



EBMUD Campaign Finance Reform Ordinance (CFRO)

Second Reading of Proposed Amendments
Board of Directors

March 12, 2024

Agenda

- Brief Review of Recommended Revisions
- Discussion of Substantive Revisions
- Next Steps

Recommended Revisions



Updates to Definitions

- Reorganize alphabetically
- “Contribution”: Fair rental value of a home or office premises used for fundraising event is not included in cost calculations when determining value of event
- “Qualified Campaign Expenditure”
 - Remove “broadcast or print” reference to “communications” to reflect fact that modern communications means are broad
 - Remove “by name or image” in reference to a communication “featuring a candidate” in accordance with Fair Political Practices Commission advice
- “Small Contributor Committee”: Update to match the PRA definition

Other Revisions

- Adjust Small Contributor Committee limit biennially based on CPI
- Incorporate Levine Act into CFRO
- Update the voluntary expenditure limit from \$0.53 to \$0.80 per ward resident to reflect CPI adjustments since the CFRO was last updated
- Update Advertisement Disclaimer requirements
- Mandate website publishing of contribution limits as a best practice

“Housekeeping” Revisions

- Correct and update reference to CPI to “San Francisco-Oakland-Hayward Consumer Price Index (CPI) for Urban Consumers”
- Clarify the definition of “net debts outstanding from the election”
- Use non-binary “their” in referencing persons
- Update references to Political Reform Act and other common terms for consistency

Revisions for Discussion



Revise Campaign Contribution Limit for Persons

- January 9 recommendation to Leg/HR Committee: Increase contribution limit from **\$600** to **\$900** to reflect CPI adjustments since 2010
- February 13 recommendation of Committee: Increase to **\$1,000**
- February 27 Board discussion: **\$2,500?** (No consensus reached)

What limit would the Board like to establish?

Revise Campaign Contribution Limit for Small Contributor Committees

- January 9 recommendation to Leg/HR Committee: Increase contribution limit from **\$1,200** to **\$1,800** to reflect CPI adjustments since 2010
- February 13 recommendation of Committee: Increase to **\$2,000**
- February 27 Board discussion: **\$5,000?** (No consensus reached)

What limit would the Board like to establish?

Establish New Limit on Personal Loans to Campaign

- Under CFRO, candidate may loan up to **\$10,000** to candidate's own campaign
- California law sets a **\$100,000** limit on campaigns for city or county office

Would the Board like to change the current limit and, if so, to what amount?

Revise Prohibition on Contractor Donations

CFRO currently:

- Prohibits donations from persons contracting with District for contracts:
 - Awarded by the Board; and
 - “Not obtained as a result of a competitive bidding process”
- Timeframe: At any time between submittal of proposal and:
 - One year following completion of performance for those awarded a contract, or
 - Final determination by District to reject bid
- Bans award of non-competitive contract to any contractor who violates CFRO for one year from date of violation

Revise Prohibition on Contractor Donations (cont.)

- January 9 recommendations to Committee:
 - Prohibit donations from any District contractor not subject to low bid, not just for Board-approved contracts
 - Prohibit a contractor who violates the CFRO's donation prohibitions from being awarded any contract for one year following the violation, even if the contract is competitively bid
- February 13 revisions requested by Committee:
 - Eliminate prohibition on contracting with contractors who violate CFRO
 - Instead, require recusal of Board member who has received a donation from a contractor

Revise Prohibition on Contractor Donations (cont.)

Options:

- ☐ Maintain status quo; or
- ☐ Eliminate prohibition on contracting (Levine Act would apply); and require:
 - Contractor reporting of donations;
 - Recusal of Board member who has received a donation
 - Return of contractor donation given in violation of CFRO
 - Provide for censure of any Board member who repeatedly accepts contributions in violation of CFRO

Revise Prohibition on Contractor Donations (cont.)

Other Options:

- Extent of prohibition on donations from contractors:
 - ☐ Only Board-approved contracts (maintain status quo); or
 - ☐ Any District contractor
- Extent of ban on contractors violating CFRO:
 - ☐ Prohibit award of any contract not subject to low bid (maintain status quo); or
 - ☐ Prohibit award of any contract, even those competitively bid

Next Steps

- ✓ First reading at the February 27, 2024 Board meeting
- ✓ Second reading at the March 12, 2024 Board meeting
- Continued second reading at the March 26, 2024 Board meeting
- Revised CFRO to go into effect on April 25, 2024

Questions?





Bay-Delta Water Quality Control Plan Ad Hoc Committee

Board of Directors
March 12, 2024

Background

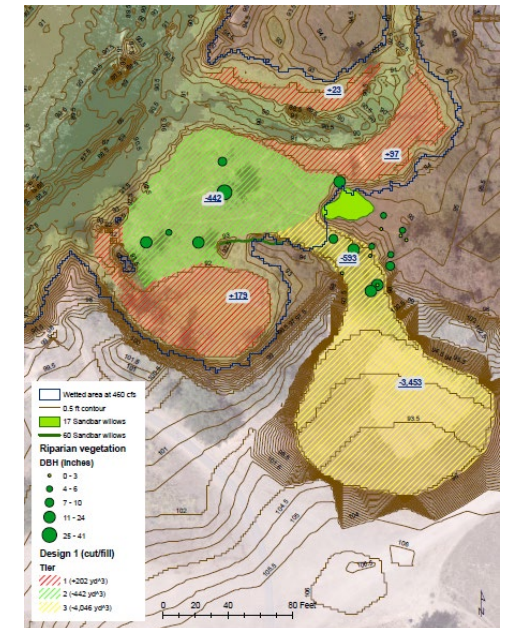
- State Water Board is updating Bay-Delta Water Quality Control Plan (WQCP)
 - Phase I: San Joaquin River tributaries and southern Delta salinity
 - Phase 2: Sacramento River and eastern tributaries including Mokelumne
- Scientific Basis Report released in 2017 recommended unimpaired flow approach
 - Potential impacts to Mokelumne River temperature management
 - Significant reductions in supply
- Voluntary Agreements (VAs) proposed as alternate approach
 - Scientific Basis Report supplement released in January 2023 evaluated the VAs
- Staff Report released in September 2023 – evaluated unimpaired flow and VAs

Mokelumne River VA Proposal

- Increase in spring flows above Joint Settlement Agreement in dry, below normal, and above normal years
- 25 acres of new floodplain
- 1 acre of new rearing habitat
- Fish screens for five high priority diversions
- Funding for habitat, water purchases, and science program



Salmon in Lower Mokelumne River

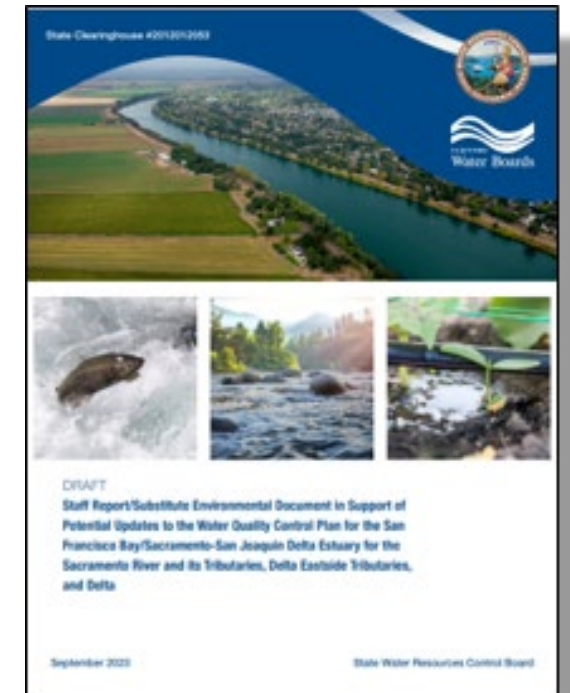


VA Agreements

- VA Parties are negotiating agreements needed to implement the VAs
- Global Agreement (includes Governance Program, Science Plan, Strategic Plan, Funding)
- Implementing Agreements for each tributary/Delta
 - Specifies which agency implements which measures
- Enforcement Agreements for each tributary/Delta
 - Includes regulatory protection and remedies for not meeting obligations

State Water Board Process

- Proposed VA workshop in late April
- “Program of Implementation” released this summer
 - Will include options for unimpaired flow and the VAs
- State Water Board decision in late 2023/2024



Recommendation/Next Steps

- Appoint an ad hoc committee
 - Two Board members
 - Advise staff on issues arising from the Bay-Delta WQCP update process, including proposed VAs and other alternatives under consideration
 - First meeting in late-March

Questions?/Board Discussion





Oakport Development Lease

Board of Directors

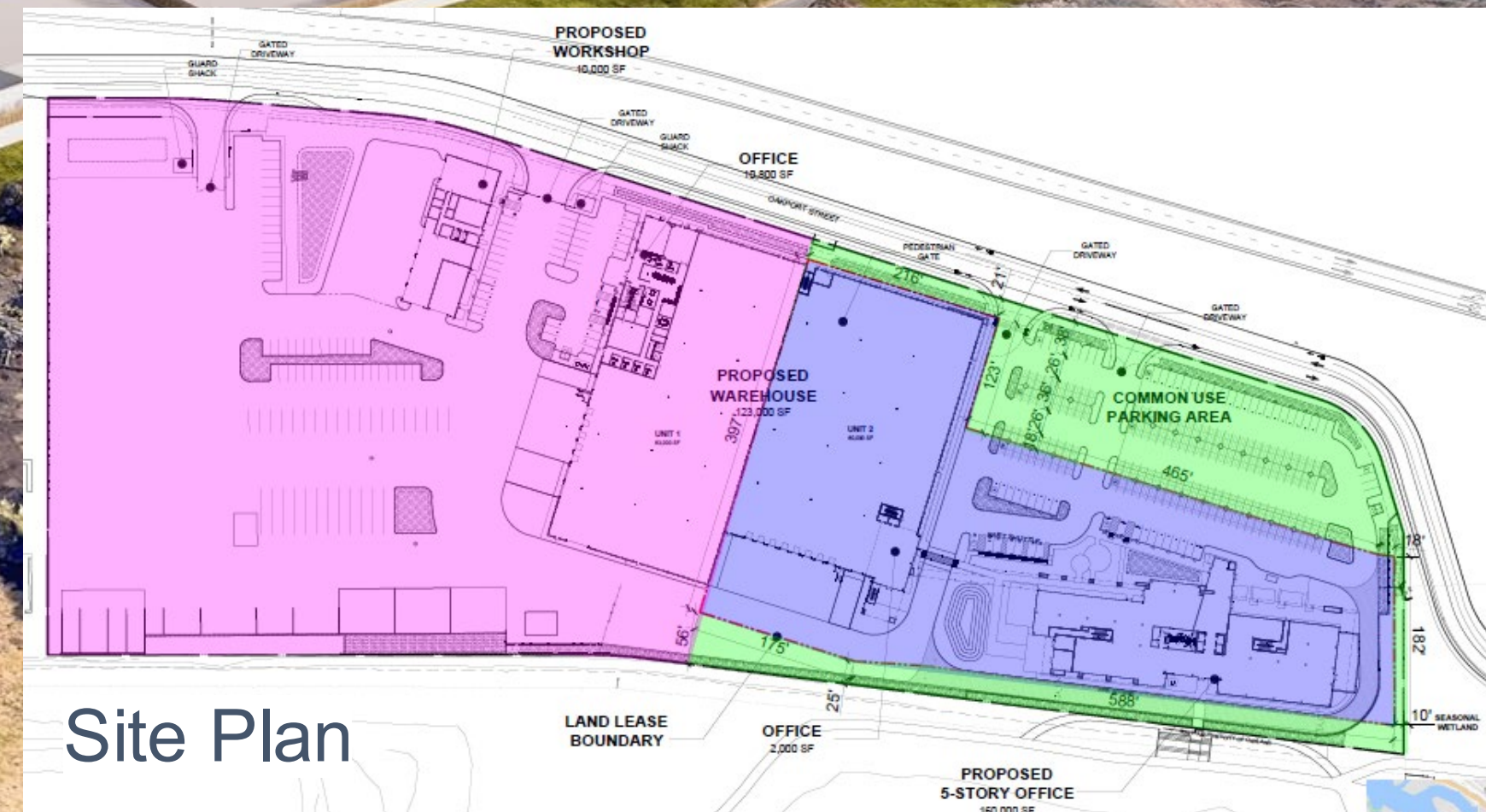
March 12, 2024

Introduction

- In 2018, the District entered into an Exclusive Negotiating Agreement to allow SupplyBank.Org (SBO) to complete the environmental review and entitlement process to develop the District's Oakport property.
- The environmental review has been completed and the City of Oakland issued conditional use permits and other project approvals.
- Lease terms involve both the SBO project and District facilities.



Oakport Development - Aerial View



Site Plan

Development Overview

- District portion
 - 63,000 square feet warehouse with 10,000 square feet of office space
 - Service yard and material storage
 - Parking and staging
- SupplyBank portion
 - 60,000 square feet warehouse
 - 160,000 square feet office building
 - Parking
- Common area
 - 2.3 acres of shared parking



City of Oakland is CEQA lead agency

- The City prepared an EIR for the Coliseum Area Specific Plan in 2015 and a project-specific CEQA Addendum in June 2023.
- In July 2023, the City Planning Commission voted to:
 - Affirm City staff's environmental determination that the project is consistent with the existing zoning and General Plan policies and issuing a Conditional Use Permit and other approvals for SBO's project would not result in any significant impacts.
 - Approve the Conditional Use Permit and Design Review for SBO's project.

EIR = Environmental Impact Report

CEQA = California Environmental Quality Act

EBMUD is acting as CEQA responsible agency

- Prior to approving a project, a responsible agency must consider the environmental effects as shown in the CEQA documents.
- A responsible agency must determine that direct and indirect effects of the action that it is approving will be mitigated or avoided.
- District has concluded that all potential environmental impacts related to leasing the land and the construction of the facilities by SBO under the lease will be mitigated to a level of less than significant and no other environmental documentation or mitigations are required.

Recommendation

- Adopt findings and a Mitigation Monitoring Program for the lease of 4.52 acres of property to SBO at the District's Oakport property and activities associated with the lease.
- Authorize a 65-year lease with SBO for 4.52 acres of property and associated improvements on adjacent land.

Questions?





Water Supply Update

Board of Directors
March 12, 2024

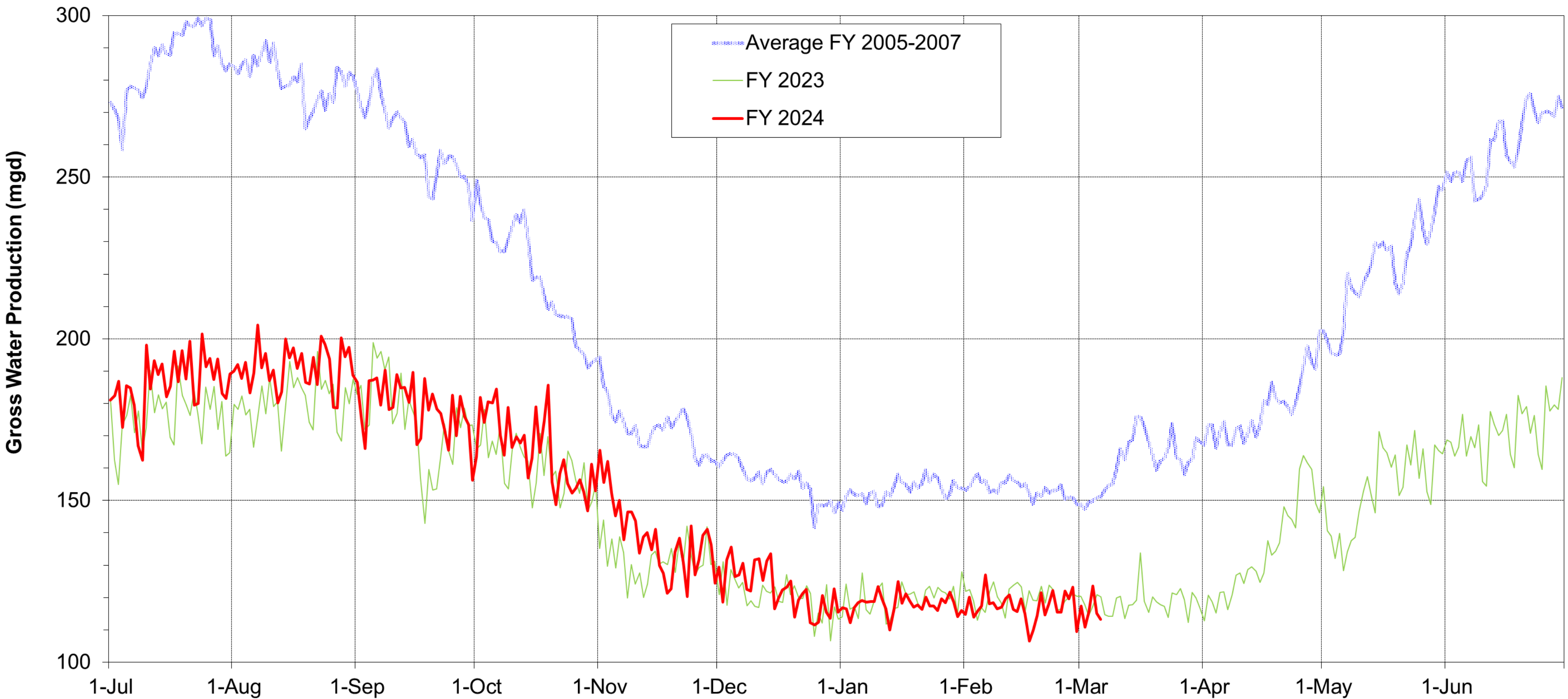
Water Supply Briefing

- Current Water Supply
- California Water Supply
- Water Supply Projections



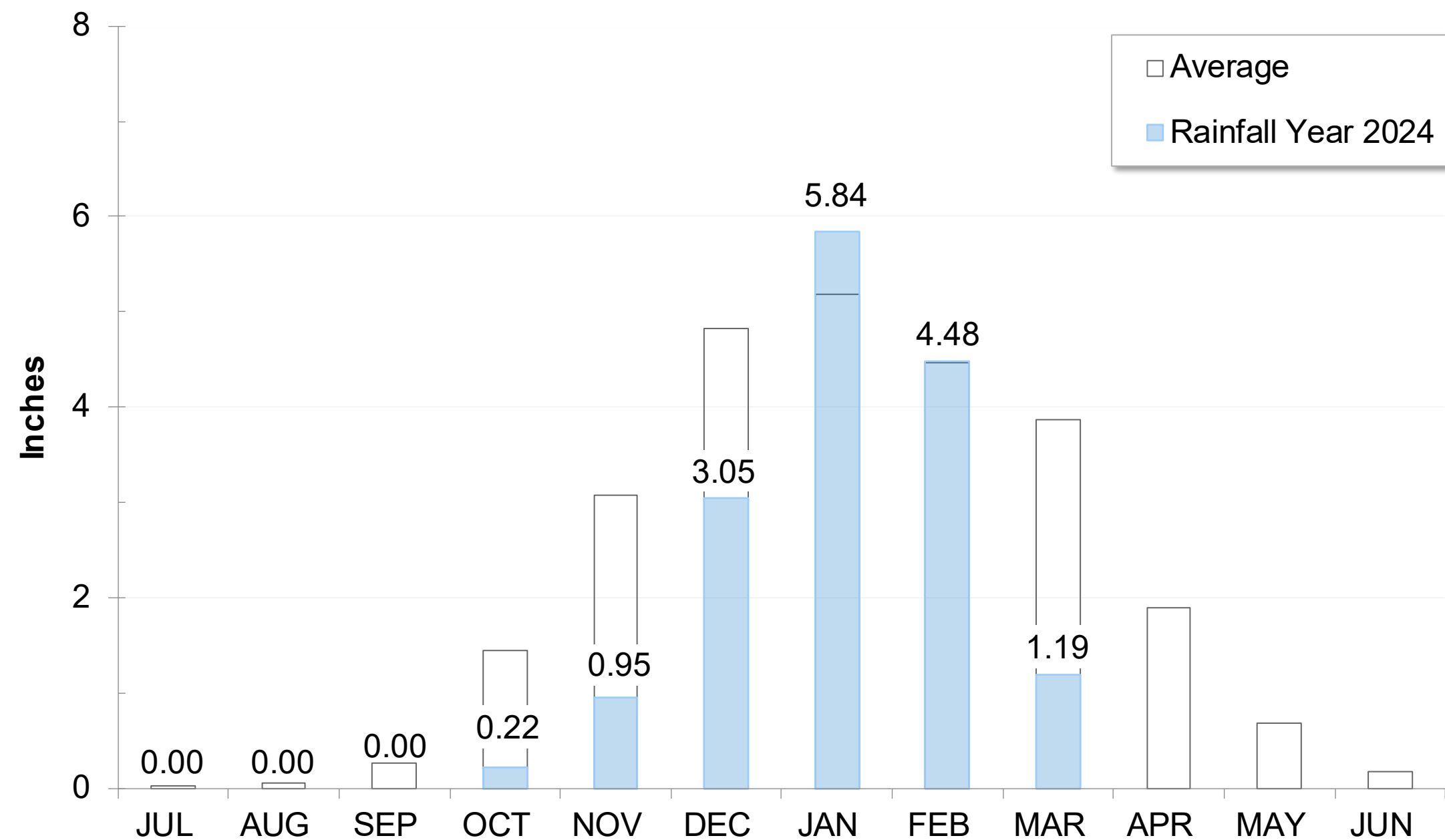
Current Water Supply

Gross Water Production



Precipitation as of March 6

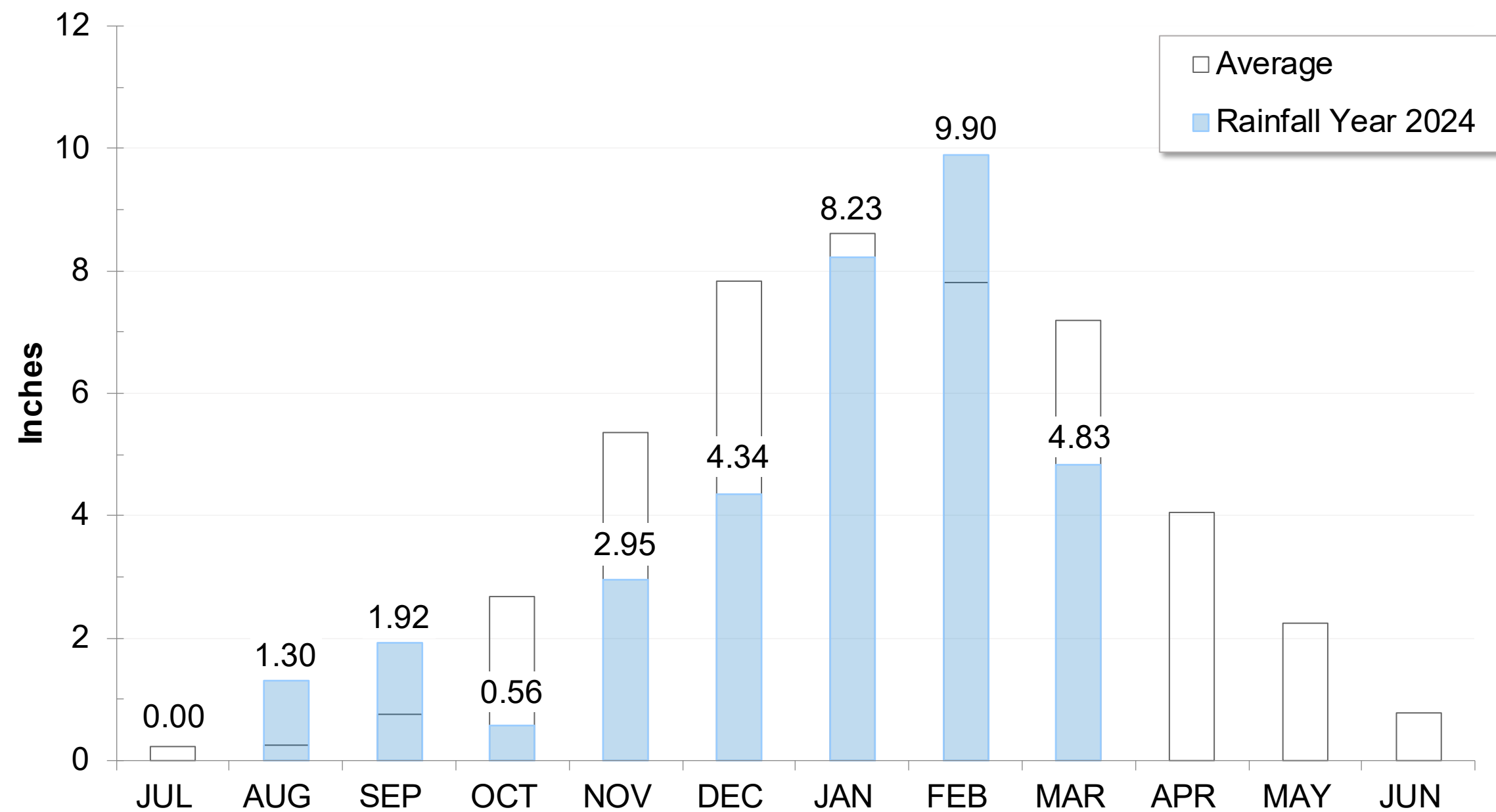
East Bay: 15.73" (76% of average)



San Pablo Reservoir Weather Station, D. Hansen, February 2024

Precipitation as of March 6

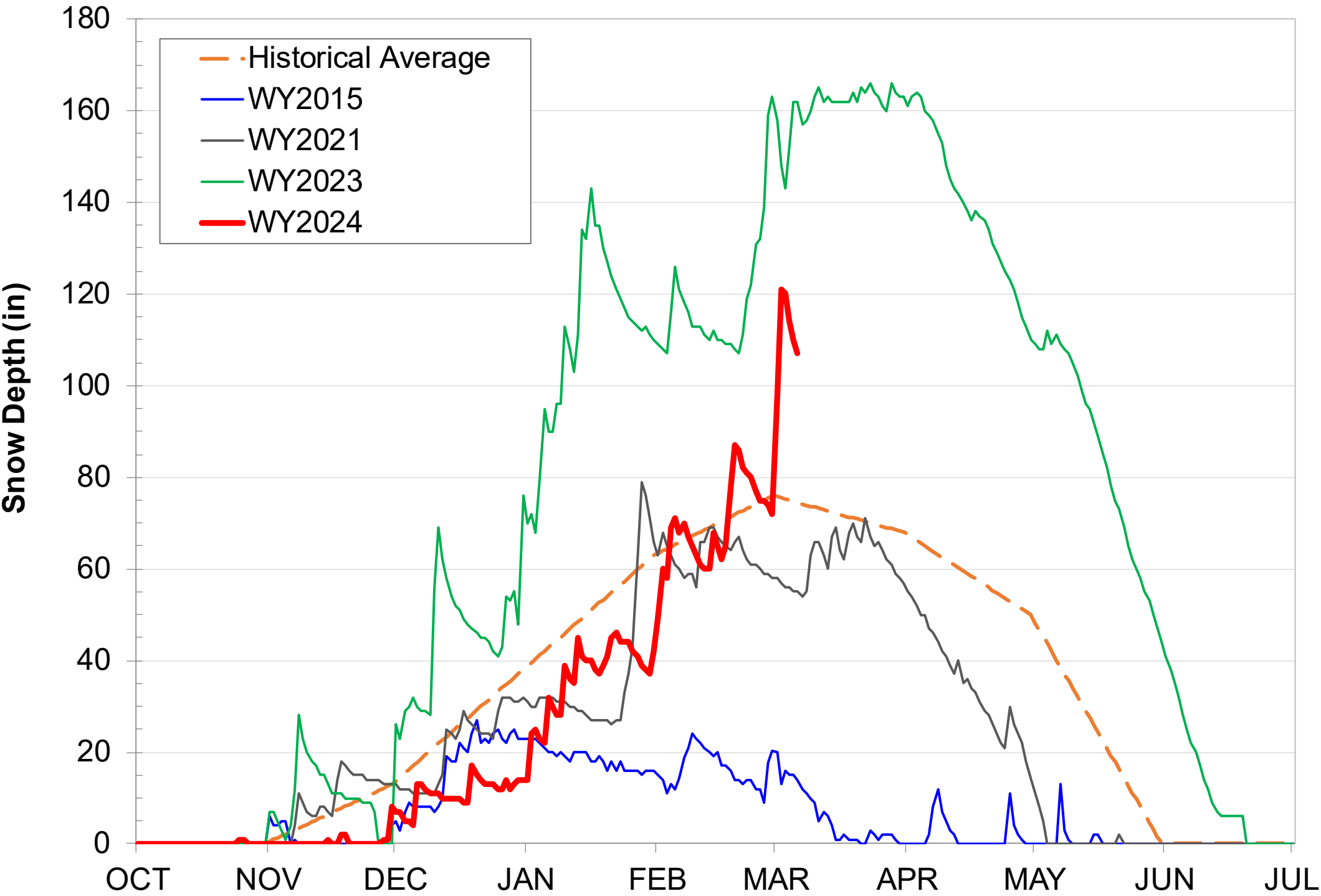
Mokelumne: 34.03" (96% of Average)



High-Elevation Snow (Caples Lake) as of March 6

Snow Depth
 107" (144% of average)

Snow Water Content
 29.10" (107% of average)



4-Day Snowfall Totals

February 29 – March 4
Caples Lake = 49"

Top 4-Day Snow Reports

Sugar Bowl	126"
Soda Springs CalTrans	116"
Kingvale CalTrans	106"
Palisades Tahoe	96"
Dodge Ridge	89"
Sierra Snow Lab	75.2"
Boreal	74"
Eagles Lakes CalTrans	66"
Blue Canyon CalTrans	31"

Additional Snow Reports

Quincy* (3-day)	18-24"
Shingletown* (3-day)	5-10"
Arnold* (2-day)	10.5"
Camino* (2-day)	6.6"

* CoCoRaHS or Spotter Reports

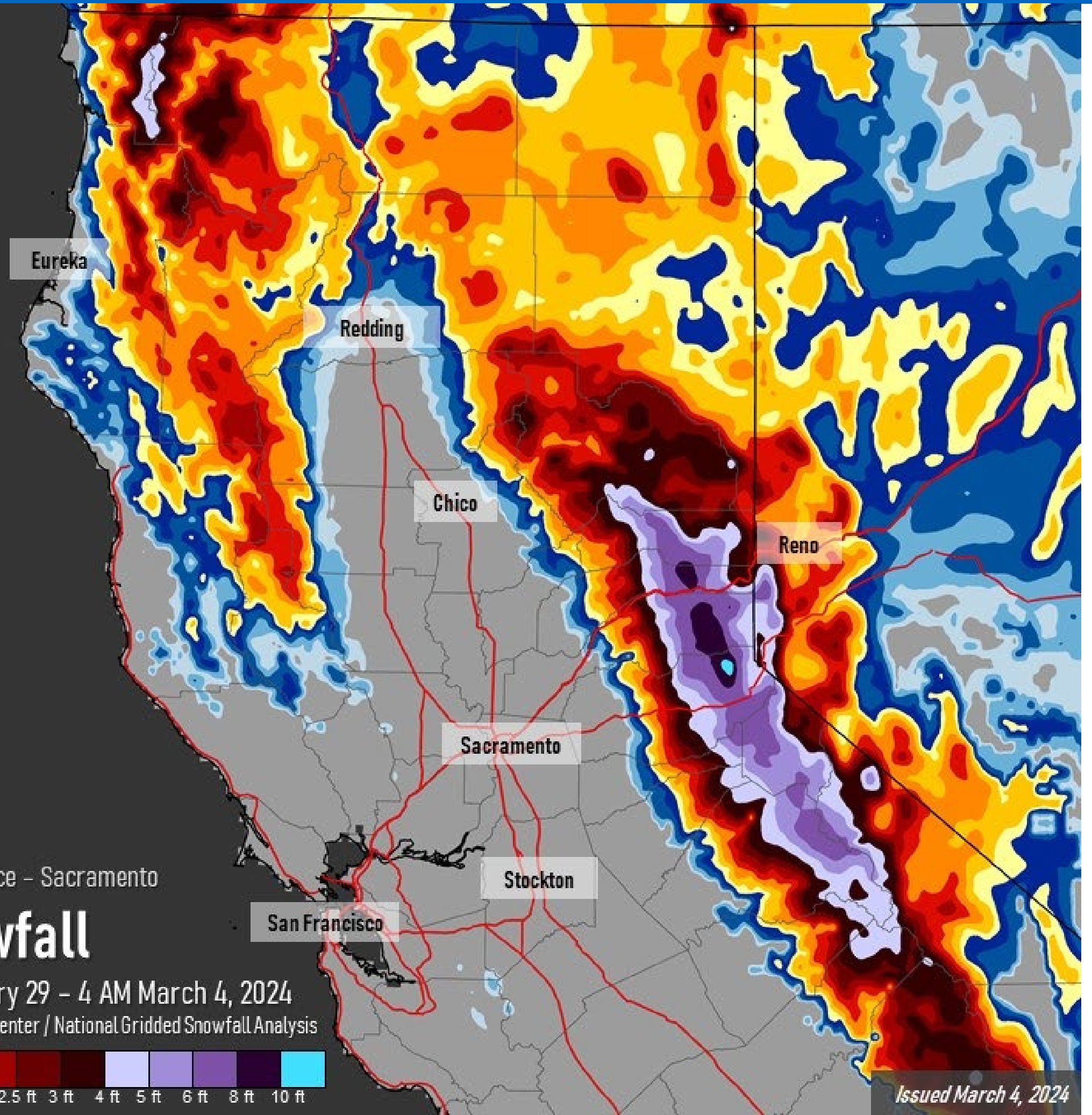
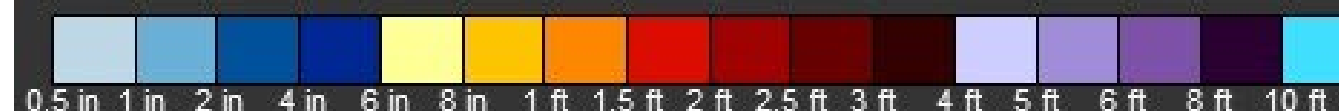


National Weather Service – Sacramento

Total Snowfall

4 Days: 4 AM February 29 – 4 AM March 4, 2024

Data Source: National Water Center / National Gridded Snowfall Analysis



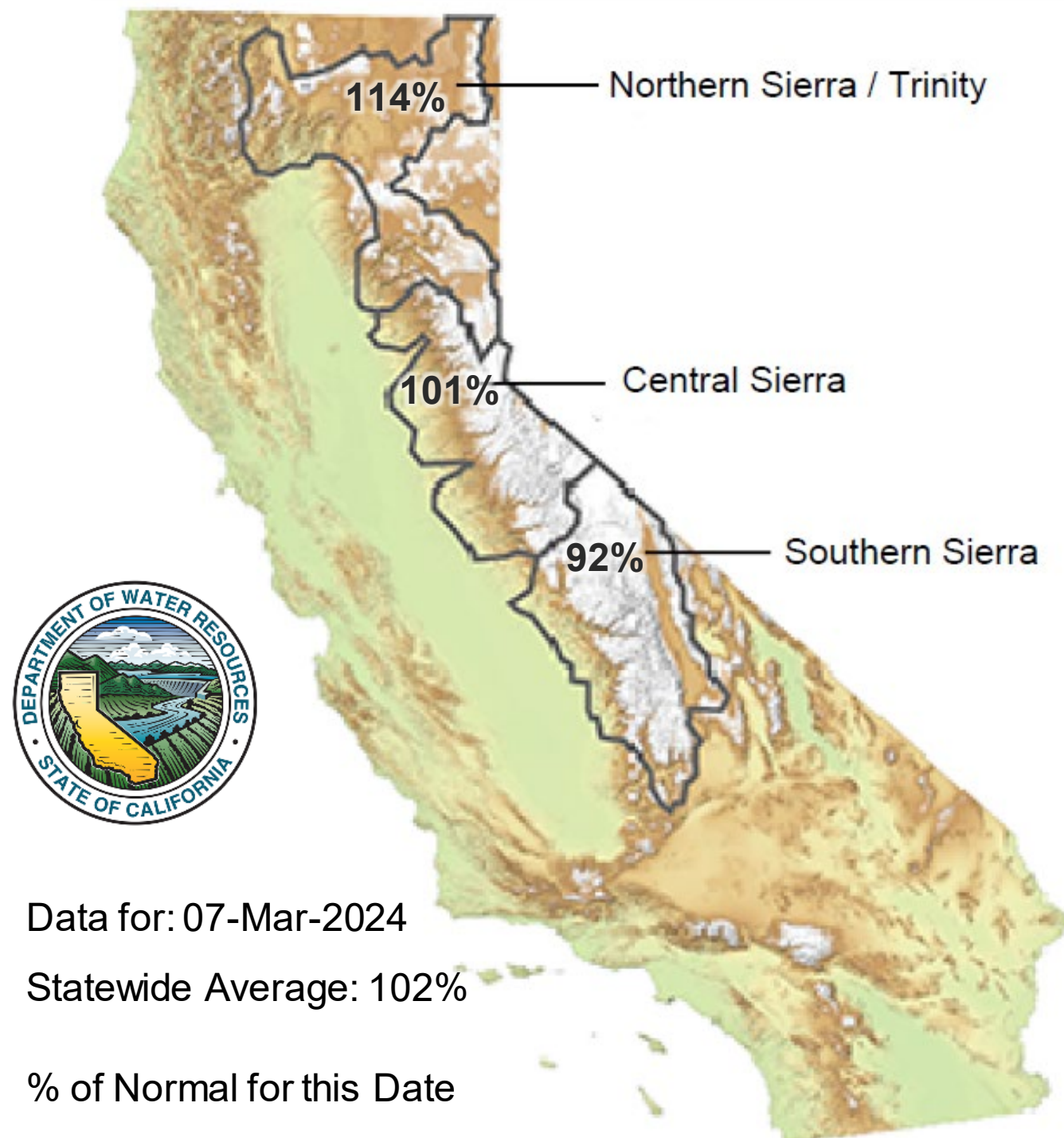
Issued March 4, 2024

California Water Supply



Snowpack as of March 7

Snow Water Equivalent:
101% in Central Sierra



Data for: 07-Mar-2024

Statewide Average: 102%

% of Normal for this Date



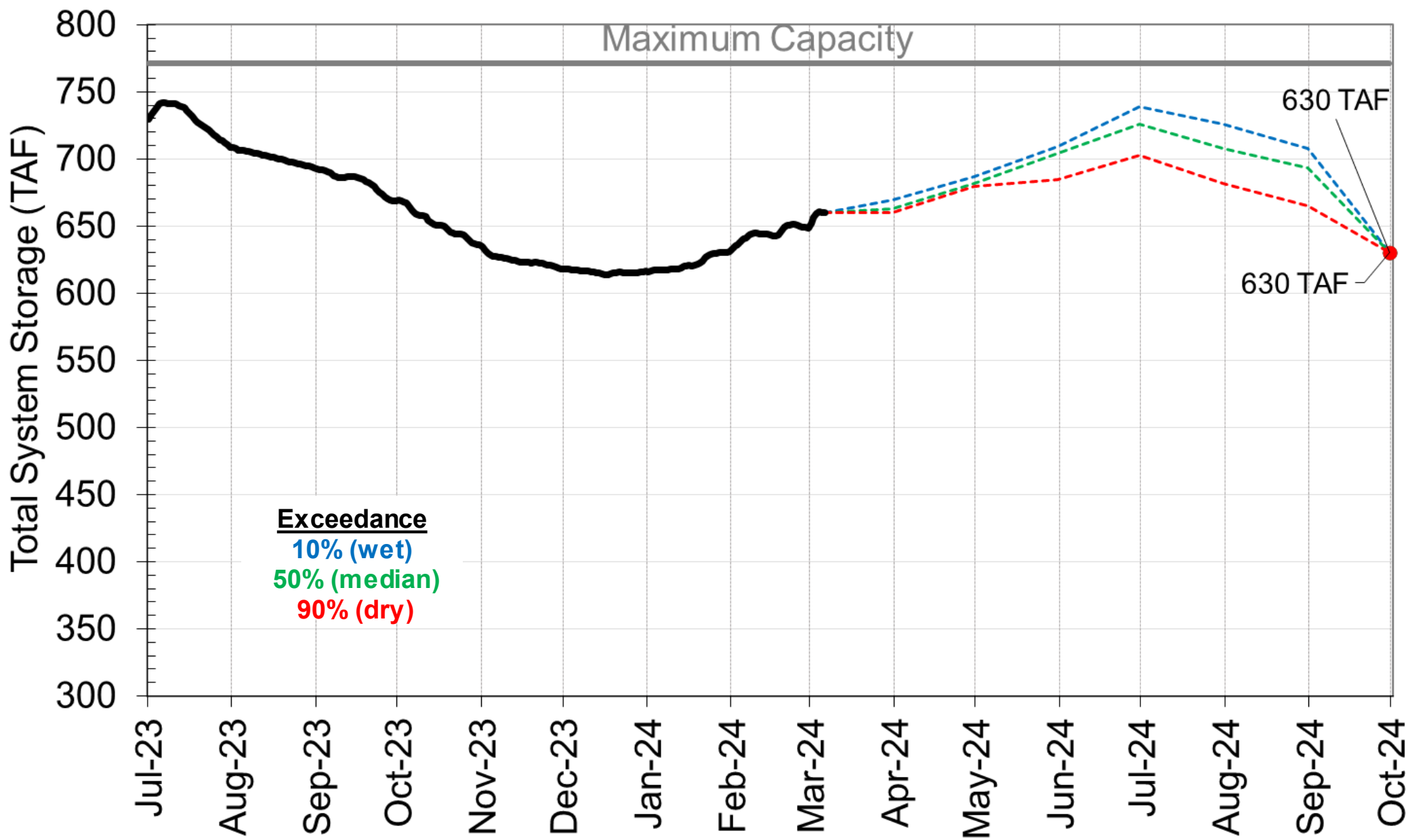
Water Supply Projections

Total System Storage as of March 6

Projected: 630 TAF by 9/30

Current: 660 TAF (111% of Average)

Reservoir	Current Storage, TAF	Percent of Average	Percent of Capacity
Pardee	183	99%	90%
Camanche	337	121%	81%
East Bay	140	104%	93%
Total System	660	111%	86%



TAF: Thousand Acre-Feet

Questions ?



Pardee Powerhouse, J. Wood, January 2023

