Follow-Up Fees between 5 and 6 percent in FY 2024 as shown in Schedule D – Wastewater Department Other Fees.
- Increase the Private Sewer Lateral Compliance Fees between 3 and 18 percent in FY 2024 as shown in Schedule D – Wastewater Department Other Fees.
- Increase the Laboratory Testing Fees by 8.8 percent in FY 2024 as shown in Schedule E – Testing Fees.
- Increase the FY 2024 fees and rates for the Resource Recovery Material Treatment to reflect increased costs as shown in Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment.
- Increase the FY 2024 fee for review, coordination and construction inspection for connections made to the interceptors by 2 percent as shown in Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination and Inspection Fee.

DISCUSSION

Wastewater Treatment Charges and Wet Weather Facilities Charge

Update wastewater system charges for COS adjustments and increase rate revenue by 8.5 percent in FY 2024 and 8.5 percent in FY 2025.

Wastewater system charges cover expenditures in the District's operating and capital budgets and meet the Board's policy goals. The proposed increases address the District's needs as presented in its proposed biennial budget for FY 2024 and FY 2025. In 2019, the District conducted a COS study of the wastewater system to ensure that wastewater charges align with the cost to treat wastewater from residential and non-residential customers. Details of the increases in individual charges are shown below under Wastewater System Cost of Service and FY 2024 and FY 2025 Proposed Charges. Details of the FY 2024 and FY 2025 budget objectives, operating budget, capital expenses, and debt expenses are available in the FY 2024 and FY 2025 Proposed Biennial Budget and Capital Project Summaries.

The proposed increases to rates and charges for the wastewater system in FY 2024 and FY 2025 are higher than the projections made in FY 2021 when the FY 2022 and FY 2023 biennial budget was adopted. At that time, it was projected that wastewater system charges in FY 2024 and FY

2025 would need to increase by 4.0 percent each year based on moderate levels of cost inflation and moderate increases for capital projects. Due to the significant increase in cost inflation and higher spending on capital projects, the proposed wastewater system charges are higher than originally projected.

For the typical single-family residential homeowner who pays both the wastewater treatment charges collected on the water bill and the Wet Weather Facilities Charge collected on the property tax bill, the total proposed increase for wastewater system charges is 8.4 percent for FY 2024 and 8.4 percent for FY 2025. The changes to the FY 2024 wastewater service charges result in an increase of \$2.89 per month for the monthly wastewater treatment charge collected on the water bill for the average residential customer using 6 hundred cubic feet (CCF) of water per month. For FY 2025, the bill would increase \$2.26 per month. However, the overall impact to individual customers will vary depending on their actual water consumption. In addition to the wastewater charges collected on the water bill, wastewater customers also pay a Wet Weather Facilities Charge via their property tax bill that varies with individual lot size. Depending on lot size, in FY 2024 this charge will increase between \$10.66 to \$37.98, and in FY 2025 between \$11.56 to \$41.22.

The FY 2024 and FY 2025 wastewater rate are proposed to increase by 8.5 percent in FY 2024 and an additional 8.5 percent in FY 2025. The impact of the proposed changes to the FY 2024 and FY 2025 wastewater system charges on customer bills will depend on the type of customer and the volume of wastewater discharge. The proposed operating and capital budgets combined with the slight reduction in billed water use increase the District's wastewater revenue requirements and contribute to the FY 2024 and FY 2025 wastewater rates and charges increases in roughly the following proportions:

- Operating – significant increases in expenses such as chemicals, energy as well as increases in labor and benefits, and additional funded positions, drive approximately 73 percent of the additional rate revenue required in FY 2024 and FY 2025.
- Capital – increases in capital improvement plan and debt service drive approximately 27 percent of the additional rate revenue required in FY 2024 and FY 2025.

Table 1 illustrates the amount of revenue needed from the FY 2024 and FY 2025 increases to the wastewater system charges to fund FY 2025 expenditures. Between FY 2023 and FY 2025, operation and maintenance (O&M), debt service, and capital expenses are budgeted to increase to varying degrees. In total, expenses in FY 2025 are projected to be \$201.7 million, 17.8 percent higher than FY 2023. The District has access to a variety of non-wastewater system charge revenues such as bond proceeds (for capital expenses only), property taxes, and reserves to pay for O&M and capital expenses. These revenues are projected to cover \$63.7 million of expenditures in FY 2025, leaving \$138.0 million to be paid for from revenues from wastewater system charges. FY 2023 wastewater system charges are projected to generate \$118.0 million of the necessary \$138.0 million, leaving \$20.0 million, or 17.0 percent, of incremental expenditures to be addressed from increases in the wastewater system charges. This 17.0 percent increase is proposed to be distributed over two years, with an 8.5 percent increase in FY 2024 and an 8.5 percent increase in FY 2025.

Table 1 - Revenue Shortfalls (In Million\$) Addressed Through Rate Increase

	FY 2023	FY 2025	2-Yr Δ
Revenue Requirement			
+ O&M expense	\$89.7	\$108.5	21.1%
+ Debt service expense	31.9	34.8	9.1%
+ Capital expense	49.8	58.4	17.3%
Total expenses =	\$171.4	\$201.7	17.8%
- Other revenues	-52.0	-63.7	22.0%
Revenue requirement =	\$119.4	\$138.0	15.8%
Revenue Adjustment			
+ Revenue requirement		\$138.0	
- Revenue from existing rates		-118.0	
Difference =		\$20.0	
Total Rate Revenue Requirement Adjustment		17%	

Wastewater System Cost of Service Study and FY 2024 and FY 2025 Proposed Charges

State law and District policy require that the District's property-related rates and charges, including most components of the wastewater system's rates and charges, be based on the cost of providing service. A COS study analyzes wastewater facility design and operations to allocate operating and capital costs to each type of customer based on both the customer's wastewater discharge characteristics. This nexus between wastewater discharge and cost forms the financial and legal basis for setting utility rates and charges. Over time, both customer wastewater discharge characteristics and costs can change, and a COS study helps reconcile these changes with revenues under existing rates and charges. COS studies often result in recommended modifications to existing rates and charges.

The District retained Raftelis Financial Consultants (RFC) to perform a COS study for the wastewater system. The RFC study was completed in May 2019 and indicated that the District's charges are consistent with Proposition 218's cost of service principles. The RFC study also recommended certain adjustments, which have been incorporated into the proposed FY 2024 and FY 2025 wastewater system charges. The proposed FY 2024 and FY 2025 rates were developed from the expenses, revenues, customer information, debt information, and revenue requirements for FY 2024 and FY 2025 using the methodology and rate models from the most recent wastewater system COS study (see Appendix A). The District's established and proposed rates for wastewater service do not exceed the proportional cost of providing wastewater service on a parcel basis at each given level of usage.

The COS study details operating and capital cost allocations for the treatment processes at the Main Wastewater Treatment Plant (MWWTP), interceptors and wet weather facilities. Annual operating and capital costs funded by wastewater system rates and charges were allocated to

wastewater treatment categories of flow, chemical oxygen demand (COD), and total suspended solids (TSS). The flow, COD, and TSS costs were then assigned to various customer classes in proportion to their loadings in compliance with Proposition 218.

The WWFC funds capital expenses for the facilities required to handle the inflow and infiltration (I&I) that enter the wastewater system through the local collection systems and sewer connections during wet weather conditions.

Wastewater service fees have three customer classes: residential, multi-family residential, and non-residential. Non-residential customers are further classified based on the type of business operated, which are grouped together into Business Classification Codes (BCC) based on common characteristics of wastewater contributed to the system, including flow and strength. Together, the rates for the components of the wastewater service fees are structured to proportionately recover the costs of providing wastewater services among the various customer classes. The rates for the wastewater fees have five components: a Service Charge, a Flow Charge, a Strength Charge, a SF Bay Pollution Prevention Fee, and a WWFC.

Proposed FY 2024 and FY 2025 Wastewater System Rates and Charges Subject to Proposition 218

Overall, the rates and charges for the wastewater system are proposed to increase 8.5 percent in FY 2024 and an additional 8.5 percent in FY 2025. The impact of the proposed changes to the FY 2024 and FY 2025 wastewater system rates and charges on customer bills will depend on the type of customer and the volume of wastewater discharge. For the typical SFR homeowner who pays both the wastewater treatment charges collected on the water bill and the Wet Weather Facilities Charge collected on the property tax bill, the total increase for wastewater system rates and charges on the water bill and property tax bill is 8.4 percent for FY 2024, and 8.4 percent for FY 2025.

Individual charges proposed for FY 2024 and FY 2025 are rounded to the nearest whole cent after the increases are applied to the current service charges. The impact on a customer's bill of the proposed increases will differ slightly for each customer class and for individual customers within each customer class depending on the respective monthly wastewater flow. Tables 2 through 4 illustrate the impact of the proposed increases on specific charges for various categories of users. Six CCF per month represents the average indoor water use for residential customers. All these tables incorporate the proposed increases consistent with the 2019 COS study.

Table 2 shows the customer impacts of the proposed FY 2024 and FY 2025 charges for wastewater treatment.

Table 2 - Customers' Monthly Wastewater Treatment Bill Impacts - Includes Service, Flow and Strength Charges and SF Bay Pollution Prevention Fees

Monthly Wastewater Charges on Water Bill									
	Meter (Inches)	Use (CCF)	FY 2023 Bill	FY 2024 Bill	Increase from FY 2023	Percent Change	FY 2025 Bill	Increase from FY 2024	Percent Change
Average Single-Family Residential	5/8	6	\$24.89	\$26.98	\$2.09	8.4%	\$29.24	\$2.26	8.4%
Single-Family Residential	5/8	9	\$29.18	\$31.63	\$2.45	8.4%	\$34.28	\$2.65	8.4%
Multi-Family Residential 4 dwelling units	1	25	\$77.32	\$83.79	\$6.47	8.4%	\$90.77	\$6.98	8.3%
Multi-Family Residential 5+ dwelling units	1	50	\$168.39	\$182.56	\$14.17	8.4%	\$197.79	\$15.23	8.3%
Commercial	1	50	\$172.87	\$187.04	\$14.17	8.2%	\$202.27	\$15.23	8.1%
Industrial	2	500	\$10,158.37	\$11,004.04	\$845.67	8.3%	\$11,924.77	\$920.73	8.4%

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

The unit rates listed in Table 3 are used to calculate the Strength Charge and Flow Charge for residential and non-residential customers based on the billable constituents in their wastewater discharge. The unit rates are based upon an allocation of costs to billable constituents for flow, COD, and TSS which are used to determine the unit cost for each billable constituent.

Table 3 - Proposed Wastewater Treatment Unit Rates for Residential and Non-Residential Customers

Wastewater Treatment Unit Rates					
Unit Rates	FY 2023	FY 2024	Percent Change	FY 2025	Percent Change
Service Charge (\$/account)	\$7.89	\$8.56	8.5%	\$9.29	8.5%
Flow (\$/CCF)	\$1.425	\$1.546	8.5%	\$1.677	8.5%
Strength - COD (\$/pound)	\$0.145	\$0.157	8.3%	\$0.170	8.3%
Strength - Total Suspended Solids (\$/pound)	\$0.596	\$0.647	8.6%	\$0.702	8.5%

Residential Wastewater Charges

The residential wastewater charges on the water bill are composed of the treatment charges and a separate SF Bay Pollution Prevention Fee. The treatment charges include a Service Charge (per account), a Strength Charge (per dwelling unit), and a Flow Charge (per CCF). Residential customers include single-family customers and multi-family customers with up to four dwelling units per premises.

For the wastewater treatment, unit rates are applied to residential discharge characteristics to calculate the fixed residential Strength Charge. Residential customers also pay the Service Charge, which is imposed on a per-account basis and does not vary with usage, as well as a Flow Charge that varies with water use to a maximum of 9 CCF per month per dwelling unit. The 9 CCF per month per dwelling unit maximum flow charges only applies to residential customers. Under the proposed increase, the average wastewater charges on the residential customer bill will increase \$2.09 per month in FY 2024 from \$24.89 to \$26.98 (8.4 percent). For FY 2025, the average wastewater bill will increase \$2.26 per month from \$26.98 to \$29.24 (8.4 percent). The monthly charges include the SF Bay Pollution Prevention Fee (described below), which remains at \$0.20 per month for FY 2024 and FY 2025 for residential customers. In addition to the wastewater system charges collected on the water bill, wastewater customers also pay a WWFC (described below) that varies with lot size and is collected on the property tax bill.

Exhibit 1 compares the estimated annual residential wastewater collection and treatment service charges paid by customers within the District's wastewater service area, including sewer collection charges imposed by local agencies other than the District, with comparable charges of other agencies. The total estimated average District charge for FY 2024, including the SF Bay Pollution Prevention Fee and WWFC, is \$460 per year for treatment and wet weather. It should be noted that in Exhibit 1 the average city or sanitary district charge for wastewater collection service is added to the District's wastewater treatment charges in order to calculate an average total charge for residential wastewater service. The total residential service charge, including the District and non-District components, is then compared to similar service charges for other agencies and communities in the Bay Area.

Non-residential Wastewater Charges

Non-residential customers are further classified based on the type of business operated and assigned into BCC based on common characteristics of wastewater contributed to the system, including flow and strength. Classifications of nonresidential users are assigned typical waste strengths by BCC for COD and TSS. The unit rates are applied to the assigned strengths for each BCC to determine individual non-residential combined flow and strength charges (\$ per CCF).

The proposed FY 2024 and FY 2025 non-residential combined flow and strength charges for each BCC rate are shown on Schedule A – Wastewater Department Rates for Treatment Service. These charges are based on the proposed rate increase of 8.5 percent for FY 2024 and an additional increase of 8.5 percent for FY 2025 necessary to support the FY 2024 and FY 2025 revenue requirements and capital and operating budgets. The non-residential combined flow and strength charges have been rounded to the nearest whole cent (\$ per CCF). The FY 2024 non-residential combined flow and strength charges are proposed to increase by 8.5 percent, but due to rounding of the charges to the whole cent, the resulting increases range from 8.1 percent to 8.6 percent, depending on the BCC. In FY 2025, non-residential combined flow and strength charges are

proposed to be increased by 8.5 percent, but due to rounding of the charges to the whole cent, the resulting increases range from 8.3 percent to 8.7 percent when compared to FY 2024 charges.

In addition to the wastewater system charges collected on the water bill, wastewater customers also pay a WWFC collected on the property tax bill depending on lot size (described below). For customers who do not receive a property tax bill (tax-exempt entities) the charge is collected through the District's billing process.

Non-residential users also pay the proposed Service Charge of \$8.56 in FY 2024 and \$9.29 in FY 2025 on their monthly water service bill. The SF Bay Pollution Prevention Fee of \$5.48 for FY 2024 and FY 2025 is also included on the monthly water service bill for non-residential customers.

Wet Weather Facilities Charge

The WWFC is a fixed charge that is imposed on a property itself. The WWFC pays for costs associated with inflow and infiltration of stormwater into the sanitary sewer system which otherwise would increase the cost of wastewater treatment. This fixed annual charge is calculated based on parcel size, which accounts for each parcel's capacity to contribute inflow and infiltration during a wet weather event. The amount of wet weather flows that enter the wastewater system in the form of inflow and infiltration is proportional to the size of the collection system needed to serve each property. For example, larger parcels generally have more wet weather flows that could enter the wastewater system than smaller parcels. For this reason, parcel (lot) size is used as a proxy to estimate the size of the collection system to serve each property. Accordingly, the WWFC is structured using three generalized lot sizes (or bins): 0 to 5,000 square feet (sq ft), 5,001 to 10,000 sq ft, and over 10,000 sq ft. The WWFC is based on median lot size for each of these bins, regardless of whether a property is residential or non-residential. Inflow and infiltration of wet weather flows into the wastewater system increases the District's wastewater related costs because any water that enters the system must be conveyed and treated.

Since the WWFC is based on the property's propensity to contribute peak wet weather flows and is unrelated to the amount of water used at the property, the District collects the WWFC on the property tax bill for all parcels that have connections to the local wastewater collection systems within the District's wastewater service area. The WWFC for public agencies that are exempt from property taxes is collected through the District's billing process. As shown in Table 4, the WWFC will increase 8.5 percent in FY 2024 and 8.5 percent in FY 2025.

As part of the FY 2024 and FY 2025 Proposition 218 rates approval process, the Board will adopt a separate resolution establishing the collection of the FY 2024 and FY 2025 WWFC on the property tax bill for Alameda and Contra Costa counties. In addition, prior to the submittal of the FY 2024 and FY 2025 WWFC filings with Alameda and Contra Costa counties, the complete listing of the WWFC by parcel number will be filed with the Board.

Table 4 - Proposed Wet Weather Facilities Charge - (\$/Lot Size)

Wet Weather Facilities Charge on Property Tax Bill							
Lot Size	FY 2023 Bill	FY 2024 Bill	Increase from FY 2023	Percent Change	FY 2025 Bill	Increase from FY 2024	Percent Change
Small Lot 0 - 5,000 sq. ft.	\$125.16	\$135.82	\$10.66	8.5%	\$147.38	\$11.56	8.5%
Medium Lot 5,001 - 10,000 sq. ft.	\$195.50	\$212.12	\$16.62	8.5%	\$230.16	\$18.04	8.5%
Large Lot >10,000 sq. ft.	\$446.80	\$484.78	\$37.98	8.5%	\$526.00	\$41.22	8.5%

Wastewater Pollution Prevention Programs and Pretreatment Fees

The District must undertake a variety of activities to successfully operate the Pretreatment Program and Pollution Prevention Program required by the United States Environmental Protection Agency (EPA) and the State of California (through the Regional Water Quality Control Board (RWQCB)).

Pretreatment Program activities include:

- Establishing discharge permit and monitoring requirements for industrial and commercial users
- Conducting inspections of industrial and commercial facilities
- Sampling industrial and commercial users' waste streams
- Reviewing industrial and commercial user reports
- Determining industrial and commercial user compliance status
- Initiating enforcement actions
- Reporting progress to the EPA and RWQCB

SF Bay Pollution Prevention Program activities include:

For non-residential customers

- Identifying and monitoring pollutants of concern
- Identifying and monitoring businesses and industries that have the potential to discharge pollutants of concern
- Developing pollution prevention strategies to reduce pollutants of concern from targeted commercial businesses
- Managing the federally-mandated Dental Amalgam program for dental dischargers
- Developing a permitting program for the emerging commercial businesses with potential pollutants of concern (e.g., cannabis growing and processing)
- Developing pollution prevention best management practices and control strategies
- Conducting targeted outreach to identified business types including developing and distributing best management practices information and pollution prevention literature
- Coordinating with other wastewater agencies and organizations to obtain efficiencies in program development and production of outreach materials
- Providing pollution prevention information for businesses on the District's website

For residential customers

- Targeting outreach to reduce residential discharges of pollutants of concern by creating public advertising campaigns and attending public events, providing in-person education, and outreach to residents and community groups
- Developing collaborative efforts with other wastewater agencies to obtain economies of scale and other efficiencies
- Establishing strategic partnerships with local environmental organizations such as Save The Bay, Baykeeper, and Environmental Working Group
- Conducting research to identify possible control strategies for residential sources of emerging pollutants of concern
- Developing and implementing product stewardship activities
- Providing opportunities for residential customers to dispose of targeted pollutants in an environmentally-responsible manner
- Providing pollution prevention information for residents on the District's website

To effectively implement and ensure compliance with the Federal and State pretreatment program regulations, the District implements a permitting, monitoring, and enforcement response system approved by the EPA. The EPA requires that the District provide sufficient budget and staff for program implementation. Sufficient resources and qualified personnel are funded primarily by fees that are applied to industrial and commercial users. Each year, the District's Pretreatment and Pollution Prevention Program budget and source of funding is submitted to the EPA and RWQCB.

In response to continuing changes in the National Pretreatment Program and to meet requirements of the District's MWWTP National Pollutant Discharge Elimination System Permit, the District must continue to implement a robust Pretreatment Program and Pollution Prevention Program. Because the Pollution Prevention Program is required in order for the District to provide wastewater service, funds for the Pollution Prevention Program are generated by the SF Bay Pollution Prevention Fees from residential and non-residential customers. Funds to operate the Pretreatment Programs are generated from fees for Wastewater Discharge Permits, Monitoring and Testing, and Violation Follow-up activities.

SF Bay Pollution Prevention Fees

The Pollution Prevention Program, required by the RWQCB, develops and implements strategies to minimize and monitor pollutants from both residential and non-residential sources. The fees recover EBMUD's cost to administer pollution prevention programs which reduce the contaminants from unpermitted discharges at the source to protect the treatment process and preserve the quality of the treated effluent and biosolids. The fee applies to accounts in the District's wastewater service area to cover costs for program implementation. The SF Bay Pollution Prevention Fee for non-residential customers will remain \$5.48 per month for FY 2024 and FY 2025 to fund the pollution prevention activities that target pollutants from non-residential customers. The fee for residential customers will remain \$0.20 per month for FY 2024 and FY 2025 to fund the pollution prevention activities that target pollutants from residential customers. The SF Bay Pollution Prevention Fees are collected on the water bill in addition to the wastewater service charge and have not increased since 2008.

Pretreatment Program

Wastewater Permits

There are three types of Wastewater Permits: 1) Wastewater Discharge Permit, 2) Estimation Permit, and 3) Limited Term Discharge Permit. Each has a fee to recover costs.

1. The Wastewater Discharge Permit establishes compliance reporting requirements, site-specific discharge limitations, industry self-monitoring requirements, and may include billing conditions for unique wastewater strength and flow. Wastewater Discharge Permits are extremely detailed and include specific provisions required by the EPA and the State. Staff must review permit application documents, develop permit requirements, review compliance reports, perform onsite inspections, collect and review results from wastewater samples, revise permit conditions, update billing to incorporate rate or regulatory changes, provide information to industrial users, and maintain electronic and hard copy files and analytical data. The renewal frequency of the Wastewater Discharge Permits is typically five years with an annual permit fee. The proposed increase reflects actual District staff costs. For FY 2024, the annual permit fee is recommended to be \$3,320, an increase of \$190 over the FY 2023 fee as shown on Schedule C – Wastewater Department Industrial Permit Fees under Chapter 5.
2. The Estimation Permit establishes billing conditions when wastewater volumes cannot be determined by District water meters due to significant non-sewer use, such as irrigation. Estimation Permits are optional and issued at the request of a discharger when wastewater flow is significantly less than metered water consumption. In issuing these permits, staff must review permit application documents, develop permit requirements, review compliance reports, revise permits to incorporate rate or regulatory changes, provide information to industrial users, and maintain electronic and hard copy data files. The proposed increase reflects actual District staff costs. For FY 2024, the permit fee is recommended to be \$1,290, an increase of \$60 over the FY 2023 fee as shown on Schedule C – Wastewater Department Industrial Permit Fees under Chapter 5.
3. Limited Term Discharge Permits are issued for special wastewater discharge conditions not included in the District's permit and fee structure. Typical uses of the limited term permit would be for construction dewatering or remediation projects. The permit fee covers the cost of labor required to review the application, issue the permit, including establishing pretreatment conditions, and monitoring discharge conditions. The treatment cost is not included in the permit fee and is charged from Schedule A – Wastewater Department Rates for Treatment Service based on the type of discharge. For example, construction dewatering discharges would be charged under Groundwater Remediation. The District proposes to increase the permit fee from \$2,900 per year to \$3,050 in FY 2024.

Monitoring Fee

For some Wastewater Discharge Permits issued to industrial users, the District requires monitoring and testing of the discharge. The Monitoring Fee recovers the cost of labor and equipment to perform field inspections, collect and coordinate samples for lab testing, install and maintain field monitoring equipment, and prepare inspection reports. Staff recommends that the current fee of \$1,720 be increased to \$1,820 in FY 2024 as shown on Schedule D – Wastewater Department

Other Fees, under Chapter 5. These increases reflect the actual staff costs to perform the monitoring activities.

Violation Follow-up

Wastewater permit holders are required to follow the conditions listed in their permits. If the District determines that the permit holder has violated the conditions of their permit, a series of violation actions are taken with accompanying fees.

A stage 1 violation follow-up fee consists of follow-up actions in response to reporting or required action violations that do not include a discharge violation. These violations can usually be resolved without sampling. A stage 1 violation follow-up fee is charged to conduct this follow-up activity. Staff must identify or review the violation, provide formal notification to the violator, determine compliance status, prepare billing documentation, and monitor and evaluate corrective actions. The proposed increase reflects actual District staff costs. Staff recommends that the fee be increased from \$780 to \$820 in FY 2024.

A stage 2 violation follow-up fee is required for wastewater discharge violations or any violation follow-up that requires sampling. Staff must identify or review the violation, provide formal notification to the violator, prepare billing documentation, conduct a follow-up inspection, sample the wastewater discharge, and determine ongoing compliance status. The proposed increase reflects actual District staff costs. Staff recommends that the fee of \$1,720 be increased to \$1,820 in FY 2024.

A stage 3 violation follow-up fee is required when enforcement orders are issued. Staff must identify or review the violation, provide formal notification to the violator, prepare billing documentation, conduct a follow-up inspection, sample the wastewater discharge, prepare and administer enforcement orders, review corrective measures, and determine ongoing compliance status. The proposed increase reflects actual District staff costs. Staff recommends that the fee be increased from \$3,480 to \$3,680 in FY 2024.

The proposed violation fees are shown on Schedule D – Wastewater Department Other Fees under Chapter 5.

Private Sewer Lateral Compliance Fees

The District has been operating under a Consent Decree with the EPA, State Water Resources Control Board, the RWQCB, and the District's satellite collection system agencies since September 2014. As part of the Consent Decree, the District is required to implement a regional Private Sewer Lateral (PSL) Ordinance. The ordinance requires property owners to obtain a compliance certificate from the District when they hit one of three triggers: transferring title of property (e.g., buying/selling a home), performing remodeling or construction work valued at greater than \$100,000, or increasing or decreasing water meter size. The District has been implementing this program since August 2011, having been under a prior regulatory order. The current fee for the compliance certificate is \$340. To recover the District's costs for the administrative and field inspection work to witness the verification test, ensure compliance with the Ordinance, and issue and track the compliance certificate, the compliance certificate fee is proposed to increase by \$20 to \$360 in FY 2024. A review of the actual District costs resulted in the proposed increases of the other PSL-related fees. Minor edits are recommended to footnote number four to clarify that the Compliance Certificate Fee also applies when the District issues, at the request of a property owner, one or

more new Compliance Certificates as a result of a parcel split or merger of a parcel with an existing Compliance Certificate. The proposed increases for issuing a time extension certificate, inspection reschedule, off-hours verification, specific appointment time are also proposed to increase by \$10 for FY 2024. The District also charges several PSL Violation Follow-Up fees to recover the cost of enforcement of the Regional PSL Ordinance. The PSL Violation Follow-up – Initial Fee is proposed to increase from \$480 to \$510 for FY 2024 to reflect actual costs. The PSL Violation Follow-Up – Continuing Noncompliance Fee is proposed to increase from \$110 to \$130 in FY 2024 to reflect actual costs.

The Homeowners Association (HOA)/Greater than 1,000 Oversight fee was added in FY 2021 to account for the additional costs associated with managing the special provisions for properties that are managed by homeowners' associations or that have greater than 1,000 feet of PSLs under their responsibility. These properties were provided with additional time to comply and various provisions to facilitate the allocation of maintenance responsibilities and to support the longer duration and more complex PSL rehabilitation required. Based on the actual costs to administer this aspect of the program, staff has recommended that the HOA/Greater than 1,000' Oversight fee be increased from \$470 to \$500 in FY 2024.

The Compliance Agreement fee recovers the costs associated with negotiating and managing a Compliance Agreement with a property owner that has requested additional time to comply. Compliance Agreements were first issued in FY 2020 and the fee was developed shortly thereafter and adopted effective FY 2021. A review of actual costs resulted in the proposed increase from \$290 to \$320 in FY 2024.

The proposed PSL compliance fees are shown on Schedule D Wastewater Department Other Fees under Chapter 5.

Table 5 shows the proposed permit fee changes for FY 2024.

Table 5 - Summary of Proposed Permit Fee Changes

	Current	Proposed	%
Schedule C	FY 2023	FY 2024	
Wastewater Discharge Permit Fee	\$3,130	\$3,320	6%
Estimation Permit	\$1,230	\$1,290	5%
Limited Term Discharge Permit	\$2,900	\$3,050	5%

Schedule D	FY 2023	FY 2024	
Commercial Pollution Prevention	\$5.48	\$5.48	0%
Residential Pollution Prevention	\$0.20	\$0.20	0%
Monitoring Fees	\$1,720	\$1,820	6%
Violation Follow-Up Fees			
Stage 1	\$780	\$820	5%
Stage 2	\$1,720	\$1,820	6%
Stage 3	\$3,480	\$3,680	6%

Private Sewer Lateral Compliance Fees	FY 2023	FY 2024	
Compliance Certificate*	\$340	\$360	6%
Time Extension Certificate	\$120	\$130	8%
Inspection Reschedule	\$100	\$110	10%
Extra Lateral or Additional Verification Test	\$120	\$120	0%
Off-Hours Verification	\$260	\$270	4%
Specific Appointment Time	\$320	\$330	3%
HOA/Greater than 1,000' Oversight	\$470	\$500	6%
PSL Violation Follow-Up - Initial Fee	\$480	\$510	6%
PSL Violation Follow-Up – Continuing Noncompliance Fee	\$110	\$130	18%
Compliance Agreement	\$290	\$320	10%

*Update footnote on Compliance Certificate to read: Compliance Certificate Fee may be assessed for performance of a Verification Test that results in issuance of a new Compliance Certificate, or annotation of an existing Compliance Certificate, or issuance of one or more new Compliance Certificates due to parcel split or merger.

Laboratory Testing Charges

The District may require laboratory testing and analysis of samples as part of a discharge permit or other action. The FY24 laboratory testing fees presented in Schedule E recover the cost of labor and material to perform the laboratory testing and analysis and are approximately 9 percent higher than current testing charges. The proposed FY24 laboratory testing charges are shown on Schedule E – Wastewater Department Testing Fees under Chapter 5.

Resource Recovery Program

The Resource Recovery (R2) program accepts delivery of trucked wastes to use excess treatment capacity at the MWWTP and generate tip fee revenue for the District. This program provides an environmentally sound disposal alternative for the community while maintaining fiscal responsibility to the ratepayers by fully utilizing treatment assets. Based on the District's experience in operating the Resource Recovery program and the recent increase in some cost centers including chemicals and biosolids management, the District proposes to increase the ceiling treatment rates for the following categories: Septage, Process Water, Brine, Sludge, Liquid Organic Material, Protein Material, and Solid Organic Material. Applying "up to" rates allows the District to increase rates as required to offset rising costs as they occur for each waste type. The proposed rates would provide an "up to" rate of \$0.01 to \$0.02 per gallon above the FY 2023 rate in FY 2024 as shown in Schedule F – Rates for Resource Recovery Waste Treatment under Chapter 5.

Wastewater Interceptor Connection Review and Inspection Fee

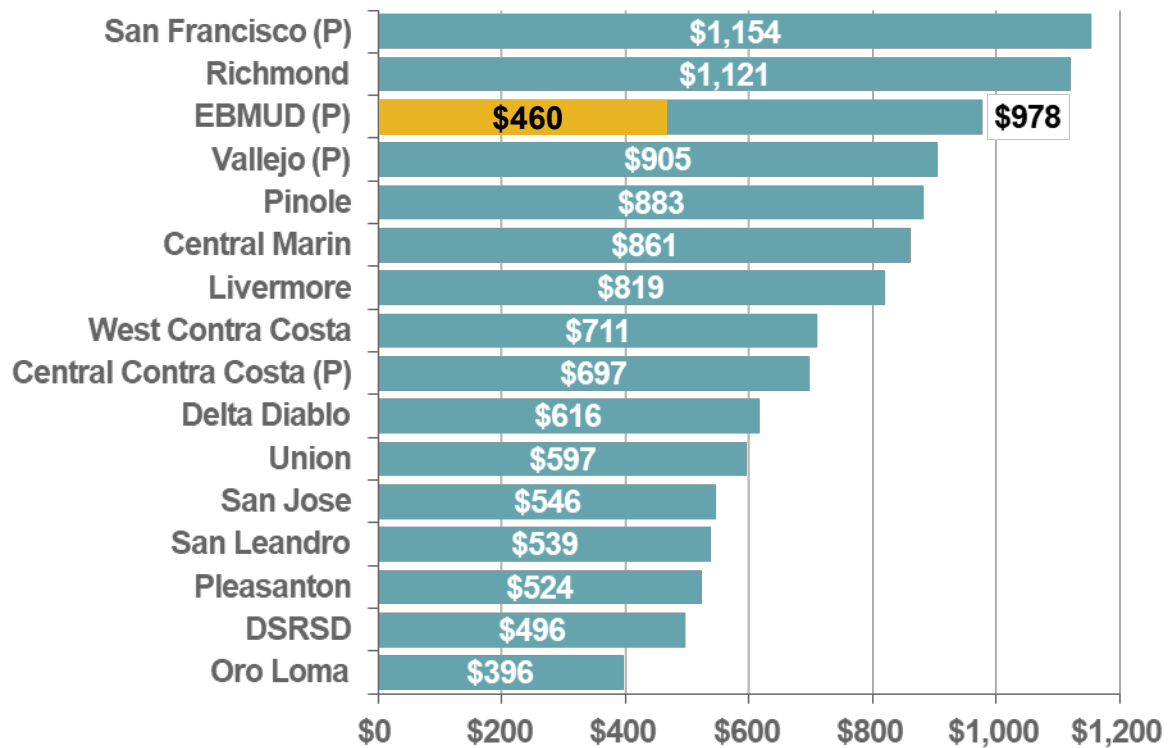
This fee was established in 2005 to recover the District's staff time required for plan review, project coordination, and construction inspection of requests made by cities to modify their interceptor connections. Only cities and the Stege Sanitary District can apply for either new connections or larger connections to the District's interceptors. These projects are designed, constructed, and funded by the applicants. When an applicant makes a request for a new or modified interceptor connection, District staff must review the engineering design and evaluate any potential operational or maintenance impacts of the work. Once approved, the District must coordinate and inspect the construction work of the applicant.

Based on an analysis of the District's actual costs to perform this work, the proposed fee for FY 2024 is \$12,600 for review, coordination, and inspection with a lower fee of \$10,300 for each additional connection submitted under the same project with the same design and pipe sizes. The proposed FY 2024 fees are shown on Schedule H – Wastewater Department Interceptor Connection Review, Coordination and Inspection Fee under Chapter 5.

Exhibit 1

COMPARATIVE RESIDENTIAL WASTEWATER CHARGES

Annual Charge for SFR – July 2023



Includes collection and treatment based on flow of 6 ccf/mo.

EBMUD rate based on proposed Treatment rate, SF Bay Residential Pollution Prevention Fee, and Wet Weather Fee (\$460/year) plus average community collection charge (\$518/year).

(P) = FY 2024 Proposed Rate

Chapter 4 – Wastewater Capacity Fees

INTRODUCTION

The Wastewater Capacity Fee (WCF) was implemented to recover costs of providing wastewater treatment capacity for new or expanded system use. The WCF is based on a “buy-in” or an equity approach, whereby new users buy-in to a wastewater system that has adequate capacity to serve both existing demands and new growth. The wastewater system capacity is expressed in terms of wastewater flow volume (flow) and strength factors including Chemical Oxygen Demand (COD) and Total Suspended Solids (TSS).

The WCF applies to all dischargers who increase wastewater volume or strength. For example, an additional capacity fee may be required to be paid if a property is developed and connects to the wastewater system, changes use or is redeveloped and increases the volume or strength of the wastewater it discharges, or a flow review has been completed by the District that demonstrates that the volume and/or strength of the wastewater discharged from a non-residential property has significantly increased or is greater than anticipated at the time a WCF was first paid.

The WCF is calculated based on the anticipated flow contributions multiplied by the wastewater strength measured or assigned for each classification of customer and the unit capacity rates for flow and strength factors. For non-residential customers, the District may conduct a review of the actual flow and strength discharged within 24 months of the business being fully established, to verify the estimated demand for wastewater capacity. The review may result in additional capacity fees if the actual flow and strength exceeds the original estimate.

These fees are not subject to the requirements of California Constitution article XIII D, section 6 (i.e., Proposition 218). However, to the extent they are subject to California Constitution article XIII C, section 1(e) (i.e., Proposition 26) and California Government Code section 66013, they are in full compliance with those laws.

RECOMMENDATIONS

- Adopt Schedule G – Wastewater Department Capacity Fees based on the update of the 2019 WCF study for FY 2024.

If adopted, the changes and updates recommended for the WCF will be effective on July 1, 2023.

DISCUSSION

In May 2019, the District finalized two comprehensive wastewater studies conducted by an independent financial rate consultant, a cost of service (COS) study of wastewater treatment service and a capacity fee study on the WCF. These studies resulted in recommendations to update the District’s wastewater treatment service charges and the WCF to reflect current costs. The equity buy-in methodology was used in determining the updated WCF. This methodology is appropriate in instances where there is excess capacity available to serve new connections, as is the case with the District.

The concept of the equity buy-in methodology is that new connections to the system pay the same amount as existing connections have already contributed to the system. The total system value is then calculated and divided by the current loadings at the treatment plant to determine unit rates for flow (\$ per hundred cubic feet (CCF)), COD (\$ per pound (lb.)), and TSS (\$ per lb.). Additionally, the consultant evaluated several approaches for streamlining the process of determining non-residential WCFs. The approach that was selected is similar to the Water SCC process for new customers based on average use by meter size up to 1-1/2 inches and individual analysis of water use for meters greater than 1-1/2 inches.

As part of the 2021 SCC Study, multi-family residential (MFR) water consumption was established by dwelling unit size, over 500 square feet (sq ft) and 500 sq ft and under. The MFR WCF for the dwelling unit size categories of over 500 sq ft and 500 sq ft and under were established in the FY 2022 WCF update.

For FY 2024, staff has updated the WCF calculations from the 2019 WCF study to reflect construction cost escalations, the cost of additional facilities, depreciation, and balances of outstanding debt and reserves for capital. These updated calculations are shown in Exhibit 1 and are summarized below in Tables 1 through 4. Table 1 shows the proposed unit capacity rates for FY 2024. The entire list of proposed capacity fees for FY 2024 is contained in Schedule G – Wastewater Department Capacity Fees in Chapter 5.

Table 1 – Proposed FY 2024 Unit Wastewater Capacity Fee Rates

Unit Capacity Rate	Current	FY 2024	% Change
Annual Flow – per centum cubic feet (CCF)	\$14.84	\$15.94	7.4%
Annual COD – per pound	\$1.56	\$1.67	7.1%
Annual TSS – per pound	\$7.13	\$7.66	7.4%

Single-Family Residential Wastewater Capacity Fee

The proposed FY 2024 WCF is calculated using the District's baseline residential indoor water use of 84 CCF per year (7 CCF per month) and COD loadings of 374 pounds per year and TSS loadings of 157 pounds per year and reflects the findings and recommendations of the recent wastewater COS Study. The proposed residential WCF for FY 2024 is \$3,170 per dwelling unit, an increase of 7.5 percent over the current fee of \$2,950. WCF rates are rounded to the nearest ten dollars.

Table 2 – Proposed FY 2024 WCF for SFR

	Current	FY 2024	% Change
SFR WCF	\$2,950	\$3,170	7.5%

Multi-Family Residential Wastewater Capacity Fee

The WCF is assessed on a per dwelling unit basis for all MFR connections. The proposed FY 2024 WCF is calculated using the MFR indoor water use from the 2021 SCC Study of water consumption by dwelling unit for MFR over 500 sq ft of 59 CCF per year and corresponding COD loadings of 262 pounds per year, and TSS loadings of 110 pounds per year. The proposed MCF for standard MFR dwelling units for FY 2024 is \$2,220, an increase of 7.2 percent over the current fee of \$2,070.

Water consumption for MFR dwelling units 500 sq ft and under is 46 CCF per year with corresponding COD loadings of 205 pounds per year sq ft and under dwelling units) and TSS loadings of 86 pounds per year. The proposed MCF for MFR dwelling units 500 sq ft and under for FY 2024 is \$1,730, an increase of 6.8 percent over the current fee of \$1,620.

Table 3 – Proposed FY 2024 WCF for MFR

	Current	FY 2024	% Change
MFR Standard Dwelling Unit WCF	\$2,070	\$2,220	7.2%
MFR 500 sq ft and under Dwelling Unit WCF	\$1,620	\$1,730	6.8%

Non-Residential Wastewater Capacity Fee

The WCF uses a process similar to the Water SCC where non-residential applicants using meter sizes up to 1-1/2 inches is assessed a capacity fee based on the meter size. For the WCF, in addition to the meter size, the WCF is based on a strength category of low, medium, or high as assigned by the District. For applicants using meters sized greater than 1-1/2 inches, staff completes an analysis of the estimated annual wastewater flow for the proposed facilities and operations.

The weighted average strengths by category and the flow by meter size are used to calculate the WCF for non-residential applicants using meter sizes up to 1-1/2 inches (see Table 4). The WCF is calculated on an individualized basis for non-residential applicants with meter sizes greater than 1-1/2 inches using the WCF rates shown in Table 5.

Table 4 – Proposed FY 2024 WCF for Non-Residential up to 1-1/2 Inch Meter Size

Meter Size	Low Strength		Medium Strength		High Strength	
	Current	FY 2024	Current	FY 2024	Current	FY 2024
5/8 inch	\$4,390	\$4,710	\$8,880	\$9,530	\$17,390	\$18,640
3/4 & 1 inch	\$11,530	\$12,370	\$23,330	\$25,040	\$45,720	\$49,010
1-1/2 inch	\$22,460	\$24,110	\$45,460	\$48,780	\$89,070	\$95,480

Table 5 – Proposed FY 2024 WCF Rates for Non-Residential greater than 1-1/2 Inch Meter Size

WCF Rate \$ per annual CCF					
Low Strength		Medium Strength		High Strength	
Current	FY 2024	Current	FY 2024	Current	FY 2024
\$33.22	\$35.66	\$67.24	\$72.17	\$131.76	\$141.25

Exhibit 1 – Update of 2019 SCC Study Calculations for Proposed FY 2024 SCC

Table 6-1: Wastewater Assets

Asset Class	Original Cost	Replacement Cost (A)	RC Depreciation (B)	Total Assets (RCLD) (A - B)
Chlorination	\$13,651,900	\$19,551,539	\$7,439,629	\$12,111,909
Effluent	\$65,663,726	\$221,583,994	\$168,952,236	\$52,631,758
General	\$143,927,224	\$350,845,794	\$213,300,923	\$137,544,870
Grit	\$19,834,612	\$63,533,438	\$37,064,691	\$26,468,747
Influent	\$45,486,639	\$106,897,283	\$73,635,412	\$33,261,872
Interceptor	\$234,814,953	\$793,348,355	\$474,366,918	\$318,981,438
Secondary	\$80,177,795	\$261,137,709	\$187,872,814	\$73,264,895
PGS	\$94,548,798	\$172,139,170	\$102,097,513	\$70,041,657
Primary	\$11,143,586	\$37,211,142	\$10,171,506	\$27,039,636
Sludge	\$199,704,239	\$362,764,102	\$184,004,090	\$178,760,012
Wet Weather	\$182,998,207	\$476,934,627	\$295,637,241	\$181,297,387
Total Assets	\$1,091,951,679	\$2,865,947,153	\$1,754,542,973	\$1,111,404,180

Table 6-2: Total System Value

Total System Value	
Wastewater System Value (RCLD)	\$1,111,404,180
Reserve Balance	\$80,681,000
Less Total Outstanding Principal	\$359,895,000
Total System Value	\$832,190,180

Table 6-3: Wastewater System Value Allocation

	I&I	Flow	COD	TSS	Total
% Allocation	44.46%	22.32%	11.85%	21.36%	100.00%
Wastewater System Value (RCLD)	\$494,148,051	\$248,080,519	\$131,755,996	\$237,419,614	\$1,111,404,180
Reallocate I&I	(\$494,148,051)	\$198,602,329	\$105,478,044	\$190,067,679	\$0
Wastewater System Value	\$0	\$446,682,848	\$237,234,040	\$427,487,292	\$1,111,404,180
% Allocated	0%	40%	21%	38%	100%

Table 6-4: Total System Value Allocation

% Allocation		Cost Allocation
Flow	40%	\$334,464,352
COD	21%	\$177,634,601
TSS	38%	\$320,091,226
Total	100%	\$832,190,180

Table 6-6: WCF Updated FY 2024 Unit Costs

	System Value (A)	Net Plant Influent (B)	Updated FY 2024 Unit Cost (C) = (A ÷ B)	Current FY 2023 Unit Cost
Flow	\$334,464,352	20,983,276	\$15.94 per ccf	\$14.84 per ccf
COD	\$177,634,601	106,264,585	\$1.67 per lb	\$1.56 per lb
TSS	\$320,091,226	41,790,303	\$7.66 per lb	\$7.13 per lb

Table 6-7: Updated FY 2024 SFR WCF

Updated FY 2024 Capacity Fee Calculation			Current FY 2023 Capacity Fee
Flow (ccf/year)	84	\$1,339	
COD (lbs/year)	374	\$625	
TSS (lbs/year)	157	\$1,203	
Total SFR WCF		\$3,166	\$2,950

Rounded to \$3,170

Table 6-7a: Updated FY 2024 MFR over 500 sq ft WCF

Updated FY 2024 Capacity Fee Calculation			Current FY 2023 Capacity Fee
Flow (ccf/year)	59	\$940	
COD (lbs/year)	262	\$438	
TSS (lbs/year)	110	\$843	
Total SFR WCF		\$2,221	\$2,070

Rounded to \$2,220

Table 6-7b: Updated FY 2024 MFR 500 sq ft and under WCF

Updated FY 2023 Capacity Fee Calculation			Current FY 2023 Capacity Fee
Flow (ccf/year)	46	\$733	
COD (lbs/year)	205	\$342	
TSS (lbs/year)	86	\$659	
Total SFR WCF		\$1,734	\$1,620

Rounded to \$1,730

Table 6-11: Non-Residential Updated FY 2024 Flow Charge

Meter Size	Yearly Average Use (ccf) [A]	Flow Unit Cost from Table 6-6 [B]	Flow Charge [C] = [A x B]
5/8 inch	132	\$15.94 per ccf	\$2,104
3/4 & 1 inch	347	\$15.94 per ccf	\$5,531
1 ½ inch	676	\$15.94 per ccf	\$10,775

Table 6-12: Non-Residential Updated FY 2024 COD Charge

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$949	\$2,694	\$11,365
3/4 & 1 inch	\$2,496	\$7,083	\$29,876
1 ½ inch	\$4,863	\$13,798	\$58,202

Table 6-13: Non-Residential Updated FY 2024 TSS Charge

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$1,654	\$4,728	\$5,176
3/4 & 1 inch	\$4,347	\$12,428	\$13,606
1 ½ inch	\$8,469	\$24,211	\$26,506

Table 6-14: Non-Residential Updated FY 2024 WCF¹

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$4,710	\$9,530	\$18,640
3/4 & 1 inch	\$12,370	\$25,040	\$49,010
1 ½ inch	\$24,110	\$48,780	\$95,480

¹ Fee rounded to the nearest dollar for table, District rounds to the nearest ten dollars for published WCF.

RECOMMENDED SCHEDULES OF RATES, CHARGES AND FEES FY 2024

Water System

Schedule A – Rate Schedule for Water Service
Schedule B – Account Establishment Charge
Schedule C – Charges for Special Services
Schedule D – Water Service Installation Charges
Schedule E – Private Fire Service Installation Charges
Schedule F – Public Fire Hydrant Installation Charges
Schedule G – Water Main Extension Charges
Schedule H – Standard Participation Charge (SPC)
Schedule J – System Capacity Charge (SCC)
Schedule N – Water Demand Mitigation Fees
Public Records Act Fee Schedule and District Publications Fees
Real Property Use Application Fees
Recreation Use Fees for Calendar Year 2023 and 2024

Regulations

Section 1 – Explanation of Terms Used in These Regulations

Wastewater System

Schedule A – Rates for Treatment Service
Schedule B – Wet Weather Facilities Charge
Schedule C – Industrial Permit Fees
Schedule D – Other Fees
Schedule E – Testing Fees
Schedule F – Rates for Resource Recovery Material Treatment
Schedule G – Capacity Fees
Schedule H – Interceptor Connection Review, Coordination and Inspection Fee

Schedule A

Rate Schedule for Water Service

FY 2024



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

A. ONE MONTH BILLING

Bills for all metered services shall consist of:

FIRST – A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$30.14	<u>\$32.70</u>
1 inch	45.53	<u>49.40</u>
1-1/2 inch	84.02	<u>91.16</u>
2 inch	130.17	<u>141.23</u>
3 inch	253.30	<u>274.83</u>
4 inch	391.81	<u>425.11</u>
6 inch	776.48	<u>842.48</u>
8 inch	1,238.15	<u>1,343.39</u>
10 inch	1,776.73	<u>1,927.75</u>
12 inch	2,469.24	<u>2,679.13</u>
14 inch	3,161.69	<u>3,430.43</u>
16 inch	4,008.07	<u>4,348.76</u>
18 inch	4,854.42	<u>5,267.05</u>

The service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on one month meter readings for all water delivered per unit of water (1 unit = 100 cu. ft. = 748 gallons):

<u>Potable Water Service</u>	WATER FLOW CHARGE PER UNIT	
Single Family Residential Accounts:		
For the first 172 gpd	\$4.60	<u>\$4.99</u>
For all water used in excess of 172 gpd, up to 393 gpd	6.32	<u>6.86</u>
For all water used in excess of 393 gpd	8.35	<u>9.06</u>
Multiple Family Residential Accounts:		
For all water used	6.50	<u>7.05</u>
All Other Water Use:		
For all water used	6.47	<u>7.02</u>

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single-family residential rate.

<u>Nonpotable/Recycled Water Service</u>	WATER FLOW CHARGE PER UNIT	
For all water used	\$5.04	<u>\$5.47</u>



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

B. TWO MONTH BILLING

Bills for all metered services shall consist of:

FIRST – A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$60.28	<u>\$65.40</u>
1 inch	91.06	<u>98.80</u>
1-1/2 inch	168.04	<u>182.32</u>
2 inch	260.34	<u>282.46</u>
3 inch	506.60	<u>549.66</u>
4 inch	783.62	<u>850.22</u>
6 inch	1,552.96	<u>1,684.96</u>
8 inch	2,476.30	<u>2,686.78</u>
10 inch	3,553.46	<u>3,855.50</u>
12 inch	4,938.48	<u>5,358.26</u>
14 inch	6,323.38	<u>6,860.86</u>
16 inch	8,016.14	<u>8,697.52</u>
18 inch	9,708.84	<u>10,534.10</u>

The water service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on two month meter readings for all water delivered per 1 unit of water (1 unit = 100 cu. ft. = 748 gallons):

<u>Potable Water Service</u>	WATER FLOW CHARGE PER UNIT	
Single Family Residential Accounts:		
For the first 172 gpd	\$4.60	<u>\$4.99</u>
For all water used in excess of 172 gpd, up to 393 gpd	6.32	<u>6.86</u>
For all water used in excess of 393 gpd	8.35	<u>9.06</u>
Multiple Family Residential Accounts:		
For all water used	6.50	<u>7.05</u>
All Other Water Use:		
For all water used	6.47	<u>7.02</u>

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single-family residential rate.

<u>Nonpotable/Recycled Water Service</u>	WATER FLOW CHARGE PER UNIT	
For all water used	\$5.04	<u>\$5.47</u>

C. EXCEPTIONS TO TWO MONTH BILLING

Except as provided below, customer accounts shall be subject to bi-monthly meter reading and customer billing schedules

- Accounts for which the average monthly bill is estimated to exceed \$1,500; such accounts will be billed monthly.
- Accounts for which there are reasonable and justifiable customer requests for monthly billing.
- Accounts for which the average monthly bill is estimated to be between \$100 and \$1,500, and the customer service manager recommends monthly billing based on an evaluation of credit and/or collection problems.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

D. PRIVATE FIRE SERVICES

~~Effective July 1, 2005, t~~The rates for Private Fire Services shall consist of:

FIRST – A MONTHLY SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$16.04	<u>\$17.40</u>
1 inch	22.05	<u>23.92</u>
1-1/2 inch	36.96	<u>40.10</u>
2 inch	54.87	<u>59.53</u>
3 inch	102.71	<u>111.44</u>
4 inch	156.48	<u>169.78</u>
6 inch	305.87	<u>331.87</u>
8 inch	485.15	<u>526.39</u>
10 inch	694.28	<u>753.29</u>
12 inch	963.16	<u>1,045.03</u>
14 inch	1,232.09	<u>1,336.82</u>
16 inch	1,560.77	<u>1,693.44</u>
18 inch	1,889.44	<u>2,050.04</u>

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on two-month meter readings for all water delivered per unit:

There shall be no charge for water through such services extinguishing accidental fires, but any water lost through leakage or used in violation of the District's Regulations shall be paid at the rate for general use and may be subject to a penalty as may be established by the District.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/23~~2~~

E. ELEVATION SURCHARGE

Elevation Designator	AMOUNT PER UNIT	
Pressure Zone 1: Elevation Designator 0 and 1	\$0.00	\$0.00
Pressure Zone 2: Elevation Designator 2 through 5	0.93	<u>1.01</u>
Pressure Zone 3: Elevation Designator 6 and greater	1.93	<u>2.09</u>

The elevation surcharge is determined by the pressure zone in which the service connection is located. Pressure zones are identified by designations that include an elevation designator.

Schedule B

Account Establishment Charge

FY 2024



SCHEDULE B – ACCOUNT ESTABLISHMENT CHARGE

EFFECTIVE 07/01/23~~2~~

The charge for establishing a new account or the transfer of an account for a customer moving from one address to another within the District's service area is \$~~63~~67 with the following exceptions:

- Customers in the Customer Assistance Program shall be charged \$~~34~~34.
- Landlords requiring temporary water service for a period not to exceed 60 days shall be charged \$~~34~~34, with the balance of the Account Establishment Charge billed for water service that exceeds 60 days.
- There will be no transfer fee to change the name of an account when the responsible party is a landlord who has signed an intervening water service agreement.
- There will be no transfer fee to change the name of an account when the same person or entity is to remain responsible.
- Customers may use the EBMUD website and use the online process to electronically set up a new account or transfer an existing account from one address to another when they move. The charge for electronically establishing a new account or electronically transferring an existing account for a single family residence customer is \$~~47~~51.

Schedule C

Charges for Special Services

FY 2024



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/2022

A. METER TESTING

Charges for meter testing will be in accordance with the following schedule:

<u>SIZE OF METER</u>	<u>TESTING CHARGES</u>
5/8", 3/4", and 1"	\$71
1-1/2" and 2"	\$71 On Site \$159 Pull/Test
3" and larger	\$318 On Site Actual Cost Pull and Test

B. SERVICE INTERRUPTION

The charge for shutting off water service due to non-payment of a water bill is \$50

The charge for restoring service after payment has been received during regular office hours is \$50

The charge for restoring service between 5 p.m. and 8 a.m. or on Saturday, Sunday, or on a holiday is \$74.79

An additional charge to lock or plug the meter due to non-payment or unauthorized water use is

S-Lock	\$67.71
Plug	\$453.479

A service interruption charge of \$50 may be charged in the event of any additional field stops to shut off service beyond the initial service interruption, including EBMUD locking the meter if the customer self-restores water service prior to making payment. (See Section M.)

C. RETURNED PAYMENT CHARGE

A charge of \$29 shall be paid for each check or electronic transaction received as payment to the District that is returned unpaid from a financial institution.

D. PROCESSING FEES FOR DELINQUENT CHARGE COLLECTION THROUGH LIENS AND PROPERTY TAX BILLS ON MULTI-FAMILY RESIDENTIAL ACCOUNTS

For multi-family residential accounts, the District may place liens on parcels with unpaid charges and collect unpaid amounts on parcels' property tax bills. Multi-family residential accounts are any residential accounts where a water meter serves two or more dwelling units.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/2022

- | | |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Lien Filing Fee | \$169 per lien (in Alameda County)
\$145 per lien (in Contra Costa County) |
| 2. Lien Removal Fee | \$123 (in Alameda County) and
\$119 (in Contra Costa County) for first
lien removed

\$56 (in Alameda County) and \$52 (in
Contra Costa County) for each additional
lien removed at the same time |
| 3. Property Tax Transfer Fee Unpaid
Charges with Liens Recorded | \$24 +1.7% (in Alameda County)
\$24 +\$3 per parcel (in Contra Costa
County) |

E. PROHIBITED WATER USE CHARGE

A charge of \$50 shall be paid to cover the monitoring costs incurred by the District if, after written notification, excessive or prohibited water use is not curtailed.

F. FLOW-RESTRICTOR INSTALLATION

The charge for District installation of a flow-restricting device on any service that continues excessive water use, after written notification, will be in accordance with the following schedule:

1. On services two-inches and smaller –

5/8" and 3/4"	\$134 <u>\$141</u>
1"	\$134 <u>\$141</u>
1-1/2"	\$284
2"	\$284

2. All others –

The charges for installing flow-restricting devices on water services, other than those in the above schedule, shall be the actual cost of installing the device, as determined by the District, including engineering, equipment, material, labor, and related overhead expenses.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/2022

G. NOTICE OF PROHIBITED WATER USE AND FLOW-RESTRICTOR CHARGES

For the purposes of Sections E and F above, written notification shall:

1. Specify the date by which excessive or prohibited water use must be curtailed to avoid further enforcement action; and
2. Be sent by certified mail (return receipt requested) or by other written means which would be sufficient for obtaining personal service in a legal proceeding.

H. RESCINDED 12/10/96

I. BACKFLOW DEVICE ANNUAL CERTIFICATION CHARGE

Where it is probable that a pollutant, contaminant, system, or plumbing hazard may be created by a water user, or where the water system is unstable and cross-connections may be installed or reinstalled, an approved backflow prevention device of the proper type is required for all premises except for conforming single-family premises at the customer's expense. See Section 26 of the District's Regulations Governing Water Service.

1. The charge for administering the Backflow Program Certification for all specified accounts (annually) \$~~64~~62
2. The charge for District staff to conduct a *Change of Responsible Party* or *Change of Use Survey* or to respond to a commercial customer's request for a backflow/cross connection survey, an initial or follow-up backflow inspection \$142/hr.
3. The charge for backflow testers to be placed on the District's list of certified testers \$~~473~~177

J. BACKFLOW DEVICE VIOLATION

For those customers where the service has been terminated for failure to meet the District's Backflow Program requirements, a charge will be made to cover the District's costs pursuant to the termination and restoration of service

\$~~605~~619

K. LATE PAYMENT PENALTY AND INTEREST

For those customers with outstanding overdue balances exceeding \$10 at billing, a charge equivalent to 1.5 percent of the overdue balance (minimum charge \$1) will be made to recover foregone interest on District money, and the District's costs to process overdue accounts. Customers in the Customer Assistance Program shall be exempt from the late payment penalty and interest.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/2022

L. PROCESSING FEE FOR INTERVENING WATER SERVICE AGREEMENT

The charge for the District to process an intervening water service agreement for a participating landlord in the District's automated landlord sign-on service is **\$6476**

Requests to modify intervening water service agreement property account information must be submitted in writing and can be dropped off, mailed, or faxed to a District business office.

The charge for each written request to modify the original intervening water service agreement by adding to or deleting property account information from the original agreement is **\$6476**

M. SERVICE TRIP CHARGE

The charge for District staff to perform special services for customers is **\$50**

The charge may be applied for, but is not limited to the following:

1. Additional field stops beyond the initial service interruption to shut off service due to non-payment, including a field stop to lock the meter if the customer self-restores water service prior to making payment;
2. Follow-up site visits to customers who have not complied after the District's notification to correct an obstructed meter condition or to remove unauthorized devices or equipment attached to District property in the meter box; and
3. Field inspections conducted at the customer's request.

N. PUBLIC HYDRANT METER ACCOUNT ESTABLISHMENT CHARGES

Customers can request a 3-inch hydrant meter that can be hooked up to a public fire hydrant to measure water use at a property site. Customers are required to: 1) provide hydrant meter readings every two months, within two weeks of the meter read due date; 2) return hydrant meter equipment within one month following a meter use period; and 3) renew the hydrant meter permit and exchange the hydrant meter equipment within 11 months from the date of issuance, if continued use is desired.

The charge to establish water service for a hydrant meter is **\$128137**

The charge to renew a hydrant meter account at the end of a 12-month period is **\$128137**

Hydrant meter security deposit **\$1,350**

If a field stop is required to establish a new account, a **\$256273** site visit charge shall be paid in addition to the **\$128137** account establishment charge. (See Section O.)



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/2~~3~~²

O. PUBLIC HYDRANT METER ACCOUNT SITE VISIT CHARGE

The charge for a Field Services Representative to conduct a hydrant meter site visit to perform special services for customers is

\$~~256~~²⁷³

The charge shall be applied for, but is not limited to the following:

1. Reading hydrant meters for which the two-month reading was not submitted by the customer;
2. Retrieving hydrant meter equipment from a customer site;
3. Delivering hydrant meter equipment to a customer; and
4. Establishing or renewing a hydrant meter account in the field.

Schedule D

Water Service Installation Charges

FY 2024



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/23²

Requests for the installation of a water service or changes to a water service must comply with all applicable District Regulations Governing Water Service

A. INSTALLING A SERVICE

The charge for installing water service (meter, lateral, and appurtenances), including a private fire service requiring a meter that is smaller than 4 inches, will be in accordance with the following schedule. The charge for installing a private fire service meter that is 4 inches or larger is set forth in Schedule E – Private Fire Service Installation Charges.

1. METERS SMALLER THAN FOUR INCHES

a. Regular Services (1 meter per lateral)

LATERAL AND METER SIZE	INSTALLED IN PAVED CONDITIONS ¹		INSTALLED IN UNPAVED CONDITIONS ²	
1" and smaller Lateral with 1" and under meter	\$9,499	<u>\$10,483</u>	\$5,145	<u>\$5,681</u>
1-1/2" Lateral with 1- 1/2" and under meter	15,244	<u>17,317</u>	9,135	<u>10,635</u>
2" Lateral with 2" and under meter	15,244	<u>17,317</u>	9,135	<u>10,635</u>
3" ³ Lateral with 3" and under meter	34,310	<u>37,365</u>	23,716	<u>25,868</u>
4" ³ Lateral with 4" and under meter	34,310	<u>37,365</u>	23,716	<u>25,868</u>

Cost to install services with 6" laterals and larger will be calculated on an actual cost basis.

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

³ Requires steel pipes.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/2022

b. Branch Services (2 or more meters per lateral)

METER SIZE	# OF METERS	INSTALLED IN PAVED CONDITIONS ⁴	INSTALLED IN UNPAVED CONDITIONS ⁵
5/8" Meters	2	\$9,880 <u>11,141</u>	\$5,526 <u>\$6,339</u>
	3	14,995 <u>17,700</u>	8,885 <u>11,019</u>
	4	15,376 <u>18,357</u>	9,266 <u>11,676</u>
	5	15,757 <u>19,015</u>	9,647 <u>12,334</u>
	6	16,138 <u>19,672</u>	10,028 <u>12,991</u>
	7	16,519 <u>20,330</u>	10,409 <u>13,649</u>
	8	16,900 <u>20,988</u>	10,790 <u>14,307</u>
1" Meters	2	14,614 <u>17,042</u>	8,504 <u>10,361</u>
	3	14,995 <u>17,700</u>	8,885 <u>11,019</u>
	4	15,376 <u>18,357</u>	9,266 <u>11,676</u>

c. Adjustment for Applicant Assisted Service Installations

Applicants requesting installation of at least 15 service laterals may choose to provide their own trenching and backfilling and be eligible to receive a refund of up to ~~\$540~~583 per service lateral installed provided that the applicant:

- (i) pays the appropriate charges for each service as specified in sections (a) or (b) above.
- (ii) clears the construction site of obstructing materials and equipment.
- (iii) excavates a minimum of 15 service laterals ahead of District crews.
- (iv) hauls sand and select backfill to the construction site for use by District crews in supporting the service lateral and for applicant backfilling of trenches.
- (v) backfills and compacts the trenches after District crews have installed and properly secured the service lateral.
- (vi) reimburses the District for (1) unproductive crew standby due to applicant's failure to prepare the site or excavate trenches in advance; (2) District costs to repair damage done by applicant's trenching operation.

⁴ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

⁵ Unpaved conditions are limited to conditions where paving has not previously existed, and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/23~~2~~

2. ALL OTHERS

The charge or credits for installing all water services other than those specified in Section (A)(1) of this schedule shall be the actual cost of installing the service, as determined by the District, including engineering, equipment, material, labor, and related overhead expenses. The charge for installing private fire service requiring a meter that is 4 inches or larger is stated in Schedule E.

B. COST OF INCREASING METER SIZE (Up to available capacity on existing lateral)

<u>1" and smaller Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
	\$1,153 <u>\$1,291</u>

<u>1-1/2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
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Up to 1-1/2"	\$1,153 <u>\$1,380</u>
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<u>2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
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Up to 2"	\$1,237 <u>\$1,380</u>
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<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
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Up to 2"	\$1,237 <u>\$1,380</u>
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<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
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Up to 4"	\$6,420 <u>\$7,389</u>
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C. COST OF REDUCING METER SIZE (Additional charge of \$600 if concrete replacement required)

1", 1-1/2" and 2" Laterals	to smaller meter	\$1,159	<u>\$1,272</u>
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3" and 4" Laterals	to smaller meter	\$3,151	<u>\$3,448</u>
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D. RELOCATING AN EXISTING SERVICE

1. To relocate an existing service perpendicular to the curb line or a distance not exceeding five feet parallel to the curb line, a charge will be ~~\$2,527~~ \$2,710.
2. To transfer service or to relocate an existing service a distance exceeding five feet parallel to the curb line, a charge will be made in accordance with Section A – Installing a Service plus the cost of eliminating old service connection.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/23~~2~~

E. RESETTling OR REPLACING A METER

There will be a charge equivalent to 5.0 percent of the water service installation charge for resetting a meter on an existing service connection.

There will be a charge equivalent to 5.0 percent of the water service installation charge for replacing a meter when applicants lose or damage meters when constructing new developments.

F. CONVERSION OF INDIVIDUAL SERVICE TO BRANCH SERVICE AND CONVERSION OF BRANCH SERVICE TO INDIVIDUAL SERVICE

(Multi-metering, when feasible)

Branch Conversion \$~~2,303~~2,492 for two meter conversion, \$~~381~~658 for each additional meter
(Additional charge of \$600 if concrete replacement is required)

G. SERVICE ELIMINATIONS

3/4" to 2" \$~~2,367~~2,492 (Additional charge of \$600 if concrete replacement required)

3" to 12" \$~~4,039~~4,354 (Additional charge of \$600 if concrete replacement required)

H. INSTALLATION OR OTHER WORK UNDER UNUSUAL CONDITIONS

The above charges apply to installation charges for water services four inches and smaller except where there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestions, known potential for archeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, and/or clean soil utility corridor establishment, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's actual cost of all engineering, material, equipment, labor, and related overhead expenses incidental to the installation.

Schedule E

Private Fire Service Installation Charges

FY 2024



SCHEDULE E – PRIVATE FIRE SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/23~~2~~

Requests for the installation of a private fire service must comply with all applicable District Regulations Governing Water Service.

A. INSTALLING A PRIVATE FIRE SERVICE

The charge for installing a private fire service (fire service meter, lateral, and other appurtenances necessary to support a property's fire sprinkler system) will be in accordance with the following schedule:

METER SIZE	INSTALLED IN PAVED CONDITIONS ¹	INSTALLED IN UNPAVED CONDITIONS ²
4"	\$28,729 <u>\$30,496</u>	\$18,136 <u>\$19,000</u>
6"	29,534 <u>33,162</u>	48,944 <u>21,666</u>
8"	29,534 <u>33,162</u>	48,944 <u>21,666</u>

The typical private fire service installation will require a meter that is 4" or larger. Cost to install a meter smaller than 4" is shown in Schedule D – Water Service Installation Charges, Section A.1 – Installing a Service, Meters Smaller Than Four Inches.

Cost to install a meter 10" and larger will be determined by the District based on an actual cost basis.

B. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for private fire services except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and/or clean soil utility corridor establishment, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's actual cost of all engineering, material, equipment, labor, and related overhead expenses incidental to the installation.

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

Schedule F

Public Fire Hydrant Installation Charges

FY 2024



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE 07/01/23~~2~~

Requests for the installation, removal, or relocation of a fire hydrant must comply with all applicable District Regulations Governing Water Service.

The following charges will be made for the installation, removal, or relocation of a fire hydrant.

A. HYDRANT INSTALLATION BY THE DISTRICT

The charge for installation of a fire hydrant by the District on an existing main or on/with new mains is \$~~29,346~~32,517 in paved¹ and \$~~18,594~~21,021 unpaved² conditions.

For hydrants installed by applicant on/with new mains installed by the Applicant see Section B below.

B. HYDRANT INSTALLATIONS BY APPLICANT ON APPLICANT-INSTALLED MAIN EXTENSIONS

1. Basic charge for materials and handling for 6-inch fire hydrant \$~~4,523~~4,920
2. Material charge for services laterals \$21 per foot

NOTE: Applicants will not be permitted to install a fire hydrant on an existing main.

C. HYDRANT REMOVAL

1. The charge to remove a hydrant located in paved¹ sidewalk \$~~4,039~~4,354
2. The charge to remove a hydrant located in unpaved² surface \$~~2,493~~2,690

D. RELOCATION OF A FIRE HYDRANT

The charge for the relocation of a hydrant will be the charge for the hydrant removal (Section C) plus the charge for the installation of a new hydrant (Section A).

E. SETBACK/OFFSET OF A FIRE HYDRANT

Where the relocation of a fire hydrant does not require a new connection to the main, the charge is \$~~9,629~~10,874. There is an additional charge of \$600 for concrete replacement.

F. REPLACEMENT OF A HYDRANT BODY

To replace an existing hydrant with a MODEL-64 hydrant body or equivalent on a wet barrel, above ground shutoff type hydrant, the replacement charge is \$~~1,812~~1,858

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final list.



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE 07/01/23²

G. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for fire hydrant installations except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, and/or clean soil utility corridor establishment, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's actual cost of all engineering, material, equipment, labor, and related expenses incidental to the installation.

Schedule G

Water Main Extension Charges

FY 2024



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/23~~2~~

Requests for the installation of a water main extension must comply with all applicable District Regulations Governing Water Service.

A. DISTRICT-INSTALLED MAINS

The charge for District-installed main extensions up to 1,000 feet shall be based on the standard charges as specified below.

1. Charge for engineering, inspection, pipeline materials and appurtenances, and installation of the required mains by the District in unpaved streets and in paved streets, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:

- a. Basic installation charge of ~~\$4,336~~\$4,654
plus,

Linear foot charge, for combined length of main extension of 0 to 1,000 feet:

In unpaved streets¹

2-inch PVC pipe	\$219 <u>\$245</u> per foot
2-inch Copper pipe	255 <u>286</u> per foot
6-inch/8-inch PVC or HDPE pipe	345 <u>388</u> per foot
6-inch/8-inch Ductile Iron pipe	376 <u>422</u> per foot
6-inch/8-inch Steel pipe	395 <u>443</u> per foot
12-inch HDPE pipe	485 <u>545</u> per foot
12-inch Steel pipe	535 <u>600</u> per foot

In paved streets²

2-inch PVC pipe	\$359 <u>\$402</u> per foot
2-inch Copper pipe	394 <u>442</u> per foot
6-inch/8-inch PVC or HDPE pipe	474 <u>532</u> per foot
6-inch/8-inch Ductile Iron pipe	505 <u>567</u> per foot
6-inch/8-inch Steel pipe	524 <u>588</u> per foot
12-inch HDPE pipe	616 <u>692</u> per foot
12-inch Steel pipe	666 <u>747</u> per foot

- b. The above charges apply to all District-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to hydraulic analysis, property rights

¹ Unpaved streets are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

² Paved streets are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/23~~2~~

evaluation, and/or clean soil utility corridor establishment. In such cases, the additional charge will be based on the District's actual cost of all engineering, material, equipment, labor, and related overhead expenses incidental to the installation.

2. Charges for Pipe Greater than 12-Inches

Charges for District-installed mains greater than 12-inches will be based on a District engineering cost estimate.

B. APPLICANT-INSTALLED MAINS

The charge for Applicant-installed main extensions over 1,000 feet shall be based on the following standard charges:

1. Charge for engineering, inspection, and certain pipeline materials, designated below for the installation of the required water mains by the applicant, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:

- a. Basic installation charge of ~~\$4,336~~\$4,654 plus

Linear foot charge of:

6-inch/8-inch diameter pipe	\$61 <u>\$65</u> per foot
12-inch diameter pipe	\$72 <u>\$77</u> per foot
16-inch and larger diameter pipe	See B, 3 below

- b. The charge to the applicant for District-supplied pipe and fittings (which include valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications) will be the District's cost for these materials including tax and shipping.
 - c. The above charges apply to all Applicant-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the additional charge will be based on the District's actual cost of all engineering, material, equipment, labor, and related overhead expenses incidental to the installation.

In all cases the District will supply valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications.



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/23²

2. Credits (where applicable) when pipe to be installed by the applicant is required by the District to be larger than the pipe size needed to serve the applicant or when applicant installs District improvements in conjunction with applicant-installed main extensions will be based on a District engineering cost estimate.

3. Charges for Pipe Greater than 12-Inches

Charges for Applicant-installed mains greater than 12-inches will be based on a District engineering cost estimate.

Schedule H

Standard Participation Charge (SPC)

FY 2024



SCHEDULE H – STANDARD PARTICIPATION CHARGE (SPC)

EFFECTIVE 07/01/23~~2~~

A. The Standard Participation Charge for each standard service installed shall be:

Meter Size	Gravity Zone ¹	Pumped Zone ²
5/8" and 3/4"	\$4,220 <u>\$4,540</u>	\$6,670 <u>\$7,110</u>
1"	10,550 <u>11,340</u>	16,690 <u>17,780</u>
1-1/2"	21,100 <u>22,700</u>	33,400 <u>35,600</u>
2"	33,700 <u>36,300</u>	53,400 <u>56,900</u>
3"	67,500 <u>72,600</u>	106,800 <u>113,800</u>
4"	105,500 <u>113,400</u>	166,900 <u>177,800</u>

The Standard Participation Charge for each meter larger than four inches shall be determined on a case-by-case basis by the District, considering such factors as the projected demand which the service would impose on the District system, the maximum intermittent flow rate of the meter compared to a 5/8" meter, and whether the service is solely domestic or is combined with a fire service. In no event shall the standard participation charge for a meter larger than four inches be less than \$~~105,500~~113,400 in gravity zones or \$~~166,900~~177,800 in pumped zones.

¹ This charge covers general water main oversizing and future water supply.

² This charge covers major facilities capacity, water main oversizing and future water supply.

Schedule J

System Capacity Charge (SCC)

FY 2024



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

A. SCC FOR STANDARD SERVICE¹

The SCC is calculated based on the applicant's projected average annual demand.

1. Non-Residential Service Connections SCC² for meters up to 1-1/2 inches (dollars per connection)

METER SIZE (INCHES)	REGION ³					
	1		2		3	
5/8	\$15,840	<u>\$17,200</u>	\$30,860	<u>\$33,310</u>	\$33,890	<u>\$36,740</u>
3/4	25,880	<u>28,100</u>	44,170	<u>47,670</u>	51,870	<u>56,240</u>
1	49,250	<u>53,480</u>	79,090	<u>85,360</u>	92,390	<u>100,170</u>
1-1/2	128,440	<u>139,470</u>	224,530	<u>242,320</u>	227,600	<u>246,750</u>

The District reserves the right to request additional information, including specific water use information from the applicant. The District reserves the right to determine the appropriate meter size to serve the applicant's projected demand needs and assess the SCC using this Section (A)(1). If the District determines that the applicant's projected average annual demand exceeds 3,200 gallons per day (gpd) for non-residential service connections or that a meter larger than 1-1/2 inches is required to meet the applicant's projected demand needs, this Section (A)(1) no longer applies. For projected average annual demand exceeding 3,200 gpd for non-residential service connections and/or meters larger than 1-1/2 inches, Section(A)(3) shall be used to determine the SCC based on the applicant's projected average annual demand and the unit charges set forth therein. The District's decision regarding the applicable SCC shall be final.

For service connections with meters larger than 1-1/2 inch see Section 3 below.

¹ This charge covers the cost of System-wide Facilities Buy-in, Regional Facilities Buy-in and Future Water Supply.

² The SCC charged to the applicant will be based on the water meter size required to meet the indoor needs (excluding private fire service needs) and outdoor watering needs of the premises as determined solely by the District based on the plumbing code, the District's review, and water industry standards. The meter(s) that is installed may be larger than the meter size that is used to determine the applicable SCC fee if the service is combined with a private fire service or if a separate irrigation meter is required (See Sections D – Combined Standard and Fire Service and I – Required Separate Irrigation Meter for Single Family Premises).

³ REGION	GENERAL DESCRIPTION
1	Central Area (gravity zones West-of-Hills) El Sobrante and North (pumped zones)
2	South of El Sobrante to vicinity of Highway 24 (pumped zone) South from vicinity of Highway 24 (pumped zones) Castro Valley Area (pumped zones) North Oakland Hill Area (pumped zones, formerly 4A)
3	Orinda-Moraga-Lafayette Area (pumped zones) San Ramon Valley and Walnut Creek (pumped and gravity zones)



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

2. Single Family Service Connections SCC² with typical use demand patterns that can be served by meters up to 1-1/2 inches (dollars per connection)

METER SIZE (INCHES)	REGION ³					
	1	2	3			
3/4	\$12,230	<u>\$13,280</u>	\$19,400	<u>\$20,940</u>	\$36,100	<u>\$39,140</u>
1	17,380	<u>18,880</u>	41,580	<u>44,870</u>	55,260	<u>59,910</u>
1-1/2	22,210	<u>24,120</u>	53,590	<u>57,840</u>	71,100	<u>77,080</u>

The District reserves the right to request additional information, including specific water use information, from the applicant. The District reserves the right to determine the appropriate meter size to serve the applicants projected demand needs and assess the SCC using this Section (A)(2).

Where two or more single family dwelling units are located on one premises the District shall determine the appropriate meter size for each single-family dwelling individually and determine the SCC in for each dwelling in accordance with Section (A)(2).

For service connections with larger meters or greater than 1,940 gpd projected average annual demand for single family residential service, Section(A)(3) shall be used to determine the SCC based on the applicant's projected average annual demand and the unit charges set forth therein. The District's decision regarding the applicable SCC shall be final.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by Government Code Sections 65852.2 and 65852.22.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

3. SCC for Larger Meters

The SCC for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same unit charge and criteria as apply to the SCC for smaller meters. The SCC will be calculated based on the unit charges for each of the four components listed below:

Component	Unit Charge (\$/100 gpd)
Post-2000 (Add'l Regions 3C & 3D only)	SCC Region Specific
Regional Facilities Buy-in	SCC Region Specific
System-wide Facilities Buy-in	\$3,665 <u>4,025</u>
Future Water Supply ⁴	943 <u>1,017</u>

The unit charges for the components that are specific to a SCC Region are:

Region	Post-2000 Component	Regional Facilities Buy-In Component
1	n/a	\$1,830 <u>1,949</u>
2	n/a	4,632 <u>4,930</u>
3	n/a	2,760 <u>2,946</u>
3C	\$7,353 <u>7,610</u>	2,263 <u>2,462</u>
3D	7,353 <u>7,610</u>	2,263 <u>2,462</u>

In no instance will the SCC for a meter larger than 1-1/2 inches be less than the 1-1/2 inch price from the appropriate Section 1 or 2, above.

The SCC, rounded to the nearest hundred dollars, will be determined by multiplying the sum of the unit charge of the four components by the water use information furnished by the applicant, rounded to three significant places.

If the District has determined, based on water use information furnished by the applicant, that a meter size larger than 1-1/2 inches is required to meet the applicant's projected demand needs or if the projected average annual demand exceeds 3,200 gpd (non-residential) or 1,940 gpd (single family residential), the SCC shall be calculated pursuant to this subdivision irrespective of the arrangement of water metering or meter size at the premises.

⁴ The Future Water Supply component for Region 3C is based on 1993 agreement (see Section B1).



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

4. SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for water service at multi-family premises shall be as listed below. For purposes of this Schedule J, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.

Multi-Family Premises Dollars per Dwelling Unit (DU)						
	REGION ⁵					
	1		2		3	
For Dwelling Units Over 500 square feet	\$7,730	<u>\$8,390</u>	\$11,090	<u>\$11,970</u>	\$8,840	<u>\$9,590</u>
For Dwelling Units 500 square feet and under ⁶	6,120	<u>6,640</u>	8,780	<u>9,470</u>	7,000	<u>7,590</u>

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable ~~for separate meters installed~~ to provide irrigation for landscaping on the premises for landscape areas up to 5,000 square feet. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve landscape areas greater than 5,000 square feet and for other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under A.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by Government Code Sections 65852.2 and 65852.22.

⁵ Same regions as described in A.2.

⁶ The applicant must submit sufficient documentation, as determined by the District, from the local building department that shows the dwelling unit living space square footage is 500 square feet or less for any dwelling unit to qualify for the 500 and under square foot MFR SCC. Documentation can be approved architectural drawings or other approved records of the dwelling unit living space.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS⁷

The System Capacity Charge for non-residential and single family residential water service at premises other than multi-family premises shall be as follows (dollars per connection):

1. Non-residential water service at premises other than multi-family premises shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION ⁸	
	3C ⁹	3-D
5/8	n/a	\$110,230 <u>117,130</u>
3/4	n/a	165,350 <u>175,700</u>
1	n/a	276,130 <u>293,420</u>
1-1/2	n/a	552,260 <u>586,840</u>

For service connections with larger meters see Section 3 below.

2. Single-family service connections shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION ⁷	
	3C ⁸	3-D
3/4	\$108,310 <u>\$114,980</u>	\$110,230 <u>\$117,130</u>
1	180,880 <u>192,020</u>	184,080 <u>195,610</u>
1-1/2	361,760 <u>384,040</u>	368,160 <u>391,220</u>

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by Government Code Sections 65852.2 and 65852.22.

For service connections with larger meters see Section 3 below.

⁷ This charge covers the cost of System-wide Facilities Buy-In, Regional Facilities Buy-In and Future Water Supply. The Additional Regions are low-density, residential in nature. It is not anticipated that meters larger than 3/4-inch (excluding fire flow requirements) will be installed in these Regions.

⁸ ADDITIONAL REGION	GENERAL DESCRIPTION
3-C	South of Norris Canyon Road (pumped zones)
3-D	South of Norris Canyon Road outside Wiedemann Ranch (pumped zone)

⁹ The Future Water Supply component of the SCC for Region 3C is set by the July 20, 1993 Wiedemann Agreement, indexed to the U.S. City Average of the Consumer Price Index and used by EBMUD to fund conservation programs. The total Future Water Supply component of the SCC for the common areas in Region 3C shall be paid as a condition for the issuance of the first water meter for the common area. The SCC for non-residential services (e.g., common area irrigation) shall be uniquely calculated in accordance with the Wiedemann Agreement.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

3. SCC for Larger Meters

The SCC for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same cost components and criteria as apply to the SCC for smaller meters. (See Section A.3)

4. Separate SCC for Standard Service to Multi-Family Premises

The SCC for water service at multi-family premises shall be as listed below. For purposes of this Schedule J, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.

Multi-Family Premises Dollars per Dwelling Unit				
ADDITIONAL REGIONS ¹⁰				
3-C 3-D				
For each Dwelling Unit	\$41,790	<u>\$44,360</u>	\$38,690	<u>\$41,110</u>

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises for landscape areas up to 5,000 square feet. All other rates and charges shall be based on actual number and size of meters and do not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve landscape areas greater than 5,000 square feet and for other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under B.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by Government Code Sections 65852.2 and 65852.22.

¹⁰ Same regions as described in B.1.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23²

C. LOW-PRESSURE SERVICE

Where a larger meter is installed because of low-pressure conditions, the applicable System Capacity Charge shall be determined on the basis of the size of the meter which would be required for a standard service as determined by the District based on plumbing code and water industry standards. All other rates and charges shall be based on actual meter size.

D. COMBINATION STANDARD AND FIRE SERVICE

Where a meter is installed to provide both standard service and a supply to a private fire protection system, at other than multi-family premises, the applicable System Capacity Charge shall be based on the meter size required for standard service exclusive of the capacity for supplying the fire protection system as determined by the District based on plumbing code, fire protection code and water industry standards. The installation charges shown in Schedule D and all other rates and charges pertaining to the service shall be based on the actual size of the meter that is installed.

E. FIRE SERVICES AND STANDBY SERVICES

For fire services and standby services (additional service connections for security of supply), there shall be no System Capacity Charges.

F. ADDITIONAL WATER USE ON PREMISES RECEIVING SERVICE

The System Capacity Charge applicable to enlargement of an existing service at other than multi-family premises shall be based on the difference in SCC for the new service size and the existing service size.

If additional dwelling units are constructed on premises subsequent to the installation of service and payment of an SCC under B.1, then the SCC applicable to each additional dwelling unit shall be immediately due and payable.

G. CREDIT FOR EXISTING SERVICES

Where one or more new services will replace one or more existing or prior services to a premises where an SCC was paid to initiate the water service, a credit will be given toward the new SCC based on the customer classification, meter size or water use information that was used to calculate the initial SCC payment (see Section A – SCC for Standard Service). For instances where the existing or prior services were installed prior to 1983 and no SCC was paid, the SCC credit for meter sizes under 2" will be based on Sections A.1 and A.2 – SCC for Standard Service. For existing or prior services with meter sizes 2" and greater where no SCC was paid, the annual average of the past ten years of water consumption will be used to determine the SCC credit, but in no instance will the credit be less than that of a 1.5" meter size for the customer classification listed in Sections A.1 and A.2 – SCC for Standard Service. No SCC credit will be given unless prior service to the premises is verified. If the SCC is paid with the service connection to be completed by meter installation at a later date, and existing service(s) are to remain in service until that time, the applicable credit for the existing service(s) will be in the form of a refund when the existing services are removed.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23~~2~~

The SCC credit cannot be applied to a standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system. Where the initial SCC payment was made under Schedule J Section I – Required Separate Irrigation Meter for Single Family Premises, the SCC credit cannot be applied to the separate irrigation meter without a SCC credit on the residential meter. The SCC credit for an existing service can only be applied to the premises where the existing service is located. “Premises” is defined in Section 1 of the District’s Regulations Governing Water Service.

For a common area meters installed under the July 20, 1993 Wiedemann Agreement, credit toward a new SCC for these meters will be based on the actual SCC payment for each meter installed, not based on the size of the existing meter.

H. TEMPORARY CONSTRUCTION SERVICE

A System Capacity Charge paid on a temporary construction service will be refunded if said service is removed within a 1-year period after installation.

I. REQUIRED SEPARATE IRRIGATION METER FOR SINGLE FAMILY PREMISES

If an irrigation meter is required for a single-family premises because the landscape exceeds the threshold for a dedicated irrigation meter in Section 31 of the Regulations, two meters will be installed – one for the indoor and private fire service (if applicable) needs of the building and a separate meter dedicated for irrigation. One single-family premises SCC shall be applicable based on the hydraulic capacity needed to serve the irrigation and indoor needs. The hydraulic capacity of the installed meter or meters will be equal to or exceed the hydraulic of the meter size that was charged in the SCC fee. The installation charges shown in Schedule D and all other rates and charges pertaining to the service(s) based on the actual size of the meter(s) that are installed shall apply.

J. NONPOTABLE WATER SERVICE

1. Nonpotable Water Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION					
	1		2		3	
5/8	\$2,320	<u>\$2,500</u>	\$3,150	<u>\$3,400</u>	\$4,340	<u>\$4,680</u>
3/4	3,790	<u>4,090</u>	4,510	<u>4,860</u>	6,640	<u>7,160</u>
1	7,210	<u>7,780</u>	8,070	<u>8,710</u>	11,830	<u>12,750</u>
1-1/2	18,810	<u>20,290</u>	22,910	<u>24,710</u>	29,130	<u>31,420</u>

All SCC for nonpotable water service connections with meters larger than 1-1/2 inches shall be determined by applying the Future Water Supply Component unit charge to the defined



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/23²

projected water demand approved by the District. The SCC will not be less than the 1-1/2 inch meter charge from Section J.1 above.

K. DUAL STANDARD SERVICES

An SCC shall be applicable for separate meters installed to provide dual (potable and nonpotable) standard service, based on the meter size(s) for each service.

L. ADJUSTMENT OF SCC FOR WATER-CONSERVING LANDSCAPING ON PUBLICLY OWNED PROPERTY

To further encourage water conservation, the SCC for a water service connection exclusively for irrigation of landscaping on property owned by a public agency may be reduced or not required based on long-term water service needs after an initial planting establishment period of not more than three years (the “initial period”); provided that (1) the landscape plan incorporates drought-tolerant and other low-water-use planting materials on a major part of the landscaped area, and (2) the long-term water need would result in replacement of the initial water meter with a smaller meter or water service would be discontinued and removed at the end of the initial period, as solely determined by the District.

A public agency applying for water service under such conditions shall submit a written request to the District prior to the time of payment of the SCC. The request shall set forth in detail the facts supporting an adjustment of the SCC, shall include information and plans clearly describing the planting materials and irrigation system, and shall include data and calculations clearly demonstrating the estimated initial and long-term water needs.

If the District determines that the SCC can be based on a smaller meter or discontinuation of service after the initial period, the public agency shall enter into a water service agreement which provided for (1) payment of the reduced SCC prior to installation of service; (2) verification of the long-term need at the end of the period; and (3) payment of the additional SCC required if the initial meter is not to be replaced, or the replacement meter is larger than initially determined, or water service is not discontinued and removed. If additional SCC payment is required, it shall be based on the charges in effect at the time of initial SCC payment, and shall be due and payable within 30 days of written notice from the District. The agreement shall be binding upon all subsequent owners of the property and shall be recorded.

Installation charges for the service connection shall be based on the meter size initially installed.

The above-mentioned SCC adjustments do not apply to nonpotable water service accounts.

Schedule N

Water Demand Mitigation Fees

FY 2024



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/23~~2~~

The Water Demand Mitigation Fee funds District conservation programs that are intended to achieve water savings that offset water demand from development within the territory or development where the fees are collected. The Water Demand Mitigation Fee is payable at the time application for service is made or prior to release of the distribution system pipelines and related appurtenances when the installation of water main extensions are required.

A. WATER DEMAND MITIGATION FEES FOR “THE MEADOWS” TERRITORY

For service connections within “The Meadows” territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY
5/8	\$6,420 <u>\$6,930</u>
3/4	9,250 <u>9,980</u>
1	14,390 <u>15,520</u>
1-1/2	27,750 <u>29,930</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY
5/8	\$6,290 <u>\$6,780</u>
3/4	9,250 <u>9,980</u>
1	14,390 <u>15,520</u>
1-1/2	27,750 <u>29,930</u>

3. The Water Demand Mitigation Fee for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.09) established by the Board of Directors for smaller meters.

4. For phased developments within The Meadows territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

¹ As defined in Contra Costa Local Agency Formation Commission Resolution No. 96-33, adopted August 13, 1997.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/23~~2~~

B. WATER DEMAND MITIGATION FEES FOR “THE WENDT RANCH” TERRITORY

For service connections within “The Wendt Ranch” territory² payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY
5/8	\$8,250 <u>\$8,900</u>
3/4	11,880 <u>12,810</u>
1	18,480 <u>19,930</u>
1-1/2	35,650 <u>38,440</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY
5/8	\$8,080 <u>\$8,710</u>
3/4	11,880 <u>12,810</u>
1	18,480 <u>19,930</u>
1-1/2	35,650 <u>38,440</u>

3. The Water Demand Mitigation Fee for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.40) established by the Board of Directors for smaller meters.
4. For phased developments within The Wendt Ranch territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

² As defined in Contra Costa Local Agency Formation Commission Resolution 97-5, adopted March 12, 1997.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/23~~2~~

C. WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT³

For service connections within “The Wiedemann Ranch Development”, payment of a Water Use Offset Fee shall be required in addition to all other applicable fees and charges, including the System Capacity Charge (SCC).⁴

1. Common Area Offset Fee

The total Water Use Offset Fee for common areas in The Wiedemann Ranch Development is \$~~80,427~~85,583, and payable as a condition of issuance of the first meter for the common area.⁵

2. Single Family Service Connections

The Water Use Offset Fee for each residential lot in The Wiedemann Ranch Development is \$~~8,028~~8,542, which amount shall be indexed using the same index as for the common area offset fee.

D. ADDITIONAL WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT³

For water service within the Wiedemann Ranch Development, payment of Additional Water Use Offset Fees shall be required in the event the annual water budget⁶ is exceeded.

1. The Additional Water Use Offset Fee shall be determined by the number of gallons of water used during the average of the two consecutive years in excess of the annual water budget times the per gallon fee of \$~~17.33~~18.44.⁷

³ The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen (“Wiedemann Agreement”).

⁴ The Wiedemann Agreement specifies the amount and other terms related to the Future Water Supply Component of the SCC for the Wiedemann Ranch Development.

⁵ The Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the offset fee.

⁶ The Wiedemann Agreement specifies the formula for calculating the annual water budget and the specific methodology for calculating and collecting the additional water use offset fee.

⁷ The Wiedemann Agreement specifies the terms related to the Additional Water Use Offset Fee. The Additional Water Use Offset Fee shall be indexed to the U.S. City Average of the consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the additional water use offset fee.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/2022

E. WATER DEMAND MITIGATION FEES FOR CAMINO TASSAJARA INTEGRATED PROJECT⁸

For service connections within the Camino Tassajara Integrated Project⁹, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC). The Board of Directors adopted Section 3D to the Water Service Regulations in January 2003 to codify the WDMF and other conservation requirements imposed on the project territory by the County and Local Agency Formation Commission.

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT
5/8	\$7,950 <u>\$8,580</u>
3/4	11,460 <u>12,360</u>
1	17,820 <u>19,220</u>
1-1/2	34,360 <u>37,060</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT
5/8	\$5,460 <u>\$5,890</u>
3/4	8,030 <u>8,660</u>
1	12,510 <u>13,490</u>
1-1/2	24,100 <u>26,000</u>

3. The WDMF for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.61) established by the Board of Directors for smaller meters.

⁸ The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

⁹ As generally described in the October 9, 2002 Miscellaneous Work Agreement between the District, Shapell Industries, Ponderosa Homes II, and Braddock and Logan Group II.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/2022

The WDMF for new water service at multi-family premises shall be as listed below. For purposes of this Schedule N, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered as specified in Sections 2 and 3 of the District’s Regulations Governing Water Service.

Multi-Family Premises – Dollars Per Dwelling Unit (DU)

Each of the first 10 DU in a single structure	\$3,280 <u>\$3,530</u>
Each additional DU in same structure	2,620 <u>2,830</u>

The above WDMF shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under E.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

4. The WDMF is payable for all connections within phased developments prior to release for construction, the distribution system pipelines and related appurtenances.
5. Water use in excess of 120 percent of the annual water budget¹⁰ shall be subject to an Additional WDMF (on a per-occurrence basis). The Additional WDMF shall be determined by multiplying the amount of water used in excess of 100 percent of the annual water budget times the per gallon fee of \$0.~~54~~55 per gpd.

¹⁰ The water budget shall be established pursuant to the October 9, 2002 Miscellaneous Work Agreement referenced in Footnote 2.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/23~~2~~

F. WATER DEMAND MITIGATION FEES FOR GALE RANCH PHASE 2, SUBDIVISION 9134¹¹

For service connections within Gale Ranch Phase 2, Subdivision 9134, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134
5/8	\$7,620 <u>\$8,220</u>
3/4	10,980 <u>11,840</u>
1	17,060 <u>18,400</u>
1-1/2	32,930 <u>35,510</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134
5/8 ¹²	\$5,230 <u>\$5,640</u>
3/4	7,700 <u>8,300</u>
1	11,960 <u>12,900</u>
1-1/2	23,070 <u>24,880</u>

3. The WDMF for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All

¹¹ The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

¹² 5/8" fee based on 32,594 gpd land use unit demands (LUDS) minus 10,884 gpd middle school demand credit divided by 63 residential units resulting in 345 gpd/residential unit.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/23~~2~~

other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under F.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

**Public Records Act Fee Schedule and
District Publications Fees**

FY 2024



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23²

INTRODUCTION

The following fee schedule has been established by the District to cover the costs for duplicating District documents, drawings, maps, recordings, and other records, as required by the Public Records Act.

The District offers access to its records upon receipt of a request that reasonably describes an identifiable record. Any questions or requests concerning District documents should be addressed to the Secretary of the District, East Bay Municipal Utility District, P.O. Box 24055, Oakland, California 94623-1055, or by calling (510) 287-0404.

CHARGES

Pursuant to the Public Records Act, the District may recover the “direct costs of duplication” for disclosable public records, unless a different charge is provided by statute. The direct cost of duplication generally covers two types of expenses – materials & equipment costs and labor costs.

- Materials & Equipment costs generally include the capital cost of the equipment, the maintenance contract, paper supplies, and other necessary expenses that must be incurred in order to make the equipment operational.
- Labor costs ordinarily include the pro rata salary of the clerical or technical employee operating the equipment.

The total cost for providing copies is a combination of materials, labor for actual duplication time, equipment usage, and postage, if applicable. The direct cost of duplication may vary depending on the size and type of media requested and the kind of reproduction equipment required.

Photocopies of non-District materials are charged at the same rate as District materials.

Prices quoted in this fee schedule are subject to change. An estimate of cost will be provided upon request.

Any records sent outside for duplication will be billed the actual cost of duplication by the outside vendor.

PAYMENT

For requests estimated to cost over \$100 in duplication fees, a deposit in the amount of the estimated fee will be required before duplication.

For all requests, payment in advance is required before release of records. Acceptable methods of payment include cash or check (payable to East Bay Municipal Utility District). The District does not currently accept electronic payments.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23~~2~~

INSPECTION/DELIVERY/PICK UP

The requestor is entitled to inspect records and/or obtain copies of records during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday).

If the requestor wishes records to be delivered, copies will be sent first class mail unless the requestor makes other arrangements for pick up or delivery with the Secretary's Office. Postage will be charged for copies mailed to the requestor.

Federal Express service is available if the requestor supplies a Federal Express account number.

LEGAL COMPLIANCE OBLIGATIONS

Responsibility for adherence to copyright law rests with the individual requesting copies.

CATEGORIES

This fee schedule covers the following categories of document types or formats:

- I. Paper Based Records
 - A. General Business Documents & Engineering Drawings
 - B. Printed Maps
 - C. Bid Documents for Publicly Bid Projects
- II. Electronically Stored or Generated Records
 - A. Records that already exist
 - B. Records that do not already exist
 - C. Compact Disks (CDs)
 - D. Digital Versatile Disks (DVDs)

Fees for document types/requests not covered herein will be provided upon request.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23²

I. PAPER BASED RECORDS

A. GENERAL BUSINESS DOCUMENTS & ENGINEERING DRAWINGS

The fees charged for reproducing general business documents and engineering drawings, and printed maps photocopied onto regular paper in the sizes indicated below are based on the actual cost of duplication by the District.

Fee = Labor Cost (\$0.~~65~~⁶⁸ per minute duplicating time)
+ Materials & Equipment Cost (e.g., cost per sheet or media)
+ Postage (if applicable)

- **Labor Costs:** Labor costs for duplication time is charge at the rate of \$0.~~65~~⁶⁸ per minute. Labor costs are based on the labor rate of a clerical employee and is charged only for the actual time spent on duplication.
- **Materials & Equipment:** The duplicating cost per sheet or media type is based on the actual cost of materials and equipment needed to reproduce documents. As detailed below, fees will vary depending on the type and size of documents and the method used for duplication.

1) Regular copies

8-1/2 x 11	\$0.09/page
11 x 17	0.17/page

2) Color copies

Requests for color copies may be sent to an outside vendor and charged back to the requestor.

3) Facsimile copies within the continental U.S.

8-1/2 x 11	\$0.50/page
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PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/2022

4) Engineering drawings

Size	Bond	Vellum
8-1/2 x 11	\$0.09	N/A
11 x 17	0.17	N/A
17 width	0.33	N/A
22 width	0.66	\$1.77
28 x 38	0.96	N/A

For sizes larger than those indicated in this chart, Engineering Records will determine the cost.

Drawings having a width greater than 36 inches cannot be reproduced on District equipment and must be sent out for commercial copying. These charges will be billed to the requestor.

B. PRINTED MAPS

The fees in this section apply to the duplication of existing hard copy B-maps. The fee listed is the cost per map for duplication by the District's print shop. All other pre-printed map sizes require special formatting and the cost for duplication by an outside vendor will be determined upon request.

B-maps 250' scale (11 x 17) includes Map View prints	\$0.99/map
Map Book Covers	\$38.64/cover

C. BID DOCUMENTS FOR PUBLICLY BID PROJECTS

Copies of plans and specifications for publicly bid construction projects are available through the District's Specifications, Cost Estimating, and Engineering Standard Records (ESR) Section at a per set cost established as each project is issued for bid. The fee will be based on the cost for duplication at the District's print shop or an outside copy service and postage, if applicable.

Pre-paid documents will be sent first class mail unless the requestor makes other arrangements for document pickup or delivery with the Specifications Clerk. Federal Express service is available if the requestor supplies a Federal Express account number.

Contract documents are also available for viewing and downloading from EBMUD's public website: www.ebmud.com via the "Business Center" link.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23~~2~~

Copies of CD-ROM versions of contract documents in Adobe Acrobat format are available free of charge from the Specifications Clerk at 510-287-1040.

Copies of historic contract documents can be provided in accordance with the provisions of item 1: General Business Documents.

II. ELECTRONICALLY STORED OR GENERATED DATA

The fees in this section apply to records stored electronically.

In general, there are two types of electronic records: (a) records that already exist on a system and merely require printing; and (b) records that do not currently exist and require data compilation, extraction, or programming to produce. A different fee rate applies to each of these types of records.

A. RECORDS THAT ALREADY EXIST

When a requestor seeks a record that already exists on a system (i.e., a record merely needs to be retrieved and printed, and does not require data compilation, extraction, or programming to produce), the following fee applies:

Fee = Labor Cost (\$0.~~65~~⁶⁸ per minute duplicating time)
+ Materials & Equipment Cost
+ Postage (if applicable)

Materials & Equipment costs vary with the types/formats of records requested as specified below:

1) Digital copies – PDF Files (including B-maps)

Cost of Media	
CD	\$3.05
DVD	6.35
Electronic Transfer	N/C



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23~~2~~

2) Maps on Demand

Size	Bond	Vellum*	Bond Color
8-1/2 x 11	\$0.10	\$0.19	\$0.38
11 x 17	0.19	0.36	0.73
17 x 22	0.33	0.60	2.05
22 x 34	0.49	0.84	3.38
28 x 38	0.66	1.10	5.02

*Costs reflect color plots produced only from existing files.

3) Other Electronic Records

Description	Charge per Unit
8-1/2 x 11 (PC Printer)	\$0.09/page
CD	3.05 each
DVD	6.35 each
Electronic Transfer	N/C

B. RECORDS THAT DO NOT ALREADY EXIST

When a requestor seeks records that do not currently exist on the system and require data compilation, extraction, or programming to produce, the requestor shall pay the cost to construct a new record, and the cost of programming and computer services necessary to produce a copy of the record. However, the District is under no obligation to provide records that do not already exist. Accordingly, the applicable fee is:

Fee = Labor Cost (\$~~1.24~~1.30 per minute production time)
+ Materials & Equipment Cost (rates specified in Section II.A)
+ Postage (if applicable)

Labor cost is based on the "average technical labor" rate and is charged only for the actual time spent producing the record.

This fee also applies when the request requires producing a record outside of the regularly scheduled interval.

C. COMPACT DISCS (CDs)

Fee = Labor Cost (\$0.~~65~~68 per minute duplicating time)
Cost per disc (CD-R Disc, Write-Once, 700 MB, 80 Minute, 52X = \$3.05/disc)
+ Postage (if applicable)



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/2022

D. DIGITAL VERSATILE DISCS (DVDs)

Fee = Labor Cost (\$0.~~65~~⁶⁸ per minute duplicating time)
Cost per disc (DVD+R, 16X, Single Sided, 4.7 GB/120 Minutes = \$6.35/disc)
+ Postage (if applicable)

E. DIGITAL VERSATILE DISCS (DVDs)

Recordings of regular meetings of the Board of Directors are available on www.ebmud.com. Copies of archived recordings of regular meetings of the Board of Directors are available upon request and can be provided on compact disc or digital versatile disc.

NOTE – we no longer use cassette tapes.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/23²

DISTRICT PUBLICATION FEES

Fee = Cost of publication (see below)
+ Sales tax
+ Postage (if applicable)

Municipal Utility District Act \$5.15

Its Name Was MUD \$18.00

Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region

Hardcover \$49.95 each

For EBMUD customers \$29.95 each

Vendors and Retailers up to 50% discount

Real Property Use Application Fees

FY 2024



REAL PROPERTY USE APPLICATION FEES

EFFECTIVE 07/01/2022

TYPE OF USE	APPLICATION FEE
Fee Title (<i>Outright purchase of District property</i>) Properties for Sale Unsolicited	\$2,400 <u>2,600</u> 14,200 <u>15,100</u>
Easement (<i>Rights for permanent use of District property, such as access, utilities, etc.</i>) Utility Type Other	2,400 <u>2,600</u> 6,600 <u>7,000</u>
Quitclaim (<i>Removal of District's right, title and interest to property</i>) Pipe Abandonment Other	1,200 <u>1,300</u> 2,700 <u>2,900</u>
Revocable License (<i>Permission to use District property for periods exceeding one year, subject to revocation. For such uses as utility road crossings of aqueduct properties</i>)	1,900 <u>2,100</u>
Lease (<i>The right to occupy and use District land for a specified time period</i>)	2,400 <u>2,600</u>
Telecommunication Lease (<i>Long-term lease for PCS, cellular and/or radio uses</i>)	4,200 <u>4,300</u>
Information-Only (<i>Request for information requiring research of District records. Information-only applicants will be charged a fee only if the estimated research time exceeds one hour</i>)	150 <u>160</u> /hr
Processing and Review of Watershed Land Use Proposals (<i>Request for District to perform a formal evaluation of watershed land use proposal</i>)	150 <u>160</u> /hr (plus all other District costs)
Property Entry Permits, Rights of Entry Permits (<i>Permission for temporary access onto District</i>)	360 <u>390</u>
Limited Land Use Permit (<i>Allows landscaping, gardening or other minor surface use of District property, subject to annual renewal</i>)	130 <u>140</u>
Temporary Construction Easement/Encroachment Permit (<i>Permission for temporary access onto District</i>) Open Land, No District Facilities With District Facilities	700 <u>770</u> 2,600 <u>2,700</u>
Survey Costs if needed (<i>Application use fees listed above do not include survey costs if needed</i>)	160 <u>170</u> /hr
Long Term Encroachment Permit	24,000 <u>25,700</u>

Recreation Use Fees
Calendar Year 2023 and 2024



RECREATION USE FEES FOR 2023
January – December 2023¹
EFFECTIVE 07/01/23

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered in order to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/4/01/23

CAMANCHE HILLS HUNTING PRESERVE¹	<u>USE FEE</u>
PRESERVE LICENSE:	
Initiation Fee (Family)	\$3,495.00
Initiation Fee (Corporate)	3,495.00
Annual Maintenance (Family)	300.00
Annual Maintenance (Corporate)	600.00
LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00
BIRD PROCESSING: (PRICE PER EACH)	
Pheasant	4.50
Chukar	4.50
20-bird card (pheasant and chukar) for 20	70.00
Duck	5.00
Goose	10.00
Smoking (all birds)	7.50
DOG RENTAL	
Half Day	75.00
Full Day	140.00
Special Hunt	140.00
SPORTING CLAYS	
Full Round Course (100 targets)	42.00
Half Round Course (50 targets)	23.00
25 targets (5-Stand/Grouse bunker)	9.00
5 targets (Skeet/trap)	6.00
ARCHERY RANGE AND COURSE	
7 Station 3-D Target Course Per person	10.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA	
Public Fishing Access	10.00
CHHP Members Access	5.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE	
Public Fishing Access: Bow for Carp	10.00

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07~~4~~01/23

CAMANACHE HILLS HUNTING PRESERVE
(continued)

USE FEE

RV Parking Area

Nightly	\$6.00
Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00

Camanche Hills Hunting Preserve
Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS**

USE FEE

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily (Peak Season: May 1-September 30, weekends and holidays)	\$18.00
Daily (Off-season, Peak Season weekdays)	12.00
Nightly (non-camping)	12.00
Annual (12 consecutive months)	225.00
Annual Senior/Disabled/Former POW/Disabled Veteran (12 Consecutive Months)	112.50
Combined Car/Boat Daily (Peak Season: May 1-September 30, weekends and holidays)	21.00
Combined Car/Boat Daily (Off-season, weekdays)	17.50
Annual Marina Overnight/Day Use (12 consecutive months)	245.00

**VEHICLE ENTRY/PARKING LARGE VANS
AND BUSES**

Large Vans – 10-20 Passengers	23.00
Buses – 21+ Passengers	44.00

DOG

Daily (Fee charged each day in park)	6.50
Annual (12 consecutive months concurrent with Annual Parking Pass)	55.00

BOAT LAUNCH

Daily Peak Season (May 1- Sept 30), weekends and holidays. (Fee charged each day in park.)	15.50
Daily Off-season; Peak Season weekdays. (Fee charged each day in park.)	12.00
Night (Fee charged each day in park)	14.00
Annual (12 consecutive months)	190.00
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	95.00

BOAT MOORING (Buoy)

Monthly: under 30 feet	320.00
30 feet & larger	385.00
Annual (12 consecutive months, any length):	2,900.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT SLIP OPEN (Excluding park entry)

Daily	\$40.00
Weekly	190.00
Monthly	430.00
8 Months	1,595.00
Key Security Deposit	15.00

**BOAT SLIP COVERED – 24' Length Maximum
(Excluding park entry)**

Daily	55.00
Weekly	225.00
Monthly	600.00
Annual (12 consecutive months)	2,500.00
Key Security Deposit	55.00

**BOAT SLIP COVERED –Over 24' Length
(Excluding park entry)**

Daily	60.00
Weekly	300.00
Monthly	725.00
Annual (12 consecutive months)	3,100.00
Key Security Deposit	55.00

**RV/TRAILER/BOAT STORAGE (Excluding
park entry)**

Monthly	170.00
12 Months, consecutive	895.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	76.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	110.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	380.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	520.00
Annual – concurrent with Mobile Home Space rent (12 consecutive months)	450.00
Annual – concurrent with Mobile Home Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	190.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

FISHING ACCESS PERMIT

Daily	\$7.25
Annual	150.00

CAMPSITE (w/vehicle parking)

Nightly (Peak Season: May 1 - September 30)	38.00
Nightly (Off-season)	25.00
Second Car Parking	17.00
Weekly (Peak Season: May 1 - September 30)	185.00
Weekly (Off-season)	122.00
Second Car Weekly	85.00
14 nights (Peak Season: May 1 - September 30)	370.00
14 nights (Off-season)	245.00
Camping Reservation Fee	12.00

PREMIUM CAMPSITES

Nightly (Peak Season: May 1 – September 30)	46.00
Nightly (Off-season)	27.00
Second Car Parking	17.00
Weekly (Peak Season: May 1 – September 30)	225.00
Second Car Weekly	85.00
14 nights (Peak Season: May 1 – September 30)	450.00
14 nights (Off-season)	264.00

CAMPSITES WITH TENT STRUCTURES

8 person nightly	85.50
16 person nightly	151.00
8 person weekly	428.50
16 person weekly	662.00

**CAMPSITE (WALK-IN/BICYCLE PARKING – 8
PERSON/BIKE MAX)**

Nightly	25.50
Weekly	138.50
14 nights	262.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

GROUP CAMP (Nightly)

12-Person Limit	\$121.00
16-Person Limit	146.00
24-Person Limit	171.50
32-Person Limit	227.00
64-Person Limit	429.00
72-Person Limit	480.00

GROUP CAMP (Nightly, off-season)

12-Person Limit	66.00
16-Person Limit	71.00
24-Person Limit	76.50
32-Person Limit	82.00
64-Person Limit	159.00
72-Person Limit	205.00

**EQUESTRIAN – TURKEY HILL – 2 HORSES
PER SINGLE SITE – “NO OFF-SEASON
DISCOUNTS”**

General Assembly Area	100.00
Turkey Hill Single	65.50
Turkey Hill Double	126.00
Turkey Hill Triple	151.50
Turkey Hill Quad	202.00
Entire Turkey Hill (includes assembly area)	730.00

RV SITE

Nightly	58.00
Weekly	333.50
Monthly	685.00
Season (6-Month Max)	1970.00
Premium Sites (Peak Season)	64.00
Premium Sites Weekly (Peak Season)	360.50

TOWING

Camanche Recreation Area per hour	165.00
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MISCELLANEOUS

Camanche Recreation Area Lake Tours	15.00
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RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$35.00
Vessels over 30' in length	35.00 + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00
Tank, bilge, live well decontamination only	25.00
PWC storage area decontamination only	25.00
Kayaks and Canoes decontamination	25.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	20.00

COTTAGE (4-Person Base)

May – Sept: Night	200.00
Week	1,050.00
Oct – April: Night	135.00
Week	710.00
Month	1,900.00

COTTAGE (6-Person Base)

May – Sept: Night	260.00
Week	1,365.00
Oct – April: Night	170.00
Week	892.50
Month	2,100.00

PARK MODEL (4-Person)

May – Sept: Night	300.00
Week	1,575.00
Oct – April: Night	225.00
Week	1,181.00
Month	3,000.00

**RESORT RENTAL (4 BEDROOM, 14 PERSON
MAX)**

May – Sept: Night	445.00
Week	2,340.00
Oct – April: Night	235.00
Week	1,235.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

MOBILE HOME (MONTHLY)

3 bedroom

\$929.77 +
HUD FMR²

MOBILE HOME SPACES (MONTHLY)

North Shore 1A

511.07* +
HUD FMR²

North Shore 1B

537.79* +
HUD FMR²

North Shore 2

618.02* +
HUD FMR²

South Shore

540.79* +
HUD FMR²

*Mobile homes registered through Amador County receive a \$2.50 credit on their monthly rent to reflect their payment of fire-related fees.

**OTHER MOBILE HOME FEES (Per Space –
Monthly)**

Guest Fee

75.00

Late Rent/Returned Check Fee

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

825.00

Lakeside Hall Daily (kitchen & service ware
included)

1,200.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

Camanche Clubhouse Rental (North Shore)

195.00

Camanche Clubhouse Rental (South Shore)

140.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobile home rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/4/01/23

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on off-season monthly open slip, covered slip and mooring buoy fees; and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07~~4~~01/23

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

LAFAYETTE RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Annual (new or renewal)	120.00
Annual (new or renewal) 2 years	240.00
Replacement hang-tag (Replacement limited to 1 hang-tag per year)	25.00
Parking Meters 1/2 hour	0.75
Senior/Disabled	
Season (new or renewal)	80.00
Season (new or renewal) 2 years	160.00

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	18.00
Buses – 21+ Passengers	33.00

DOG (no charge)

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Commercial Use	
Small (up to 10 people)	100.00
Medium (from 11 to 50 people)	500.00
Large (from 51 to 150 people)	1,000.00

BOAT LAUNCH

Daily	4.00
Annual	50.00
Boat Inspection Fee	6.00

FISHING ACCESS

Daily	5.00
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GROUP PICNIC

Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00 + \$1/participant



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

PARDEE RECREATION AREA

USE FEE

**VEHICLE ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily/Nightly (Non-Camping)	\$10.00
Season	118.00
Combined Car/Boat Daily	16.00

**VEHICLE ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00

DOG

Daily (Fee charged each day in park)	5.00
Season (Concurrent with Season Parking Pass)	50.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	10.00
Season	110.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	5.00
Season	44.00

BOAT SLIP (excluding park entry)

Daily	10.00
Weekly	50.00
Monthly	120.00
Season	690.00
Season (concurrent with season RV)	640.00

FISHING ACCESS

Daily	7.25
Annual	200.00

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00
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STANDARD CAMPSITE (w/vehicle parking)

Nightly	25.00
Second Car Parking	10.00
Weekly	150.00
Second Car Parking	60.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

PARDEE RECREATION AREA (continued)	<u>USE FEE</u>
PREMIUM CAMPSITE (w/vehicle parking)	
Nightly	\$30.00
Weekly	180.00
CAMPSITE (walk-in/bicycle parking) (8 person/8 bike maximum)	
Nightly	23.00
Weekly	138.00
DOUBLE CAMPSITE (16 people/2 vehicles)	
Nightly	50.00
Third or Fourth Vehicle	10.00
RV SITE	
Nightly	40.00
Weekly	240.00
Monthly	520.00
Season	4,095.00
Season – Premium Site	4,225.00
RV/TRAILER/BOAT STORAGE (excluding park entry)	
Weekly	30.00
Monthly	70.00
Season	510.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	670.00
TOWING	80.00
RESERVABLE SITE/FACILITY (charges in addition to above fees)	
Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS
(continued)

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

SAN PABLO RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Daily (Special Events)	5.00
Season	120.00

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

DOG	3.00
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COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00
Season (Entry & Boat Launch)	170.00
Boat Inspection Fee	6.00

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	4.00
Season (Entry and Cartop Launch)	124.00

FISHING ACCESS

Daily	6.00
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GROUP PICNIC

Large Sites (Oaks) daily	300.00
Large Sites (Pines) daily	200.00

GAZEBO	90.00
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TOWING	50.00
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RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

SAN PABLO RECREATION AREA (continued)

USE FEE

VISITOR CENTER & DECK RENTAL

Weekday	\$200.00
2 consecutive days	350.00
3 consecutive days	500.00
Weekday Evening (minimum charge for up to 3 hours)	250.00
Extra hours	70.00
Weekend Evening (minimum charge for up to 5 hours)	400.00
Extra hours	70.00
Event Cleaning and Damage Deposit	350.00



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07~~4~~/01/23

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on seasonal and 3-month entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 2023
January – December 2023
EFFECTIVE 07/01/23

WATERSHED TRAIL SYSTEM

USE FEE

WATERSHED TRAILS

Daily Permit	\$3.00
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00
<u>Low-income Annual Permit</u>	<u>0.00</u>



RECREATION USE FEES FOR 2024³
January – December 2024³¹
EFFECTIVE 01/01/24³

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered ~~in-order~~ to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

CAMANCHE HILLS HUNTING PRESERVE¹

Current CY23

Proposed CY24

PRESERVE LICENSE:

Initiation Fee (Family)	\$3,495.00	\$3,495.00
Initiation Fee (Corporate)	3,495.00	3,495.00
Annual Maintenance (Family)	300.00	300.00
Annual Maintenance (Corporate)	600.00	600.00

LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)

200.00	200.00
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BIRD PROCESSING: (PRICE PER EACH)

Pheasant	4.50	<u>5.00</u>
Chukar	4.50	<u>5.00</u>
20-bird card (pheasant and chukar) for 20	70.00	70.00
Duck	5.00	<u>5.50</u>
Goose	10.00	10.00
Smoking (all birds)	7.50	7.50

DOG RENTAL

Half Day	75.00	<u>100.00</u>
Full Day	140.00	<u>175.00</u>
Special Hunt	140.00	<u>175.00</u>

SPORTING CLAYS

Full Round Course (100 targets)	42.00	42.00
Half Round Course (50 targets)	23.00	23.00
25 targets (5-Stand/Grouse bunker)	9.00	9.00
5 targets (Skeet/trap)	6.00	6.00

ARCHERY RANGE AND COURSE

7 Station 3-D Target Course		
Per person	10.00	<u>12.00</u>

FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA

Public Fishing Access	10.00	10.00
CHHP Members Access	5.00	5.00

FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE

Public Fishing Access: Bow for Carp	10.00	10.00
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¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2024
January – December 2024³
EFFECTIVE 01/01/24³

CAMANCHE HILLS HUNTING PRESERVE
(continued)

Current CY23

Proposed CY24

RV PARKING AREA

Nightly	\$6.00	<u>\$10.00</u>
Clubhouse Rental (daily)	500.00	500.00
Kitchen Rental (daily)	500.00	500.00
Grounds (daily)	500.00	500.00



RECREATION USE FEES FOR 2024
January – December 2024
EFFECTIVE 01/01/24

Camanche Hills Hunting Preserve Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS

Current CY23

Proposed CY24

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily (Peak Season: May 1-September 30, weekends and holidays)	\$18.00	<u>\$19.75</u>
Daily (Off-season, Peak Season weekdays)	12.00	12.00
Nightly (non-camping)	12.00	12.00
Annual (12 consecutive months)	225.00	225.00
Annual Senior/Disabled/Former POW/Disabled Veteran (12 Consecutive Months)	112.50	112.50
Combined Car/Boat Daily (Peak Season: May 1-September 30, weekends and holidays)	21.00	<u>23.00</u>
Combined Car/Boat Daily (Off-season, weekdays)	17.50	17.50
Annual Marina Overnight/Day Use (12 consecutive months)	245.00	245.00

VEHICLE ENTRY/PARKING LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	23.00	23.00
Buses – 21+ Passengers	44.00	44.00

DOG

Daily (Fee charged each day in park)	6.50	6.50
Annual (12 consecutive months concurrent with Annual Parking Pass)	55.00	55.00

BOAT LAUNCH

Daily Peak Season (May 1- Sept 30), weekends and holidays. (Fee charged each day in park.)	45.50	<u>17.00</u>
Daily Off-season; Peak Season weekdays. (Fee charged each day in park.)	12.00	12.00
Night (Fee charged each day in park)	14.00	14.00
Annual (12 consecutive months)	190.00	190.00
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	95.00	95.00

BOAT MOORING (Buoy)

Monthly: under 30 feet	320.00	320.00
30 feet & larger	385.00	385.00
Annual (12 consecutive months, any length):	2,900.00	2,900.00



RECREATION USE FEES FOR 2024

January – December 2024

EFFECTIVE 01/01/24

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

Current CY23

Proposed CY24

BOAT SLIP OPEN (Excluding park entry)

Daily	\$40.00	\$40.00
Weekly	190.00	190.00
Monthly	430.00	430.00
8 Months	1,595.00	1,595.00
Key Security Deposit	15.00	15.00

BOAT SLIP COVERED – 24' Length Maximum (Excluding park entry)

Daily	55.00	55.00
Weekly	225.00	225.00
Monthly	600.00	600.00
Annual (12 consecutive months)	2,500.00	2,500.00
Key Security Deposit	55.00	55.00

BOAT SLIP COVERED –Over 24' Length (Excluding park entry)

Daily	60.00	60.00
Weekly	300.00	300.00
Monthly	725.00	725.00
Annual (12 consecutive months)	3,100.00	3,100.00
Key Security Deposit	55.00	55.00

RV/TRAILER/BOAT STORAGE (Excluding park entry)

Monthly	170.00	170.00
12 Months, consecutive	895.00	895.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	76.00	76.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	110.00	110.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	380.00	380.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	520.00	520.00
Annual – concurrent with Mobile Home Space rent (12 consecutive months)	450.00	450.00
Annual – concurrent with Mobile Home Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	190.00	190.00



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

Current CY23

Proposed CY24

FISHING ACCESS PERMIT

Daily	\$7.25	<u>\$7.75</u>
Annual	150.00	<u>160.00</u>

CAMPSITE (w/vehicle parking)

Nightly (Peak Season: May 1 - September 30)	38.00	<u>41.75</u>
Nightly (Off-season)	25.00	25.00
Second Car Parking	17.00	<u>18.00</u>
Weekly (Peak Season: May 1 - September 30)	185.00	185.00
Weekly (Off-season)	122.00	122.00
Second Car Weekly	85.00	85.00
14 nights (Peak Season: May 1 - September 30)	370.00	370.00
14 nights (Off-season)	245.00	245.00
Camping Reservation Fee	12.00	<u>13.00</u>

PREMIUM CAMPSITES

Nightly (Peak Season: May 1 – September 30)	46.00	<u>50.00</u>
Nightly (Off-season)	27.00	27.00
Second Car Parking	17.00	<u>18.00</u>
Weekly (Peak Season: May 1 – September 30)	225.00	225.00
Second Car Weekly	85.00	85.00
14 nights (Peak Season: May 1 – September 30)	450.00	450.00
14 nights (Off-season)	264.00	264.00

CAMPSITES WITH TENT STRUCTURES

8 person nightly	85.50	85.50
8 person weekly	428.50	428.50
16 person nightly	151.00	151.00
16 person weekly	662.00	662.00

CAMPSITE (WALK-IN/BICYCLE PARKING – 8 PERSON/BIKE MAX)

Nightly	25.50	25.50
Weekly	138.50	138.50
14 nights	262.00	262.00

**RECREATION USE FEES FOR 2024**January – December 2024³EFFECTIVE 01/01/24³**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**Current CY23Proposed CY24**GROUP CAMP (Nightly)**

12-Person Limit	\$121.00	<u>\$133.00</u>
16-Person Limit	146.00	<u>161.00</u>
24-Person Limit	171.50	<u>189.00</u>
32-Person Limit	227.00	<u>250.00</u>
64-Person Limit	429.00	<u>474.00</u>
72-Person Limit	480.00	<u>525.00</u>

GROUP CAMP (Nightly, off-season)

12-Person Limit	66.00	66.00
16-Person Limit	71.00	71.00
24-Person Limit	76.50	76.50
32-Person Limit	82.00	82.00
64-Person Limit	159.00	159.00
72-Person Limit	205.00	205.00

**EQUESTRIAN – TURKEY HILL – 2 HORSES
PER SINGLE SITE – “NO OFF-SEASON
DISCOUNTS”**

General Assembly Area	100.00	100.00
Turkey Hill Single	65.50	65.50
Turkey Hill Double	126.00	126.00
Turkey Hill Triple	151.50	151.50
Turkey Hill Quad	202.00	202.00
Entire Turkey Hill (includes assembly area)	730.00	730.00

RV SITE

Nightly	58.00	<u>64.00</u>
Weekly	333.50	333.50
Monthly	685.00	685.00
Season (6-Month Max)	1,970.00	<u>2,175.00</u>
Premium Sites (Peak Season)	64.00	<u>70.00</u>
Premium Sites Weekly (Peak Season)	360.50	360.50

TOWING

Camanche Recreation Area per hour	165.00	165.00
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MISCELLANEOUS

Camanche Recreation Area Lake Tours	15.00	15.00
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RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

Current CY23

Proposed CY24

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$35.00	\$35.00
Vessels over 30' in length	35.00 + 5.00 for each 5' over 30'	35.00 + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00	10.00
Tank, bilge, live well decontamination only	25.00	25.00
PWC storage area decontamination only	25.00	25.00
Kayaks and Canoes decontamination	25.00	25.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00	200.00
Additional Guest Charge (to maximum occupancy)	20.00	20.00

COTTAGE (4-Person Base)

May – Sept: Night	200.00	200.00
Week	1,050.00	1,050.00
Oct – April: Night	135.00	135.00
Week	710.00	710.00
Month	1,900.00	1,900.00

COTTAGE (6-Person Base)

May – Sept: Night	260.00	260.00
Week	1,365.00	1,365.00
Oct – April: Night	170.00	170.00
Week	892.50	892.50
Month	2,100.00	2,100.00

PARK MODEL (4-Person)

May – Sept: Night	300.00	300.00
Week	1,575.00	1,575.00
Oct – April: Night	225.00	225.00
Week	1,181.00	1,181.00
Month	3,000.00	3,000.00

RESORT RENTAL (4 BEDROOM, 14 PERSON MAX)

May – Sept: Night	445.00	445.00
Week	2,340.00	2,340.00
Oct – April: Night	235.00	235.00
Week	1,235.00	1,235.00



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

Current CY23

Proposed CY24

MOBILE-HOME (MONTHLY)

3 bedroom

~~\$929.77~~ +
~~HUD-FMR²~~

CY23 Rate +
HUD FMR²

MOBILE-HOME SPACES (MONTHLY)

North Shore 1A

~~511.07*~~ +
~~HUD-FMR²~~

CY23 Rate +
HUD FMR²

North Shore 1B

~~537.79*~~ +
~~HUD-FMR²~~

CY23 Rate +
HUD FMR²

North Shore 2

~~618.02*~~ +
~~HUD-FMR²~~

CY23 Rate +
HUD FMR²

South Shore

~~540.79*~~ +
~~HUD-FMR²~~

CY23 Rate +
HUD FMR²

*Mobile-homes registered through Amador County receive a \$2.50 credit on their monthly rent to reflect their payment of fire-related fees.

OTHER MOBILE-HOME FEES (Per Space – Monthly)

Guest Fee

75.00

75.00

Late Rent/Returned Check Fee

50.00

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

825.00

825.00

Lakeside Hall Daily (kitchen & service ware
included)

1,200.00

1,200.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

1,000.00

Camanche Clubhouse Rental (North Shore)

195.00

195.00

Camanche Clubhouse Rental (South Shore)

140.00

140.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobile-home rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



RECREATION USE FEES FOR 2024
January – December 2024³
EFFECTIVE 01/01/24³

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on off-season monthly open slip, covered slip and mooring buoy fees; and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2024
January – December 2024³
EFFECTIVE 01/01/24³

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.

**RECREATION USE FEES FOR 2024**January – December 2024³EFFECTIVE 01/01/24³

LAFAYETTE RECREATION AREA	<u>Current CY23</u>	<u>Proposed CY24</u>
ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN		
Daily	\$7.00	\$7.00
Annual (new or renewal)	120.00	120.00
Annual (new or renewal) 2 years	240.00	240.00
Replacement hang-tag (Replacement limited to 1 hang-tag per year)	25.00	25.00
Parking Meters 1/2 hour Senior/Disabled	0.75	0.75
Season (new or renewal)	80.00	80.00
Season (new or renewal) 2 years	160.00	160.00
ENTRY AND PARKING – LARGE VANS AND BUSES		
Large Vans – 10-20 Passengers	18.00	18.00
Buses – 21+ Passengers	33.00	33.00
DOG (no charge)		
COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)		
Commercial Use		
Small (up to 10 people)	100.00	100.00
Medium (from 11 to 50 people)	500.00	500.00
Large (from 51 to 150 people)	1,000.00	1,000.00
BOAT LAUNCH		
Daily	4.00	4.00
Annual	50.00	50.00
Boat Inspection Fee	6.00	6.00
FISHING ACCESS		
Daily	5.00	5.00
GROUP PICNIC		
Small Site (Weekend/Holiday)	200.00	200.00
Small Site (Weekday/Non-Holiday)	100.00	100.00
Large Site (Weekend/Holiday)	350.00	350.00
Large Site (Weekday/Non-Holiday)	175.00	175.00
Special Events Fee	500.00 + \$1/participant	500.00 + \$1/participant



RECREATION USE FEES FOR 2024
January – December 2024
EFFECTIVE 01/01/2024

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

PARDEE RECREATION AREA

Current CY23

Proposed CY24

VEHICLE ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN

Daily/Nightly (Non-Camping)	\$10.00	\$10.00
Season	118.00	118.00
Combined Car/Boat Daily	16.00	16.00

VEHICLE ENTRY AND PARKING – LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	22.00	22.00
Buses – 21+ Passengers	38.00	38.00

DOG

Daily (Fee charged each day in park)	5.00	5.00
Season (Concurrent with Season Parking Pass)	50.00	50.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	10.00	10.00
Season	110.00	110.00

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	5.00	5.00
Season	44.00	44.00

BOAT SLIP (excluding park entry)

Daily	10.00	10.00
Weekly	50.00	50.00
Monthly	120.00	120.00
Season	690.00	690.00
Season (concurrent with season RV)	640.00	640.00

FISHING ACCESS

Daily	7.25	7.25
Annual	200.00	200.00

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00	10.00
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STANDARD CAMPSITE (w/vehicle parking)

Nightly	25.00	25.00
Second Car Parking	10.00	10.00
Weekly	150.00	150.00
Second Car Parking	60.00	60.00



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

PARDEE RECREATION AREA (continued)	<u>Current CY23</u>	<u>Proposed CY24</u>
PREMIUM CAMPSITE (w/vehicle parking)		
Nightly	\$30.00	\$30.00
Weekly	180.00	180.00
CAMPSITE (walk-in/bicycle parking) (8 person/8 bike maximum)		
Nightly	23.00	23.00
Weekly	138.00	138.00
DOUBLE CAMPSITE (16 people/2 vehicles)		
Nightly	50.00	50.00
Third or Fourth Vehicle	10.00	10.00
RV SITE		
Nightly	40.00	40.00
Weekly	240.00	240.00
Monthly	520.00	520.00
Season	4,095.00	4,095.00
Season – Premium Site	4,225.00	4,225.00
RV/TRAILER/BOAT STORAGE (excluding park entry)		
Weekly	30.00	30.00
Monthly	70.00	70.00
Season	510.00	510.00
Season – concurrent with season RV site	445.00	445.00
12-Month Consecutive	670.00	670.00
TOWING	80.00	80.00
RESERVABLE SITE/FACILITY (charges in addition to above fees)		
Small (25 or less people)	70.00	70.00
Medium (26-100 people)	100.00	100.00
Large (101-150 people)	150.00	150.00
Over 150 people	265.00	265.00
Café/Pool Day Use Area (refundable deposit)	60.00	60.00



RECREATION USE FEES FOR 2024
January – December 2024
EFFECTIVE 01/01/24

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.



RECREATION USE FEES FOR 2024
January – December 2024³
EFFECTIVE 01/01/24³

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS (continued)

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 2024

January – December 2024³

EFFECTIVE 01/01/24³

SAN PABLO RECREATION AREA

Current CY23

Proposed CY24

ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN

Daily	\$7.00	\$7.00
Daily (Special Events)	5.00	5.00
Season	120.00	120.00
Replacement Pass (limited to 1 pass per year)		25.00

ENTRY AND PARKING – LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	22.00	22.00
Buses – 21+ Passengers	40.00	40.00

DOG

3.00	3.00
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COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Small (up to 10 people)	120.00	120.00
Medium (from 11 to 50 people)	600.00	600.00
Large (from 51 to 150 people)	1,200.00	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00	8.00
Season (Entry & Boat Launch)	170.00	170.00
Boat Inspection Fee	6.00	6.00

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	4.00	4.00
Season (Entry and Cartop Launch)	124.00	124.00

FISHING ACCESS

Daily	6.00	6.00
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GROUP PICNIC

Large Sites (Oaks) daily	300.00	300.00
Large Sites (Pines) daily	200.00	200.00
Security Deposit		100.00

GAZEBO, [Daily Rental](#) [Security Deposit](#)

90.00	90.00
	100.00

TOWING

50.00	40.00
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RECREATION USE FEES FOR 2024
January – December 2024
EFFECTIVE 01/01/2024

SAN PABLO RECREATION AREA (continued)

VISITOR CENTER & DECK RENTAL

Weekday	\$200.00	\$200.00
2 consecutive days	350.00	350.00
3 consecutive days	500.00	500.00
Weekday Evening (minimum charge for up to 3 hours)	250.00	250.00
Extra hours	70.00	70.00
Weekend Evening (minimum charge for up to 5 hours)	400.00	400.00
Extra hours	70.00	70.00
Event Cleaning and Damage Deposit	350.00	350.00



RECREATION USE FEES FOR 2024
January – December 2024
EFFECTIVE 01/01/24

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on seasonal passes and 3-month entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 2024⁴
January – December 2024³
EFFECTIVE 01/01/24³

WATERSHED TRAIL SYSTEM

Current CY23

Proposed CY24

WATERSHED TRAILS

Daily Permit	\$3.00	\$3.00
Annual Permit	10.00	10.00
Three-Year Permit	20.00	20.00
Five-Year Permit	30.00	30.00
<u>Low-income Annual Permit</u>		<u>0.00</u>

Section 1

Explanation of Terms Used in these Regulations

FY 2024



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-A

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

DISTRICT shall refer to the East Bay Municipal Utility District unless otherwise specified.

ELEVATION SURCHARGE shall mean that charge applied to customers' accounts where meters are served by pressure zones with an elevation designator of two (2) or more in the District's pressure zone designations. The charge shall be computed in accordance with Schedule A, Rate Schedule for Water Service, Section D. The Elevation Surcharge is a means of allocating the additional costs incurred for pumping and storing water at higher elevations.

EXPANDED SERVICE shall refer to any upgrade, change, modification to existing standard service that increases the size of the meter, or increases to the annual average water use resulting from improvements to the existing structure(s) and new construction.

FRONT FOOT CHARGE shall mean the charge applicable to a premises when a main is or has been brought to the principal frontage of the premises to make service available to the premises. This charge shall be computed in accordance with the provisions of Section 4, and shall generally be the proration of the cost of extending the main based on the width of the premises fronting on and entitled to service from the main extension. The front foot charge shall not apply to premises already entitled to service, according to District requirements, on or before the date the main extension is installed. Where a front foot charge is applicable, it must be paid before a service will be installed.

IRRIGABLE LANDSCAPE AREA shall mean the area of a premises less the aggregate area of structure footprints, impervious and pervious hardscape and undisturbed open space within that premises.

IRRIGATED LANDSCAPING shall mean the total aggregated area or footprint of irrigated landscape for a premises, which does not include open space or the non-irrigated area.

The terms "Irrigable Landscape Area" and "Irrigated Landscaping" may apply to more than one premises, as determined solely by the District, where the multiple premises are contiguous and the managing entity for the irrigation water service to those multiple premises is a single person or entity, such as a city or a homeowners' association.

LIMITED SERVICE shall mean a water service connection provided under a written agreement for limited service with special conditions, when standard service is not reasonably available.

MAJOR FACILITIES shall mean storage reservoirs, pumping plants, transmission mains, filter plants, and appurtenances, including necessary properties and rights of way.

METER shall mean the entire meter assembly, which may include appurtenances or devices owned and installed by the District in connection with a service connection.

DEDICATED IRRIGATION METER shall mean the entire meter assembly dedicated for outdoor landscape water use, which may include appurtenances or devices owned and installed by the District or applicant, as solely determined by the District, as provided in Sections 3 and 31 of these Regulations.



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-B

SECTION 1 EXPLANATION OF TERMS USED IN THESE REGULATIONS

MASTER METER shall mean the entire meter assembly dedicated for single service to a premises for water use, which may include appurtenances or devices owned and installed by the District upstream of any applicant installed and owned meters, as provided in Sections 2 and 3 of these Regulations.

PREMISES shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single premises for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as assessor parcel lines, whether the parcel could reasonably be subdivided, whether the parcel is being used for a single enterprise, and whether the parcel is divided by a public or a private street, but in any case the District's determination shall be final.

MULTI-FAMILY PREMISES shall mean premises designated for multi-family use by the local land use authority which may include but are not limited to apartments, duplexes, condominiums, or other dwelling units not classified as single-family or premises intended for or with structure(s) constructed with independent living facilities for one or more persons, ~~with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.~~

MULTI-OCCUPANCY COMMERCIAL/INDUSTRIAL PREMISES shall mean premises designated for commercial/industrial use by the local land use authority, with two or more attached or separate commercial or industrial occupancy units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.

SINGLE FAMILY PREMISES shall mean a premises designated for single-family use by the local land use authority, or premises intended for or with structure(s) constructed for occupancy by a single-family as determined by the District with one or more attached or separate structures, rental or owner-occupied, providing permanent provisions for living, cooking, sanitation, and separate ingress/egress.

PRESSURE ZONE shall mean a portion of the water distribution system in which all premises are served through meters within a specific range of elevations and supplied by the same major facilities through an interconnected pipeline network. The upper limit of the pressure zone is 100 feet below the overflow elevation of the reservoir providing service, and the lower limit is determined by the upper limit of the next lower pressure zone or an elevation approximately 300 feet below the overflow elevation of the reservoir. Gravity Zones are those pressure zones which receive their water supply by gravity flow from the treatment plants and are identified by the prefixes "G" and "H" in the District's pressure zone designations. Pumped Zones are those pressure zones which receive their water supply from the treatment plants by pumping and are identified by the prefixes "A" through "F" in the District's pressure zone designations.

PRINCIPAL FRONTAGE shall mean that part of the perimeter of the major portion of the premises where the principal use of the property is located, which fronts on a public street or private road or driveway from which the premises generally receives access, public services and utilities, as determined by the District. Principal use does not include easements, rights of way, or a relatively narrow portion of a premises used for access or other purpose.



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-C

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

REASONABLY AVAILABLE SERVICE shall mean that a service connection installed at the principal frontage of the premises will provide adequate pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection agency, and irrigation. In determining reasonably available service, the District will consider, relative to the service location and the applicable pressure zone, the elevation of the existing or proposed building on the premises, the distance of the building site from the meter location and any pressure and flow requirement for fire protection.

RETROFITS shall mean the conversion or modification of existing water using fixtures, appliances, equipment and landscaping such that they are suitable for water service.

SEPARATE STRUCTURE shall mean a distinct building with separate and/or shared walls, as solely determined by the District, without regard to common pathways, bridges, roof decks and overhangs, parking garages, foundations, and similar above-or-below-ground project features.

SERVICE shall mean the furnishing of water (potable or nonpotable) to a customer through a service connection.

SERVICE CONNECTION shall mean the necessary piping and equipment from the main to and including the meter or battery of meters. Reference to a service connection by size shall mean the size of the meter.

STANDARD PARTICIPATION CHARGE (SPC) shall mean the charge paid as a contribution towards the cost of future general oversizing of water mains and to provide major facilities capacity for service to new customers. This charge is paid in lieu of the System Capacity Charge by certain applicants who applied for service on or before June 28, 1983. The SPC also includes a component for the allocated cost of providing a future water supply to meet the long term increase in water demand in the District.

STANDARD SERVICE shall mean a service other than a private fire service, installed within the District service area, adjacent to the principal frontage of the premises to be served, which service is for immediate use to supply a function directly related to such premises.

SYSTEM CAPACITY CHARGE (SCC) shall mean the charge required of all applicants for water service to premises where installation of a service connection is required, including expanded service, as solely determined by the District. The charge to be paid depends on the regional location and the applicable meter size, the estimated annual average water use as determined by the District for large meters not covered in Schedule J based on water use information furnished by the applicant, or number of units. The charge is payment for the costs allocated to providing capacity for water service to applicants within each region, including components for major facilities in the District's distribution system master plan, major facilities constructed prior to the master plan, and water main oversizing. The SCC also includes a component for the allocated cost of providing a future water supply to meet the long term increase in water demand in the District. The charge shall be computed in accordance with Schedule J of the Rates and Charges.



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-D

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

UNIT shall mean and apply to a Dwelling Unit, Accessory Dwelling Unit, Commercial/Industrial Unit, Live/Work Unit, or Work/Live Unit within a premises as defined below, unless specified otherwise.

ACCESSORY DWELLING UNIT shall be as defined by California Government Code Section 65852.2.

JUNIOR ACCESSORY DWELLING UNIT shall be as defined by California Government Code Section 65852.22.

DWELLING UNIT shall mean an attached or detached rental or owner-occupied residential unit of a multi-family premises, which provides complete independent living facilities for one or more persons, including one or more permanent provisions for living, sleeping, cooking, sanitation, and separate ingress/egress as solely determined by the District.

COMMERCIAL/INDUSTRIAL UNIT shall mean an attached or detached rental or owner-occupied unit used directly or indirectly in connection with any non-residential, or business undertaking, which provides complete independent facilities for one or more persons, including one or more permanent provisions for sanitation, and separate ingress/egress as solely determined by the District.

LIVE/WORK UNIT shall be considered an attached or detached unit of a mixed-use premises that accommodates both residential and non-residential activities, but emphasizes the accommodation of residential activities per Local Land Use designation, as solely determined by the District. For the purpose of System Capacity Charges, a Live/Work Unit shall be considered as residential.

WORK/LIVE UNIT shall be considered an attached or detached unit of a mixed-use premises that accommodates both residential and non-residential activities, but emphasizes the accommodation of commercial activities per local land use designation, as solely determined by the District. For the purpose of System Capacity Charges, a Work/Live Unit shall be considered as non-residential.

WATER EFFICIENCY REQUIREMENTS shall mean all devices, technologies, and practices in accordance with Section 31 of these Regulations.

Wastewater Department

Schedule A

Rates for Treatment Service

FY 2024



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/23~~2~~

Current

I. Unit Treatment Rates (for permit accounts)

Flow (\$ per unit, 1 unit = 100 cubic feet = 748 gallons)	\$1.425	<u>\$1.546</u>
Chemical Oxygen Demand (\$ per pound of discharge)	0.145	<u>0.157</u>
Total Suspended Solids (\$ per pound of discharge)	0.596	<u>0.647</u>

Unit treatment rates for Flow, Chemical Oxygen Demand (COD), Total Suspended Solids (TSS) and a Service Charge are applied to all users unless otherwise indicated.

II. Residential Monthly Charges
(6514 Multi-Family under 5 dwelling units & 8800 Single-Family)

A. Service Charge (per account)	7.89	<u>8.56</u>
B. Strength Charge (per dwelling unit)	8.22	<u>8.92</u>
Minimum monthly charge per household	16.11	<u>17.48</u>
C. Plus: A flow charge of \$1. 5543 per unit applied to a maximum of 9 units (per dwelling unit)		
Minimum monthly charge at 0 units	0.00	0.00
Maximum monthly charge at 9 units	12.87	<u>13.95</u>
D. Total Residential Charge (A+B+C above) ¹		
Minimum monthly charge (for 8800)	16.11	<u>17.48</u>
Maximum monthly charge (for 8800)	28.98	<u>31.43</u>
Average monthly charge (for 8800)	24.69	<u>26.78</u>

¹Does not include SF Bay Residential Pollution Prevention Fee

III. Non-Residential Charges

A. Monthly service charge (per account)	7.89	<u>8.56</u>
B. Treatment charge including flow processing (per unit of sewage discharge)		
2010 Meat Products	10.00	<u>10.84</u>
2011 Slaughterhouses	9.55	<u>10.36</u>
2020 Dairy Product Processing	7.84	<u>8.50</u>
2030 Fruit and Vegetable Canning	6.34	<u>6.84</u>
2040 Grain Mills	6.28	<u>6.81</u>



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/23~~2~~

	Current	
2050 Bakeries (including Pastries)	\$10.86	<u>\$11.77</u>
2060 Sugar Processing	6.21	<u>6.73</u>
2077 Rendering Tallow	18.83	<u>20.42</u>
2080 Beverage Manufacturing & Bottling	4.71	<u>5.11</u>
2090 Specialty Foods Manufacturing	20.29	<u>21.98</u>
2600 Pulp and Paper Products	5.38	<u>5.84</u>
2810 Inorganic Chemicals Mfgr.	6.92	<u>7.51</u>
2820 Synthetic Material Manufacturing	1.62	<u>1.76</u>
2830 Drug Manufacturing	3.50	<u>3.79</u>
2840 Cleaning and Sanitation Products	7.08	<u>7.67</u>
2850 Paint Manufacturing	13.65	<u>14.79</u>
2893 Ink and Pigment Manufacturing	4.94	<u>5.35</u>
3110 Leather Tanning and Finishing	18.85	<u>20.43</u>
3200 Earthenware Manufacturing	3.82	<u>4.15</u>
3300 Primary Metals Manufacturing	3.03	<u>3.28</u>
3400 Metal Products Fabricating	1.77	<u>1.92</u>
3410 Drum and Barrel Manufacturing	19.20	<u>20.80</u>
3470 Metal Coating	1.92	<u>2.08</u>
4500 Air Transportation	2.53	<u>2.74</u>
4951 Groundwater Remediation	1.48	<u>1.60</u>
5812 Food Service Establishments	6.56	<u>7.11</u>
6513 Apartment Buildings (5 or more dwelling units)	3.19	<u>3.46</u>
7000 Hotels, Motels with Food Service	4.71	<u>5.11</u>
7210 Commercial Laundries	4.24	<u>4.60</u>
7215 Coin Operated Laundromats	3.18	<u>3.45</u>
7218 Industrial Laundries	12.07	<u>13.08</u>
7300 Laboratories	2.28	<u>2.47</u>
7542 Automobile Washing and Polishing	3.02	<u>3.27</u>
8060 Hospitals	2.90	<u>3.14</u>
8200 Schools	2.13	<u>2.31</u>
All Other Business Classification Code (includes dischargers of only segregated domestic wastes from sanitary conveniences)	3.19	<u>3.46</u>



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/2023

Multi-Use Food Service Establishments and Domestic Waste Accounts

Accounts identified by EBMUD where there are one or more food service establishments or bakeries sharing the water meter with establishments or operations with only domestic waste discharges. These accounts are assigned an MU code based on the percentage split of the discharge from the food service establishment operations or bakeries and domestic waste. The unit treatment charge for each MU Code is calculated from the food service establishment or bakeries treatment rate and the domestic waste treatment rate.

MU Code		Current	
A	0-9% Food, 91-100% Domestic	\$3.190	<u>\$3.460</u>
B	10-19% Food, 81-90% Domestic	3.527	<u>3.825</u>
C	20-29% Food, 71-80% Domestic	3.864	<u>4.190</u>
D	30-39% Food, 61-70% Domestic	4.201	<u>4.555</u>
E	40-49% Food, 51-60% Domestic	4.538	<u>4.920</u>
F	50-59% Food, 41-50% Domestic	4.875	<u>5.285</u>
G	60-69% Food, 31-40% Domestic	5.212	<u>5.650</u>
H	70-79% Food, 21-30% Domestic	5.549	<u>6.015</u>
I	80-89% Food, 11-20% Domestic	5.886	<u>6.380</u>
J	90-99% Food, 1-10% Domestic	6.223	<u>6.745</u>
K	0-9% Bakery, 91-100% Domestic	3.190	<u>3.460</u>
L	10-19% Bakery, 81-90% Domestic	3.957	<u>4.291</u>
M	20-29% Bakery, 71-80% Domestic	4.724	<u>5.122</u>
N	30-39% Bakery, 61-70% Domestic	5.491	<u>5.953</u>
O	40-49% Bakery, 51-60% Domestic	6.258	<u>6.784</u>
P	50-59% Bakery, 41-50% Domestic	7.025	<u>7.615</u>
Q	60-69% Bakery, 31-40% Domestic	7.792	<u>8.446</u>
R	70-79% Bakery, 21-30% Domestic	8.559	<u>9.277</u>
S	80-89% Bakery, 11-20% Domestic	9.326	<u>10.108</u>
T	90-99% Bakery, 1-10% Domestic	10.093	<u>10.939</u>
Minimum Monthly Treatment Charge:			
6513	Apartment Buildings (5 or more units)	48.99	<u>53.16</u>
	All Others	7.89	<u>8.56</u>

Wastewater Department

Schedule B

Wet Weather Facilities Charge

FY 2024



SCHEDULE B – WASTEWATER DEPARTMENT WET WEATHER FACILITIES CHARGE

EFFECTIVE 07/01/2032

Annual Charge Collected on Property Tax Bill¹

TYPE	RATE
Small Lot (0 - 5,000 sq. ft.)	\$ 125.16 <u>135.82</u>
Medium Lot (5,001 – 10,000 sq. ft.)	\$ 195.50 <u>212.12</u>
Large Lot (> 10,000 sq. ft.)	\$ 446.80 <u>484.78</u>

¹ The WWFC for entities that are exempt from property taxes (e.g., public agencies) is collected through the District's billing process.

Wastewater Department

Schedule C

Industrial Permit Fees

FY 2024



SCHEDULE C – WASTEWATER DEPARTMENT INDUSTRIAL PERMIT FEES

EFFECTIVE 07/01/23~~2~~

PERMIT TYPE	ANNUAL FEE
Wastewater Discharge Permit	\$3,130 <u>\$3,320</u>
Estimation Permit	\$1,230 <u>\$1,290</u>
Limited Term Discharge Permit	\$2,900 <u>\$3,050</u>

Wastewater Department

Schedule D

Other Fees

FY 2024



SCHEDULE D – WASTEWATER DEPARTMENT OTHER FEES

EFFECTIVE 07/01/2032

TYPE	RATE
SF Bay Commercial Pollution Prevention Fee	\$5.48/month ¹
SF Bay Residential Pollution Prevention Fee	\$0.20/month per dwelling unit ²
Monitoring Fees	\$1,720 <u>1,820</u>
Violation Follow-Up Fees	
Stage 1	\$780 <u>820</u>
Stage 2	\$1,720 <u>1,820</u> + Testing Fees ³
Stage 3	\$3,480 <u>3,680</u> + Testing Fees ³
Private Sewer Lateral Compliance Fees	
Compliance Certificate ⁴	\$340 <u>360</u>
Time Extension Certificate	\$120 <u>130</u>
Inspection Reschedule	\$100 <u>110</u>
Extra Lateral or Additional Verification Test	\$120 per lateral
Off-Hours Verification ⁵	\$260 <u>270</u> for 2.5 hours
Specific Appointment Time ⁵	\$320 <u>330</u>
HOA/Greater than 1,000 Oversight Fee	\$470 <u>500</u>
PSL Violation Follow-Up – Initial Fee	\$480 <u>510</u>
PSL Violation Follow-Up – Continuing Noncompliance Fee	\$110 <u>130</u>
Compliance Agreement	\$290 <u>320</u>

¹SF Bay Commercial Pollution Prevention Fee applicable to all non-residential accounts.

²SF Bay Residential Pollution Prevention Fee applicable to all residential accounts. Fee will be charge per dwelling unit up to five dwelling units.

³Violation follow-up fees do not include required testing. Testing fees will be charged in accordance with Schedule E Wastewater Department Testing Fees.

⁴Compliance Certificate Fee may be assessed for performance of a Verification Test that results in issuance of a new Compliance Certificate, annotation of an existing Compliance Certificate, or issuance of one or more new Compliance Certificates due to a parcel split or merger.

⁵ The fees for off-hours verification and specific appointment time will only be refunded if cancelled more than one business day prior to the scheduled appointment.

Wastewater Department

Schedule E

Testing Fees

FY 2024



SCHEDULE E – WASTEWATER DEPARTMENT TESTING FEES

EFFECTIVE 07/01/2023~~4~~

LABORATORY TEST	FEE	METHOD*
Chemical Oxygen Demand	\$60 <u>65</u>	SM 5220 D
Cyanide	\$126 <u>137</u>	SM 4500 CN
Metals (Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Nickel, Silver, and Zinc)	\$224 <u>244</u>	EPA 200.7
Metals (Mercury)	\$142 <u>154</u>	EPA 245.1
Oil & Grease: SGT-HEM	\$198 <u>215</u>	EPA 1664B
pH Field Analysis	\$28 <u>30</u>	
Phenols: Total	\$139 <u>151</u>	EPA 420.1
PCB Congeners	\$770 <u>838</u>	EPA 1668C
Semi-volatile Organics	\$522 <u>568</u>	EPA 625.1
Total Suspended Solids	\$40 <u>44</u>	SM 2540 D
Volatile Organics	\$219 <u>238</u>	EPA 624.1

* Or equivalent certified method

Wastewater Department

Schedule F

Rates for Resource Recovery Material Treatment

FY 2024



SCHEDULE F¹ – WASTEWATER DEPARTMENT RATES FOR RESOURCE RECOVERY MATERIAL TREATMENT

EFFECTIVE 07/01/2032

MATERIAL TYPE	RATE ²
Permit Fee	\$400 (per year)
Septage	Up to \$0. 11 12/gal
Fats, Oil and Grease	Up to \$0.13/gal
Process Water	Up to \$0. 08 10/gal
Brine	<u>Variable with Total Dissolved Solid (TDS)</u> Up to \$0. 08 10/gal ≤ 50,000 mg/l TDS Up to \$0. 09 11/gal 50,001 – 100,000 mg/l TDS Up to \$0. 42 13/gal > 100,000 mg/l TDS
Sludge	<u>Variable with % Total Solids (TS)</u> Up to \$0. 09 11/gal up to 3% TS Plus \$0.005/gal per %TS for TS between 3% to 20%
Clean Liquid Food Waste Slurry ³	<u>Variable with % Total Solids (TS)</u> Up to \$0.07/gal up to 3% TS Plus \$0.005/gal per % TS for TS between 3% to 20%
Liquid Organic Material	Up to \$0. 08 09/gal
Protein Material	Up to \$0. 13 15/gal
Solid Organic Material	\$30/ton – \$ 110 120/ton ⁴

¹Payment collection for all Resource Recovery accounts shall follow the payment collection provisions contained in Section 13, Payment of Bills in the Regulations Governing Water Service to the Customers of EBMUD and Items C and K, Returned Payment Charge and Late Payment Penalty and Interest, of Schedule C of the Water System Rates and Charges.

²For special accommodations, additional charges for actual personnel costs, equipment costs, and lab costs associated with the special accommodation will apply. Special accommodations include services provided by the District above and beyond what is typical, such as evaluation and testing of a unique material stream, special equipment to receive and process material, accommodations for large volumes, special off-hour deliveries that require additional staff support, or special treatment requirements.

³Clean liquid food waste slurry must behave as a liquid and contain minimal amounts of contamination. Food waste slurries that require additional contamination removal do not qualify for this rate.

⁴Based on treatment costs (residual solids dewatering and disposal), gas production, volumes and other costs or benefits to the District.

Wastewater Department

Schedule G

Capacity Fees

FY 2024



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/23~~2~~

A. Wastewater Capacity Fee for Non-Permit Applicants

For applicants who are not required to obtain a Wastewater Discharge Permit the Wastewater Capacity Fee (WCF) is based on the applicant's estimated annual wastewater discharge flow and strength.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, capacity charges will be imposed only as authorized by Government Code Sections 65852.2 and 65852.22.

1. **Single Family Residential WCF** ^{1,2} ~~\$2,950~~\$3,170

2. **Multi-Family Residential WCF** ^{2, 3}

Residential	WCF (\$ Per Dwelling Unit)
Multi-Family Standard (> 500 sq. ft.)	\$2,070 <u>\$2,220</u>
Multi-Family Small (≤ 500 sq. ft.)	1,620 <u>1,730</u>

3. **Non-Residential WCF for meters 1-1/2 inches and smaller (dollars per connection)**²

For service connections with meters 1-1/2 inches and smaller, the District reserves the right to request specific water use information from the applicant to determine applicant's estimated annual wastewater discharge flow and strength. The District reserves the right to determine the appropriate meter size and wastewater strength category to meet the applicant's estimated annual wastewater discharge flow and strength and assess the WCF using this Section (A)(~~32~~). If the District determines that the applicant's estimated annual wastewater discharge flow exceeds 1,390 gallons per day (gpd) or that a meter larger than 1-1/2 inches is required to meet the applicant's needs, this Section (A)(~~32~~) no longer applies. For estimated annual wastewater discharge flows that exceed 1,390 gpd and meters larger than 1-1/2 inches, Section (A)(~~43~~) shall be used to determine the WCF based on the applicant's estimated annual wastewater discharge flow and strength category. The District's decision shall be final.

Strength Category	Meter Size		
	5/8 inch	3/4 & 1 inch	1-1/2 inch
Low	\$4,390 <u>\$4,710</u>	\$11,530 <u>\$12,370</u>	\$22,460 <u>\$24,110</u>
Medium	8,880 <u>9,530</u>	23,330 <u>25,040</u>	45,460 <u>48,780</u>
High	17,390 <u>18,640</u>	45,720 <u>49,010</u>	89,070 <u>95,480</u>



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/23~~2~~

4. Non-Residential (meter size over 1-1/2 inch)^{2, 4, 5}

The WCF for service connections with meters larger than 1-1/2 inch shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the per CCF WCF charge to the annual wastewater discharge flow calculated by the District for the appropriate strength category for the service connection.

Strength Category	\$/Ccf/year
Low	\$33.22 <u>35.66</u>
Medium	67.24 <u>72.17</u>
High	131.76 <u>141.25</u>

In no instance will the WCF for a meter larger than 1-1/2 inches be less than the 1-1/2 inch price for a given strength category.



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/23²

If the District has determined based on the water use information furnished that a meter larger than 1-1/2 inches is appropriate or if the estimated annual wastewater discharge exceeds 1,390 gpd, the WCF calculated from the District's estimate of annual wastewater discharge flow shall apply irrespective of the arrangement of the water metering or meter size at the premises.

Business Classification Code (BCC) Category: Low Strength

Code	Description
4500	Air Transportation
7542	Automobile Washing and Polishing
7215	Coin Operated Laundromats
3200	Earthenware Manufacturing
8060	Hospitals
7000	Hotels, Motels with Food Service
7300	Laboratories
3470	Metal Coating
3400	Metal Products Fabricating
3300	Primary Metals Manufacturing
8200	Schools
2820	Synthetic Material Manufacturing
	All Other Business Classification Codes (includes dischargers of only segregated domestic wastes from sanitary conveniences)

BCC Category: Medium Strength

Code	Description
2080	Beverage Manufacturing & Bottling
2840	Cleaning and Sanitation Products
7210	Commercial Laundries
2830	Drug Manufacturing
5812	Food Service Establishments
2030	Fruit and Vegetable Canning
2040	Grain Mills
2893	Ink and Pigment Manufacturing
2810	Inorganic Chemicals Manufacturing
2600	Pulp and Paper Products
2011	Slaughterhouses



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/23²

BCC Category: High Strength

Code	Description
2050	Bakeries (including Pastries)
2020	Dairy Product Processing
3410	Drum and Barrel Manufacturing
7218	Industrial Laundries
3110	Leather Tanning and Finishing
2010	Meat Products
2850	Paint Manufacturing
2077	Rendering Tallow
2090	Specialty Foods Manufacturing
2060	Sugar Processing

B. WCF for Permit Applicants

For applicants who are required to obtain a Wastewater Discharge Permit, the Wastewater Capacity Fee (WCF) is based on the applicant's estimated annual wastewater discharge flow and strength concentrations listed on the applicant's discharge permit at the time of application.

Permit Accounts ^{2, 4, 5, 6}

Flow (\$/ccf/year)	\$14.84 15.94
Chemical Oxygen Demand (COD) (\$/lb/year)	1.56 1.67
Total Suspended Solids (TSS) (\$/lb/year)	7.13 7.66

¹ Single Family is BCC 8800 Single Family.

² A credit may be provided for existing services. Where a new service will replace one or more existing or prior services to a premises that previously paid a WCF, a credit will be applied to the new WCF. For existing meters 1-1/2 inches and smaller, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and based on the current WCF schedule (for flow and strength), or based on the existing strength and meter size if the information from the original WCF is not available. For existing meters over 1-1/2 inches, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and based on the current WCF schedule (for flow and strength). If the flow and strength information is not available from the original WCF, the strength and flow from the most recent 10 years of usage and strength will be used to determine the WCF credit, provided that this value is not less than the value indicated in the schedule for the 1-1/2 inch meter.

For premises on which no WCF was paid, customers will be granted a credit for the existing use. For existing meters 1-1/2 inches and smaller, the WCF credit will be calculated based on the current WCF schedule for the existing meter size and strength. For existing meters over 1-1/2 inches, the WCF credit will be calculated based on the most recent 10 years of usage and strength for the existing meter, provided that this value is not less than the value indicated in the schedule for the 1-1/2 inch meter.

If the account is subject to an Estimation Permit, the usage credit will consider diversion. The WCF credit cannot be applied to a dedicated irrigation meter, standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.

³Multi-family includes BCC 6513 Apartment Buildings and 6514 Multi-Family.



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/23²

⁴ Capacity Fee is based on the anticipated annual flow contributions and the average wastewater strength measured or assigned for each classification of customer. The District may review the actual flow and strength within 24 months, once the business is fully established to verify the estimated demand for wastewater capacity. The review may result in the assessment of additional capacity fees if the actual flow and strength exceeds the original estimate.

⁵ For non-residential customers with projected treatment revenues equal to or greater than 0.1% of the total District treatment revenue, the calculated capacity fee will be reduced by a Rate Stabilization Factor of 25%. Projected treatment revenue will be based on permit conditions at the time of application or on average wastewater strength measured for each classification of customer if a permit is not required for discharge. Total District treatment revenue will be based on the budgeted fiscal year amount at the time of application.

⁶ Total fee is a summation of the unit rates for flow, COD, and TSS applied to the permit conditions at the time of application.

Wastewater Department

Schedule H

Wastewater Interceptor Connection Review, Coordination and Inspection Fee

FY 2024



**SCHEDULE H – WASTEWATER DEPARTMENT
WASTEWATER INTERCEPTOR CONNECTION REVIEW,
COORDINATION AND INSPECTION FEE**

EFFECTIVE 07/01/23~~2~~

TYPE	RATE
Plan Review, Project Coordination and Construction Inspection	\$ 12,400 <u>12,600</u>
Each Additional Connection ¹	10,100 <u>10,300</u>

¹ For additional connections submitted and constructed under the same project with the same design and pipe sizes

**RECOMMENDED SCHEDULES OF RATES, CHARGES AND FEES
FY 2025**

Water System

Schedule A – Rate Schedule for Water Service

Wastewater System

Schedule A – Rates for Treatment Service

Schedule B – Wet Weather Facilities Charge

Schedule A

Rate Schedule for Water Service

FY 2025



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

A. ONE MONTH BILLING

Bills for all metered services shall consist of:

FIRST – A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$32.70	<u>\$35.48</u>
1 inch	49.40	<u>53.60</u>
1-1/2 inch	91.16	<u>98.91</u>
2 inch	141.23	<u>153.23</u>
3 inch	274.83	<u>298.19</u>
4 inch	425.11	<u>461.24</u>
6 inch	842.48	<u>914.09</u>
8 inch	1,343.39	<u>1,457.58</u>
10 inch	1,927.75	<u>2,091.61</u>
12 inch	2,679.13	<u>2,906.86</u>
14 inch	3,430.43	<u>3,722.02</u>
16 inch	4,348.76	<u>4,718.40</u>
18 inch	5,267.05	<u>5,714.75</u>

The service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on one month meter readings for all water delivered per unit of water (1 unit = 100 cu. ft. = 748 gallons):

<u>Potable Water Service</u>	WATER FLOW CHARGE PER UNIT	
Single Family Residential Accounts:		
For the first 172 gpd	\$4.99	<u>\$5.41</u>
For all water used in excess of 172 gpd, up to 393 gpd	6.86	<u>7.44</u>
For all water used in excess of 393 gpd	9.06	<u>9.83</u>
Multiple Family Residential Accounts:		
For all water used	7.05	<u>7.65</u>
All Other Water Use:		
For all water used	7.02	<u>7.62</u>

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single-family residential rate.

<u>Nonpotable/Recycled Water Service</u>	WATER FLOW CHARGE PER UNIT	
For all water used	\$5.47	<u>\$5.93</u>



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

B. TWO MONTH BILLING

Bills for all metered services shall consist of:

FIRST – A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$65.40	<u>\$70.96</u>
1 inch	98.80	<u>107.20</u>
1-1/2 inch	182.32	<u>197.82</u>
2 inch	282.46	<u>306.46</u>
3 inch	549.66	<u>596.38</u>
4 inch	850.22	<u>922.48</u>
6 inch	1,684.96	<u>1,828.18</u>
8 inch	2,686.78	<u>2,915.16</u>
10 inch	3,855.50	<u>4,183.22</u>
12 inch	5,358.26	<u>5,813.72</u>
14 inch	6,860.86	<u>7,444.04</u>
16 inch	8,697.52	<u>9,436.80</u>
18 inch	10,534.10	<u>11,429.50</u>

The water service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on two month meter readings for all water delivered per 1 unit of water (1 unit = 100 cu. ft. = 748 gallons):

<u>Potable Water Service</u>	WATER FLOW CHARGE PER UNIT	
Single Family Residential Accounts:		
For the first 172 gpd	\$4.99	<u>\$5.41</u>
For all water used in excess of 172 gpd, up to 393 gpd	6.86	<u>7.44</u>
For all water used in excess of 393 gpd	9.06	<u>9.83</u>
Multiple Family Residential Accounts:		
For all water used	7.05	<u>7.65</u>
All Other Water Use:		
For all water used	7.02	<u>7.62</u>

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single-family residential rate.

<u>Nonpotable/Recycled Water Service</u>	WATER FLOW CHARGE PER UNIT	
For all water used	\$5.47	<u>\$5.93</u>

C. EXCEPTIONS TO TWO MONTH BILLING

Except as provided below, customer accounts shall be subject to bi-monthly meter reading and customer billing schedules

- Accounts for which the average monthly bill is estimated to exceed \$1,500; such accounts will be billed monthly.
- Accounts for which there are reasonable and justifiable customer requests for monthly billing.
- Accounts for which the average monthly bill is estimated to be between \$100 and \$1,500, and the customer service manager recommends monthly billing based on an evaluation of credit and/or collection problems.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

D. PRIVATE FIRE SERVICES

The rates for Private Fire Services shall consist of:

FIRST – A MONTHLY SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch	\$17.40	<u>\$18.88</u>
1 inch	23.92	<u>25.95</u>
1-1/2 inch	40.10	<u>43.51</u>
2 inch	59.53	<u>64.59</u>
3 inch	111.44	<u>120.91</u>
4 inch	169.78	<u>184.21</u>
6 inch	331.87	<u>360.08</u>
8 inch	526.39	<u>571.13</u>
10 inch	753.29	<u>817.32</u>
12 inch	1,045.03	<u>1,133.86</u>
14 inch	1,336.82	<u>1,450.45</u>
16 inch	1,693.44	<u>1,837.38</u>
18 inch	2,050.04	<u>2,224.29</u>

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.

SECOND – A WATER FLOW CHARGE FOR WATER DELIVERED based on two-month meter readings for all water delivered per unit:

There shall be no charge for water through such services extinguishing accidental fires, but any water lost through leakage or used in violation of the District's Regulations shall be paid at the rate for general use and may be subject to a penalty as may be established by the District.



SCHEDULE A – RATE SCHEDULE FOR WATER SERVICE

EFFECTIVE 07/01/24~~3~~

E. ELEVATION SURCHARGE

Elevation Designator	AMOUNT PER UNIT	
Pressure Zone 1: Elevation Designator 0 and 1	\$0.00	\$0.00
Pressure Zone 2: Elevation Designator 2 through 5	1.01	<u>1.10</u>
Pressure Zone 3: Elevation Designator 6 and greater	2.09	<u>2.27</u>

The elevation surcharge is determined by the pressure zone in which the service connection is located. Pressure zones are identified by designations that include an elevation designator.

Wastewater Department

Schedule A

Rates for Treatment Service

FY 2025



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/24~~3~~

Current

I. Unit Treatment Rates (for permit accounts)

Flow (\$ per unit, 1 unit = 100 cubic feet = 748 gallons)

Chemical Oxygen Demand (\$ per pound of discharge)

Total Suspended Solids (\$ per pound of discharge)

Unit treatment rates for Flow, Chemical Oxygen Demand (COD), Total Suspended Solids (TSS) and a Service Charge are applied to all users unless otherwise indicated.

II. Residential Monthly Charges

(6514 Multi-Family under 5 dwelling units & 8800 Single-Family)

A. Service Charge (per account)

B. Strength Charge (per dwelling unit)

Minimum monthly charge per household

C. Plus: A flow charge of \$1.6855 per unit applied to a maximum of 9 units (per dwelling unit)

Minimum monthly charge at 0 units

Maximum monthly charge at 9 units

D. Total Residential Charge (A+B+C above)¹

Minimum monthly charge (for 8800)

Maximum monthly charge (for 8800)

Average monthly charge (for 8800)

¹Does not include SF Bay Residential Pollution Prevention Fee

III. Non-Residential Charges

A. Monthly service charge (per account)

B. Treatment charge including flow processing (per unit of sewage discharge)

2010 Meat Products

2011 Slaughterhouses

2020 Dairy Product Processing

2030 Fruit and Vegetable Canning

2040 Grain Mills



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/24~~3~~

	Current	
2050 Bakeries (including Pastries)	\$11.77	<u>\$12.76</u>
2060 Sugar Processing	6.73	<u>7.29</u>
2077 Rendering Tallow	20.42	<u>22.15</u>
2080 Beverage Manufacturing & Bottling	5.11	<u>5.54</u>
2090 Specialty Foods Manufacturing	21.98	<u>23.82</u>
2600 Pulp and Paper Products	5.84	<u>6.33</u>
2810 Inorganic Chemicals Mfgr.	7.51	<u>8.15</u>
2820 Synthetic Material Manufacturing	1.76	<u>1.91</u>
2830 Drug Manufacturing	3.79	<u>4.11</u>
2840 Cleaning and Sanitation Products	7.67	<u>8.31</u>
2850 Paint Manufacturing	14.79	<u>16.03</u>
2893 Ink and Pigment Manufacturing	5.35	<u>5.80</u>
3110 Leather Tanning and Finishing	20.43	<u>22.14</u>
3200 Earthenware Manufacturing	4.15	<u>4.50</u>
3300 Primary Metals Manufacturing	3.28	<u>3.56</u>
3400 Metal Products Fabricating	1.92	<u>2.08</u>
3410 Drum and Barrel Manufacturing	20.80	<u>22.54</u>
3470 Metal Coating	2.08	<u>2.26</u>
4500 Air Transportation	2.74	<u>2.97</u>
4951 Groundwater Remediation	1.60	<u>1.74</u>
5812 Food Service Establishments	7.11	<u>7.71</u>
6513 Apartment Buildings (5 or more dwelling units)	3.46	<u>3.75</u>
7000 Hotels, Motels with Food Service	5.11	<u>5.55</u>
7210 Commercial Laundries	4.60	<u>4.99</u>
7215 Coin Operated Laundromats	3.45	<u>3.74</u>
7218 Industrial Laundries	13.08	<u>14.17</u>
7300 Laboratories	2.47	<u>2.68</u>
7542 Automobile Washing and Polishing	3.27	<u>3.55</u>
8060 Hospitals	3.14	<u>3.41</u>
8200 Schools	2.31	<u>2.51</u>
All Other Business Classification Code (includes dischargers of only segregated domestic wastes from sanitary conveniences)	3.46	<u>3.75</u>



SCHEDULE A – WASTEWATER DEPARTMENT RATES FOR TREATMENT SERVICE

EFFECTIVE 07/01/24³

Multi-Use Food Service Establishments and Domestic Waste Accounts

Accounts identified by EBMUD where there are one or more food service establishments or bakeries sharing the water meter with establishments or operations with only domestic waste discharges. These accounts are assigned an MU code based on the percentage split of the discharge from the food service establishment operations or bakeries and domestic waste. The unit treatment charge for each MU Code is calculated from the food service establishment or bakeries treatment rate and the domestic waste treatment rate.

MU Code		Current	
A	0-9% Food, 91-100% Domestic	\$3.460	<u>\$3.750</u>
B	10-19% Food, 81-90% Domestic	3.825	<u>4.146</u>
C	20-29% Food, 71-80% Domestic	4.190	<u>4.542</u>
D	30-39% Food, 61-70% Domestic	4.555	<u>4.938</u>
E	40-49% Food, 51-60% Domestic	4.920	<u>5.334</u>
F	50-59% Food, 41-50% Domestic	5.285	<u>5.730</u>
G	60-69% Food, 31-40% Domestic	5.650	<u>6.126</u>
H	70-79% Food, 21-30% Domestic	6.015	<u>6.522</u>
I	80-89% Food, 11-20% Domestic	6.380	<u>6.918</u>
J	90-99% Food, 1-10% Domestic	6.745	<u>7.314</u>
K	0-9% Bakery, 91-100% Domestic	3.460	<u>3.750</u>
L	10-19% Bakery, 81-90% Domestic	4.291	<u>4.651</u>
M	20-29% Bakery, 71-80% Domestic	5.122	<u>5.552</u>
N	30-39% Bakery, 61-70% Domestic	5.953	<u>6.453</u>
O	40-49% Bakery, 51-60% Domestic	6.784	<u>7.354</u>
P	50-59% Bakery, 41-50% Domestic	7.615	<u>8.255</u>
Q	60-69% Bakery, 31-40% Domestic	8.446	<u>9.156</u>
R	70-79% Bakery, 21-30% Domestic	9.277	<u>10.057</u>
S	80-89% Bakery, 11-20% Domestic	10.108	<u>10.958</u>
T	90-99% Bakery, 1-10% Domestic	10.939	<u>11.859</u>
Minimum Monthly Treatment Charge:			
6513	Apartment Buildings (5 or more units)	\$53.16	<u>\$57.64</u>
	All Others	8.56	<u>9.29</u>

Wastewater Department

Schedule B

Wet Weather Facilities Charge

FY 2025



SCHEDULE B – WASTEWATER DEPARTMENT WET WEATHER FACILITIES CHARGE

EFFECTIVE 07/01/24~~3~~

Annual Charge Collected on Property Tax Bill¹

TYPE	RATE
Small Lot (0 - 5,000 sq. ft.)	\$ 135.82 <u>147.38</u>
Medium Lot (5,001 – 10,000 sq. ft.)	\$ 212.12 <u>230.16</u>
Large Lot (> 10,000 sq. ft.)	\$ 484.78 <u>526.00</u>

¹ The WWFC for entities that are exempt from property taxes (e.g., public agencies) is collected through the District's billing process.

EAST BAY MUNICIPAL UTILITY DISTRICT

UPDATE TO COST OF SERVICE (COS) STUDIES
OF APRIL 2015 AND MAY 2019

IN SUPPORT OF PROPOSED FY 2024 AND FY 2025
WATER AND WASTEWATER RATES

- Update to Chapter 7, April 2015 COS Study In Support of Proposed FY 2024 and FY 2025 Water System Rates & Charges
- Update to Chapter 5, May 2019 COS Study In Support of Proposed FY 2024 and FY 2025 Wastewater System Rates & Charges

7.0 PROPOSED FY 2024 & FY 2025 WATER SYSTEM CHARGES

This section updates Chapter 7.0 of the 2015 Cost of Service (COS) study for Fiscal Years 2024 and 2025 (FY 2024 and FY 2025) Water System rates and charges based on the District's FY 2024 and FY 2025 revenue requirements. The FY 2024 and FY 2025 revenue requirements are calculated from the District's budgeted operating, capital, and debt expenses. The District's COS study rate model, prepared by Raftelis Financial Consultants, was used to calculate Water System rates and charges for FY 2024 and FY 2025 that meet the FY 2024 and FY 2025 revenue requirements, and are consistent with the District's COS calculations.

The District's proposed budgets for the Water System for FY 2024 and FY 2025 do not contain detailed budgeted costs by function. Accordingly, data from FY 2015 was used as the Test Year (i.e., a full year of actual functionalized expense data available at the time the COS study commenced, and which is a representative year for the District). The District does not anticipate that the distribution of expenses by function for FY 2024 and FY 2025 will be significantly different than the Test Year expenses because there have not been any significant changes to the water system operations and facilities since the Test Year. Based on the proposed budgets for FY 2024 and FY 2025, the COS results from the Test Year have been adjusted to match the FY 2024 and FY 2025 revenue requirements.

A detailed explanation of the proposed FY 2024 and FY 2025 operating expenses, capital improvement program, debt service expenses, revenue projections, and water sales for the Water System are contained in the Proposed Biennial Budget Fiscal Years 2024 and 2025 that was presented to the Board at the March 28, 2023 Budget Workshop.

This section documents the process and calculations made to determine the Water System rates and charges for FY 2024 and FY 2025.

7.1 FY 2024 AND FY 2025 WATER SYSTEM CHARGES AND CUSTOMER IMPACTS

Tables 7-1 and 7-2 show the current FY 2023 monthly Water System rates and charges that were developed with the FY 2023 revenue requirement and the Water System rates and charges calculated by the April 2015 COS study.

Table 7-1

Current FY 2023 Cost of Service Water Charges – Monthly Water Service Charge & Monthly Private Fire Service Charge (\$/Meter Size)

Meter Size	Monthly Water Service Charge	Monthly Private Fire Service Charge
5/8 and 3/4 inch	\$30.14	\$16.04
1 inch	\$45.53	\$22.05
1 1/2 inch	\$84.02	\$36.96
2 inch	\$130.17	\$54.87
3 inch	\$253.30	\$102.71
4 inch	\$391.81	\$156.48
6 inch	\$776.48	\$305.87
8 inch	\$1,238.15	\$485.15
10 inch	\$1,776.73	\$694.28
12 inch	\$2,469.24	\$963.16
14 inch	\$3,161.69	\$1,232.09
1 inch	\$4,008.07	\$1,560.77
16 inch	\$4,854.42	\$1,889.44

Table 7-2

Current FY 2023 Cost of Service Water System Charges – Flow Charge and Elevation Surcharge

FY 2023		
Flow Charges (\$/Ccf)		
SFR		
Tier 1	0-7 Ccf	\$4.60
Tier 2	8-16 Ccf	\$6.32
Tier 3	16+ Ccf	\$8.35
MFR		\$6.50
All Other Water Use		\$6.47
Nonpotable/Recycle Water		\$5.04
Elevation Surcharge (\$/Ccf)		
Pressure Zone 1 (0 - 1 Designator)		\$0.00
Pressure Zone 2 (2 - 5 Designator)		\$0.93
Pressure Zone 3 (6 and greater Designator)		\$1.93

Table 7-3 shows the revenue requirement for FY 2024 and FY 2025 as calculated based on the proposed FY 2024 and FY 2025 budgets for the water enterprise. The proposed FY 2024 and FY 2025 rates were developed from the expenses, revenues, customer information, debt information, and revenue requirements for FY 2024 and FY 2025 using the methodology and rate models from the most recent water system COS study. The FY 2023 COS Water System Charges shown in Tables 7-1 and 7-2 need to be increased by 8.5 percent in FY 2024, and 8.5 percent in FY 2025 to meet the Water System revenue requirements¹.

Table 7-3
Water System Revenue Requirements for FY 2024 and FY 2025

Water	FY 2024			FY 2025		
	Operating	Capital	Total	Operating	Capital	Total
Revenue Requirements						
Operating - O&M Expenses	397,430,828		\$397,430,828	413,164,182		\$413,164,182
Capital - Debt Service		238,627,970	\$238,627,970		256,268,463	\$256,268,463
Capital - Expenses		478,131,027	\$478,131,027		520,544,949	\$520,544,949
Total Revenue Requirements	\$397,430,828	\$716,758,997	\$1,114,189,825	\$413,164,182	\$776,813,412	\$1,189,977,594
Revenue Offsets (incl \$4M used for CAP)						
Property Taxes		47,000,000	\$47,000,000		48,075,000	\$48,075,000
Power	8,000,000		\$8,000,000	8,000,000		\$8,000,000
Interest	13,888,337		\$13,888,337	13,771,988		\$13,771,988
SCC Revenue		35,000,000	\$35,000,000		36,225,000	\$36,225,000
Operating Reimbursement	14,000,000		\$14,000,000	14,420,000		\$14,420,000
RARE Reimbursement	3,700,000		\$3,700,000	3,811,000		\$3,811,000
All Other		17,300,000	\$17,300,000		17,615,552	\$17,615,552
Transfer (to)/from Rate Stabilization Reserve	\$0		\$0	\$0		\$0
Total Revenue Offsets	\$39,588,337	\$99,300,000	\$138,888,337	\$40,002,988	\$101,915,552	\$141,918,540
Adjustments						
Transfer of Cash for Capital from Other Funds (Bond Proceeds, Grants, Capital Contributions and Reserves)	\$0	(306,995,004)	(\$306,995,004)	\$0	(305,718,034)	(\$305,718,034)
Total Adjustments	\$0	(\$306,995,004)	(\$306,995,004)	\$0	(\$305,718,034)	(\$305,718,034)
Cost of Service to be Recovered from Rates	\$357,842,491	\$310,463,993	\$668,306,484	\$373,161,194	\$369,179,826	\$742,341,020

¹ As discussed in the District's March 23, 2023 Memo to the Board of Directors on FY 2024 and FY 2025 rates.

Tables 7-4 and 7-5 show the proposed FY 2024 and FY 2025 Monthly Service Charges and Private Fire Service Charges, and the rates used for the water Flow Charge and Elevation Surcharge.

Table 7-4
FY 2024 and FY 2025 Water System Charges – Monthly Water Service Charge & Monthly Private Fire Service Charge (\$/Meter Size)

	FY 2024	FY 2025
Monthly Water Service Charge		
Meter Size		
5/8 and 3/4 inch	\$32.70	\$35.48
1 inch	\$49.40	\$53.60
1 1/2 inch	\$91.16	\$98.91
2 inch	\$141.23	\$153.23
3 inch	\$274.83	\$298.19
4 inch	\$425.11	\$461.24
6 inch	\$842.48	\$914.09
8 inch	\$1,343.39	\$1,457.58
10 inch	\$1,927.75	\$2,091.61
12 inch	\$2,679.13	\$2,906.86
14 inch	\$3,430.43	\$3,722.02
16 inch	\$4,348.76	\$4,718.40
18 inch	\$5,267.05	\$5,714.75
Monthly Private Fire Service Charge		
Meter Size		
5/8 and 3/4 inch	\$17.40	\$18.88
1 inch	\$23.92	\$25.95
1 1/2 inch	\$40.10	\$43.51
2 inch	\$59.53	\$64.59
3 inch	\$111.44	\$120.91
4 inch	\$169.78	\$184.21
6 inch	\$331.87	\$360.08
8 inch	\$526.39	\$571.13
10 inch	\$753.29	\$817.32
12 inch	\$1,045.03	\$1,133.86
14 inch	\$1,336.82	\$1,450.45
16 inch	\$1,693.44	\$1,837.38
18 inch	\$2,050.04	\$2,224.29

Table 7-5
FY 2024 and FY 2025 Water System Charges – Flow
Charge and Elevation Surcharge

		FY 2024	FY 2025
Flow Charges (\$/Ccf)			
SFR			
Tier 1	0-7 Ccf	\$4.99	\$5.41
Tier 2	8-16 Ccf	\$6.86	\$7.44
Tier 3	16+ Ccf	\$9.06	\$9.83
MFR		\$7.05	\$7.65
All Other Water Use		\$7.02	\$7.62
Nonpotable/Recycle Water		\$5.47	\$5.93
Elevation Surcharge (\$/Ccf)			
Pressure Zone 1 (0 - 1 Designator)		\$0.00	\$0.00
Pressure Zone 2 (2 - 5 Designator)		\$1.01	\$1.10
Pressure Zone 3 (6 and greater Designator)		\$2.09	\$2.27

The proposed customer water bill impacts, shown in Tables 7-6 through 7-8, reflect the increases described previously. Table 7-6 shows the SFR bill impacts at various levels of water usage for FY 2024. Bill impacts for FY 2025 are approximately 8.5 percent more than the FY 2024 bills shown below.

Table 7-6
SFR Water Bill Impacts for FY 2024

Use Level	Monthly Use (Ccf)	FY 2023 Current Bill	FY 2024 Proposed Bill	Difference (\$)	Difference (%)
Very Low	4	\$48.54	\$52.66	\$4.12	8.5%
Low	6	\$57.74	\$62.64	\$4.90	8.5%
Average	8	\$68.66	\$74.49	\$5.83	8.5%
High	10	\$81.30	\$88.21	\$6.91	8.5%
Very High	22	\$186.02	\$201.85	\$15.83	8.5%

All bill calculations assume 5/8" or 3/4" meter.

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

Table 7-7 shows the MFR bill impacts at various levels of water usage for FY 2024. Bill impacts for FY 2025 are approximately 8.5 percent more than the FY 2024 bills shown below.

Table 7-7
MFR Water Bill Impacts for FY 2024

Use Level	Monthly Use (Ccf)	FY 2023 Current Bill	FY 2024 Proposed Bill	Difference (\$)	Difference (%)
Very Low	15	\$143.03	\$155.15	\$12.12	8.5%
Low	20	\$175.53	\$190.40	\$14.87	8.5%
Average	42	\$318.53	\$345.50	\$26.97	8.5%
High	60	\$435.53	\$472.40	\$36.87	8.5%
Very High	100	\$695.53	\$754.40	\$58.87	8.5%

All bill calculations assume 1" meter.

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

Table 7-8 shows the Other (non-residential) bill impacts at various levels of water usage for FY 2024. Bill impacts for FY 2025 are approximately 8.5 percent more than the FY 2024 bills shown below.

Table 7-8
Other Water Bill Impacts for FY 2024

Use Level	Monthly Use (Ccf)	FY 2023 Current Bill	FY 2024 Proposed Bill	Difference (\$)	Difference (%)
Very Low	20	\$259.57	\$281.63	\$22.06	8.5%
Low	50	\$453.67	\$492.23	\$38.56	8.5%
Average	84	\$673.65	\$730.91	\$57.26	8.5%
High	100	\$777.17	\$843.23	\$66.06	8.5%
Very High	200	\$1,424.17	\$1,545.23	\$121.06	8.5%

All bill calculations assume 2" meter.

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

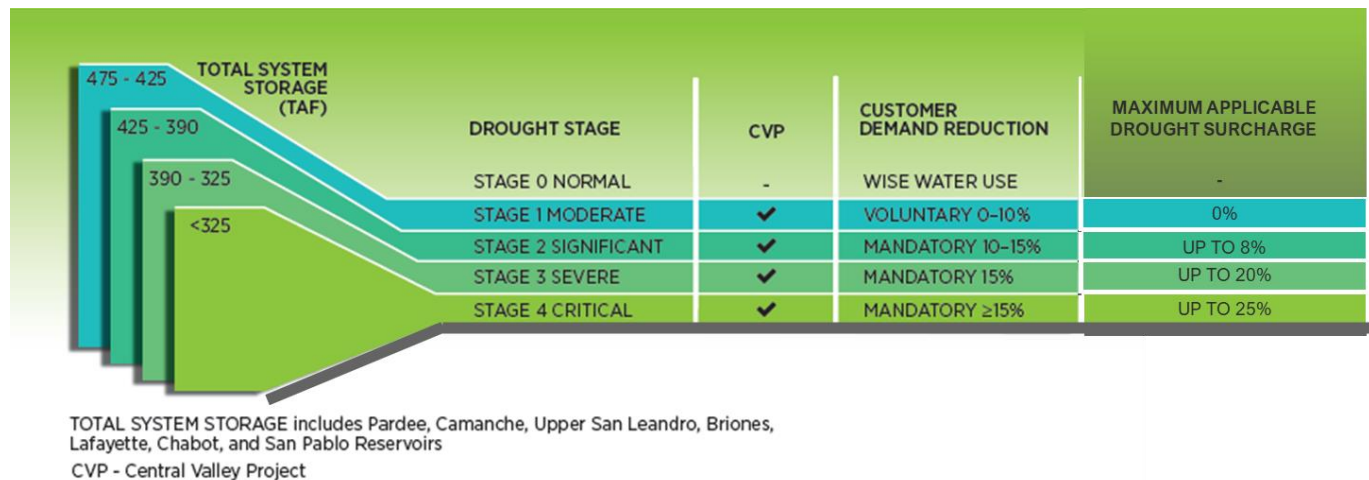
7.2 DROUGHT SURCHARGES NEEDS

The 2015 COS study developed a detailed COS analysis to calculate Drought Surcharges that may be implemented by the District during certain drought stages. In times of mandated reduced water usage, the District continues to incur the same fixed costs, as well as additional costs related to reduced availability of water. Because the District recovers portions of its fixed costs on the variable Water Flow Charge, which is the component of the rates directly impacted by reduced water usage, Drought Surcharges are necessary to ensure the District can meet its revenue requirement despite reduced water sales.

Table 7-18 shows the District's drought stages and the applicable Drought Surcharge at each stage. The drought stages are part of the District's Water Shortage Contingency Plan which includes the elements contained below with respect to demand reduction and purchase of supplemental supplies of water as a water shortage becomes more severe. The 2015 COS study developed Drought Surcharges that would address the financial impact to the

District during specified drought stages. The revenue requirement for each drought stage was developed and a Drought Surcharge was calculated to recover water shortage costs such as costs of acquiring and providing supplemental water, costs of water shortage-related customer service, and losses of revenue, which increase with each drought stage. The Drought Surcharges, expressed as percentage of the potable Water Flow Charge, are shown in Table 7-18. As part of the FY 2016 and FY 2017 budget process, the Board adopted the staged system of Drought Surcharges to recover water shortage-related costs.

Table 7-18
Current Drought Stages and Drought Surcharges



The District's COS study developed Drought Surcharge percentages to be added to the potable Water Flow Charges of up to 8 percent, 20 percent and 25 percent to be imposed during drought Stages 2, 3 and 4, respectively. Drought Surcharges would be applicable to all potable water customer accounts only if the EBMUD Board of Directors declares a Stage 2, 3, or 4 drought and elects to impose the Drought Surcharge. The Drought Surcharges correspond to increasingly severe stages of water shortages, and are added to the customer's total potable water Flow Charge during the billing period. The Drought Surcharges are calculated to meet the Water System's revenue requirements of each drought stage.

The District's current Drought Management Program Guidelines offer two scenarios for declaration of the different drought stages depending on whether the drought declaration is linked to local conditions, as measured by total system storage (TSS) in the District's reservoirs, or to a state mandate, such as the mandatory water use reductions set by the State Water Resource Control Board in 2015 and 2022.

Under the "TSS Scenario," EBMUD declares different drought stages based upon projected end of September TSS as shown in Figure 7-19 of the 2020 UWMP. Table 7-20 of the 2020 UWMP shows the link between the drought stages and rates, penalties, and regulations in effect under the TSS scenario. In September 2021, the District updated the Drought Management Program Guidelines to include and Excessive Use Penalty under drought Stage 2 in order to be consistent with the state water code. This change is not reflected in Table 7-20.

It is possible that the water use reductions required by state mandate could exceed water use reductions that would otherwise be called for based on the TSS. In the State Mandate Scenario, the drought stage and associated response actions would be guided by Table 7-21, which establishes stages based on state mandated customer demand reduction goals.

Under either scenario, EBMUD’s Board of Directors can enact the provisions of Section 28 of its Regulations Governing Water Service during drought Stages 2, 3, and 4 upon declaring a water shortage emergency under section 350 of the California Water Code. Whether or not a shortage emergency is declared, when a Stage 2 or greater drought is declared, the Board can implement Drought Surcharges sufficient to offset additional cost and/or lost revenue associated with the drought but not to exceed the percentages set forth in the District’s Proposition 218 notice. The approved Drought Surcharges do not impose a drought surcharge for Drought Stage 1 when only voluntary customer demand reductions are being implemented.

The current Drought Management Plan to specifies that supplemental supplies can be acquired during Drought Stages 1 through 4. The Drought Management Plan reflects lessons learned and actions that were taken from previous droughts. EBMUD performed modeling to better understand the effects of various actions on operations, in-stream flow requirements, and customer rationing. The results provided a basis for the drought stages and associated response actions as outlined in Figure 7-19. The approved Drought Management Plan guides, but does not constrain, the Board’s choice of drought response actions. The Board may acquire supplemental supplies or declare a conservation goal or mandate in a manner which differs from the approved Drought Management Plan. If supplemental supplies are delivered during a Drought Stage 1 condition, any additional costs would be funded from the District’s operating revenues, reserves or rate stabilization fund. The drought surcharge will be available in a Stage 2 or greater drought under both the current Drought Management Plan guidelines.

Prior to implementing the Drought Surcharges, the District will adopt a drought budget which reflects the most current and updated water shortage related costs. The Drought Surcharge will be developed to be consistent with the COS and will not exceed the Drought Surcharge percentages listed in Table 7-18 and adopted in Schedule L – Drought Surcharge Rate Schedule For Water Service.

Figure 7-19
Current Drought Management Program Guidelines

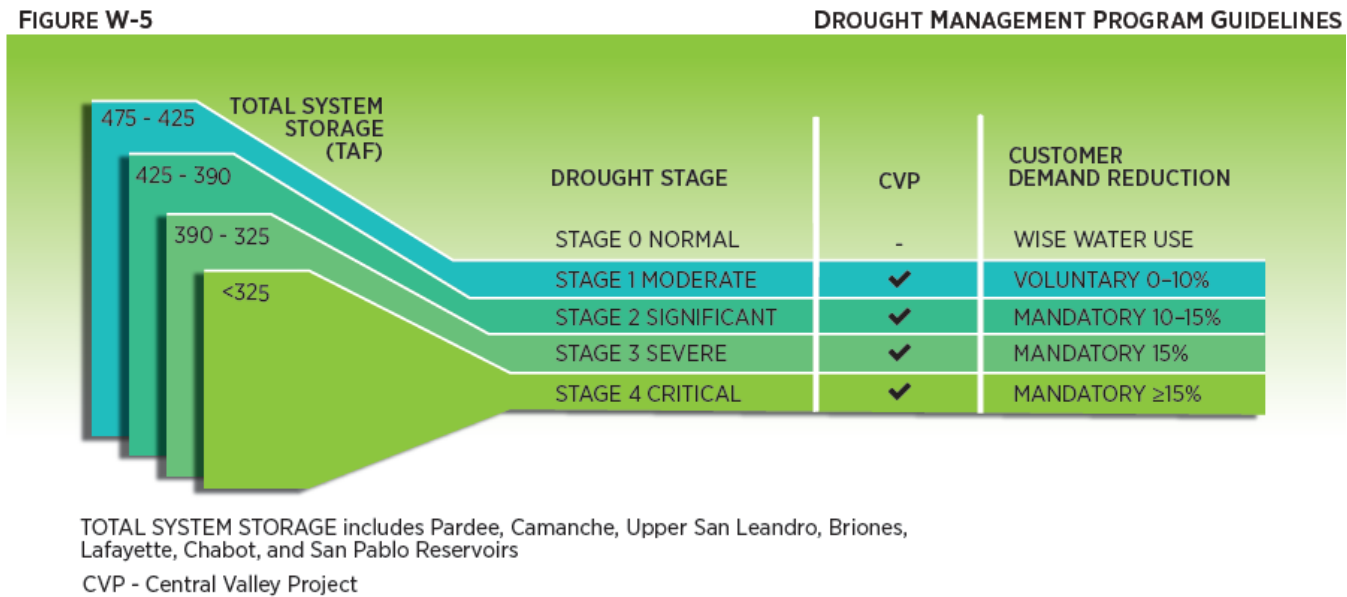


Table 7-20
Drought Management Program Guidelines – TSS Scenario

TABLE W-6	DROUGHT MANAGEMENT PROGRAM ELEMENTS BY STAGE FOR TSS SCENARIO
DROUGHT STAGE	DROUGHT PROGRAM ELEMENTS CONSIDERED
STAGE 1 MODERATE VOLUNTARY 0 – 10% RATIONING	ESTABLISH VOLUNTARY WATER USE REDUCTION GOALS AND DETERMINE USE RESTRICTIONS
	INITIATE A PUBLIC INFORMATION CAMPAIGN TO EXPLAIN THE WATER SUPPLY SITUATION AND CUSTOMER RESPONSIBILITIES
	OUTREACH AND EDUCATION MAY INCLUDE EBMUD'S WEBSITE, SOCIAL MEDIA, MEDIA OUTREACH, ADVERTISING, WORKSHOPS AND EVENTS, BILL INSERTS AND BILL MESSAGING
	INITIATE COMMUNITY WATER WASTE HOTLINE AND ONLINE WATER WASTE REPORTING
	ISSUE UP TO 50,000 SINGLE FAMILY RESIDENTIAL (SFR) HOME WATER REPORTS
	PROVIDE COMMERCIAL AND RESIDENTIAL LANDSCAPE WATER BUDGETS TO UP TO 5,000 ACCOUNTS
	PROVIDE CONSERVATION AUDITS AND WATERSMART HOME SURVEY KITS
	ISSUE UP TO 5,000 INDOOR PLUMBING FIXTURE AND APPLIANCE REBATES
	ISSUE UP TO 5,000 OUTDOOR LANDSCAPE & IRRIGATION REBATES
	CONDUCT WATER AUDITS
	PROVIDE UP TO 5,000 FREE WATER SAVING DEVICES
	EXPAND WATER LOSS CONTROL PROGRAM (E.G., ACOUSTIC LOGGERS, LEAK DETECTION CREWS)
STAGE 2 SIGNIFICANT MANDATORY 10 – 15% RATIONING	IN ADDITION TO ELEMENTS OF STAGE 1:
	APPLY STAGE 2 DROUGHT SURCHARGE
	CONTINUED OUTREACH AND EDUCATION
	PROVIDE ONLINE EBMUD STORE ORDERING (RESTAURANT AND HOTEL TENT CARDS, STICKERS)
	INCREASE SFR HOME REPORTS TO 75,000 HOUSEHOLDS
	INCREASE COMMERCIAL AND RESIDENTIAL LANDSCAPE WATER BUDGETS TO 25,000 ACCOUNTS
ISSUE UP TO 10,000 FREE WATER SAVINGS DEVICES	
STAGE 3 SEVERE MANDATORY 15% RATIONING	IN ADDITION TO ELEMENTS IN STAGE 2:
	APPLY STAGE 3 DROUGHT SURCHARGE
	ADVANCED MEDIA OUTREACH / RESPONSE
	ADVANCED CUSTOMER OUTREACH & EDUCATION
	CONSIDER WATER SAVING CAMPAIGNS, CHALLENGES
	CONSIDER SUPPLEMENTING EDUCATION AND OUTREACH WITH WEBSITE TOOLS AND INFORMATION; OUTDOOR, RADIO, PUBLICATIONS, AND ONLINE ADVERTISING; DROUGHT THEATERS OR OTHER EDUCATION FOR CHILDREN; CONTESTS AND PLEDGES; PROMOTIONAL ITEMS, SIGNS, DROUGHT NEWSLETTERS, CUSTOMER OUTDIAL MESSAGES, POSTCARD MAILINGS, ETC.
	INSTITUTE EXCESSIVE USE PENALTY FOR SFR CUSTOMER WITH USE > 60 CCF/MONTH
	INITIATE SUPERSAVER RECOGNITION PROGRAM
	INCREASE SFR HOME REPORTS TO 100,000 HOUSEHOLDS
	INCREASE COMMERCIAL AND RESIDENTIAL LANDSCAPE WATER BUDGETS TO 50,000 ACCOUNTS
	ISSUE UP TO 7,000 INDOOR PLUMBING FIXTURE AND APPLIANCE REBATES
	ISSUE UP TO 8,000 OUTDOOR LANDSCAPE & IRRIGATION REBATES
	ISSUE UP TO 15,000 FREE WATER SAVINGS DEVICES
	PROVIDE FIELD ENFORCEMENT OF REGULATIONS AND WATER USE RESTRICTIONS
STAGE 4 CRITICAL MANDATORY ≥15% RATIONING	IN ADDITION TO ELEMENTS IN STAGE 3:
	APPLY STAGE 4 DROUGHT SURCHARGE
	INSTITUTE EXCESSIVE USE PENALTY FOR SFR CUSTOMER WITH USE > 40 CCF/MONTH
	INCREASE SFR HOME REPORTS TO 325,000 HOUSEHOLDS
	INCREASE COMMERCIAL AND RESIDENTIAL LANDSCAPE WATER BUDGETS TO 150,000 ACCOUNTS
ISSUE UP TO 20,000 FREE WATER SAVINGS DEVICES	

Table 7-21
Drought Management Program Guidelines – State Mandate Scenario

TABLE W-7	SHORTAGE LEVELS CROSS-REFERENCE WITH STATE'S SHORTAGE STAGES	
EBMUD DROUGHT STAGE	EBMUD SUPPLY SHORTAGE	STATE SHORTAGE LEVELS
0	NORMAL	1-4
1	MODERATE (43%)	5
2	SIGNIFICANT (50%)	5
3	SEVERE (55%)	6
4	CRITICAL (64%)	6

In March 2023, the District suspended the Stage 2 drought surcharge that was collected during FY 2024, and effective April 25, 2023, the District moved to a Stage 0 with no water use reduction goals. Due to improved water supply conditions, it is not likely that drought conditions will occur in FY 2024. The Drought Surcharge percentages that were developed in the 2015 COS study and adopted for FY 2016 and FY 2017 will remain in effect in FY 2024 and FY 2025 as a contingency plan in the event a Stage 2 or greater drought is declared. If implemented, the Drought Surcharges would impact the rates of the Water Flow Charge. Prior to implementing the Drought Surcharges, the District will update its drought-related costs and develop and adopt surcharges consistent with the COS study. The surcharge will not exceed the Drought Surcharge percentages listed above and the District's costs of providing service. The District's Proposition 218 notice for FY 2024 and FY 2025 includes information regarding these surcharges so that they remain available to the Board to implement in the event the District declares a Stage 2 or greater drought.

5.0 PROPOSED FY 2024 & FY 2025 WASTEWATER SYSTEM CHARGES

This section summarizes Chapter 5.0 of the 2019 Wastewater COS study for the FY 2024 and FY 2025 Wastewater System rates and charges based on the District's FY 2024 and FY 2025 revenue requirements. The FY 2024 and FY 2025 revenue requirements are calculated from the District's budgeted operating, capital and debt expenses. The District's COS study rate model, prepared by Raftelis Financial Consultants, was used to calculate Wastewater System rates and charges for FY 2024 and FY 2025 that meet the FY 2024 and FY 2025 revenue requirements, and are consistent with the District's COS calculations.

The District's proposed budgets for the Wastewater System for FY 2024 and FY 2025 do not contain detailed budgeted costs by function. Accordingly data from FY 2017 was used as the Test Year (i.e., a full year of actual functionalized expense data available at the time the COS study commenced and which is a representative year for the District). The District does not anticipate that the distribution of expenses by function for FY 2024 and FY 2025 will be significantly different than the Test Year expenses because there have not been any significant changes to the wastewater operations and facilities since the Test Year. Based on the proposed Wastewater System budgets for FY 2024 and FY 2025, the COS results from the Test Year have been adjusted to match the FY 2024 and FY 2025 revenue requirements. A detailed explanation of the proposed FY 2024 and FY 2025 operating expenses, capital improvement program, debt service expenses, revenue projections, and wastewater treatment flows for the Wastewater System are contained in the Proposed Biennial Budget Fiscal Years 2024 and 2025 that was presented to the Board at the March 24, 2023 Budget Workshop.

This section documents the process and calculations made to determine the Wastewater System rates and charges for FY 2024 and FY 2025.

5.1 FY 2024 AND FY 2025 WASTEWATER SYSTEM CHARGES AND CUSTOMER IMPACTS

Tables 5-2 and 5-3 show the current FY 2023 Wastewater Service Charges that were developed with the FY 2023 revenue requirement and the Wastewater System rates and charges calculated by the 2019 COS study.

Table 5-2
Current FY 2023 Cost of Service Wastewater System Charges – Residential

	FY 2023
Monthly Service Charge (per Account)	\$7.89
Monthly Strength Charge (per dwelling unit)	\$8.22
Minimum Monthly Charge	\$16.11
Plus: A flow charge per Ccf (maximum of 9 Ccf/mo)	\$1.43
Minimum monthly flow charge	
Maximum monthly flow charge	\$12.87
Total Monthly Residential Charge	
Minimum monthly charge	\$16.11
Maximum monthly charge	\$28.98
Average monthly charge at 6 Ccf	\$24.69

Table 5-3
Current FY 2023 Cost of Service Wastewater System Charges – Non-Residential

	FY 2023
Monthly Service Charge (per Account)	\$7.89
Treatment charge including flow processing (per Ccf of sewage discharge)	
Meat Products	\$10.00
Slaughterhouses	\$9.55
Dairy Product Processing	\$7.84
Fruit and Vegetable Canning	\$6.31
Grain Mills	\$6.28
Bakeries (including Pastries)	\$10.86
Sugar Processing	\$6.21
Rendering Tallow	\$18.83
Beverage Manufacturing & Bottling	\$4.71
Specialty Foods Manufacturing	\$20.29
Pulp and Paper Products	\$5.38
Inorganic Chemicals Mfgr.	\$6.92
Synthetic Material Manufacturing	\$1.62
Drug Manufacturing	\$3.50
Cleaning and Sanitation Products	\$7.08
Paint Manufacturing	\$13.65
Ink and Pigment Manufacturing	\$4.94
Leather Tanning and Finishing	\$18.85
Earthenware Manufacturing	\$3.82
Primary Metals Manufacturing	\$3.03
Metal Products Fabricating	\$1.77
Drum and Barrel Manufacturing	\$19.20
Metal Coating	\$1.92
Air Transportation	\$2.53
Groundwater Remediation	\$1.48
Food Service Establishments	\$6.56
Apartment Buildings (5 or more units)	\$3.19
Hotels, Motels with Food Service	\$4.71
Commercial Laundries	\$4.24
Coin Operated Laundromats	\$3.18
Industrial Laundries	\$12.07
Laboratories	\$2.28
Automobile Washing and Polishing	\$3.02
Hospitals	\$2.90
Schools	\$2.13
All Other BCC (includes dischargers of only segregated domestic wastes from sanitary conveniences)	\$3.19

Table 5-4 shows the current FY 2023 Wet Weather Facilities Charges.

Table 5-4
Current FY 2023 Cost of Service Wet Weather Facilities Charges

Lot Size (sq ft)	FY 2023
0-5,000	\$125.16
5,001-10,000	\$195.50
over 10,000	\$446.80

Table 5-5 shows the revenue requirements for FY 2024 and FY 2025 based on the proposed FY 2024 and FY 2025 budgets for the wastewater enterprise. The proposed FY 2024 and FY 2025 rates were developed from the expenses, revenues, customer information, debt information, and revenue requirements for FY 2024 and FY 2025 using the methodology and rate models from the most recent wastewater system COS study. The FY 2023 wastewater user charges shown in Tables 5-2 through 5-4, have been increased by 8.5 percent in FY 2024 and increased by an additional 8.5 percent in FY 2025 to meet the Wastewater System's revenue requirements².

Table 5-5
Wastewater System Revenue Requirements for FY 2024 and FY 2025

Wastewater	FY 2024			FY 2025		
	Operating	Capital	Total	Operating	Capital	Total
Revenue Requirements						
O&M Expenses	\$103,741,700		\$103,741,700	\$108,465,460		\$108,465,460
Capital - Debt Service		\$32,867,708	\$32,867,708		\$34,772,821	\$34,772,821
Capital - Expenses		\$50,030,482	\$50,030,482		\$58,373,642	\$58,373,642
Total Revenue Requirements	\$103,741,700	\$82,898,190	\$186,639,890	\$108,465,460	\$93,146,463	\$201,611,923
Revenue Offsets (Incl \$0.6M for CAP)						
Resource Recovery	\$6,089,050	\$4,910,950	\$11,000,000	\$6,089,050	\$3,910,950	\$10,000,000
Property Taxes		\$7,500,000	\$7,500,000		\$7,672,500	\$7,672,500
Ad Valorem Bond Levy		\$0	\$0		\$0	\$0
Interest	\$3,085,671		\$3,085,671	\$3,225,000		\$3,225,000
Laboratory Services	\$4,900,000		\$4,900,000	\$5,047,000		\$5,047,000
Reimbursements	\$1,800,000		\$1,800,000	\$1,854,000		\$1,854,000
Permit Fees	\$1,650,000		\$1,650,000	\$1,650,000		\$1,650,000
Capacity Charges		\$3,500,000	\$3,500,000		\$3,622,500	\$3,622,500
All Other Revenue	\$3,300,000	\$2,900,000	\$6,200,000	\$3,300,000	\$2,900,000	\$6,200,000
Transfer (to)/from Rate Stabilization Reserve (RSR)	\$0		\$0	\$0		\$0
Total Revenue Offsets	\$20,824,722	\$18,810,950	\$39,635,671	\$21,165,050	\$18,105,950	\$39,271,000
Adjustments						
Transfer of Cash for Capital from Other Funds (Bond Proceeds, Grants, Capital Contributions and Reserves)		(\$20,402,902)	(\$20,402,902)		(\$24,301,214)	(\$24,301,214)
Total Adjustments	\$0	(\$20,402,902)	(\$20,402,902)	\$0	(\$24,301,214)	(\$24,301,214)
Cost of Service to be Recovered from Rates	\$82,916,978	\$43,684,338	\$126,601,317	\$87,300,409	\$50,739,300	\$138,039,709

² As summarized in the District's March 23, 2023 Memo to the Board of Directors on FY 2024 and FY 2025 rates.

Tables 5-6 and 5-7 show the proposed FY 2024 and FY 2025 Wastewater System Charges for residential and non-residential customers, respectively.

Table 5-6
FY 2024 and FY 2025 Wastewater System Charges – Residential

	FY 2024	FY 2025
Monthly Service Charge (per Account)	\$8.56	\$9.29
Monthly Strength Charge (per dwelling unit)	\$8.92	\$9.67
Minimum Monthly Charge	\$17.48	\$18.96
Plus: A flow charge per Ccf (maximum of 9 Ccf/mo)	\$1.55	\$1.68
Minimum monthly flow charge		
Maximum monthly flow charge	\$13.95	\$15.12
Total Monthly Residential Charge		
Minimum monthly charge	\$17.48	\$18.96
Maximum monthly charge	\$31.43	\$34.08
Average monthly charge at 6 Ccf	\$26.78	\$29.04

Table 5-7

FY 2024 and FY 2025 Wastewater System Charges – Non-Residential

	FY 2024	FY 2025
Monthly Service Charge (per Account)	\$8.56	\$9.29
Treatment charge including flow processing (per Ccf of sewage discharge)		
Meat Products	\$10.84	\$11.74
Slaughterhouses	\$10.36	\$11.24
Dairy Product Processing	\$8.50	\$9.21
Fruit and Vegetable Canning	\$6.84	\$7.41
Grain Mills	\$6.81	\$7.38
Bakeries (including Pastries)	\$11.77	\$12.76
Sugar Processing	\$6.73	\$7.29
Rendering Tallow	\$20.42	\$22.15
Beverage Manufacturing & Bottling	\$5.11	\$5.54
Specialty Foods Manufacturing	\$21.98	\$23.82
Pulp and Paper Products	\$5.84	\$6.33
Inorganic Chemicals Mfgr.	\$7.51	\$8.15
Synthetic Material Manufacturing	\$1.76	\$1.91
Drug Manufacturing	\$3.79	\$4.11
Cleaning and Sanitation Products	\$7.67	\$8.31
Paint Manufacturing	\$14.79	\$16.03
Ink and Pigment Manufacturing	\$5.35	\$5.80
Leather Tanning and Finishing	\$20.43	\$22.14
Earthenware Manufacturing	\$4.15	\$4.50
Primary Metals Manufacturing	\$3.28	\$3.56
Metal Products Fabricating	\$1.92	\$2.08
Drum and Barrel Manufacturing	\$20.80	\$22.54
Metal Coating	\$2.08	\$2.26
Air Transportation	\$2.74	\$2.97
Groundwater Remediation	\$1.60	\$1.74
Food Service Establishments	\$7.11	\$7.71
Apartment Buildings (5 or more units)	\$3.46	\$3.75
Hotels, Motels with Food Service	\$5.11	\$5.55
Commercial Laundries	\$4.60	\$4.99
Coin Operated Laundromats	\$3.45	\$3.74
Industrial Laundries	\$13.08	\$14.17
Laboratories	\$2.47	\$2.68
Automobile Washing and Polishing	\$3.27	\$3.55
Hospitals	\$3.14	\$3.41
Schools	\$2.31	\$2.51
All Other BCC (includes dischargers of only segregated domestic wastes from sanitary conveniences)	\$3.46	\$3.75

Table 5-8 shows the Wet Weather Facilities Charges for FY 2024 and FY 2025 after the 8.5 percent increase for each year.

Table 5-8
FY 2024 and FY 2025 Wet Weather Facilities Charges

Lot Size (sq ft)	FY 2024	FY 2025
0-5,000	\$135.82	\$147.38
5,001-10,000	\$212.12	\$230.16
over 10,000	\$484.78	\$526.00

The resulting customer bill impacts, shown in Tables 5-9 and 5-10, reflect the increases described previously. Table 5-9 shows the bill impacts for different customers with typical water usage for FY 2024. Bill impacts for FY 2025 are approximately 8.5 percent more than the FY 2024 bills shown below.

Table 5-9
Typical Customers' Wastewater Bill Impacts for FY 2024

Customer Class	Monthly Use (Ccf)	FY 2023 Current Bill	FY 2024 Proposed Bill	Difference (\$)	Difference (%)
SFR	6	\$24.89	\$26.98	\$2.09	8.4%
MFR - Fourplex	25	\$77.32	\$83.79	\$6.47	8.4%
Commercial - Office	50	\$172.87	\$187.04	\$14.17	8.2%
Commercial - Restaurant	50	\$341.37	\$369.54	\$28.17	8.3%
Industrial - Food Manufacturing	500	\$10,158.37	\$11,004.04	\$845.67	8.3%

Note: Bills include SF Bay Pollution Prevention Charge

Actual changes to a customer's bill will depend on the amount of water used in each billing period.

Table 5-10 shows the annual charges for the FY 2024 Wet Weather Facilities Charge collected on the property tax bill for different customers with typical lot sizes. For properties that do not receive a property tax bill, the Wet Weather Facilities Charges are collected through an EBMUD invoice to the property owner. The increase to the annual Wet Weather Facilities Charge for FY 2025 is approximately 8.5 percent more than the FY 2024 charges shown below.

Table 5-10
Wet Weather Facilities Charge Impacts for FY 2024

Customer Class	Median Lot Size (sq ft)	FY 2023 Current Bill	FY 2024 Proposed Bill	Difference (\$)	Difference (%)
SFR	4,800	\$125.16	\$135.82	\$10.66	8.5%
Duplex	4,500	\$125.16	\$135.82	\$10.66	8.5%
Triplex	5,130	\$195.50	\$212.12	\$16.62	8.5%
Fourplex	5,400	\$195.50	\$212.12	\$16.62	8.5%
Apartment	7,400	\$195.50	\$212.12	\$16.62	8.5%
All Other	14,300	\$446.80	\$484.78	\$37.98	8.5%

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BOARD ACTION

Agenda Number:	14.	Meeting Date:	May 9, 2023
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TITLE **ADOPT THE REPORTING YEAR 2022 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Adopt the Reporting Year 2022 (RY 2022) Equal Employment Opportunity Program (EEOP).


SUMMARY As a federal contractor, the District is mandated by federal regulations to annually update and adopt a written EEOP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. The EEOP report was presented at the May 9, 2023 Legislative/Human Resources Committee meeting.

DISCUSSION Pursuant to these regulations, the District annually establishes placement goals (by job group) for minorities and women. These placement goals are based on a utilization analysis comparing District incumbency to availability in the District's recruitment area. The District also analyzes its hires against a customized hiring benchmark for Protected Veterans, currently set at three percent for RY 2023, and analyzes its workforce by job group against the national utilization goal of seven percent for qualified individuals with disabilities (IWDs). The District makes good faith efforts toward reaching its minority and/or female placement goals and evaluates the success of its outreach activities to meet the Protected Veteran hiring benchmark and IWD utilization goal. Based on goals progress and evaluation, the District evaluates program effectiveness and recommends action items/action-oriented programs (AOPs) to improve performance. The RY2 022 EEOP provides a summary of workforce data and program performance for RY 2022 and action items/AOPs for RY 2023.

While the EEOP complies with federal regulations, it is only one foundational element of the District's efforts to achieve its strategic goal of building a high performing, diverse, and inclusive workforce. The EEOP also supports the District's Diversity, Equity, and Inclusion Strategic Plan (DEISP) Workforce Development goal to attract and retain applicants from diverse and underrepresented groups for a workforce that is equitably representative across levels and functions. The District has a number of action items discussed in detail in the DEISP to enhance its DEI efforts. This action supports the District's Workforce Planning Development Strategic Plan goal.

SUSTAINABILITY **Social**

The EEOP supports diversity for the District's current and future generation of employees, communities, and customers.

Originating Department: Office of Diversity, Equity, and Culture	Department Director or Manager: Derry L. Moten	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): RY2022 EEOP Report			

Title:	Adopt the Reporting Year 2022 Equal Employment Opportunity Program	Meeting Date:	May 9, 2023
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ALTERNATIVE **Do not adopt the RY 2022 EEOP.** This alternative is not recommended because adopting the program is required for the District to remain in compliance with federal regulations.

I:\Sec\2023 Board Related Items\050923 Board Agenda Items\OGM – Adopt the Reporting Year 2022 EEOP.docx

FY 2023

Equal Employment Opportunity Program

RY 2022 REPORT (JULY 1, 2021 – JUNE 30, 2022)
RY 2023 GOALS (JULY 1, 2022 – JUNE 30, 2023)

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I. Executive Summary

EBMUD is an equal employment opportunity (EEO) employer. As a federal contractor, the District is required by federal regulations to annually update and adopt a written EEO Program (EEOP, formerly known as Affirmative Action Plan) for minorities, females, Protected Veterans (Veterans), and individuals with disabilities (IWDs). Federal regulations specifically require the District to:

- Establish placement goals by job group for minorities and/or females based on the results of a statistical utilization analysis comparing District incumbency to availability.
- Establish action-oriented programs (AOPs) to address problem areas hindering the employment of minorities or females at availability rates.
- Analyze its progress and the effectiveness of its outreach efforts in reaching benchmarks for the hiring of Protected Veterans and utilization goal for IWDs.

The Board of Directors' adoption of the Reporting Year (RY) 2022 EEOP Report complies with these regulations. Furthermore, the District's EEOP also serves to support the Workforce Planning goal of the District's Strategic Plan to attract and hire quality candidates that reflect the diversity of our community. The EEOP also supports the District's Diversity, Equity, and Inclusion Strategic Plan (DEISP) Workforce Development goal to attract and retain applicants from diverse and underrepresented groups for a workforce that is equitably representative across levels and functions.

Of the 22 District job groups, during RY 2022, efforts were focused on seven job groups for which the District had a total of nine placement goals for minorities and/or females.

The District exceeded placement goals for the following job groups:

- Heavy Equipment/Truck Operators (minorities)
- Mechanical Maintenance (females)
- Service Maintenance (minorities)
- Supervising Engineering (minorities)
- Water Distribution Plumbing & Maintenance (minorities)

The District nearly met placement goals for the following job group:

- Electrical/Structural Maintenance (minorities)

The District did not meet the placement goals for the following job groups:

- Electrical/Structural Maintenance (females)
- Mechanical Maintenance (minorities)
- Rangers (minorities)

The District made progress on its hiring rate for IWDs in RY 2022, increasing from 1.6% to 6.7% and also improved on its Protected Veteran hiring goal (increasing from 3.1% to 4.1%), exceeding its goal for the second year in a row.

II. Preface

A. Background

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District. The District has adopted a Civil Service system in accordance with the requirements of the MUD Act, Cal. Pub. Util. Code §12051. Under §12101, all employment appointments made under the civil service system at the District “*shall be made from lists of eligibles prepared by the general manager.*” This list of eligibles constitutes the pool from which the District can hire for a particular classification during the life of the list. Cal. Pub. Util. Code §12052 of the MUD Act requires the General Manager to adopt rules and regulations to carry out the provisions of the Civil Service system, which the District has done. The Civil Service rules constitute these rules and regulations and are supplemented by portions of the memoranda of understanding (MOUs) with the unions formally recognized by the District.

The District has a federal contract, and therefore is subject to the affirmative action requirements of Executive Order (EO) 11246, Section 503 of the Rehabilitation Act of 1973 as amended (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual federal contracts, specifically the Long-Term Renewal Water Supply Contract with the Federal Bureau of Reclamation, and employs 50 or more employees, it is required to prepare an annual written equal employment opportunity program (EEOP) for minorities and females, for Protected Veterans (Veterans), and for individuals with disabilities (IWDs).

The District’s EEOP was developed in accordance with and in reliance upon the Equal Employment Opportunity Commission’s (EEOC) Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The EEOP, as defined under EO 11246, does not violate California’s Proposition 209. Furthermore, the District does not believe any violation of Title VII of the Civil Rights Act of 1964 exists. Compliance with these laws and their implementing regulations is enforced by the Office of Federal Contract Compliance Programs (OFCCP), and failure to comply can result in debarment of the District from future contracts and subcontracts.

B. EEOP Report Format

This EEOP consists of two reports:

1. Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women; and
2. Vietnam Era Veterans' Readjustment Assistance Act and Section 503 of the Rehabilitation Act Affirmative Action Program for Protected Veterans and Individuals with Disabilities

The Job Group Summary is provided in Exhibit A of this report. Consistent with last year's EEOP Report (Report), the following charts/tables used by Biddle Consulting Group, Inc. (Biddle) to conduct the calculations/analyses for placement goals/identification of problem areas will be retained by the Diversity and Inclusion Office (DIO) rather than included in the Report's appendices. Data will still be maintained by the DIO as part of the administration of the District's EEOP. Any charts/tables mentioned throughout the Report are available upon request to the DIO.

- Job Group Analysis
- Internal Availability Analysis
- Availability Analysis
- Comparison of Incumbency to Availability and Placement Goals
- Summary of Personnel Transactions
- Workforce Analysis Table
- Hiring Benchmark and Utilization Goals Analyses

C. Complementary Role of the DEISP

The EBMUD Board of Directors (Board) approved the DEISP on February 22, 2022. The plan has five Strategic Pillars: Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility. The Pillars encompass 11 goals, 36 five-year objectives, and 114 two-year actions. Per the most recent update on DEISP progress to the Board on March 14, 2023, 73 action items are completed, ongoing, or in progress.

The District's EEOP supports the District's Strategic Plan Workforce Planning goal of attracting and hiring quality candidates who reflect the diversity of our community. The DEISP's Strategic Pillar Two – Workforce Diversity is an intentional and focused effort to attract and retain applicants from diverse and underrepresented groups to achieve and maintain a workforce that

is equitably representative across levels and functions. Section D will provide further information on the DEISP Action Items/Action-Oriented Programs (AOPs).

Data in this Report provides a retroactive snapshot of the District's progress in RY 2022, which is defined as July 1, 2021 through June 30, 2022, and goals for RY 2023 based on RY 2022 data. The DEISP will inform on current and future progress. With the development of a DEI Dashboard for the District to inform on numbers and overall progress/goals, supervisors/managers will have access to current data regarding department demographics, hiring goals, and progress on the DEISP.

The intent of this Report is for compliance purposes only. The DEISP is considered a complementary resource to the EEOP and can be referred to for additional information on our progress regarding action items/AOPs. The changes made to this Report do not impact the compliance requirements for the District and were made in consultation with Biddle, who is contracted to analyze and prepare the Report in compliance with all applicable state and federal laws and regulations for the District.

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EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street
Oakland, CA 94607

Dun's #: 05-190-4423

Water EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

EXECUTIVE ORDER 11246 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR MINORITIES AND WOMEN

Reporting Year: July 1, 2021 – June 30, 2022

Equal Employment Opportunity Program (EEOP) Contact:

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A. Designation of Responsibility: 41 C.F.R. § 60-2.17(a)

As part of the District's efforts to ensure EEO to all individuals, various staff have specific responsibilities to ensure that the EO 11246 EEO focuses on all components of the employment system. The Board of Directors, General Manager, Special Assistant to the General Manager for Diversity, Equity, and Culture, Manager of Diversity and Inclusion, Director of Human Resources, supervisors and managers, and employees have undertaken the responsibilities described below.

1. Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equitable treatment at the District. Specifically, Board Members promote diversity and equality in personnel policies consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics of the EBMUD Board). The Board adopts the EO 11246 EEO annually and the District's EEO policies (6.06 and 6.07), are updated and presented for adoption by the Board on a prescribed schedule.

2. General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the GM has the overall responsibility to implement the District's EEO and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO and EEO policies to the Office of Diversity, Equity, and Culture's (ODEC) Special Assistant to the GM for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the GM have the full support of and access to senior management officials.

3. ODEC Special Assistant to the GM

The ODEC Special Assistant to the GM is responsible for overall supervision of the EEO and EEO policies. The ODEC Special Assistant to the GM has delegated the EEO and EEO policies to the Manager of Diversity and Inclusion. The ODEC Special Assistant to the GM ensures, through the Manager of Diversity and Inclusion and department managers and supervisors, that all relevant policies and procedures are enforced. Successful implementation of the EEO and EEO

policies is one of the elements considered in evaluating the work performance of the ODEC Special Assistant to the GM.

4. Manager of Diversity and Inclusion

The Manager of Diversity and Inclusion provides leadership and direction in the development, implementation, and evaluation of an effective EEOP. The Manager of Diversity and Inclusion has the full support of and access to senior management officials. Successful implementation of the EEOP and EEO policies are a basis for evaluating the Manager of Diversity and Inclusion's effective work performance. The Manager of Diversity and Inclusion's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and be in accordance with federal and state laws. Prepare the annual EEOP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of the EEOP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP are displayed properly.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority and female organizations, and community action groups concerned with the employment opportunities of minorities and females.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers/supervisors informed of the latest developments in the EEO area.

5. Director of Human Resources

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP.

6. Managers and Supervisors

Managers and supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following EEOP responsibilities:

- Monitor their work unit for discriminatory, harassing, and/or retaliatory behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with District EEO Policies 6.06 and 6.07 on discrimination, harassment and/or retaliation based on a protected class and/or activity.
- Enforce District EEO policies and adhere to them (incorporate them into their own behavior, and to inform employees in the work unit to do the same).
- Be familiar with the District's Procedure 614, Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of discrimination, harassment, and/or retaliation based on an EEO-protected class and/or activity seriously. Managers and supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with the EEOP and diversity programs and recruitment activities.
- Work with the Manager of Diversity and Inclusion to enhance the effectiveness of the EEOP and make good faith efforts by considering alternative methods to fill vacant positions to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

7. All District Employees

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

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

Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are

expected to adhere to Policy 6.15, Workforce Communications, particularly in exercising appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

8. District EEO Policies

Policy 6.06, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws.

In addition, the policy prohibits retaliation against employees alleging discrimination and harassment based on an EEO-protected class and/or activity or involved as witnesses in an EEO discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires development and maintenance of an EEOP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 6.07, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, defined as unwelcome conduct that is based on an EEO-protected group status, including sexual harassment. It affirmatively states that workplace harassment based on an EEO-protected group status, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment based on an EEO-protected group status or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment based on an EEO-protected group status are also protected against retaliation.

B. Identification of Goals for Achieving Diversity: 41 C.F.R. § 60-2.17(b)

1. Terminology Disclaimer

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

2. Background

In addition to comparing incumbency to availability within job groups, EBMUD has conducted analyses to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). EBMUD will continue to monitor and update these analyses during each EEOP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the efforts described in Section D – DEISP Two-Year Actions/AOP.

i) EBMUD Demographic Data

The District has approximately 2,000 employees. Approximately 52% are racial minorities and 48% are white/non-Hispanic.¹ Of the 52% of minorities, 20% self-identify as Asian, 14% Hispanic/Latino, 8% Black/African Americans, 8% Two or more races, just over 1% Native Hawaiian/Pacific Islanders, and just under 1% as American Indian or Alaskan Native.

¹ Demographic data is effective June 30, 2022.

In accordance with OFCCP reporting requirements, the District currently only collects sex and gender data for our workforce in terms of male and female. Approximately 74% of employees are male, and 26% are female.

ii) RY 2023 EEOP Goals

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability. Placement goals are determined for each job group based on the current availability of minorities and/or females working in similar jobs within the District's recruitment area.

For each job group, if the occupational availability of minorities/females is significantly higher in our recruitment area compared to the District's incumbent workforce, a placement goal is established. The placement goal is always equivalent to the availability of minorities/females in our geographic recruitment area. The placement goal should not be mistaken as a quota. It is a "goal" percentage for minorities/females that the District should make good faith efforts to reach by increasing recruiting efforts to find a more diverse and qualified applicant pool.

C. Definitions and Methodology for Determining Placement Goals

1. Job Group Analysis: Job Titles & Placement of Incumbents in Job Groups: 41 C.F.R. §§ 60-2.12-2.13

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

Pursuant to 41 C.F.R. § 60-2.12, we maintain a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities.²

2. Availability Analysis: 41 C.F.R. § 60-2.14

Disclaimer: *The comparison of incumbency to availability contained within this EEOP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain*

² Job Group Summary table is listed in [Exhibit A](#).

geographic areas and sources of statistics does not indicate the District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this EEOP. Such statistics and geographic areas will be used, however, in total good faith with respect to this EEOP.

"Availability" is an estimate of the proportion of each gender and racial group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the EEOP. Availability indicates the approximate level at which each racial and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin.

Availability estimates, therefore, are a way of translating EEO into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment,³ identify problem areas or areas of deficiency, and establish goals to correct the problems.

3. Steps in Comparison of Incumbency to Availability

i) Identify Availability Factors

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

1. External Factor: The external requisite skills data comes from the 2018 5-year EEO Tabulation, which is based on the 2014–2018 American Community Survey from the U.S. Census Bureau.
 - a. Local Labor Area: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions:
 - i. It includes all counties/county sets where 5% or more of the employees/applicants resided, and
 - ii. When summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller

³ Job Group Analysis table is retained by the DIO.

contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%.

Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.

- b. Reasonable Labor Area: California and/or National depending on the job group.
2. Internal Factor: The percentage of minorities or females among those promotable, transferable, and trainable within the District's organization.⁴

ii) Identify Final Availability

1. Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.
2. Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.⁵

4. Placement Goals Analysis: 41 C.F.R. §§ 60-2.15-2.16

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2022, and that group's final availability percentage.

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

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

⁴ *Internal Availability Analysis* is retained by the DIO.

⁵ *Availability Analysis* for the availability breakdown for each job group is retained by the DIO. In most cases, the final availability report (and most other technical reports in this EEOP) only include data/information for females and minorities in the aggregate.

expected given their availability. Biddle used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for females and/or minorities, as appropriate for that job group.

Goals are not rigid inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make the entire EEOP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the District hire a specified number of minorities or females.⁶

i) Prior Year EBMUD Placement Goals

Figure 1: Prior Year EBMUD Placement Goals

Job Group ⁷	Minority Placement Goal	Female Placement Goal
Electrical/Structural Maintenance	X	X
Heavy Equipment/Truck Operators	X	
Mechanical Maintenance	X	X
Rangers	X	
Service Maintenance	X	
Supervising Engineering	X	
Water Distribution Plumb & Maintenance	X	
Total Goal Areas	7	2

⁶ Comparison of Incumbency to Availability and Placement Goals table for each job group is retained by the DIO.

⁷ Job Group Summary table is listed in [Exhibit A](#).

ii) Prior Year EEOP Minority Placement Goals Progress Summary

Figure 2: Prior Year EEOP Minority Placement Goals Progress Summary

Job Group	Minority Incumbency 6/30/22 (%)	RY 2022 Minority Placement Goal (%)*	RY 2021 Actual Minority Placement Rate (%)	RY 2022 Actual Minority Placement Rate (%)
Electrical/Structural Maintenance	34/107= 31.8%	52.7%	4/12= 33.3%	4/8= 50.0%
Heavy Equipment/Truck Operators	55/126= 43.7%	53.1%	9/20= 45.0%	9/15= 60.0%
Mechanical Maintenance	66/163= 40.5%	51.9%	7/21= 33.3%	9/27= 33.3%
Rangers	6/35= 17.1%	52.5%	0/0= NA	1/5= 20.0%
Service Maintenance	54/94= 57.4%	69.8%	6/14= 42.9%	21/27= 77.8%
Supervising Engineering	15/44= 34.1%	56.6%	4/10= 40.0%	5/8= 62.5%
Water Distribution Plumbing & Maintenance	101/209= 48.3%	61.6%	9/27= 33.3%	24/32= 75.0%

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

- **Electrical/Structural Maintenance:** The District had a placement rate slightly below its placement goal for this job group (50.0% and 52.7%, respectively). The RY 2022 placement rate demonstrated an improvement over the RY 2021 placement rate.
- **Heavy Equipment/Truck Drivers:** The District's placement rate for minorities exceeded the overall placement goal. The RY 2022 placement rate also exceeded the RY 2021 placement rate.
- **Mechanical Maintenance:** The District had a placement rate below its placement goal for this job group.
- **Rangers:** The District did not have any opportunities for placement until RY 2022. In RY 2022, the placement rate fell short of the overall goal.
- **Service Maintenance:** The District had placement rates for minorities that exceeded the overall placement rate goal. The RY 2022 placement rate also exceeded the RY 2021 placement rate.
- **Supervising Engineering:** The District's placement rate for minorities exceeded the overall placement goal. The RY 2022 placement rate also exceeded the RY 2021 placement rate.
- **Water Distribution Plumbing and Maintenance:** The District's placement rate for minorities exceeded the overall placement goal. The RY 2022 placement rate also exceeded the RY 2021 placement rate.

iii) Prior Year EEOP Female Placement Goals Progress Summary

Figure 3: Prior Year EEOP Female Placement Goals Progress Summary

Job Group	Female Incumbency 6/30/22 (%)	RY 2022 Female Placement Goal (%)	RY 2021 Actual Female Placement Rate (%)	RY 2022 Actual Female Placement Rate (%)
Electrical/Structural Maintenance	3/107= 2.8%	9.4%	0/12= 0.0%	0/8= 0.0%
Mechanical Maintenance	1/159= 0.6%	5.0%	0/21= 0.0%	3/27= 11.1%

- **Electrical/Structural Maintenance:** The District did not have any female placements in RY 2021 or RY 2022.
- **Mechanical Maintenance:** The District had placement rates for females that exceeded the overall placement goal.

iv) Current Year EBMUD Placement Goals

Figure 4: Current Year EBMUD Placement Goals

Job Group	Minority Placement Goal	Female Placement Goal
Electrical/Structural Maintenance	X	X
Heavy Equipment/Truck Operators	X	
Mechanical Maintenance	X	X
Rangers	X	
Service Maintenance	X	X
Supervising Engineering	X	
Water Distribution Plumbing & Maintenance	X	
Total Goal Areas	7	3

Based on RY 2022 data, the District set ten placement goals for RY 2023 (current year) where the incumbency of minorities and/or females within the group was statistically significantly below the availability in the recruitment area. Seven of the ten goals were for minority placements and three were for female placements.

v) Current Year Disaggregated Minority Placement Goals ⁸

For many of the job groups with “overall minority” goals, although there are not statistically significant disparities for every racial minority, the District’s diversity recruitment efforts will

⁸ Number of goals areas/shortfalls per Job Group for each race group.

include outreach to all minorities. The District will also consider opportunities for outreach targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups.
- There is a trend of declining incumbency representation for that minority group at the District.
- The minority group is significantly underrepresented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e., when there is low external availability) due to historical, external, and/or systemic barriers.

Figure 5: Current Year Disaggregated Minority Placement Goals

Job Group	Overall Minority	Hispanic/ Latino	Asian	American Indian or Alaskan Native	African American	Native Hawaiian or Pacific Islander	Two or More Races
Customer Service		X					
Electrical/ Structural Workers	X	X	X				
General Clerical		X					
Heavy Equipment/Truck Operators	X	X	X				
Mechanical Maintenance	X	X			X		
Plant Operators Lead/Sup		X					
Rangers	X	X	X				
Service Maintenance	X	X					
Supervising Eng.	X		X				
Water Distribution Plumbing & Maintenance	X	X	X				
Total Goal Areas	7	9	5	0	1	0	0

Historically, the District has only considered placement goals for “overall minorities.” However, disaggregating our placements by minority subgroups (as demonstrated in the table above) allows for a more complete analysis of affirmative action issues and considerations. In this table, Hispanic/Latino and Asian stand out immediately as the minority subgroups with the most significant concern. Four out of the six job groups with overall minority placement goals also have disaggregated placement goals for both Hispanic/Latino and Asian individuals. One of the six job groups with overall minority placement goals (Supervising Engineering) has a placement goal only for Asian employees. Mechanical Maintenance has an overall minority

placement goal, as well as disaggregated placement goals for Hispanic/Latino and African American individuals.

There are also three job areas that will be targeted for placement goals for specific minority subgroups even though these job groups do not have goals for minorities overall. This means higher incumbency rates for other minority groups in each of these job groups may be masking the underrepresentation of Hispanic/ in these areas. The District has a Hispanic/Latino placement goals for three job groups: General Clerical, Customer Service, and Plant Operator Leads/Supervisors.

The DEISP contains action items for the District to develop customized approaches for each minority group and across our various workforce recruitment areas.

5. Diversity Analysis

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

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or by cohort analysis. Per Biddle, the statistical analysis they perform, *“determines whether chance or something other than chance caused the hiring, promotional, and/or retention rates of the disadvantaged group (e.g., females) to be less than the group with the highest rate (e.g., males).”*

Past analyses of promotion and selection data in previous years, identified the following barriers in various instances:

- Applicant Pool Diversity: Insufficient representation of minorities and/or females in applicant pools (i.e., below availability).
- Test Information: Posting information about testing categories in advance of the written and/or performance exams may help candidates be better prepared.
- Pass Point: Pass points for job-related Training and Experience (T&E) reviews or tests (written or performance) significantly screening out or eliminating minorities.
- Interview Band Diversity: Insufficient representation of minorities in an interview/hire band.⁹

⁹ e.g., Candidates passing the performance exam and interview for certain trades positions are placed on the eligible list and hired in rank order. From time to time, the hiring list may have an insufficient representation of

- Five Ranks Rule: Insufficient representation of minorities in a hiring interview pool due to the Five Ranks Rule.¹⁰
- Passage of Time: Insufficient availability of minorities on an eligible list due to passage of time. The diversity of some of the District's eligible lists has been noted to decrease over time as candidates tend to lose interest the longer it takes to receive an employment offer.

The District has planned and/or implemented numerous DEISP action items/AOPs to address these barriers.¹¹

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

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the Workforce Analysis table.¹² An analysis of the incumbency of minorities and females within each organizational unit was also compared to the overall incumbency of these demographics across the District as a whole.

D. DEISP Action Items/Action-Oriented Programs: 41 C.F.R. § 60-2.17(c)

Action-Oriented Programs (AOPs) refers to programs intended to address any problem areas identified in the analysis of the employment process and demonstrate good faith efforts to attain established goals and objectives, remove identified barriers, and expand employment opportunities. The District has a number of existing programs and initiatives which are AOPs and are discussed in detail in the DEISP. Further, the DEISP identifies additional actions the District intends to take in order to enhance previous AOP efforts.

Currently, the District has ongoing AOPs, including coordinating the Engineering Aide program and high school summer internship programs annually; implementing targeted outreach and community partnership development for recruitment efforts; collaborating with BAYWORK and California Urban Water Agencies (CUWA) on regional industry recruitment strategies; leveraging the employee Affinity Groups, Equity Core Team (including pilot projects), and the

minority candidates due to minority candidates being hired in previous years, declining an offer, or being unreachable.

¹⁰ Rule XIII in the Civil Service rules, and language in the MOU between the District and Unions. MOU with Local 2019 has a Rule of 3.

¹¹ *Summary of Personnel Transactions Report* for each job group is retained by the DIO.

¹² *Workforce Analysis* table is retained by the DIO.

Diversity Committee as outreach ambassadors and partners for recruitment and hiring; and providing support and guidance to hiring managers.

1. DEISP Objectives

The following are some of our DEISP objectives which are AOPs that expand upon current District efforts. For more information about these or other objectives, please refer to the DEISP, which is available upon request to the DIO or via the District's intranet (Splashpad).

i) Implement Racial Equity Toolkit for Hiring and Recruitment (DEISP Objective 4.1)

- Equity Core Team will implement the Racial Equity Toolkit six-step process to identify hiring and recruitment systemic inequities.

ii) Diversify Recruiting, Outreach, and Marketing Efforts (DEISP Objective 4.2)

- Develop and enhance recruiting partnerships with a variety of external community partners and education institutions.
- Engage a diverse pool of current and retired employees in storytelling to brand EBMUD as a destination employer.
- Enhance social media outreach and explore other avenues of publicizing recruitments.

iii) Learning and Knowledge Building (DEISP Objective 4.3)

- Develop a system of DEI trainings and reminders that is embedded into every hiring and recruitment process.
- Include DEI training and messaging as a featured component of new employee orientation and onboarding.
- Develop a DEI Recruitment, Hiring, and Onboarding Toolkit.
- Evaluate the quality and efficacy of training courses through surveys and stakeholder consultations.

iv) Cultural Competence and Emotional Intelligence in Hiring (DEISP Objective 4.4)

- Establish DEI awareness, cultural competency, emotional intelligence, and growth mindset, as required managerial competencies in all job descriptions and recruitment materials.
- Develop DEI-informed interview, reference, and supplemental questions to assess a candidate's ability to apply culturally competent and emotionally intelligent practices at work.

v) Continuous Improvement (DEISP Objective 4.5)

- Apply an equity lens and quality improvement principles in the review of policies, procedures, and practices.
- Clearly communicate EBMUD efforts and commitments to advancing DEI in our workforce.
- Conduct an external organizational assessment to review Human Resources (HR) policies, processes, systems, delivery of services, and organizational structure.
- Develop a process that encourages candidates to correct and/or provide additional information about their minimum qualifications before their candidacy is formally eliminated from further consideration.

vi) Expand Entry-Level Career Opportunities (DEISP Objective 4.6)

- Assess opportunities for expanded internships and trainee positions within each District department.
- Develop and implement a budget, project plan, and timeline for each new/expanded internship/trainee program.
- Develop an ongoing series of work-based learning events and/or programs to encourage diverse candidates to pursue District careers (e.g., facility/site visits, informational interviews, job shadowing, mentorship).

vii) Promotion and Retention Pilot Project (DEISP Objective 5.1)

- Equity Core Team will implement the Racial Equity Toolkit six-step process to identify promotion and retention systemic inequities.

viii) Improve and Expand Equitable Access to Professional Development Resources and Opportunities (DEISP Objective 5.2)

- Develop a job shadowing and mentoring program.
- Improve access to District career ladder information.
- Provide “Career Conversations” sessions – career development events with opportunities for employees to better understand District career opportunities.
- Offer more professional development opportunities for individual contributors.
- Explore options to expand the Educational Assistance Program to go beyond the Tuition Reimbursement Program.

ix) Workforce Planning and Development (DEISP Objective 5.3)

- Conduct an analysis of the District’s future employment needs and create workforce plans to address needs.
- Identify classifications with limited career paths and evaluate systematic options for expanded career mobility opportunities (e.g., professional development, career pathways, work out-of-class assignments, etc.).
- Review practices for evaluating minimum qualifications.
- Implement Leadership Academies (group development) to cultivate pools of potential candidates for future leadership opportunities.

x) Talent Development Planning (DEISP Objective 5.4)

- Conduct an environmental scan to anticipate the future state of the District in the next 2-4 years (e.g., drought impacts, workforce changes, process improvements, organizational culture).
- Identify and document key competencies and skills needed in the future state of the organization.
- Conduct a risk analysis of key positions likely to be impacted.
- Design development programming to support employee preparation.

In summary, the District will continue to implement the DEISP, which will involve coordination of pilot projects around improvements in the District Civil Service processes, partnering with workforce training programs, and coordinated community outreach. Additionally, the District will implement targeted recruitment outreach efforts for all District job groups that fall within the bottom third for incumbency rate of females or overall minorities.

2. Recruitment Actions

i) Community/Educational Partnerships

EBMUD values its partnerships with local organizations and educational institutions and continues to leverage them in our recruitment efforts, including the following:

1. Partner with minority and female organizations for referrals. The following are the number of organizations that receive the full list of open recruitments every week.¹³

¹³ The full list of organizations and their diversity outreach focus is retained by the DIO.

Figure 6: Recruitment/Outreach Community Partners - 155¹⁴

Diversity Focus	Number of Organizations
Minority	43
Women	24
Veteran	28
Individuals with Disabilities (IWD)	37
General Diversity	64

2. Coordinate various outreach and information-sharing sessions with representatives from diverse community groups throughout our regional recruitment areas. These sessions included presentations by diverse District employees (including minorities and females), who provided information about current and future job openings, as well as the District's selection process. EBMUD has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or online.
3. Recruit at several local colleges and universities, including targeting community colleges and universities based in part on the high level of diversity of their student body and with a focus on reaching diversity-focused student organizations.

ii) Internship Programs

The District offers opportunities for temporary positions in order for employees to gain relevant work experience, including continuing to offer the following:

1. Summer internships, with an emphasis on reaching students at diverse high schools in its service area to help develop a pipeline of future talent.
2. Internships and training programs in the trades for diverse student populations at community colleges and/or community training programs. Such internships are tied to upcoming job openings (thus not on a set schedule) in related classifications and will be developed for other EEO-related job classifications. Classifications/job groups include:
 - a. Electrical/Structural Maintenance job group
 - b. Machining and Maintenance Worker II

¹⁴ Note that while 155 organizations receive a weekly update, EBMUD engages with more than 155 organizations on recruitment. Also, some organizations have more than one diversity focus, so the same organization may be represented in multiple diversity foci in Figure 6.

The District is currently implementing a “Stackable Internship” in partnership with BAYWORK, a consortium of water and wastewater agencies in the Bay Area, to offer students from community college trades programs paid internships with BAYWORK signatory agencies. This program is designed to provide Interns with opportunities to enhance their classroom learning by obtaining practical real world work experience at a water and/or wastewater agency. The District is currently hosting four diverse EBMUD Stackable Interns (two Electrical and two Machining).

3. In RY 2022, the District recruited two trainees for its Community Trainee Program (CTP), a one-year, limited term paid position that allows trainees to rotate through work units and gain training experience in the trades. This position is used to increase the number of qualified, diverse candidates for hard-to-fill positions at the District, such as Grounds Maintenance Specialist I/II, Utility Laborer, and Janitor. Two positions were filled and staff is requesting funding for all nine existing positions for RY 2024, which will be loaned to departments throughout the District.

iii) Other Strategic Tactics

The District has adopted and continues to implement the following actions to increase recruitment efforts:

1. Develop and implement targeted outreach and advertising strategies for high-volume classifications with EEO placement goals, and for the Engineering Aide and other internship programs.
 - a. Restructure the Engineering Aide program and centralize its administration to the DIO to enhance consistency of program administration and establish regular recruiting cycles to improve outreach to university students.
2. Provide technical and strategic guidance and support to hiring managers recruiting for classifications with EEO placement goals. Focus has been around implementing EEO best practices in recruitment and selection processes.
3. Actively encourage minority and female employees to refer applicants.
 - a. Bolster the roles of Diversity Committee members as outreach ambassadors.
 - b. Hosted a Women in Construction week event in March 2023 to support women and develop strategies to increase female representation at the District, especially in the trades. This event is planned as an annual event moving forward.

4. Encourage minority and female employees to attend, serve and/or participate in career events, youth (and educator) career awareness efforts, and related outreach activities in the community, to represent and highlight staffing diversity at EBMUD.
5. Advertise on a regular basis in Employment/Career Center/Jobs sections of minority and female interest media.
6. Ensure job advertisements and postings are culturally appropriate and always carry the District's EEO in hiring clause.
7. Participate in job fairs/career events on a regular and ongoing basis.

iv) Job Specifications/Selection Process

The District ensures that diversity is considered in the selection process by continuing the following:

1. Develop and update classification descriptions that accurately reflect classification functions and are consistent for the same classification across locations.
2. Develop and update classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identity, sexual orientation, religion, national origin, disability or veteran status.
3. Approved classification specifications and worker specifications continue to be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. Use only worker specifications that include job-related criteria.
5. Ensure that raters for Training and Experience (T&E) review, performance exams, oral exams, and panel interviews are diverse in ethnicity and gender.
6. Ensure that more than one rater is involved in hiring interviews and the panel is diverse in ethnicity and gender.
7. Explore partnerships for training/education, curriculum development, recruitment, and test prep services.
8. Preparation and submittal of written justifications for all promotions and hires from hiring managers to HR in compliance with HR requirements.

v) Internal Job Advancement

1. Posting of Promotional Opportunities: The District continues to post or announce promotional opportunities in accordance with Civil Service rules.

2. Peralta College District Cohort Program: The District continues to offer this program focused on general education and construction management classes. Classes are both in-person and virtual. The third two-year Cohort started in August 2022.
3. Career Counseling Programs: The District continues to provide individual and group career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation, coaching/mentoring, and similar programs.
4. Mentoring Programs: The District continues to partner with employee Affinity Groups, including Black Employee Network (BEN), to offer mentorship for District employees connected to those groups.
5. Performance Plan and Appraisal Procedure: The District continues to use our standardized procedure for the annual performance review of all employees.
6. Employee Training: Employees can choose training courses through the Training Schedule and include them in their career development plan.
 - a. Manager and Supervisor Training (MAST) Program: The District MAST program includes two tiers of training to better prepare employees for promotional opportunities:
 - i. Tier 1 – Leading People and Performance (for supervisors, foremen, and leads).
 - ii. Tier 2 – Leading Processes and for Outcomes (for managers, superintendents, and process leaders).
 - b. Emotional Intelligence and Cultural Competence: This training gives participants the ability to understand people of different cultures and/or backgrounds, where they develop an awareness of their own behavior, and adjust their behaviors based on their understanding of that culture. Participants learn about different types of biases, and gain awareness about some of their own biases when working with others. Finally, they gain best practices regarding respectful and professional behavior in diverse environments, including giving and receiving feedback. The participant will learn how to apply these skills when working with others and learn about the District’s guidance with regard to work-related communications.
 - c. Career Development Workshops: The District has begun offering career development workshops, which differ from each other regarding depth, breadth and focus of developing skills that are relevant to employees who are actively preparing to advance in their careers. Some workshops offered have been

Activate your Job Application, Activate Your Interview, and Navigating Through the EBMUD Hiring Process.

- d. Microsoft Office Software Training: The District continues to offer this training for employees interested in improving their computer skills. These classes provide instruction for employees who self-identify as beginner, intermediate, or advanced in their abilities.
7. Tuition Reimbursement Program: This program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee.¹⁵ Additionally, the Tuition Advancement pilot (in effect since RY 2019) provides advanced payment of tuition for employees in the Peralta College District on-site cohort program.

vi) Inclusive Work Environment

1. District-Sponsored Cultural, Social, and Recreational Activities: The District continues to actively encourage all employees to participate in these activities across its various facilities.
2. District-Sponsored Women in Construction Conference: District staff held a “Women in Construction Day” event for District employees. Staff coordinated this event as part of celebrating Women’s History Month and to coincide with Women in Construction week. The event, themed “Many paths; One mission,” included a networking activity and panel of District employees who spoke about their experiences as women in construction.
3. District-Sponsored Affinity Groups (AGs): AGs are comprised of District employees who identify with a particular diversity dimension(s) or wish to learn about or support a particular diversity dimension. AGs are sponsored by the DIO and assist the District in engagement, inclusion, outreach, and retention efforts in support of the District’s DEISP.
4. Sexual Harassment Prevention Training: In accordance the SB 1343 legislation, the District continues to provide training in this area. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle.
5. Inclusive Leadership Forums: These forums feature panels, interviews, and discussions on methods to increase teamwork and productivity through inclusive leadership practices. Forums create a space for ongoing discussions to provide leaders with

¹⁵ In accordance with the FY2021-2025 MOU between Local 21 International Federation of Professional and Technical Engineers (Local 21) and the District, employees represented by Local 21 receive a tuition reimbursement amount of \$5,000 per employee.

resources and tools to build and maintain an inclusive workplace. Forums typically take place several times a year, and each Forum covers different topics and issues related to inclusive leadership.

6. Inclusive Language Guide (ILG): The ILG is currently under development. Inclusive work experiences start with inclusive language. Language is our primary form of communication, and it has the power to include, empower, alienate, and offend. Inclusive language is about respect and honoring our diverse identities and life experiences. Language that is inclusive affirms our humanity and allows everyone to be seen as they want to be seen. The ILG is a way for District employees to apply an equity lens to the way we communicate in the workplace.
7. District Style Guide: The District Style Guide is currently under development. It will provide guidance to District staff on how to format and develop documents, which will consider accessibility (particularly for IWDs) of printed and digital materials.
8. DEISP Strategic Pillar 3 – Inclusive Culture: This pillar in the DEISP outlines action items regarding how to build an inclusive culture. For more information about these inclusive action items, please refer to the DEISP, which is available upon request to the DIO or via the Splashpad.
9. Exit Survey: The exit survey is provided to all regular full-time employees who retire or resign from the District with the intention of inviting their feedback on their overall experience in EBMUD.

E. Design and Implementation of Internal Audit and Reporting Systems: 41 C.F.R. § 60-2.17(d)

The Manager of Diversity and Inclusion is responsible for implementing the auditing and reporting system. The District's auditing and reporting system measures the effectiveness of its total EEOP. In partnership with HR, Information Systems, and Employee Development, the Manager of Diversity and Inclusion periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and gender to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.

4. Review of selections, promotions, and training to ensure that they are nondiscriminatory.
5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

F. Organizational Profile: 41 C.F.R. § 60-2.11

Pursuant to 41 C.F.R. § 60-2.11, EBMUD conducted a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data was collected from payroll records dated June 30, 2022. Job titles are listed by organizational unit.

Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles. For each job title, EBMUD identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.¹⁶

¹⁶ *Workforce Analysis* table is retained by the DIO.

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street
Oakland, CA 94607

Dun's #: 05-190-4423
Water EIN (tax) #: 94-6000590
EEO-4 #: 06505230
NAICS: 2213 Water, Sewage and Other Systems
MSA: 41860 San Francisco-Oakland-Fremont, CA

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT (VEVRAA) AND SECTION 503 OF THE REHABILITATION ACT EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

Reporting Year: July 1, 2021 – June 30, 2022

Contractor Facility

Equal Employment Opportunity Program (EEOP):

Derry Moten
Special Assistant to the General Manager for Diversity, Equity and Culture
East Bay Municipal Utility District
PO Box 24055, MS 601
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office
(510) 287-0710

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A. Policy Statement: 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee on the bases of any of the aforementioned protected categories, in regard to any position for which the applicant or employee is qualified.

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

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

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

Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;

- Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state, or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or
- Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

The District obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of the protected categories. The District's EEO policies and EEO (affirmative action [AA]) obligations include the full support from EBMUD's General Manager and are set forth in Policy 2.02, Accommodations for Individuals with Disabilities in the Workplace; Policy 6.06, Equal Employment Opportunity; and Policy 6.07, Prevention of Workplace Harassment.

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

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

If you have any questions regarding our EEO policies (6.06, 6.07), the EEO complaint procedure (Procedure 614), or the EEOP, you may contact the Diversity and Inclusion Office (DIO).

B. Responsibility for Implementation: 41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the EEO focuses on all components of the employment system. To that end, the General Manager, ODEC Special Assistant to the General Manager, Manager of Diversity and Inclusion, Director of HR, HR Regulatory Administrator, Manager of Risk Management, and those employed as supervisors and managers have undertaken the responsibilities described below.

1. Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics of the EBMUD Board of Directors). The Board adopts the VEVRAA and Section 503 annually and EEO Policy, 2.02, Accommodations for Individuals with Disabilities in the Workplace, EEO Policy 6.06, and Policy 6.07 are updated and presented for adoption by the Board on a prescribed schedule.

2. General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the District's GM has the overall responsibility to implement the District EEO and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO and EEO policies to the Office of Diversity, Equity, and Culture (ODEC) Special Assistant to the GM for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the General Manager have the full support of and access to senior management officials.

3. ODEC Special Assistant to the GM

The ODEC Special Assistant to the GM is responsible for overall supervision of the EEO and EEO policies. The ODEC Special Assistant to the GM has delegated the EEO and EEO policies to the Manager of Diversity and Inclusion. The ODEC Special Assistant to the GM ensures, through the Manager of Diversity and Inclusion and department managers and supervisors, that all

relevant policies and procedures are adhered to. Successful implementation of the EEOP and EEO policies is one of the elements considered in evaluating the ODEC Special Assistant to the GM's effective work performance.

4. Manager of Diversity and Inclusion

The Manager of Diversity and Inclusion provides leadership and direction in the development, implementation, and evaluation of an effective EEOP. The Manager of Diversity and Inclusion has the full support of and access to senior management officials. Successful implementation of the EEOP and EEO policies and procedure are a basis for evaluating the Manager of Diversity and Inclusion's effective work performance. The Manager of Diversity and Inclusion's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual EEOP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of the EEOP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP are displayed properly.
- Conduct audits to ensure that the Invitation to Self-Identify (pre- and post-offer) for Protected Veterans and IWDs, the District's EEO, and EEOP policies are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five-year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers informed of the latest developments in the EEO area.

5. Director of Human Resources

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP.

6. Human Resources Regulatory Administrator and Manager of Risk Management

The HR Regulatory Administrator (HRRRA) acts as the District's Americans with Disabilities Act (ADA) Compliance Officer. The HRRRA responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA and Fair Employment and Housing Act (FEHA). The Manager of Risk Management responds to requests for reasonable accommodations of physical or mental disabilities covered under ADA and FEHA when a claim originates with a worker compensation claim.

7. Managers and Supervisors

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

- Monitor their work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with the District's policies on discrimination and harassment (Policies 6.06 and 6.07), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.
- Enforce District EEO policies as well as adhere to it.
- Be familiar with the District's Procedure 614 on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with EEOP and diversity programs and recruitment activities.

- Work with the Manager of Diversity and Inclusion to enhance the effectiveness of the EEOP and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

8. All District Employees

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

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment. Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are expected to adhere to Policy 6.15, Workforce Communications, particularly in exercising appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

9. District EEO Policies

Policy 6.06, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws.

In addition, the policy prohibits retaliation against employees alleging discrimination and harassment based on an EEO-protected class and/or activity or involved as witnesses in an EEO discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires

development and maintenance of an EEO consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 6.07, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, defined as unwelcome conduct that is based on an EEO-protected group status, including sexual harassment. It affirmatively states that workplace harassment based on an EEO-protected group status, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment based on an EEO-protected group status or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment based on an EEO-protected group status are also protected against retaliation.

C. Review of Personnel Processes: 41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

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

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. To determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The District uses an online application system to accept applications for employment and potential applicants with disabilities either can use the

system or can apply in a timely manner through alternative means such as a paper application.

4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes unless such accommodations will cause undue hardship to the District.

D. Audit and Reporting System: 41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

In partnership with Human Resources, Information Systems, and Employee Development, the Manager of Diversity and Inclusion is responsible for implementing the auditing and reporting system. The District has developed and currently implements an audit and reporting system that addresses the following:

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

E. Physical and Mental Qualifications: 41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

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

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

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

F. Reasonable Accommodation of Physical and Mental Limitations: 41 C.F.R §§ 60-300.44(d); 60-741.44(d)

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

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when:

1. The employee is having significant difficulty with job performance, and
2. It is reasonable to conclude that the problem is related to the known disability.

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

Name: Winnie Anderson

Title: HR Regulatory Administrator

Phone: (510) 287-0380

Email: winnie.anderson@ebmud.com

G. Data Collection Analysis: 41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

1. Protected Veterans

A veteran is a "Protected Veteran" under VEVRAA if they served on active duty in the U.S. Military; and were discharged or released from service under conditions other than dishonorable; and falls into one or more of the following categories:

- Disabled veteran
- Recently separated veteran (within the last three years)
- Active-duty wartime or campaign badge veteran
- Armed Forces service medal veteran

Additional information about Protected Veteran status can be found in the following U.S. Department of Labor (U.S. DOL) link:

https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17_ENGESQA508c.pdf

During RY 2022 EEOP period, 11 Protected Veterans out of a total of 269 successful candidates were hired for a hiring rate of 4.1% Protected Veterans. This is a significant increase from RY 2021 (3.1%) and exceeded the benchmark of 3.0%.

i) EBMUD Protected Veteran Incumbency, Hiring Benchmarks, Applicant Rates, & Hiring Rates

Figure 1: EBMUD Protected Veteran Incumbency, Hiring Benchmarks, Applicant Rates, & Hiring Rates

Reporting Year	Protected Veteran Incumbency	Protected Veteran Hiring Benchmark	Protected Veteran Applicant Rate (%)	Actual Veteran Hiring Rate (%)
RY 2022	58/1,949= 3.0%	3.0%	389/7,616= 5.1%	11/269= 4.1%
RY 2021	55/1,931= 2.8%	2.5%	288/5,575= 5.2%	8/258= 3.1%
RY 2020	55/1,938= 2.8%	2.9%	313/9,280= 4.0%	6/332= 1.8%
RY 2019	56/1,890= 3.0%	3.0%	303/9,489= 3.2%	5/335= 1.5%
RY 2018	62/1,853= 3.4%	6.7%	293/9,816= 3.0%	9/330= 2.7%

Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. **These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets.** The District has collected the required data and conducted studies to identify areas of opportunity in the employment of Protected Veterans and IWDs. Prior to 2019, the District used the national percentage of veterans in the civilian labor force as the hiring benchmark. The District updates its Protected Veteran hiring benchmark annually.

The District has established an individualized hiring benchmark of 3.0% for Protected Veterans for RY 2023. The District has calculated and established its Protected Veterans benchmark by

taking the OFCCP's five-criteria into consideration. In establishing that hiring benchmark, the District considered the following factors:

1. The average percentage of veterans in the civilian labor force in California for the previous five years.
 - a. Has been on a downward trend: 2018 (4.3%), 2019 (3.8%), 2020 (3.6%), 2021 (3.3%), and 2022 (3.3%).
2. The number of veterans who participated in the employment service delivery system in California over the previous four quarters – July 1, 2021 to June 30, 2022 (19,822).
3. The District's applicant ratio (5.2%; 288 protected veterans/5,575 total applicants) and hiring ratio for the prior year (4.1%; 11 protected veterans hires/269 total hires) for the prior year.¹⁷
4. The relative effectiveness of the District's most recent outreach and recruitment efforts.
 - a. The District continues to conduct outreach to attract more qualified Protected Veteran applicants. In RY 2022, there was a small increase in the percentage of protected veteran applicants.
5. Other factors that may affect the availability of qualified protected veterans.
 - a. The District is located more than 52 miles from the nearest military base (Travis Air Force Base in Fairfield, CA), and more than 112 miles from the next closest base (Presidio of Monterey, CA). The District's distance from these military installations generally results in limited numbers of veterans who apply for open positions at the District.

2. Individuals with Disabilities (IWDs)

Per the U.S. DOL, an "individual with disabilities" is *"someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment."* For District employees and applicants this status is self-reported.

The District has adopted the current national utilization goal of 7.0% for qualified IWDs. The 7.0% utilization goal is applied to each job group within the District. Although this number has remained constant in recent years, the District will update its utilization goal as new data becomes available, updated, and published.

¹⁷ For the period July 1, 2021 to June 30, 2022.

Over the past several years and prior to the pandemic, the numbers of self-identified IWD applicants had been steadily increasing both as a total annual number and as a percentage of total applicants. In RY 2022 the hiring rate of 6.7% was a significant increase from RY 2021 (1.6%).

That trend is reflected in our agency. For RY 2022, there was an increase in the number of overall applicants at the District. In RY 2021, there were 5,575 total applicants, and that increased by 37.0% to 7,616 in RY 2022. In addition, the number of applicants who identified as IWDs increased from 3.3% in RY 2021 to 4.8% in RY 2022.

i) Individuals with Disabilities (IWD) EBMUD Incumbency, Utilization Goals, Applicant Rates, & Hiring Rates

Figure 2: Individuals with Disabilities (IWD) EBMUD Incumbency, Utilization Goals, Applicant Rates, & Hiring Rates

Reporting Year	IWD Incumbency (%)	IWD Utilization Goal (%)	IWD Applicant Rate (%)	Actual IWD Hiring Rate (%)
RY 2022	5.3% (n=104)	7.0%	365/7,616= 4.8%	18/269= 6.7%
RY 2021	4.5% (n=88)	7.0%	186/5,575= 3.3%	4/258= 1.6%
RY 2020	4.8% (n=94)	7.0%	374/9,280= 4.0%	21/332= 6.3%
RY 2019	4.9% (n=93)	7.0%	353/9,489= 3.7%	19/335= 5.7%
RY 2018	4.4% (n=82)	7.0%	330/9,816= 3.4%	12/330= 3.6%

ii) Analysis of IWD by Job Group:

The following chart lists the top eleven EBMUD job groups in descending order according to their RY 2022 IWD utilization rate (i.e., the number of EBMUD workers in these jobs who self-identify as IWD, divided by the total number of all workers in these jobs at the District). This chart also shows a year over year comparison for RY 2020, RY 2021, and RY 2022.

iii) IWD Utilization Rates: Job Groups at or Near Goal

Figure 3: IWD Utilization Rates: Job Groups at or Near Goal

Job Group	RY 2020 IWD (%)	RY 2021 IWD (%)	RY 2022 IWD (%)
General Clerical	16/110= 14.5%	15/105= 14.3%	16/99= 16.2%
Directors/Managers	7/65= 10.8%	6/65= 9.2%	7/65= 10.8%
Administrative Assistants	3/58= 5.2%	4/55= 7.3%	3/31= 9.7%
Programmers	6/106= 5.7%	7/107= 6.5%	10/106= 9.4%
Engineering Technicians	6/112= 5.4%	6/109= 5.5%	9/118= 7.6%

Job Group	RY 2020 IWD (%)	RY 2021 IWD (%)	RY 2022 IWD (%)
Technicians	1/29= 3.4%	1/32= 3.1%	3/44= 6.8%
Service Maintenance	7/91= 7.7%	7/94= 7.4%	6/94= 6.4%
Rangers	2/34= 5.9%	2/31= 6.5%	2/35= 5.7%
Laboratory & Quality Control Technicians	4/59= 6.8%	3/56= 5.4%	3/55= 5.5%
Professionals	4/55= 7.3%	2/49= 4.1%	3/55= 5.5%
Science Professionals	1/40= 2.5%	1/41= 2.4%	2/41= 4.9%
Supervising Engineering	0/43= 0.0%	0/44= 0.0%	2/44= 4.5%
Analysts	3/51= 5.9%	2/49= 4.1%	2/50= 4.0%

During RY 2022, the District's incumbency rate for IWDs was at or above the 7.0% utilization goal for the following job groups (highlighted in **dark green** in the chart above):

1. General Clerical
2. Directors/Managers
3. Administrative Assistants
4. Programmers
5. Engineering Technicians

Another six job groups would have been at 7.0% or higher IWD utilization with just one additional IWD hired into each group. These groups (highlighted in **light blue** in the chart above) include:

1. Technicians
2. Service Maintenance
3. Rangers
4. Professionals
5. Lab & Quality Control Techs
6. Science Professionals

Another two job groups would have been at 6.0% or higher IWD utilization with just one additional IWD hired into each group. These groups (highlighted in **light grey** in the chart above) include:

1. Supervising Engineering
2. Analysts

iv) IWD Utilization Rates: Job Groups Not at or Near Goal

Of the remaining nine job groups, seven are comprised primarily of highly physical, hands-on labor and skilled-trades job classes. These jobs require use of heavy equipment and tools, as well as a high-degree of mobility to perform at a high-level. The physical requirements for these jobs may discourage many IWDs from applying for these jobs. See the table on the following page for additional details.

Figure 4: IWD Utilization Rates: Job Groups Not at or Near Goal (Highly Physical Job Classes)

Job Group	RY 2020 IWD (%)	RY 2021 IWD (%)	RY 2022 IWD (%)
Electrical/Structural Workers	4/100= 4.0%	4/107= 3.7%	2/105= 1.9%
Heavy Equipment/Truck Operators	2/119= 1.7%	2/126= 1.6%	5/126= 4.0%
Mechanical Maintenance	5/153= 3.3%	5/159= 3.1%	6/163= 3.7%
Pipeline Maintenance Lead/Super.	1/81= 1.2%	1/81= 1.2%	3/79= 3.8%
Plant Operators	4/124= 3.2%	5/124= 4.0%	6/126 = 4.8%
Plant Operators Lead/Super.	3/40= 7.5%	3/39= 7.7%	2/51= 3.9%
Water Distribution Plumbing & Maintenance	7/202= 3.5%	5/201= 2.5%	8/209= 3.8%

One of the remaining job classes with low utilization rates includes high numbers of jobs requiring a mix of moderately physical field work and/or intensive mobility requirements. Again, these work conditions and requirements may discourage many IWDs from applying for these jobs. This job group (Customer Service Representatives, Meter Readers, Field Services Representatives, and New Business Representatives) is analyzed in the Figure 5, below.

Figure 5: IWD Utilization Rates: Job Group Not at or Near Goal (Moderately Physical)

Job Group	RY 2020 IWD (%)	RY 2021 IWD (%)	RY 2022 IWD (%)
Customer Service	3/92= 3.3%	2/90= 2.2%	3/85= 3.5%

The last remaining job group does not generally require the physicality or mobility as described in the preceding sections. However, many require regular field work/visits to work-sites outside of the office environment. This job group (Assistant, Associate, and Junior Engineers) is analyzed in Figure 6:

Figure 6: IWD Utilization Rates: Job Group Not at or Near Goal (Field Work/Site Visits)

Job Group	RY 2020 IWD (%)	RY 2021 IWD (%)	RY 2022 IWD (%)
Engineering	5/181= 2.8%	5/180= 2.8%	2/180= 1.1%

Based on a review of aggregated applicant flows and data reports for the job groups where Protected Veteran hiring benchmarks and IWD utilization goals were not reached, it was determined that the primary problem areas were the lack of sufficient representation of Protected Veterans and IWDs in applicant pools, as well as the lack of success of such candidates passing T&E review and written, performance, and/or oral exams.

The District will continue to monitor and update these studies periodically during each EEOP year. In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in Section H of this report (External Dissemination of Policy, Outreach, and Positive Recruitment) and measures described in Section E of the *Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report* (Design and Implementation of Internal Audit and Reporting Systems).¹⁸

H. External Dissemination of Policy, Outreach, and Positive Recruitment: 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

1. Evaluation of RY 2022 EEOP Outreach Activities

Below is the District’s evaluation of ongoing outreach activities set forth in the RY 2022 EEOP Report:

Figure 7: Evaluation of RY 2022 EEOP Outreach Activities

Activity & Description	Evaluation of Each Activity
External Partnerships: Develop partnerships to attract more qualified Protected Veteran and IWD applicants.	<p>Staff:</p> <ul style="list-style-type: none"> Partnered with other industry employers to promote the BAYWORK resource webpage for military veterans. Participated in an ongoing working group for veterans in the regional water/wastewater industry through BAYWORK. Through this BAYWORK working group, District staff actively contribute to developing and implementing industry outreach specifically targeted to veterans. Participated in an ongoing working group for veterans through American Water Works Association (AWWA). Through this BAYWORK working group, District staff actively contribute to

¹⁸ See the *Hiring Benchmark and Utilization Goals Analyses*, which are retained by the DIO.

Activity & Description	Evaluation of Each Activity
	developing and implementing industry outreach specifically targeted to veterans.
Internal Efforts: Implement strategies to retain and support qualified Protected Veteran and IWD applicants.	<ul style="list-style-type: none"> Disability Advocacy and Rights Team (DART), a District Affinity Group formed in February 2022, hosted a kickoff event during Disability Awareness Month in March 2022. <ul style="list-style-type: none"> DART is in the development phase for a pilot program which aims to recruit more IWDs for employment at the District. Is supporting the establishment of an EBMUD Affinity Group for military veterans. Staff will leverage Affinity Group members to enhance targeted outreach efforts to military veterans. Began work on an Inclusive Language Guide, which informs District staff on how to use inclusive language to make all employees feel welcomed, including IWDs and veterans. Began work on developing a District Style Guide, which will consider accessibility (particularly for IWDs) of printed and digital materials.
Test Prep Services/Support: Develop partnerships for test preparation, application, and interview workshops.	District efforts in this area have been with community partners representing diverse populations in general, not specifically with organizations targeting veterans or IWDs.
Data: Extract and analyze Veteran and IWD data from applicant tracking system. Generate reports at each step of the recruitment process to identify barriers to hiring.	The District plans to issue an RFP for an upgraded Human Capital Management (HCM) Program. The new system will allow staff to create customized applicant flow reports for IWD and Protected Veterans.
EBMUD-Toolworks Internship Program: Continue to implement the internship program as operational needs and safety protocols allow.	Due to COVID-19 safety restrictions and operational logistics, the internship program was suspended in March 2020. District staff began working with Toolworks in 2022 to plan for the program to be reactivated in Summer 2023. The DART Affinity Group is helping to identify placement opportunities for Toolworks interns.

2. RY 2023 Outreach Activities:

During RY 2023, the District will continue exploring partnerships with Veteran and Disability organizations to attract more qualified Protected Veteran and IWD applicants. Moving forward, the District will look at investing in targeted social media efforts to reach out to military veterans and IWDs. The District will also coordinate with community partners to develop application, interview, and test preparation workshops. Furthermore, the District will continue the EBMUD-Toolworks Internship Program in Summer 2023. The District's DEISP will inform future outreach, recruitment, and workforce development activities.

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

1. The District initiates and maintains communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's EEO policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings. The exemptions for posting jobs are when positions are:
 - a. Executive and top management positions,
 - b. Positions that will be filled from within the contractor's organization, and
 - c. Positions lasting three days or less.
5. As an ongoing activity, a listing of job opportunities reported to the local State Employment Service Delivery System is kept current.
6. The District notifies all subcontractors, vendors, and suppliers in writing regarding the District's EEO policies and requests appropriate action on their part.
7. The District arranges for referral of applicants with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
8. The District participates in veterans' job fairs.
9. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

I. Internal Dissemination of Policy: 41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

To gain positive support and understanding for the EEOP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Manager of Diversity and Inclusion and Manager of Employee Relations. The following policies, procedures, and actions are designed to foster support and understanding from the District's executive staff, management, supervisors,

and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 6.06, and 6.07 and the EEOP in both employee orientation and management training programs.
 - a. Inform Union officials of Policies 2.02, 6.06, and 6.07, and the EEOP, and request their cooperation.
2. Include non-discrimination clauses in all union agreements and review all contractual provisions to ensure they are non-discriminatory.
3. Post Policies 2.02, 6.06, and 6.07 on District bulletin boards, which includes the District's harassment policy that incorporates protection from workplace harassment on the basis of disability.
4. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle on preventing workplace harassment.
5. All employees are re-surveyed regarding their disability status every five years and reminders are sent out to employees at least once during the five-year interval that they may voluntarily update their disability status at any time.
6. See Section D(2)(vi) of the *Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report* for information on the District's initiatives towards creating an inclusive culture, which includes Protected Veterans and IWDs.

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

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

III. Exhibits

A. Job Group Summary

Directors/Managers	
Assistant General Counsel	Manager of Operations & Maintenance Planning
Chief Information Officer	Manager of Pipeline Construction & Equipment
Controller	Manager of Planning and Analysis for Water Quality
Customer Services Manager	Manager of Purchasing
Director of Customer & Community Services	Manager of Real Estate Services
Director of Human Resources	Manager of Recruitment and Classification
Director, Engineering & Construction	Manager of Regulatory Compliance
Director, Finance	Manager of Risk Management
Director, Operations & Maintenance	Manager of Security & Emergency Preparedness
Director, Wastewater	Manager of Wastewater Engineering
Director, Water & Natural Resources	Manager of Wastewater Environmental Services
Diversity & Inclusion Officer	Manager of Wastewater Technical and Emerging Issues
Engineering Manager	Manager of Wastewater Treatment
Environmental Affairs Officer	Manager of Water Conservation
General Counsel	Manager of Water Quality
General Manager	Manager of Water
Information Systems Division Manager	Supply/Treatment/Distribution
Manager of Budget	Manager of Water Supply Improvements
Manager of Distribution Maintenance & Construction	Manager of Watershed & Recreation
Manager of Employee Services	Manager of Workplace Health & Safety
Manager of Environmental Compliance	Secretary of the District
Manager of Facilities Maintenance & Construction	Special Assistant I
Manager of Fisheries & Wildlife	Special Assistant III
Manager of Laboratory & Technical Services	Special Assistant IV
Manager of Maintenance and Construction/Water Operations	Treasury Manager
Manager of Maintenance Support	
Programmers	
HRIS Analyst II	Network Analyst II
Information Services Supervisor	Network Analyst III
Information Systems Administrator	Senior HRIS Analyst
Information Systems Administrator II	Senior Information Technology Engineer
Information Systems Support Analyst II	Senior Software Engineer
Information Technology Engineer II	Software Engineer II
Network Analyst I	

Analysts

Community Affairs Representative II	Public Information Representative III
Human Resources Analyst I	Senior Community Affairs Representative
Human Resources Analyst II	Senior Human Resources Analyst
Human Resources Regulatory Administrator	Senior Public Information Representative
Management Analyst II	Technical Training & Writing Administrator
Principal Management Analyst	Technical Training Analyst
Public Information Representative II	

Professionals

Accountant I	Internal Auditor
Accountant II	Internal Auditor Supervisor
Accountant III	Law Clerk
Accounting Systems Supervisor	Purchasing Contract Supervisor
Accounting & Financial Systems Analyst	Real Estate Representative II
Assistant Water Resources Specialist	Risk Management Analyst
Associate Architect	Security Shift Supervisor
Associate Water Resources Specialist	Senior Accounting and Financial Systems Analyst
Attorney II	Senior Real Estate Representative
Attorney III	Supervisor of Water Conservation
Building Tenant Services Supervisor	Water Conservation Representative
Buyer II	Workers' Compensation Manager & Risk Specialist
Contract Equity Administrator	

Science Professionals

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

Administrative Assistants

Administrative Assistant	Human Resources Intern I
Administrative Secretary II	Legal Secretary II
Administrative Secretary II, Confidential	Litigation Secretary
Administrative Services Supervisor	Paralegal
Assistant To The General Manager	Public Affairs Specialist
Executive Assistant II	Supervising Legal Secretary

General Clerical

Account Clerk II	Messenger/Mail Clerk
Account Clerk III	Senior Administrative Clerk
Administrative Clerk	Senior Administrative Clerk, Confidential
Administrative Clerk, Confidential	Senior Messenger/Mail Clerk

Customer Service

Customer Services Representative I	New Business Representative I
Customer Services Representative II	New Business Representative II
Customer Services Supervisor	Senior Customer Services Representative
Dispatch Center Supervisor	Senior Field Services Representative
Dispatch Center Representative	Senior New Business Representative
Field Services Representative II	Water Conservation Technician
Meter Reader	

Technicians

Accounting Technician	Materials Testing Technician II
Computer Operations Technician	Printing Technician II
Corrosion Control Technician	Real Estate Technician
Fisheries & Wildlife Technician	Risk Management Assistant
Human Resources Technician	Senior Printing Technician
Information Systems Specialist III	

Plant Operators

Hydroelectric Power Plant Operator II	Wastewater Plant Operator II
Power Plant Mechanic/Operator	Wastewater Plant Operator Trainee
Senior Water Distribution Operator	Water Distribution Operator
Senior Water Treatment Operator	Water Treatment Operator
Treatment Plant Specialist	Water Treatment/Distribution Operator Trainee
Wastewater Plant Operator I	

Plant Operators Lead/Sup

Assistant Superintendent Aqueduct/Pardee	Superintendent of Water
Assistant Wastewater Shift Supervisor	Treatment/Distribution/System Water Quality
Pardee Water/Wastewater Supervisor	Wastewater Operations Coordinator
Power Plant Supervisor	Wastewater Shift Supervisor
Power, Treatment & Transmission Maintenance Supervisor	Wastewater Treatment Superintendent
Superintendent of Aqueduct Section	Water Distribution Supervisor
Superintendent of Pardee Section	Water Treatment Supervisor

Laboratory & Quality Control Technicians

Laboratory Technician II	Wastewater Control Representative
Laboratory Technician III	Water System Inspector I
Senior Wastewater Control Inspector	Water System Inspector II
Wastewater Control Inspector II	

Rangers

Ranger/Naturalist II	Senior Ranger/Naturalist
Ranger Supervisor	

Engineering

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

Supervising Engineering

Senior Civil Engineer	Senior Mechanical Engineer
Senior Electrical Engineer	

Engineering Technicians

Assistant Land Surveyor Supervisor	Hydrographer III
Chief of Party	Plant Inspector
Construction Inspector	Senior Construction Inspector
Drafter III	Senior Engineering Designer
Drafting Supervisor	Senior Geographic Information System Specialist
Engineering Aide	Senior Graphic Designer
Engineering Designer I	Supervising Construction Inspector
Engineering Designer II	Supervising Hydrographer
Geographic Information Systems Specialist	Supervising Plant Inspector
Graphic Design Supervisor	Survey Technician I
Graphic Designer II	Survey Technician II
Hydrographer II	Land Surveyor Supervisor

Water Distribution Plumbing & Maintenance

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

Heavy Equipment/Truck Operators

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

Pipeline Maintenance Lead/Super

Assistant Construction & Maintenance Superintendent	General Pipe Supervisor
Construction and Maintenance Scheduler	Maintenance Shift Supervisor
Construction and Maintenance Superintendent	Paving Crew Foreman
	Water Distribution Crew Foreman

Electrical/Structural Workers

Carpenter	Facility Technician
Carpenter Supervisor	Instrument Maintenance Supervisor
Electrical Supervisor	Instrument Supervisor
Electrical Technician	Instrument Technician
Electronic Technician	Painter
Facility Foreman	Painter Foreman
Facility Specialist I	Plant Electrical Maintenance Supervisor
Facility Specialist II	Plant Structures Maintenance Supervisor
Facility Supervisor	

Mechanical Maintenance

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

Service Maintenance

Automotive Services Attendant II	LT Special Employment Program Trainee
Gardener Foreman	Material Storage Foreman
Grounds Maintenance Specialist II	Material Storage Supervisor
Housekeeper	Materials Specialist
Janitor	Recreation Area Attendant
Janitor Foreman	Storekeeper II
Janitor Supervisor	Utility Laborer

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 9, 2023

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Monthly Report – April 2023

HIGHLIGHT

On April 14, the Vessel Decontamination Station at Camanche South Shore was returned to service. The vessel decontamination station is used to clean and decontaminate boats that fail inspection for Quagga and Zebra mussels, allowing the vessels to launch on District reservoirs without having to sit for a 30-day quarantine. Winter storms destroyed the electrical service drop to this facility three months ago. PG&E completed repairs, and vessels failing inspection once again have the option to be decontaminated so they can launch at District reservoirs.

WATER SUPPLY

East Bayshore Recycled Water Project update. In April, approximately 800 feet out of 2,400 feet of the 12-inch pipeline was installed on Gilman and Eastshore streets for the Gilman Recycled Water Pipeline Project. Work continues during different day and night shifts depending on traffic and street closure limitations. Construction is expected to be completed in June 2023.

On April 4, the State Water Resources Control Board rescinded curtailment and reporting orders for the Sacramento-San Joaquin Delta Watershed. Based on the Governor's recent Executive Order (N-5-23), reservoir storage conditions, and continued precipitation in the Delta watershed, the State Water Resources Control Board indicated the curtailment and reporting orders were no longer needed for Pardee and Camanche reservoirs.

Precipitation. The East Bay precipitation for April was 0.17 inches (9 percent of average) and the season total was 36.12 inches (140 percent of average). The Mokelumne precipitation for April was 0.41 inches (10 percent of average) and the season total was 69.82 inches (154 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for April was 4,000 cfs (1,154 cfs generation, 2,809 cfs sluice, and 37 cfs through the hatchery), and the average flow below

Woodbridge Dam was 3,688 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" water year criteria.

East Bay Reservoirs. Briones, Upper San Leandro (USL), and Chabot spilled in April. Controlled releases were made from San Pablo, USL, and Chabot to reduce additional spills.

Water Storage

Mokelumne reservoirs storage is 86 percent of average. As of April 30, 2023, Pardee was at 568.6 feet or 109 percent of average, and Camanche was at 204.8 feet or 71 percent of average. Combined Pardee and Camanche reservoir storage was 424,000 acre-feet compared to 417,000 acre-feet last year.

East Bay reservoirs storage is 103 percent of average. As of April 30, 2023, USL was at 457.8 feet or 106 percent of average, San Pablo was at 310.7 feet or 105 percent of average, and Briones was at 575.7 feet or 102 percent of average. Total terminal reservoir storage was 144,000 acre-feet compared to 133,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants (RWPPs). The average rate of Mokelumne Aqueduct draft for April 2023 was 101 MGD. Walnut Creek, Moraga, and Briones RWPPs remained out of service for the month. Mokelumne Aqueduct #2 was returned to service after completion of leak repairs east of Stockton.

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

	April 2023	April 2022	April 2020	Average of FY 2005-2007
East of Hills	31 MGD	37 MGD	39 MGD	42 MGD
West of Hills	103 MGD	108 MGD	109 MGD	136 MGD
Total	134 MGD	145 MGD	148 MGD	178 MGD
Max Day Production	164 MGD (4/26/2023)	168 MGD (4/6/2022)	179 MGD (4/27/2020)	

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In April, seasonal salmonid field monitoring was conducted in the Mokelumne River. Staff continued to monitor the Woodbridge Irrigation District Dam high-stage fish ladder for fish passage. Three adult steelhead were observed migrating upstream during the latest period bringing the season total of adult steelhead escapement to 151 fish. Through April 7, 7,540 juvenile Chinook salmon were captured in the upstream trap and 646 were captured at the downstream trap (including weekend estimates). In addition to trap checks, rotary screw trap calibrations were conducted to help provide an estimate of the proportion of natural-origin juvenile Chinook salmon captured. As a result, the current production estimate of juvenile

Chinook salmon at the upstream trap is 883,632, while the outmigration estimate of juvenile Chinook salmon at the downstream trap is 59,840. On April 13, staff conducted juvenile natural-origin salmonid surveys within the Mokelumne River Day Use Area to assess Chinook salmon and steelhead utilization of floodplain restoration sites. Sixty-nine juvenile Chinook salmon and four juvenile steelhead were recorded in 11 survey sites.

In April, staff met with landowners along the Mokelumne River to discuss collaborating on restoring 25 acres of floodplain habitat along the Mokelumne River. Restoring floodplains along the Mokelumne River is a District priority because floodplains provide native juvenile salmonids access to critical foraging and refugia habitat.

In April, the District initiated the 2023 Juvenile Chinook Salmon Acoustic Telemetry Study. The study is conducted by implanting acoustic transmitters in hatchery reared smolts. Once released, these juvenile salmon are tracked as they migrate from the lower Mokelumne River (LMR) to the Pacific Ocean. To increase the resolution of migration timing and survival, biologist added ten new acoustic telemetry receivers in order to better understand survival both spatially and temporally throughout the LMR. A total of 47 receivers have been deployed throughout the LMR as part of the 2023 acoustic telemetry study with the goal of assessing the outmigration survival of Chinook salmon smolts. This study is further designed to enable biologists to identify actions that may increase survival and subsequent return of Chinook salmon within the Mokelumne River.

In April, the District sponsored the annual Baykeeper Clean Bay Challenge. The challenge invited Bay Area residents to conduct their own cleanups throughout the month of April to remove trash before it reaches the San Francisco Bay. The District's logo was displayed on the event website and the District was recognized on Baykeeper's social media channels.

In April, the District implemented sediment control and sensitive species protection measures at the Duffel Slurry Pilot site. A solution was needed to alleviate runoff at the site due to high winter rain volumes. Staff recommended measures such as a wildlife exclusion fence around the site and installation of permanent sediment check dams to prevent sediment discharges to the adjacent Bear Creek. The site is currently containing all sediments.

On April 4, the District received an inspection report from the Central Valley Regional Water Quality Control Board (CVRWQCB) for their March 14, 2023 visit to the Lancha Plana site located on the northeast shore of Camanche Reservoir. The berms at the site sustained damage during recent storms which caused the pond to overflow into Camanche Reservoir. The recent dry weather and implementation of best management practices have prevented further erosion and drainage into Camanche Reservoir. Staff is preparing a scope of work to complete repairs requested by the CVRWQCB to the impoundment in accordance with specified timeframes.

On April 11, the Federal Emergency Management Agency approved the District's Local Hazard Mitigation Plan (LHMP). This was the final step in the LHMP approval process. The next update is scheduled for April 2028.

On April 12, the District submitted a quarterly report for the Moraga Creek Flood and Erosion Control Project to the California Governor’s Office of Emergency Services (Cal OES) in compliance with the Federal Emergency Management Agency Hazard Mitigation Grant. The report, as required by the terms of the \$5,252,300 grant, summarized key project indicators, including progress on milestones through March 31, 2023, contract costs spent to date, and projected drawdown in the following quarter. The report requires review and approval by Cal OES.

On April 14, staff surveyed the bald eagle nest on the east side of San Pablo Reservoir. The eagles have nested in the same tree as last year and surveys confirmed at least one chick in the nest. Follow-up surveys this spring and summer will allow staff to confirm if one or two chicks ultimately fledge from the nest.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of April. This is the 284th consecutive month that the MWWTP experienced no exceedances.

The District received no odor reports from the public in April.

INFRASTRUCTURE INVESTMENT

Oakland Inner Harbor Project update. On April 8, the project reached a milestone when an approximately 3,000 foot long 32-inch diameter high-density polyethylene pipe was pulled 150 feet under the Oakland Estuary following completion of a Horizontal Directional Drilling tunnel for the pipe under Specification 2155.

Fleet Maintenance East Phase 2 Improvements Project update. On April 28, the District submitted the Conditional Use Permit application to the City of Walnut Creek for the project. The work includes upgrading three fleet bays to accommodate District vehicles, a new administration building, and refurbishing of the site including new fencing, paving, and landscaping. These improvements will improve the District’s ability provide full-service fleet operations, and additional reporting locations and drop-in office space east-of-hills for District employees.

In April, staff completed a pipeline replacement project in the Locust Street area in Walnut Creek. This project replaced cast iron pipe with approximately 2,440 feet of 6- and 8-inch structurally enhanced polyvinyl chloride pipe.

In April, staff completed a pipeline replacement project in the Lillian Street area in Crockett. This project replaced cast iron pipe with approximately 1,375 feet of 6-inch structurally enhanced polyvinyl chloride pipe.

In April, staff began a pipeline replacement project in the Miramonte Road area in Walnut Creek. This project will replace mortar-lined coated steel pipe with approximately 2,920 feet of 6-inch structurally enhanced polyvinyl chloride pipe. This project is expected to be completed in June.

In April, staff began a pipeline replacement project in the Rolph Park Court area in Crockett. This project will replace asbestos cement pipe and mortar-lined coated steel pipe with approximately 2,830 feet of 6-inch structurally enhanced polyvinyl chloride pipe and 12-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in July.

On April 5, the California Division of Safety of Dams (DSOD) performed an inspection of the Briones Outlet Tower currently being seismically upgraded under Specification 2174. DSOD inspected the dewatered upper 70 feet of the tower to the newly-installed debris catcher, and no significant items of concern were noted. The work is expected to be completed in March 2024.

Construction of the Moraga Creek Flood and Erosion Control project was completed under Specification 2172. The \$6.5 million project included the installation of a pier and tieback earth retaining system to stabilize the area. Work also included regarding, revegetation, and installing drainage ditches, and restoration of the creek banks. The District received \$5,252,300 in Federal Emergency Management Agency funding for this project.

Construction of the Digester Gas Flare Rehabilitation project was completed under SD-416. This \$2.4 million project included replacement of four candlestick flares and gas piping. The project also included several improvements for the Digester Gas Flare structure, including replacement of the refractory fire wall, installation of a screen extension, repair of concrete surfaces, and concrete floor demolition and resurfacing.

Mains repaired in April totaled 62. The attached table lists the mains repaired by staff in April, 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 April, staff conducted two environmental education field trips. On April 19 and 23, a total of 66 fourth graders from Moraga-Los Perales Elementary School pulled over 400 invasive French broom plants from the Valle Vista Staging Area.

On April 2, the District hosted the Sizdah Bedar event at Lafayette Reservoir. This year the event saw the return of over 7,000 park visitors with parking lots at capacity. East Bay Regional Park Police and Lafayette Police provided additional resources for traffic control in the park and on Mt. Diablo Blvd.

On April 3, staff met with Contra Costa County Supervisor John Gioia to discuss expanding outreach for the Low Income Household Water Assistance Program (LIHWAP) throughout West Contra Costa County. The LIHWAP is a federally-funded program to help low income households with their water and/or sewage bills.

On April 4, staff met with PG&E to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 5, staff met with the City of Oakland to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 6, staff attended the City of Oakland’s monthly utility coordination meeting. The agencies shared information on current and upcoming work.

On April 10, staff met with BART to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 10, staff met with Contra Costa County Office of Emergency Services to discuss plans for an memorandum of understanding/agreement for a points of distribution in case of extreme emergencies. The two agencies shared information on how to best work together in a major emergency, such as earthquakes, and determine what sites would be best to distribute water to affected residents during a disaster.

On April 12, staff met with Alameda County and Castro Valley Sanitary District to coordinate construction activities. The three agencies shared information on current and upcoming work.

On April 13, staff presented at the Cherryland Community Association’s General Meeting. The presentation highlighted the Earth Day event at the Castro Valley Library. Approximately 40 people attended.

On April 13, staff presented at the Beat 30X 66th-82nd Neighborhood Council meeting. The presentation highlighted the Fiscal Years 2024/2025 budget and rates and the Customer Assistance Program. Approximately 20 people attended.

On April 13, staff met with the City of Pinole to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 14, staff met with the Richmond Housing Commission to discuss outreach partnership for the Customer Assistance Program (CAP). The commission will include the District in their events listserv and will share on our CAP information among their affordable housing contacts.

On April 15, staff participated in the City of Alameda Parks and Recreation Department's Spring Shindig event. Staff provided information on pollution prevention and handed out fats, oil and grease scrapers. Approximately 2,500 people attended.

On April 15, staff conducted the annual Wildflower Hike on the Mokelumne Coast to Crest trail. The hike was along the trail above Pardee Reservoir where hikers could enjoy the dramatic floral displays and spring beauty. Approximately 20 people attended.

On April 17, District employee, Dr. Benjamin Bray, was honored by the California Water and Environmental Modeling Forum (CWEMF) with the 2023 Distinguished Life Member award. The award is given to active and past members who, through long and distinguished service, have made a major contribution to CWEMF and to the California water and environmental modeling profession.

On April 18, staff presented at the Orinda City Council meeting. The presentation highlighted the District's wildfire management plan and mitigation efforts on the San Pablo watershed around the community of Orinda. Approximately 30 people attended.

On April 19, staff presented at the Grand Lake Neighborhood Council meeting. The presentation highlighted the Fiscal Years 2024/2025 budget and rates and the Customer Assistance Program. Approximately 20 people attended.

On April 19, staff participated as a panel member in Oakland High School Environmental Science Academy Graduate Capstone presentations. Panelists asked questions, provided feedback, and scored the presentations of graduating seniors who presented on a range of environmental topics and shared the results of the environmental action projects that they worked on throughout their senior year. Approximately 50 people attended.

On April 20, staff presented at the West Oakland Neighborhood Council meeting. The presentation highlighted the Fiscal Years 2024/2025 budget and rates and the Customer Assistance Program. Approximately 20 people attended.

On April 21, staff presented at Roosevelt Elementary School in San Leandro. The presentation highlighted the District's water distribution system and fundamentals of the water cycle. Approximately 65 students attended.

On April 21, staff presented at Redwood Christian Elementary School in Castro Valley. The presentation highlighted water conservation and fundamentals of the water cycle. Approximately 20 people attended.

On April 22, staff conducted a bird walk at Lafayette Reservoir for Peralta Hacienda Water Keepers (Water Keepers). The Water Keepers are an environmental education and skills development program for Oakland teens. Approximately 25 people attended.

On April 22, the District hosted a Kid Fishing Day at Camanche South Shore. The reservoir was stocked with 900 pounds of trout for the event. Approximately 200 people attended.

On April 22, staff conducted the fourth in a series of “Water Walks” at Skyline Gardens in Orinda. Staff provided information on the history of the garden, restoration efforts and collaboration between the California Native Plant Society and the District, and local flora and fauna. Approximately 15 people attended.

On April 22, staff participated in Forestr.org's Earth Day celebration in Castro Valley. Staff provided information on water supply, water conservation, and landscape rebates. Approximately 200 people attended.

On April 26, staff presented at the Albany Rotary Club meeting. The presentation highlighted the Fiscal Years 2024/2025 budget and rates and the Customer Assistance Program. Approximately 20 people attended.

On April 26, the District hosted a virtual Water Wednesday Speaker Series event. The webinar, titled “Drought to Deluge,” included a panel discussion on the District’s water supply and how the District handles extreme weather. Approximately 105 people attended.

On April 27, staff presented at the JP Morgan’s Public Finance Transportation & Utility Investor Forum in New York. The presentation included an overview of the District’s service area, operations, capital plans, drought management approach, and strong financial position. Approximately 30 people attended.

On April 27, staff met with the City of Richmond to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 27, staff presented at the Contra Costa County Racial Justice Oversight Board quarterly community meeting. Staff provided information on the District’s Customer Assistance Program. Approximately 35 people attended.

On April 27, the District held a virtual public meeting for the Sobrante Water Treatment Plant Reliability Improvements Project. Staff provided information on updated architectural and landscaping designs that incorporated community suggestions and responded to community questions and concerns. Primary comments were related to security fencing, landscaping, lighting, and construction impacts (e.g., noise, dust, traffic). Preparation of the Draft Environmental Impact Report is underway and is expected to be completed in summer 2024. Approximately 50 people attended.

On April 28, staff conducted tours of the Sobrante and Orinda water treatment plants for staff from the City of Sacramento. The City of Sacramento is planning ozone and sodium hypochlorite upgrades similar to the District’s recent and current upgrades at the treatment plants. Approximately 20 people attended.

On April 30, students from Spring Hill Elementary (Lafayette), Montevideo Elementary (San Ramon), and St. Mary's Elementary (Walnut Creek) planted classroom-raised rainbow trout in Lafayette Reservoir. Approximately 100 people attended.

Media. Staff coordinated a media event for the installation of 3,000 feet of seismically resilient pipeline under the Oakland Estuary as part of the Oakland Inner Harbor Crossing Pipeline project (KCBS, KRON 4, KTVU 2, Patch, Alameda Sun, East Bay Times) and reached more than 7.4 million unique views.

Other stories focused on the end of drought restrictions at EBMUD and across the Bay Area (San Francisco Chronicle, SFGate, San Jose Mercury News, KPIX, KTVU, Local News Matters). Broadcast media covered a spike in power from hydroelectric plants due to winter storms (KTVU and KRON) and a reporter took a tour of Pardee Dam for a piece explaining how EBMUD delivers water from the Sierra Nevada to the East Bay (ABC 7). EBMUD's Centennial beer created in collaboration with Drake's Brewing Co. also snagged a headline (mybeerbuzz.com).

A story highlighted an exhibit of Miocene-era fossils discovered on EBMUD land (Chico State Today), and EBMUD's efforts to remove dead trees was mentioned in a piece about storm impacts (Lamorinda Weekly). A magazine story featured a joint pipe and sewer line replacement project in Walnut Creek (Walnut Creek Magazine), and a story paid tribute to former EBMUD Director of Wastewater Dave Williams (California Water Environment Association).

April press releases included the Oakland Inner Harbor Project (April 11) and the end of EBMUD's drought emergency (April 25). A Water Wednesday media advisory was distributed on April 21.

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
Twitter	Oakland Inner Harbor dog video	1,969	3,961	3
Facebook	Oakland Inner Harbor dog video	2,802	1,877	5
LinkedIn	Job Opportunities	1,792	8,732	120
Nextdoor	Customer Pipeline – Taking a Long View of Water Supply	8,843		

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

- 62nd St Cluster Pipeline Replacement (Oakland)
- Buena Vista Interceptor repairs (Alameda)
- Happy Valley Pumping Plant (Orinda)

- Oakland Inner Harbor Pipeline Crossing Project (Alameda)
- Pump Station M Rehabilitation (Alameda)
- SD-358 Level Monitoring Station (Oakland)
- SD-404 Special Structures (Oakland)
- SD-452 Berkeley North Interceptor Emergency Repair (Berkeley)
- Sobrante Water Treatment Plant Reliability Improvements Project (El Sobrante)
- Upper San Leandro Water Treatment Plant Maintenance Reliability and Chemical Systems Safety Improvements Project (Oakland)

Contract Equity

April 12, staff participated in the Women’s Business Enterprise Council’s (WBEC) virtual Pacific Professional Services Industry Event. Staff provided information on contracting opportunities and participated in 17 business opportunity/RFP matchmaking sessions. Approximately 30 people attended.

April 25, staff participated in the Construction Resource Center’s virtual 2023 10 Week Project Management Course Certificate Ceremony – Effectively Utilizing Newly Acquired Skills/Tools/Relationships to Build Your Business. Staff provided information on the District’s Contract Equity Program and on doing business with or working for the District. Approximately 20 people attended.

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

- April 18 – American Indian Chamber of Commerce – Advisory Council April Meeting - 19 attendees
- April 19 – Oakland Latino Chamber of Commerce – Come Meet Your Local Mayor - 85 attendees
- April 20 – Oakland Latino Chamber of Commerce Monthly Board Meeting - 29 attendees
- April 27 – San Leandro Chamber of Commerce Business Celebration Gala - 150 attendees

Water Conservation

On April 7, staff participated in the Chabot Space and Science Center’s First Fridays event - Drying Out: Understanding California’s Drought in Oakland. Staff provided information on water conservation. Approximately 120 people attended.

On April 8, staff participated in the Pollinator and Friends Day at the Ruth Bancroft Garden in Walnut Creek. Staff provided information on water conservation. Approximately 445 people attended.

On April 18, staff participated on a panel at California Landscape Contractors Association’s Landscape Water Use Symposium in Fremont. Staff provided information on landscape irrigation best practices, commercial irrigation water budgets, landscape rebate offerings, and water supply conditions. Approximately 100 people attended.

On April 21, staff participated in Contra Costa College’s Earth Day event in San Pablo.

Staff provided information on leak detection, sustainable landscaping, rebates, and the Customer Assistance Program. Approximately 100 people attended.

On April 22, staff participated at an Earth Day event in Walnut Creek. Staff provided information on the District’s water supply condition, lawn conversion, sheet mulch process, dye tabs, flow meter, irrigation schedule guide, graywater systems, and the low water use plant list. Approximately 100 people attended.

On April 26, staff participated in a Low Water Ground Covers Workshop at the Regional Parks Botanic Garden in Berkeley. Staff provided information on the District water supply conditions and landscape rebates. Approximately 55 people attended.

On April 29, staff participated in the Ruth Bancroft Garden’s self-guided Water-Wise Garden Tour that featured 16 gardens located in Walnut Creek, Pleasant Hill, Moraga, and Lafayette. Staff provided information on District programs and services to help lower outdoor water use. Approximately 500 people attended.

On April 29, staff participated in the Oakland Zoo’s Earth Day event in Oakland. Staff provided information on the District water supply conditions, lawn conversion, sheet mulch process, dye tabs, flow meter, irrigation schedule guide, graywater systems, and the low water use plant list. Approximately 500 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

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:

- **April 6, staff participated in Los Medanos College’s Industrial Technologies Job Fair in Pittsburg.** Staff provided information on District careers, recruitments, and application processes. Approximately 135 people attended.
- **April 7, staff participated in Civicorp’s Career Fair in Oakland.** Staff provided information on District careers, recruitments, and application processes. Approximately 50 people attended.
- **April 12, staff participated in Rising Sun’s Opportunity Build Outreach Fair in Emeryville.** Staff provided information on District careers, recruitments, and application processes. Approximately 60 people attended.
- **April 18, staff participated in Diablo Valley College’s Earth Day Environmental and Sustainability Career Fair in Pleasant Hill.** Staff provided information on District careers, recruitments, and application processes. Approximately 150 people attended.

- **April 18, staff participated in Kennedy High School's Junior Achievement Northern California's Career Fair in Richmond.** Staff provided information on District careers, recruitments, and application processes. Approximately 40 people attended.
- **April 19, staff participated in Future Build's Future Build Employability Week in Pittsburg.** Staff provided information on District careers, recruitments, and application processes. Approximately 40 people attended.
- **April 20, staff participated in East Bay Works' Veterans Job and Resource Fair in Concord.** Staff provided information on District careers, recruitments, and application processes. Approximately 60 people attended.
- **April 29, staff attended Laney College's Career & Technical Education "Career Fair" in Oakland.** Staff provided information on District careers, recruitments, and application processes, with an emphasis on the Meter Reader/Mechanic recruitment that will open in May. Approximately 125 people attended.

Tuition Reimbursement

	April 2023	FY 2023 Total
# of Employees	8	98
# of Classes	8	132
Total Reimbursed	\$4,663.67	\$94,562.59

Employment Information

	April 2023	FY 2023 Total
Retirements – Regular	1	64
Retirements – Vested	0	14
Hires/Rehires	18	182
Other Separations	9	80

FINANCIAL STABILITY

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for April is \$22,712. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$11,712 from the Port of Oakland. Earned revenue for FY 2023 to date is estimated at \$486,650 or 97 percent of the total FY 2023 budget of \$500,000.

The estimated earned revenue from Mokelumne power sales for April is \$1,978,000. The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). A total of \$194,000 was generated from REC sales – all from MCE. Resource Adequacy capacity sales to East Bay Community Energy collectively earned \$92,100. Earned

revenue to date through April is estimated at \$18,920,000 or 378 percent of the FY 2023 budgeted \$5.0 million. Forecasted revenue for FY 2023 is \$22.2 million.

As of April 30, 2023, the District received benefit payments from the Low-Income Household Water Assistance Program (LIHWAP) for \$77,037.41 for Alameda County customers and \$11,661.52 for Contra Costa County customers. LIHWAP benefit payments are processed through designated local service providers for each county. The total amount received to date is \$741,001.24 and additional payments are expected as the state continues to rollout the program. As discussed during the 2023 Customer Assistance Program (CAP) Workshop, the District will begin its process to auto-enroll LIHWAP benefit recipients in CAP for those households that are not currently participating in the District's program.

Low-Income Household Water Assistance Program as of April 30, 2023		
County	Total Payment Amount	Total Count
Alameda County	\$640,961.80	642
Contra Costa County	\$100,039.44	136
Grand Total	\$741,001.24	778

Low-Income Household Water Assistance Program July 2022 - April 2023												
Month	July 2022		August 2022		September 2022		October 2022		November 2022		December 2022	
County	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
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
Totals	17	\$14,105.43	88	\$76,277.73	104	\$91,986.34	88	\$74,971.89	62	\$56,480.21	95	\$103,853.41
Month	January 2023		February 2023		March 2023		April 2023		Total to Date			
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received		
Alameda	62	\$64,521.24	68	\$73,704.39	45	\$51,726.67	72	\$77,037.41	642	\$640,961.80		
Contra Costa	26	\$21,385.89	18	\$11,357.19	16	\$11,931.92	17	\$11,661.52	136	\$100,039.44		
Totals	88	\$85,907.13	86	\$85,061.58	61	\$63,658.59	89	\$88,698.93	778	\$741,001.24		

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

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
GRM Information Management Services of San Francisco, LLC	4/6/2023	White Male	Amendment to previously authorized agreement under purchase order number BPA-122-77938-AX to increase contract amount by \$50,000 for supplying storage and maintenance services of the District's inactive records	N/A	6/30/2026	\$80,000

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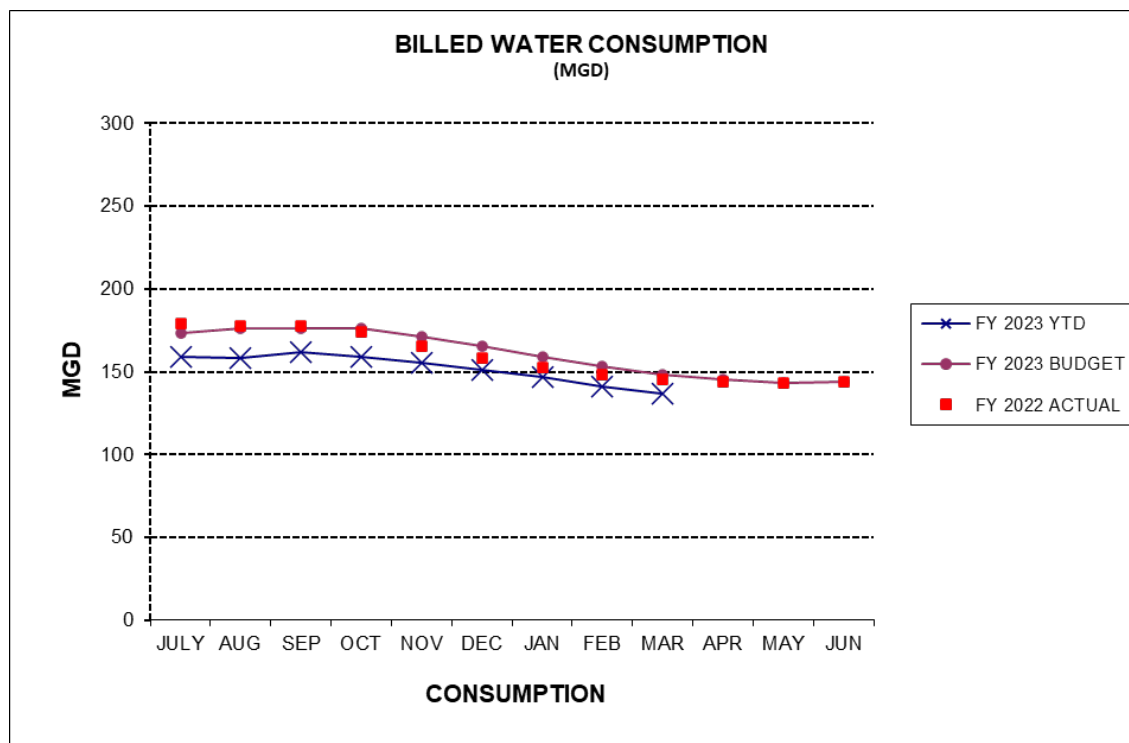
VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Cramer Fish Sciences	4/7/2023	White Male	Development of a protocol using environmental deoxyribonucleic acid for watershed monitoring to reduce staff resource time for species monitoring in compliance with multiple permits and agreements	N/A	Two years	\$71,672
W. Bradley Electric, LLC	4/10/2023	White Male	Services to install new electrical conduit and appurtenances to provide power to the new fixed seating that will be installed in the Administration Building Board Room	N/A	N/A	\$43,100
Consolidated Engineering Inc.	4/14/2023	White Male	Services to pave the access road to and around Camanche south shore Water Distribution Tanks	N/A	N/A	\$73,600
LDA Partners, Inc.	4/17/2023	White Male	Engineering and architectural design services for the renovation of Camanche House and the Pardee Fitness Center	N/A	N/A	\$53,000
Ninyo & Moore Geotechnical & Environmental Sciences Consultants	4/18/2023	Hispanic Male	Geotechnical investigations for the Hegenberger Road Crossing Pipeline Replacement project, Oakland	Hegenberger Road Crossing Pipeline Replacement Project	N/A	\$40,000
Jackson & Son Plumbing Inc.	4/18/2023	White Male	Services to install two private water lines and one fire service line for 23 and 31 Maine Avenue in Richmond	N/A	N/A	\$56,900
Next Turn Consulting	4/19/2023	White Women	Team building and strategic planning services	N/A	N/A	\$33,535
W. Bradley Electric, LLC	4/25/2023	White Male	Amendment to previous agreement to increase amount by \$12,618 for additional devices at the new electrical conduit floor penetrations to provide power to the new fixed seating the AB Board Room	N/A	N/A	\$55,718
AV Structural, Inc.	4/25/2023	Asian Female	Services to furnish and install fourteen new microphones, and digital signal processing mixers, and associated equipment for the AB Board Room	N/A	N/A	\$61,153.22

Water Sales (Consumption)

The following consumption information is the average water consumption in millions of gallons per day (MGD) for the first nine months of FY 2023. Budgeted average daily water consumption for FY 2023 is 145.8 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 2022 data for the same period of time.

On April 26, 2022 the Board declared a water shortage emergency and Stage 2 drought. Resolution No. 35287-22 established a District-wide mandatory water use reduction goal of 10 percent from calendar year 2020 consumption which resulted in a goal of 136 MGD. The water supply conditions have greatly improved this year, and the drought surcharge was suspended effective March 1, 2023. On April 25, 2023, the Board moved to Stage 0 drought with no water use reduction goals under Resolution No. 35345-23.

Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY23 (MGD)	FY22 (MGD)	Year-over-Year (% change)
Residential	67.9	73.1	-7.1%
Commercial	45.0	46.5	-3.2%
Industrial	17.9	19.2	-6.8%
Public Authority	6.3	6.6	-4.5%
Total Billed Water Consumption	137.1	145.4	-5.7%

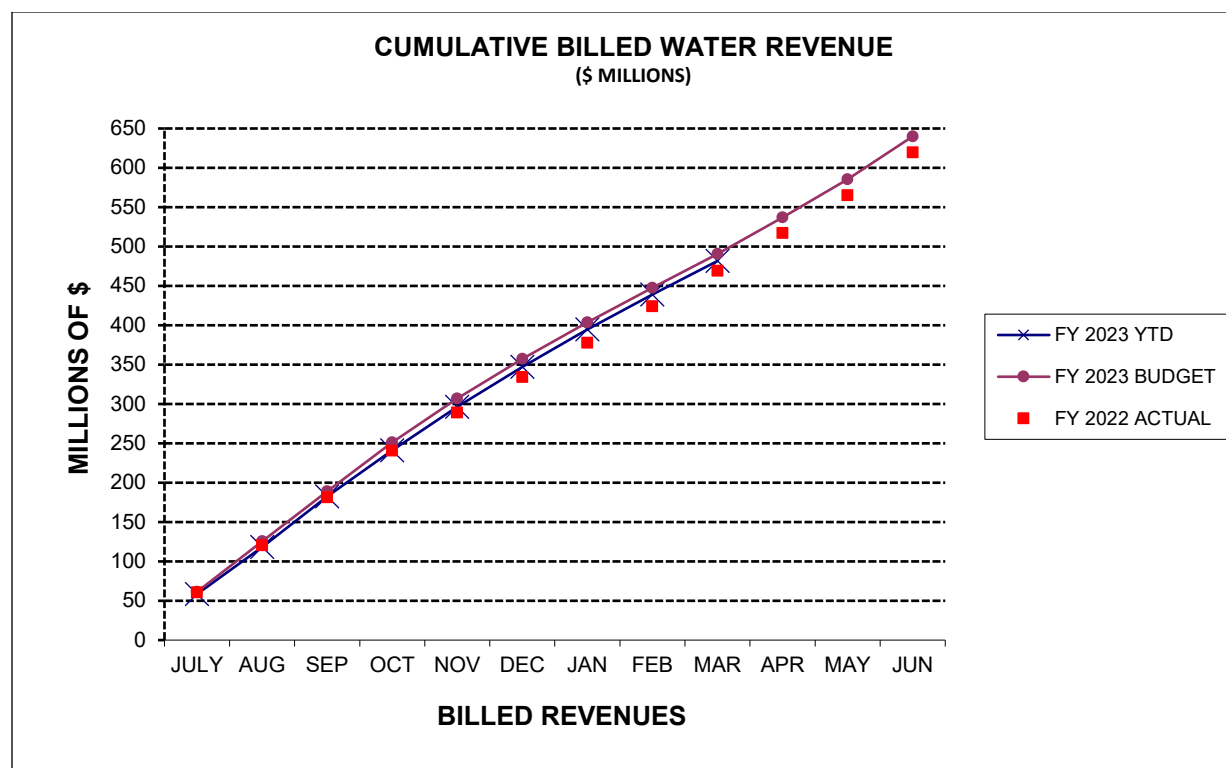


Source: Customer Information System

Water Sales (Revenue)

Water revenues billed through March were \$481.7 million or 2.6% more than the FY 2022 revenue through March of \$469.3 million. (FY 2022 revenue excludes approximately \$13.8 million collected in July 2021 resulting from a backbill to the Chevron Richmond Refinery where two meters were found to be under-registering.) This increase reflects lower March 2023 water sales, partially offset by the 4% FY 2023 rate increase, a Stage 2 Drought Surcharge of 8% on Water Flow Charges, and drought excessive use penalties billed through March 2023. Total FY 2023 water revenues through March are \$9.1 million, or 1.9%, less than the budgeted water revenue of \$490.8 million.

Through March 2023, \$19.9 million of the total water sales revenue is from drought surcharges. Drought expenses through March are \$21.6 million. Drought excessive use penalties of \$171,962 have accrued through March. Drought expenses do not include the portion of normal operating costs that are no longer recovered through water sales due to conservation.



Source: Customer Information System

APRIL 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALBANY		NEILSON	ST	CAST IRON	6	1928	1,350	4/3/2023	4/4/2023	Y
BERKELEY		CRAGMONT	AVE	STEEL	8	1963	0	3/10/2023	4/5/2023	Y
BERKELEY		GRAND VIEW	DR	STEEL	12	1962	11,520	4/8/2023	4/15/2023	Y
BERKELEY		GRAYSON	ST	CAST IRON	8	1926	2,880	4/3/2023	4/4/2023	Y
BERKELEY		GRIZZLY PEAK	BL	CAST IRON	6	1954	66,240	3/27/2023	4/18/2023	Y
BERKELEY		HILLEGASS	AVE	CAST IRON	4	Unknown	900	4/6/2023	4/6/2023	Y
BERKELEY		KEITH	AVE	STEEL	16	1946	0	3/21/2023	4/26/2023	N
BERKELEY		KITTREDGE	ST	CAST IRON	6	1927	0	4/18/2023	4/18/2023	Y
BERKELEY		MARIN	AVE	ASBESTOS CEMENT	8	1955	10,080	4/21/2023	4/27/2023	Y
CROCKETT		2ND	AVE	CAST IRON	6	1928	27,000	4/12/2023	4/12/2023	Y
DANVILLE		CASTLEFORD	CIR	ASBESTOS CEMENT	6	1973	900	4/2/2023	4/3/2023	Y
DANVILLE		CASTLEFORD	CIR	ASBESTOS CEMENT	6	1973	1,440	4/5/2023	4/5/2023	Y
DANVILLE	W	EL PINTADO		ASBESTOS CEMENT	8	1956	90,000	4/5/2023	4/6/2023	Y
DANVILLE		MCCLOUD	PL	ASBESTOS CEMENT	6	1976	90,000	4/15/2023	4/16/2023	Y
DANVILLE		MCCLOUD	PL	ASBESTOS CEMENT	6	1976	90,000	4/21/2023	4/22/2023	Y
DANVILLE		ST REGIS	DR	ASBESTOS CEMENT	8	1968	1,350	4/13/2023	4/14/2023	Y
EL CERRITO		CLAYTON	AVE	CAST IRON	6	1945	45,000	4/6/2023	4/6/2023	Y
EL CERRITO		EARL	CT	COPPER	1	1969	0	4/22/2023	4/22/2023	Y
EL CERRITO		EUREKA	AVE	CAST IRON	6	1946	30,240	3/30/2023	4/5/2023	Y
EL CERRITO		EVERETT	ST	CAST IRON	6	1941	18,000	4/14/2023	4/15/2023	Y
EL CERRITO		SHEVLIN	DR	STEEL	6	1955	1,800	4/21/2023	4/22/2023	Y
EL SOBRANTE		SAN PABLO DAM	RD	ASBESTOS CEMENT	6	1973	0	4/19/2023	4/24/2023	Y
LAFAYETTE		GLORIA	TER	ASBESTOS CEMENT	6	1958	0	4/3/2023	4/6/2023	Y
LAFAYETTE		JANET	LN	CAST IRON	6	1950	0	4/13/2023	4/18/2023	Y
LAFAYETTE		MOUNTAIN VIEW	LN	STEEL	16	1955	17,280	4/9/2023	4/12/2023	Y
LAFAYETTE		RELIEZ VALLEY	RD	CAST IRON	4	1941	900	4/8/2023	4/8/2023	Y
MORAGA		FERNWOOD	DR	ASBESTOS CEMENT	8	1966	4,500	4/26/2023	4/26/2023	Y
OAKLAND		66TH	AVE	CAST IRON	8	1942	129,600	2/19/2023	4/4/2023	N
OAKLAND		73RD	AVE	CAST IRON	4	1949	5,760	4/27/2023	4/28/2023	Y

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

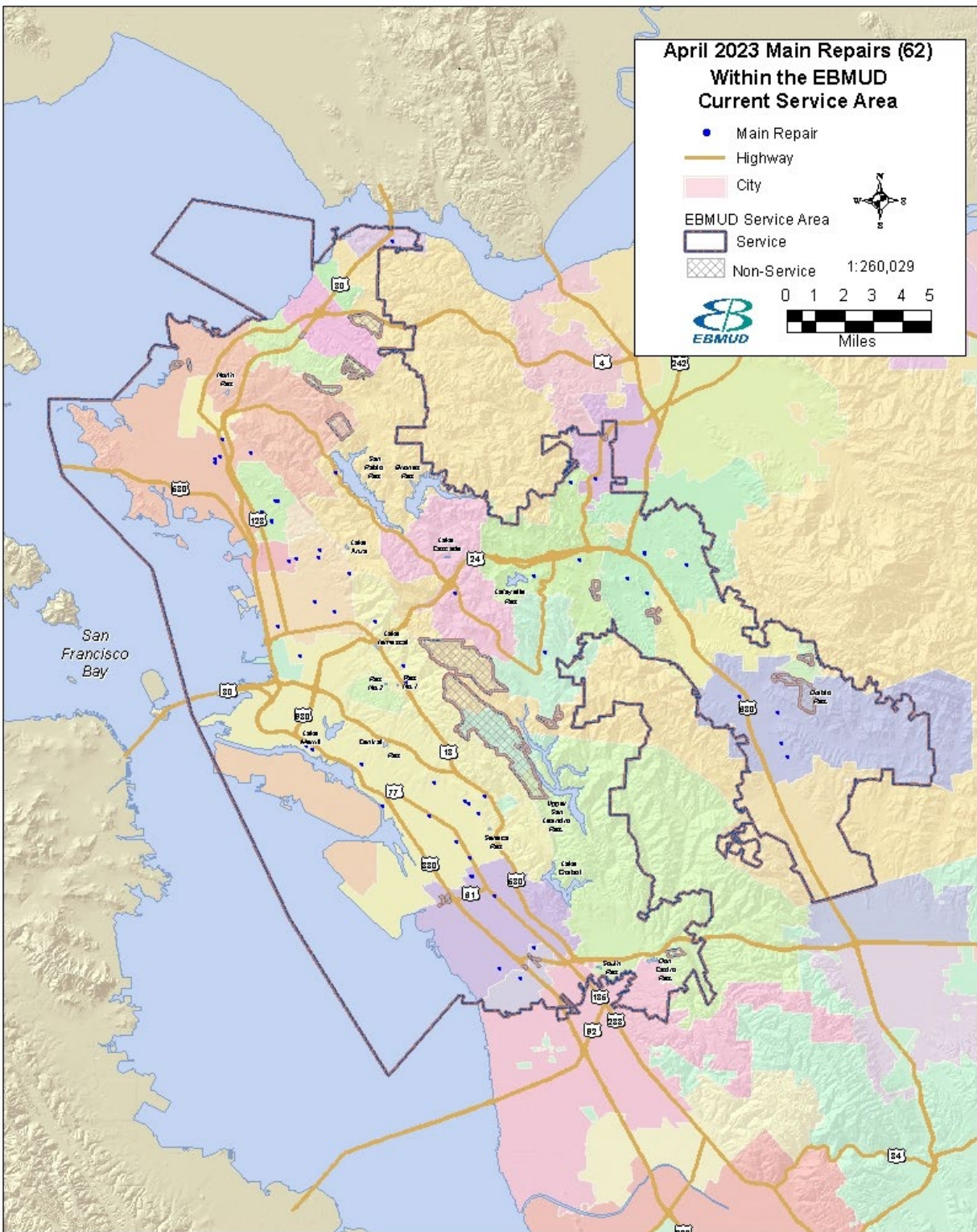
APRIL 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		76TH	AVE	CAST IRON	6	1949	30,240	4/20/2023	4/26/2023	Y
OAKLAND		A	ST	CAST IRON	4	1927	9,000	4/20/2023	4/20/2023	Y
OAKLAND		AILEEN	ST	CAST IRON	6	1926	8,640	4/20/2023	4/25/2023	Y
OAKLAND		COLTON	BL	CAST IRON	6	1936	9,000	4/18/2023	4/19/2023	Y
OAKLAND		COSGRAVE	AVE	CAST IRON	4	1928	14,400	4/14/2023	4/18/2023	Y
OAKLAND		FOOTHILL	BL	CAST IRON	4	1935	90,000	4/2/2023	4/3/2023	Y
OAKLAND		GREENLY	DR	CAST IRON	8	1946	45,000	4/28/2023	4/28/2023	Y
OAKLAND		HARRISON	ST	CAST IRON	6	1928	0	4/13/2023	4/25/2023	Y
OAKLAND		HIGH	ST	CAST IRON	12	1908	0	4/26/2023	4/26/2023	Y
OAKLAND		INTERNATIONAL	BL	CAST IRON	4	1913	4,500	4/26/2023	4/26/2023	Y
OAKLAND		LAWLOR	ST	CAST IRON	6	1948	18,000	4/20/2023	4/20/2023	Y
OAKLAND		MADISON	ST	STEEL	8	1966	1,350	4/2/2023	4/3/2023	Y
OAKLAND		MAGELLAN	DR	CAST IRON	6	1939	45,000	4/16/2023	4/16/2023	Y
OAKLAND		MERRIEWOOD	DR	CAST IRON	6	1938	5,760	4/11/2023	4/14/2023	Y
OAKLAND		NORMANDIE	AVE	CAST IRON	4	1934	18,000	4/27/2023	4/27/2023	Y
ORINDA		CAMINO ENCINAS		CAST IRON	4	1934	1,350	4/4/2023	4/4/2023	Y
RICHMOND		36TH	ST	CAST IRON	6	1939	10,080	4/19/2023	4/25/2023	Y
RICHMOND		36TH	ST	CAST IRON	6	1941	9,000	4/28/2023	4/28/2023	Y
RICHMOND		39TH	ST	CAST IRON	4	1933	630	4/28/2023	4/28/2023	Y
RICHMOND		KENSINGTON	AVE	CAST IRON	6	1952	5,400	4/13/2023	4/14/2023	Y
RICHMOND		MENDOCINO	ST	CAST IRON	4	1949	10,080	4/18/2023	4/24/2023	Y
SAN LEANDRO	E	14TH	ST	CAST IRON	8	1933	28,800	4/14/2023	4/17/2023	Y
SAN LEANDRO		BEATTY	ST	CAST IRON	6	1949	18,000	4/24/2023	4/24/2023	Y
SAN LEANDRO		PLEASANT	WAY	CAST IRON	4	1940	900	4/3/2023	4/3/2023	Y
SAN LEANDRO		PLEASANT	WAY	CAST IRON	4	1940	1,800	4/4/2023	4/5/2023	Y
SAN LORENZO		GRANT	AVE	CAST IRON	6	1945	1,440	4/12/2023	4/12/2023	Y
SAN LORENZO		WAGNER	ST	ASBESTOS CEMENT	8	1950	0	4/11/2023	4/14/2023	Y
SAN PABLO		LASSEN	ST	CAST IRON	4	1936	450	4/28/2023	4/28/2023	Y
WALNUT CREEK		GOLDEN HILL	PL	ASBESTOS CEMENT	6	1963	1,800	4/3/2023	4/4/2023	Y

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

APRIL 2023 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
WALNUT CREEK	S	MAIN	ST	STEEL	6	1953	0	2/22/2023	4/13/2023	N
WALNUT CREEK	S	MAIN	ST	STEEL	6	1953	1,350	4/10/2023	4/10/2023	Y
WALNUT CREEK		RIDER	CT	ASBESTOS CEMENT	6	1954	7,200	4/22/2023	4/22/2023	Y
WALNUT CREEK		TICE VALLEY	BL	ASBESTOS CEMENT	8	1956	43,200	3/27/2023	4/5/2023	Y
							1,087,110			

Non-surfacing leaks discovered by leak detection technologies	5
Breaks caused by contractors or other agencies	2
Other main breaks	55
Total water main repairs	62

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



Customer Account Delinquency Information												
APRIL 2023												
(Data collection began September 1, 2017)												
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	November ²⁷	December ²⁸	January 23 ²⁹	February 23 ³⁰	March 23 ³¹	April 23 ³²	Totals					
New CAP Participants	154	157	148	173	154	34	11,333					
CAP Renewals	168	176	182	237	276	63	11,615					
CAP Departures	346	345	369	274	450	476	15,086					
Total Active CAP Participants w/Active Accounts	8,794	8,818	8,805	8,833	8,723	8,698						
PAYMENT PLANS	November	December	January 23	February 23	March 23	April 23	Totals					
Approved Payment Plans	1,707	1,716	1,937	1,490	1,864	1,648	205,181					
Payment Plans Established After Service Interruptions	-	-	-	-	-	-	1,320					
SERVICE INTERRUPTIONS - RESIDENTIAL	November	December	January 23	February 23	March 23	April 23	Totals					
15-day Final Collection Notices	15,280	16,192	15,779	15,829	16,413	16,033	1,064,544					
48-hr Service Interruptions Notices ³	11,612	10,600	9,129	10,587	11,043	10,906	618,162					
Service Interruption Orders Created	*	*	*	*	*	*	82,689					
Service Interruptions Completed (Actual)	*	*	*	*	*	*	22,712					
CAP Enrolled Service Interruptions	*	*	*	*	*	*	802					
WATER THEFT	November	December	January 23	February 23	March 23	April 23	Totals					
No. of Incidents	2	2	-	8	2	6	433					
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	41					
No. Water Theft Penalties Issued	-	-	-	-	-	-	227					
No. of Appeals Received	-	-	-	-	-	-	10					
No. of 1st Appeals Approved	-	-	-	-	-	-	5					
No. of 1st Appeals Denied	-	-	-	-	-	-	7					
Multi-Family Liens ¹	November	December	January 23	February 23	March 23	April 23	Totals					
Liens Filed	-	51	-	-	-	113	5,398					
Released	-	9	-	-	-	7	4,821					
Transferred to Alameda Cty.	-	-	-	-	-	-	1,889					
Transferred to Contra Costa Cty.	-	-	-	-	-	-	373					
Total/Month	0	60	0	0	0	120	12,481					
BAD DEBT - WRITE OFFS ²	November	December	January 23	February 23	March 23	April 23	Totals					
Total Referred to Collection Agency	\$ 259,605	\$ 216,893	\$ 256,451	\$ 333,644	\$ 436,979	TBD ²⁹	\$ 12,298,019					
Write-Off % to Billed Revenue	0.41%	0.37%	0.47%	TBD ²⁹	TBD ²⁹	TBD ²⁹						
¹ Liens filed monthly represent delinquent accounts 4-6 months in arrears.												
² Information not available until the 20th of the month is normally one month behind, however due to summer schedule July and August to be updated in September 2020.												
³ 48-hour notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.												
²⁸ CAP applications processed through December 16, 2022; As of January 2023, application numbers updated through December 31, 2023.												
²⁹ CAP applications processed through January 17, 2023; January 2023 collection agency and write-off revenue will update in February 2023 table.												
³⁰ CAP applications processed through February 17, 2023; February 2023 collection agency and write-off revenue for January and February 2023 will update in March 2023.												
³¹ CAP applications process through March 14, 2023; March 2023 collection agency and write-off revenue for March will update in April 2023.												
³² CAP applications process through April 10, 2023; April 2023 collection agency and write-off revenue for February, March and April 2023 will update in May 2023.												
[*] Notes: - Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 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
Meter	3	1	2	16	4	2	1	2	3	1	7	4
Illegal Connection	-	1	-	1	-	-	-	-	-	-	-	-
Hydrant	-	-	-	-	-	-	-	-	-	-	-	-
Total	3	2	2	17	4	2	1	2	3	1	7	4
Water Theft Type/City	Lafayette	Oakland	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Totals since 9/1/2017
Meter	1	271	1	6	78	7	2	8	4	2	1	427
Illegal Connection	-	3	-	-	-	-	-	-	-	-	1	6
Hydrant	-	-	-	-	-	-	-	-	-	-	-	0
Total	1	274	1	6	78	7	2	8	4	2	2	433

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 4, 2023

MEMO TO: Board of Directors

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

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

SUBJECT: Finance/Administration Committee Minutes – April 25, 2023

Director John A. Coleman called to order the Finance/Administration Committee meeting at 9:07 a.m. in the Administration Building Training Resource Center. Director April Chan was present at roll call. Director William B. Patterson was absent (excused). Staff participants included General Manager Clifford C. Chan, Acting General Counsel Jon Salmon, Director of Finance Sophia D. Skoda, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. None.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the March 2023 report, highlighted the transactions that caused the portfolio to decrease from \$767.8 million to \$742.2 million, and reported the District's investments during this period had an average yield to maturity of about 2.6 percent. The report will be submitted to the Board for consideration at its meeting in the afternoon. It was moved by Director Chan, seconded by Director Coleman, and carried (2-0) by voice vote to accept the report. Director Patterson was absent (excused).

Quarterly Investment, Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended March 31, 2023. Director of Finance Sophia D. Skoda reviewed the reports which were filed in compliance with government statutes and cover the period January 1, 2023 through March 31, 2023. She explained the increase in payroll for March 2023 compared to January 2023 and February 2023 which was due to three pay periods in March and reported the properties in the Real Estate Summary report were sold and leased at fair market rates. It was moved by Director Chan, seconded by Director Coleman, and carried (2-0) by voice vote to accept the reports. Director Patterson was absent (excused).

Adjournment. Director Coleman adjourned the meeting at 9:10 a.m.

CCC/RSC

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