



**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, April 23, 2024

11:00 a.m.

Boardroom

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. *Elizabeth McKnight v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court Case No. MSC21-01085
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Eva Rodriguez
Claim No. 2023-L-219
3. Conference with Labor Negotiators Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; Lisa R. Sorani, Manager of Employee Services; and Robert L. Hannay, Treasury Manager, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.

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

REGULAR BUSINESS MEETING
1:15 p.m.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- Recognizing Asian American and Pacific Islander Heritage Month and EBMUD's Asian Pacific Employee Association Affinity Group
- Update 2024 Board Assignments for Committees, Joint Powers Authorities, and Associations

ANNOUNCEMENTS FROM CLOSED SESSION:

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

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

1. Approve the Regular Meeting Minutes of April 9, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, CR Fence Company dba Humboldt Fence Company, for supplying and installing security fencing for the Bixler Service Yard, for a total cost after the addition of taxes, not to exceed \$206,598 under Request for Quotation No. 2402.
4. Award a contract beginning on or after April 23, 2024 to the lowest responsive/responsible bidder, D&L Precision Rebuilding, for supplying a press brake and a metal shear for the Central Machine Shop, for a total cost after the addition of taxes, not to exceed \$395,212 under Request for Quotation No. 2407.
5. Authorize an agreement beginning on or after April 23, 2024 with Plummerbuilt Incorporated in the amount of \$109,860 for repairing a portion of the Camanche South Shore Maintenance Shop roof.

CONSENT CALENDAR: (Continued)

6. Award sole source contracts related to the Water Quality Research Facility Project.
 - 6.1. Award a sole source contract beginning on or after April 23, 2024 to Intuitech, Inc. for supplying pilot-scale carbon dioxide, ozone, and filter systems for the Water Quality Research Facility for a total cost, after the addition of taxes, not to exceed \$2,593,320.
 - 6.2. Award a sole source contract beginning on or after April 23, 2024 to Veolia Water Technologies, Inc., for supplying a pilot-scale ballasted flocculation system for the Water Quality Research Facility WQRF for a total cost, after the addition of taxes, not to exceed \$884,816.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 225-20 with Trussell Technologies, Inc. to increase the agreement amount by \$1,332,619 to a total amount not to exceed \$2,777,935 for the design of the Water Quality Research Facility Project.
8. Authorize an agreement beginning on or after April 23, 2024 with Sterry Architecture in an amount not to exceed \$254,490 for design engineering services for Pardee Center buildings improvements.
9. Authorize a seven-year agreement beginning on or after April 23, 2024, with Kleinschmidt Associates, Inc. in an amount not to exceed \$4,526,294 for professional services to provide strategic guidance in managing the Lower Mokelumne River Project relicensing process, assist with public outreach, and facilitate focus group meetings.
10. Authorize agreements for industrial hygiene and environmental sampling and related services.
 - 10a. Authorize agreements beginning on or after April 23, 2024 with Terraphase Engineering, Inc.; MECA Consulting, Inc. dba Millenium Consulting Associates; TRC Solutions, Inc.; and Forensic Analytical Consulting Services, Inc. in an aggregate amount of \$500,000 annually for three years, with two options to renew for additional one-year periods for the total amount, including option years, not to exceed \$2,500,000 for industrial hygiene and environmental sampling and related services.
 - 10b. Authorize additional agreements for industrial hygiene and environmental sampling and related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on April 23, 2024, with consultants that meet District standards and offer pricing at or below the range in the proposed agreements with the consultants above to increase flexibility and ensure consultant availability. The Board of Directors will be notified of additional qualified consultants by means of the General Manager's monthly report.

CONSENT CALENDAR: (Continued)

11. Authorize actions related to the LCPTracker, Inc. electronic certified payroll reporting and prevailing wage monitoring software.
 - 11.1. Ratify the extension of the agreement with LCPTracker, Inc., authorized under Board Motion No. 204-16 to April 30, 2024 and the total payment of \$75,680 for electronic certified payroll reporting and prevailing wage monitoring software rendered between February 1, 2023 and April 30, 2024.
 - 11.2. Authorize an agreement beginning on or after May 1, 2024 with LCPTracker, Inc. for three years, with two options to renew for additional one-year periods, for a total amount, including option years, not to exceed \$376,856 for an electronic certified payroll reporting and prevailing wage monitoring software.
12. Authorize actions related to the user licenses and agreement with Cornerstone OnDemand, Inc. for the District's online learning management services.
 - 12.1. Ratify the payment of \$43,360 to Cornerstone OnDemand, Inc. for an increase in user licenses for the online learning management system services for the current agreement year ending January 10, 2025.
 - 12.2. Authorize an amendment to extend the agreement previously authorized under Board Motion No. 007-22 with Cornerstone OnDemand, Inc. for three additional one-year option periods through January 10, 2028, and to increase the agreement amount by \$344,062, which incorporates the ratified amount from the action above, for a total amount not to exceed \$488,365 for providing online learning management system services for 2,100 user licenses.
13. Authorize the Office of General Counsel to employ the law firm of Spiegel & McDiarmid LLP, for specialized legal services related to the relicensing of the Lower Mokelumne River Project, Federal Energy Regulatory Commission License No. 2916, in an amount not to exceed \$150,000.
14. Approve the March 2024 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION:

15. Adopt a resolution to approve modifications to the following District Regulations Governing Water Service: Section 1: Explanation of Terms; Section 2: Applying for Service; Section 3: Standard Service; Section 18: Location of Service; Section 23: District Equipment on Customer Property; and Section 31: Water Efficiency Requirements. (Resolution)
16. File the 2024 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declare the District's water supply is sufficient for meeting customer demands in 2024.
17. General Manager's Report.
 - Service Award Recipients - January through March 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 14, 2024.

Disability Notice

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

Document Availability

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

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, April 23	Finance/Administration Committee	9:00 a.m. Boardroom	- Monthly Investment Transactions Report - Quarterly Financial Reports – Investment, and Payroll/Disbursement/Real Estate
	Cost of Service Study Workshop	9:30 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Tuesday, May 14	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
<u>2024 Board Committee Members</u>			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, McIntosh, Young	
Planning		Young {Chair}, Chan, Linney	
Sustainability		Linney {Chair}, Katz, Young	

APPENDIX

**Closed Session and Regular Business Meetings
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=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

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 line 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.

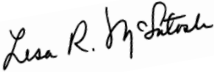
To view the livestream of Board meetings, please visit:
<https://www.ebmud.com/about-us/board-directors/board-meetings/>

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 23, 2024

MEMO TO: Board of Directors

FROM: Lesa R. McIntosh, President 

SUBJECT: Proposed updates to 2024 Assignments for Committees, Joint Powers Authorities, and Associations – April 2024

Listed below are proposed updates to assignments for Board committees, joint powers authorities, and associations for calendar year 2024. The Board will consider approving the updates at its April 23, 2024 meeting.

Planning

Director Young, Chair
Director Chan
Director Linney

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

Legislative/Human Resources

Director Patterson, Chair
Director Gómez
President McIntosh

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

Finance/Administration

Director Katz, Chair
Director Chan
Director Patterson

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

Sustainability

Director Linney, Chair
Director Katz
Director Young

4th Tuesday, quarterly, time to be determined
Administration Center Building

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Chan
Director Gómez
Director Young, **Alternate**

1st Monday in Feb.;
3rd Monday in May;
4th Monday in March, July, Sept., and Nov.
meets at 6:00 p.m.
Contact: Florence T. Wedington
Tel: 510-287-1625

Freeport Regional Water Authority

Director Patterson
Director Gómez
Director Katz, **Alternate**

2nd Thursday, quarterly at 10:00 a.m.,
location to be announced

Los Vaqueros Reservoir Joint Powers Authority

Director of Water and Natural Resources Tognolini
Director Linney, Alternate

*2nd Wednesday of the month at 9:30 a.m.,
location to be determined*

Contact: Grace W. Su
Tel: 510-287-7013

Retirement Board

Director Chan
Director Young

3rd Thursday odd numbered months at 9:00 a.m.

Administration Center Building
Contact: Valerie Weekly
Tel: 510-287-0760

Upper Mokelumne River Watershed Authority

Director Patterson
Director Gómez, Alternate
Director Katz, Alternate

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

Business Forum (Ad Hoc)

Director Linney
President McIntosh
Director Patterson

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Katz
Director Chan
Director Young, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Linney
Director Patterson, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Chan, Member
Director Katz, Alternate
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director Young, Member
Director Gómez, Alternate

MINUTES

**Tuesday, April 9, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:04 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Doug A. Linney, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Directors Andy Katz and William B. Patterson arrived in Conference Room 8 at 11:20 a.m. and 11:31 a.m., respectively.

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

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided at earlier Committee meetings, stay interviews, employees' rights outside of the union, and the Pierce/Bland case. She asked the Board to address retaliation by her supervisor.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Building Boardroom.

ROLL CALL

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

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

BOARD OF DIRECTORS

President Lesa R. McIntosh led the Pledge of Allegiance.

PRESENTATION

General Manager Clifford C. Chan announced the District received the American Society of Civil Engineers Region 9 Award for Outstanding Water Project of the Year for the San Pablo Clearwell and Rate Control Station Project. The award recognizes projects in California where the primary purpose is the supply, storage, and conveyance of potable and/or recycle water, and which demonstrate innovation and improvements to the state of practice for water supply and delivery projects. The following staff were present to represent the many employees from various departments that contributed to the success of the project: Tom Bullock, Associate Civil Engineer; Sanna Garcia, Associate Civil Engineer; Paresh Gandhi, Assistant Electrical Engineer; Robert Johnson, Senior Construction Inspector; Jin Lin, Assistant Engineer; Jennifer McGregor, Senior Civil Engineer; Yousef Nouri, Associate Civil Engineer; Kevin Smith, Maintenance Superintendent; Sonya Spala, Associate Mechanical Engineer; Jamie Sweet, Assistant Engineer; and Karl Tingwald, Senior Civil Engineer. On behalf of the Board, Director Andy Katz presented the award and thanked staff for their contributions.

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh announced the Board met in closed session this morning to consider a request by the General Counsel to authorize initiation of litigation. All Directors were present at the closed session, including Director Patterson. All Directors present voted to authorize the General Counsel to initiate litigation in one matter. The action, parties, and other particulars will be disclosed upon inquiry once the actions are formally commenced. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board, previous tort complaints she has filed against the District, employees' individual rights, the Director of Human Resources, and awaiting a response from Human Resources regarding the Grounds Foreman job description.

CONSENT CALENDAR

- Motion by Director Patterson, seconded by Director Linney to approve the recommended actions for Items 1-8 on the Consent Calendar carried (6-0) by the following voice vote: (Chan, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 058-24** – Approved the Special Meeting and Regular Meeting Minutes of March 26, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Water Supply Update," dated April 9, 2024; **2)** General Manager's Monthly Report – March 2024; **3)** Speakers' Bureau and Outreach Record CY24, dated April 9, 2024; **4)** Document entitled, "Case 4_15-cv-00380-DMR Document 10," filed July 7, 2015; **5)** Email dated April 5, 2024 from Eric Larsen to Juan Valencia and Ivette Rivera regarding Grounds Foreman (with attachments); **6)** Letter undated from Andi Li to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **7)** Letter undated from Scott Gerbert to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **8)** Letter dated April 1, 2024 from Kay Wang to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **9)** Letter dated April 3, 2024 from Beverly Lane to Board of

Directors regarding Letter of Recommendation for Bill Clarkson; **10)** Letter dated April 4, 2024 from Michelle Lee to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **11)** Letter dated April 7, 2024 from Rachel Hurd to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **12)** Letter dated April 7, 2024 from David Fong to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **13)** Letter dated April 8, 2024 from Sridhar Verose to Board of Directors regarding Letter of Recommendation for Bill Clarkson; **14)** Letter dated April 8, 2024 from Dinesh Govindarao regarding Letter of Recommendation for Bill Clarkson; **15)** Email dated April 5, 2024 from Jay Kerr regarding Letter of Recommendation for Bill Clarkson; **16)** Email dated April 7, 2024 from Renee Morgan regarding Letter of Recommendation for Bill Clarkson; **17)** Letter undated from Mark Armstrong regarding Letter of Recommendation for Bill Clarkson; **18)** Letter dated April 5, 2024 from Heidi Kenniston-Lee regarding Letter of Recommendation for Bill Clarkson; **19)** Letter dated April 2, 2024 from Jesse vanZee regarding Letter of Recommendation for Bill Clarkson; **20)** Letter dated April 2, 2024 from Susanna Ordway regarding Letter of Recommendation for Bill Clarkson; **21)** Email dated April 3, 2024 from Matt Stamey regarding Letter of Recommendation for Bill Clarkson; **22)** Letter dated April 4, 2024 from W. Scott Perkins regarding Letter of Recommendation for Bill Clarkson; **23)** Letter undated from Ann Marie Johnson regarding Letter of Recommendation for Bill Clarkson; **24)** Letter undated from Karen Stepper regarding Letter of Recommendation for Bill Clarkson; **25)** Letter dated April 8, 2024 from Dinesh Govindarao regarding Letter of Recommendation for Luz Gómez; and **26)** Email dated April 9, 2024 from Heinrich Albert regarding Recommendation for Mariah Lauritzen.

3. **Motion No. 059-24** – Awarded a sole source contract beginning on or after April 9, 2024, to Volvo Construction Equipment and Services for supplying one Volvo JL25H fully electric compact wheel loader with attachments for the Main Wastewater Treatment Plant for a total cost, after the addition of taxes, not to exceed \$189,157.
4. **Motion No. 060-24** – Authorized an agreement beginning on or after April 9, 2024, with Environmental Science Associates in an amount not to exceed \$205,909 for one year to conduct biological field surveys to verify the presence of groundwater dependent ecosystem (GDEs) in the East Bay Plain Subbasin and recommend a subset of verified GDEs for baseline and ongoing ecological health monitoring.

In response to a question from Director Chan, Director of Water and Natural Resources Michael T. Tognolini explained EBMUD is responsible for a larger portion of the East Bay Plain Subbasin and the agreement costs are in proportion to the amount of area for which each agency is responsible.

5. **Motion No. 061-24** – Authorized an agreement beginning on or after April 9, 2024 with Woodard & Curran, Inc. for one year, with one option to renew for an additional one-year period for a total amount, including option years, not to exceed \$756,197 for a Value Engineering and Rate Study for the Camanche and Pardee Recreation wastewater facilities.
- 6a. – **Motion No. 062-24** – Authorized amendments to the agreements previously authorized under
- 6b. Board Motion No. 121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Company; Carone & Company, Inc.; Forticon, Inc.; J.V. Lucas, 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 \$15,000,000 and extend the agreement terms to April 9, 2025 for paving and other related services; and authorized 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

April 9, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

7. **Resolution No. 35393-24** – Reauthorizing Designation Of Agents To State Office Of Emergency Services For Disaster Reimbursement.
8. **Resolution No. 35394-24** – Authorizing Acceptance Of Grant Awarded By The Federal Emergency Management Agency For Phase 1 Of The Influent Pump Station Seismic Retrofit Project.

DETERMINATION AND DISCUSSION

9. **Discuss and consider options for amending the EBMUD Employees' Retirement System Ordinance No. 40 with respect to pension benefits for EBMUD Board members.**

Assistant General Counsel Lourdes M. Matthew reviewed options for amending the Retirement System ordinance. Director Young requested options for amending the ordinance with respect to the pension benefits conferred upon EBMUD Board members. The options were presented at the March 21, 2024 EBMUD Retirement Board meeting. The Retirement Board requested that the proposed options be presented to the EBMUD Board for discussion and to receive direction on next steps. Ms. Matthew discussed the ordinance's history and sections of the ordinance that allow Board members to participate in the Retirement System and accrue service on the same basis as full-time employees. Section 12331 of the Municipal Utility District (MUD) Act provides the Board considerable latitude in determining the terms governing the amount of pension to which Board members may be entitled. The 1986 amendment to the MUD Act did not *require* elected Board members to become members of the Retirement System, but rather permitted the Board to allow Board members to participate. She reviewed the following options for amending the ordinance with respect to the pension benefits conferred upon EBMUD Board members. Option 1 would be to revert back to pre-1987 rules and preclude Board members from participating in the Retirement System. Under this option, Board members would not be eligible to receive a retirement allowance from the District, which would preclude eligibility for reciprocity. This option would also allow District retirees to serve on the Board without being subject to provisions under the California Public Employees' Pension Reform Act (PEPRA) and would require the least administrative changes to the operation of the Retirement System. Option 2 would calculate service for Board members on a less than full-time basis to reflect the part-time nature of the Board members. The Board could pro-rate service that would be counted as creditable service for the purpose of calculating a Board member's pension. For example, for every full year of service, a Board member could receive 0.25 years of service. The pro-rated service would be used to calculate the amount of retirement allowance a Board member would be entitled. For purposes of calculating the years of service to determine whether a member may remain in the Retirement System, the Board could treat one year of service on the Board as a full year and not pro-rate that service. Implementing the pro-rating option would require significant administrative changes to the operation of the Retirement System. Additionally, the ordinance currently excludes employees employed as part-time, limited-term, temporary, and temporary construction. These changes would create a new class of members for Directors. Option 3 could offer an alternative benefit to Board members that would also be offered to District employees if the EBMUD Board decides to exclude Board members from joining the Retirement System. Next, Ms. Matthew reviewed PEPRA considerations for District retirees that may be

elected or appointed to the EBMUD Board. PEPRA expressly states: “[a] retired person shall not serve, be employed by, or be employed through a contract directly by a public employer in the same public retirement system from which the retiree receives the benefit without reinstatement from retirement.” If a District retiree is elected or appointed to serve on the Board, the District retiree would be required to be reinstated to the Retirement System and the Retirement System would be required to stop payment of retirement benefits for the time the retiree serves on the Board. Reciprocal benefits of a District retiree could also be affected if a retiree reinstates from retirement to serve on the Board. The California Public Employees' Retirement System (CalPERS) considers reinstatement from retirement as breaking concurrent retirement. Retirement benefits after reinstatement would be based only on the final compensation from each agency where the retiree worked, rather than on the highest compensation across all agencies. The loss of reciprocity specifically affects District retirees who return to serve on the Board. However, this does not affect Directors who are not retirees of the District. To address these issues, the EBMUD Board could consider amending the Retirement ordinance to potentially exclude District retirees from being members of the Retirement System if they return as Board members. This would allow a retiree to continue receiving their pension, retain reciprocity, and receive compensation as Board members. There was considerable discussion by the Board regarding the options presented and potential impacts to vesting rights; using Government Code section 20039 to draft amendments to the Retirement ordinance; excluding Board members from receiving reciprocal benefits; results from the survey conducted by the Office of General Counsel regarding pension benefits for Board members at other agencies; modifying the Retirement ordinance without making modifications to the MUD Act; potential impacts to the retiree Health Insurance Benefit by any of the proposed options; and addressing amendments for Board member pension benefits and PEPRA requirements for District retirees that are elected or appointed to serve on the Board as separate items. General Counsel Derek T. McDonald clarified staff will prepare amendments to the Retirement ordinance based on the direction received and conduct a first reading of the ordinance amendments at an upcoming Board meeting. The Board can choose to vote separately on each proposed amendment at the first reading. The Board asked staff to prepare a chart depicting the current status, issues, and proposed amendments for each item for the upcoming discussion.

10. General Manager’s Report.

Water Supply Update – water production; precipitation to date; reservoir storage; and forecasted supply conditions for the remainder of water year 2024

Director of Operations and Maintenance David A. Briggs highlighted the following data as of April 3: gross water production; precipitation in the East Bay (17.69 inches) and in the Mokelumne (38.68 inches); and the snow depth (88 inches) and snow water content (32.76 inches) at Caples Lake. He reviewed and snowpack levels and snow water equivalent in the Sierras as of April 4 and reported that as of April 3, the District’s total system storage was 665,000 acre-feet and is still projected to be approximately 630,000 acre-feet by September 30.

Monthly Report – March 2024

General Manager Clifford C. Chan announced the Monthly Report and Speakers’ Bureau and Outreach Record CY24 had been provided at Board places.

11. Committee Reports.

- Filed with the Board were the Minutes for the March 26, 2024 Finance/Administration Committee.
- Chair Marguerite Young reported the Planning Committee met earlier and received reports on the Wastewater Pretreatment and Pollution Prevention Programs Update; Los Vaqueros Reservoir Expansion Project Updates; and Annual Watershed and Recreation Report – 2023.
- President Lesa R. McIntosh reported the Legislative/Human Resources Committee met earlier and received an update on Maximizing Employee Retention and Engagement through Stay Interviews. Due to time constraints the Diversity, Equity, and Inclusion Strategic Plan Update was deferred to the Committee meeting in May.

REPORTS AND DIRECTOR COMMENTS

12. Other Items for Future Consideration.

None.

13. Director Comments.

- Director Young reported attending the Niagara Movement Foundation event on March 23 in Oakland along with Directors Chan and Linney where Director Patterson was honored with the Foundation's Legacy Award. She also reported participating in the first Community Water Academy presentation at the Adeline Maintenance Center and other nearby facilities on April 3 in Oakland and commented the diverse backgrounds, experience, and ages of the participants are impressive.
- Directors Chan, Katz, Linney, Patterson and President McIntosh had no reports.

President McIntosh adjourned the Regular Business meeting at 2:25 p.m. and announced the Board of Directors would reconvene to continue the Regular Business meeting at 4:00 p.m. to conduct public interviews and adopt a resolution to appoint a candidate to serve as the Director representing EBMUD Ward 2 until the general election on November 5, 2024.

Regular Business Meeting (continued)

President Lesa R. McIntosh called to order the continued Regular Business Meeting of the Board of Directors at 4:04 p.m. in the Administration Building Boardroom.

ROLL CALL

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

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

President McIntosh announced Director Andy Katz would chair the remainder of the meeting.

DETERMINATION AND DISCUSSION

14. **Conduct public interviews with the following candidates – Kurt Arends, James Cervantes, Bill Clarkson, Luz Gómez, and Mariah Lauritzen, and adopt a resolution appointing one of the candidates to serve as the Director representing East Bay Municipal Utility District Ward 2 until the General Election on November 5, 2024. Ward 2 includes Alamo, Lafayette, the Town of Danville; portions of Pleasant Hill, San Ramon, and Walnut Creek; and the communities of Blackhawk and Diablo.**

Director Katz announced the Board would now conduct the public interviews. The Ad Hoc Committee, appointed by the Board of Directors, recommended all five candidates be interviewed and considered for appointment. Public comment on Agenda Item 14 would be received at the conclusion of all interviews. The Board will deliberate after all public comment has been received and consider appointing one of the candidates to serve as the Director representing Ward 2. If the Board determines more time is needed for deliberation, the Board will vote to confirm holding a special Board meeting on April 16 at a time to be determined and consider the appointment at that meeting or, during the regularly scheduled Board meeting on April 23. Director Katz asked if Board members had any questions. There were no questions from the Board. The order of the interviews was based on a random selection. The Board asked a series of questions and received responses from candidates in the following order: Luz Gómez, Bill Clarkson, Mariah Lauritzen, Kurt Arends, and James Cervantes.

PUBLIC COMMENT

- Addressing the Board were the following: 1) John Goia, Contra Costa County Board of Supervisors, spoke in support of Luz Gómez; 2) Kyle Levy, San Ramon resident spoke in support of Bill Clarkson; and 3) Jean Kuznik, San Ramon resident spoke in support of Bill Clarkson.

Director Katz announced the Board would take a 20-minute recess in individual locations and would reconvene in the Boardroom to begin deliberations. The Board recessed at 6:11 p.m. and reconvened at 6:36 p.m.

Board members deliberated and discussed the candidates' qualifications and responses to the interview questions. Directors Young, Katz, and McIntosh expressed support for Luz Gómez. Directors Chan, Linney and Patterson expressed support for Luz Gómez and Bill Clarkson.

General Counsel Derek T. McDonald explained that under the Municipal Utility District Act, the candidate appointed to the Board seat will commence their duties immediately upon appointment and be a member of the Board this evening. He noted the appointee would still have to take the oath of office within 14 days of appointment. Following additional discussion, Director Young put forth a motion to nominate Luz Gómez to fill the vacant Board seat in Ward 2.

- Motion by Director Young, seconded by Director McIntosh to appoint Luz Gómez to fill the vacant Board seat in Ward 2 until the General Election on November 5, 2024, carried (6-0) by the following roll call vote: (Chan, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
- **Resolution No. 35395-24** – Appointing Luz Gómez To The Board Of Directors Of The East Bay Municipal Utility District.

Director Katz thanked the candidates for their participation and offered Ms. Gómez the opportunity to address the Board. Ms. Gómez thanked the Board and said she was honored and humbled and looked for to serving on the Board. The Board congratulated Ms. Gómez on her appointment.

ADJOURNMENT

Director Katz adjourned the meeting at 7:04 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: April 23, 2024

Lesa R. McIntosh, President of the Board



BOARD ACTION

Agenda Number:	3.	Meeting Date:	April 23, 2024
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TITLE	BIXLER SERVICE YARD SECURITY FENCING
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, CR Fence Company dba Humboldt Fence Company, for supplying and installing security fencing for the Bixler Service Yard, for a total cost after the addition of taxes, not to exceed \$206,598 under Request for Quotation No. 2402.
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SUMMARY	This project replaces the existing standard chain link fence, surrounding the Bixler Service Yard with new security fencing to provide increased security of the yard. The security fence is needed to reinforce the security of the service yard and prevent further theft of District property.
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DISCUSSION	The Bixler Service Yard is located within a remote area of unincorporated Contra Costa County surrounded by farms and fronting a semi-busy road used by locals and visitors to a popular marina. Due to its remoteness and lack of neighbors, the service yard has been subject to numerous break-ins and theft of high-value tools locked within service trucks parked in the yard. In recent years, there has been a significant increase in burglary and unauthorized access into the service yard. This has resulted in tens of thousands of dollars in unplanned costs to replace equipment and tools stolen during non-business hours. Installing approximately 2,250 linear feet of new security fencing around the perimeter of the yard provides increased security, ultimately reducing the amount of loss due to theft. This purchase supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.
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VENDOR SELECTION	A request for quotations was posted on the District's website, sent to ten potential proposers, and advertised in the Oakland Tribune. Ten bids were received. CR Fence Company dba Humboldt Fence Company was the lowest responsive/responsible bidder.
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SUSTAINABILITY	Economic Funding for this purpose is available in the Fiscal Year 2024/2025 adopted capital budget for Raw Water Aqueduct Improvements. Social This purchase will provide improved security for staff and reduce future property loss.
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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: FY2024, CIP#700045, Page 61	Budget Coding: 11.763.0000.201471.53010.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Bixler Service Yard Security Fencing	Meeting Date:	April 23, 2024
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Environmental

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 because it involves replacement and reconstruction of an existing structure. The project is also exempt pursuant to CEQA Guidelines Section 15301 because it involves minor alteration of an existing facility, and it is exempt pursuant to CEQA Guidelines Section 15304 because it involves a minor alteration to land. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

ALTERNATIVES

Do not purchase and install security fencing. This alternative is not recommended because the Bixler Service Yard is in a rural area and has been subject to several burglaries in the past three years resulting in tens of thousands of dollars of stolen tools and equipment. The new security fencing will provide a deterrent against crime and increase the safety of staff.

Reject received bids 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 material and installation of the fencing.

I:\Sec\2024 Board Related Items\042324 Board Agenda Items\FIN - Bixler Service Yard Security Fencing.docx



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- RFQ 2402 Bixler Yard Security Fencing				DATE: April 11, 2024							
CONTRACTOR: CR Fence Company dba Humboldt Fence Company Fortuna, CA Small Business				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%			
\$206,598 *		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: CR Fence Company dba Humboldt Fence Company		\$206,598	White	x		100.0%					
SUBS:											
TOTAL		\$206,598			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:		18		0		2		20			
Percent of Total Employees:		90.0%		0.0%		10.0%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		California									
COMMENTS											
Contract Equity Participation : 100% White Men participation. Contract Duration : NA *Total not to exceed: \$206,598											
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: Bixler Yard Security Fencing			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 2402		DATE: 4/11/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: SBE	Company Wide	1	1	0	0	2	10.0%	48.4%
CR Fence Company dba Humboldt Fence Company Russ Renner 564 State Hwy 36 Fortuna, CA 95540 707-822-9511		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	33.3%	
		Semi/Unskilled	1	0	0	0	1	7.1%	
		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:	California		# Employees-Co. Wide:		20		Bay Area: 0
P		INFORMATION NOT PROVIDED							
AAA Fence Company 2746 Scott Blvd. Santa Clara, CA 95050 408- 727-5465									
P	EMM-A/PI: LBE	Company Wide	1	21	5	-	27	87.1%	37.3%
Arrow Creative Solutions Inc.dba Arrow Fence Company Ravinder Gill 4025 Cincinnati Ave Rocklin, CA 95765 916-626-3030		Manager/Prof	0	1	5	0	6	85.7%	
		Technical/Sales	1	0	0	0	-	NA	
		Clerical/Skilled	0	8	0	0	8	72.7%	
		Semi/Unskilled	0	12	0	0	12	92.3%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		31		Bay Area: 0
P	WM: SBE	Company Wide	-	16	1	1	18	72.0%	47.4%
All Steel Fence, Inc. Denise Cornell 146 KLO Road Lathrop, CA 95330 209-983-8409		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	0.0%	
		Clerical/Skilled	0	3	1	0	4	66.7%	
		Semi/Unskilled	0	13	0	1	14	82.4%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Stockton		# Employees-Co. Wide:		25		Bay Area: 0
P	WM: L/SBE	Company Wide	28	-	-	-	28	80.0%	39.9%
Chain Link Fence & Supply Inc. Kenny Stanley 7650 Hawthorne Ave, Suite 2 Livermore, CA 94550 925-606-8167		Manager/Prof	2	0	0	0	2	40.0%	
		Technical/Sales	5	0	0	0	5	62.5%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	21	0	0	0	21	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		35		Bay Area: 0

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Bixler Yard Security Fencing		Ethnic Minority Percentages From U.S. Census Data							
		National		B	H	A/PI	AI/AN	TOTAL	
				10.5	10.7	3.7	0.7	27.3	
Materials and Supplies Contract		DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		4/11/2024	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: L/SBE	Company Wide	1	39	2	1	43	50.0%	37.3%
Crusader Fence Company LLC Brandon Staham 3115 Gold Valley Drive Rancho Cordova, CA 95742 916-631-9191		Manager/Prof	1	2	2	0	5	41.7%	
		Technical/Sales	0	1	0	0	1	8.3%	
		Clerical/Skilled	0	7	0	1	8	61.5%	
		Semi/Unskilled	0	29	0	0	29	59.2%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		86	Bay Area:	0
P	EMM-H: SBE	Company Wide	-	36	1	-	37	97.4%	47.4%
Golden Bay Fence Plus Iron Works, Inc. Paul W. Chavez 4104 S. B Street Stockton, CA 95206 209-944-7754		Manager/Prof	0	5	0	0	5	83.3%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	1	1	0	2	100.0%	
		Semi/Unskilled	0	30	0	0	30	100.0%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Stockton		# Employees-Co. Wide:		38	Bay Area:	33
P	EMM-A/PI: LBE	INFORMATION NOT PROVIDED							
Saboo Inc. Toheed Asghar 45 Beatrice Court #H Brentwood, CA 94513 925-588-6352									
P	WM	Company Wide	-	33	-	-	33	86.8%	52.1%
Silicon Valley Paving, Inc. Todd Slyngstad 1050 Commercial St. #101 San Jose, CA 95112 408-286-9101		Manager/Prof	0	3	0	0	3	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	16	0	0	16	100.0%	
		Semi/Unskilled	0	14	0	0	14	100.0%	
		Bay Area	-	33	-	-	33	86.8%	39.9%
		Co. Wide MSA:	San Jose		# Employees-Co. Wide:		38	Bay Area:	38
P	WW:SBE	Company Wide	-	23	2	1	26	78.8%	47.4%
Stockton Fence & Material Co 2007 N Wilson Way Stockton, CA 95205 209-466-3166		Manager/Prof	0	4	0	1	5	55.6%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	4	2	0	6	85.7%	
		Semi/Unskilled	0	15	0	0	15	88.2%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Stockton		# Employees-Co. Wide:		33	Bay Area:	33

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)

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BOARD ACTION

Agenda Number:	4.	Meeting Date:	April 23, 2024
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TITLE	PRESS BRAKE AND METAL SHEAR
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a contract beginning on or after April 23, 2024 to the lowest responsive/responsible bidder, D&L Precision Rebuilding, for supplying a press brake and a metal shear for the Central Machine Shop, for a total cost after the addition of taxes, not to exceed \$395,212 under Request for Quotation No. 2407.
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SUMMARY	This contract is for the purchase and installation of a Standard Industrial Corp. Model AB250-12 Press Brake and a Standard Industrial Corp. Model AS500-10 Metal Shear to replace the old press brake and metal shear at the Central Machine Shop that was deemed to be unsafe and taken out of service.
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DISCUSSION	The equipment to be replaced is an older press brake and metal shear which has been deemed unsafe by the District's workplace health and safety staff and has been removed from service. The press brake and metal shear, which are located in the Central Machine Shop at the Adeleine Maintenance Center, were in service for about 50 years. The press brake and metal shear are regularly used for fabrication of tools, safety guarding and repair items in distribution pumping plants and treatment plants. The new press brake and metal shear will provide advanced safety features, reliability, and longevity needed for this highly used equipment. This purchase supports the District's Long-Term Infrastructure Investment, Long-Term Financial Stability, and Workforce Planning and Development Strategic Plan goals.
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VENDOR SELECTION	A request for quotations was posted on the District's website, sent to 13 potential proposers, and advertised in the Oakland Tribune. One bid was received. D&L Precision Rebuilding was therefore the lowest responsive/responsible bidder.
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SUSTAINABILITY	Economic Funding for this purchase is available in the Fiscal Year 2024/2025 adopted capital budget for Minor Facilities Work.
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ALTERNATIVES	<u>Do not purchase this equipment.</u> This alternative is not recommended because the equipment is needed to perform regular and emergency repairs in the District's Central Machine Shop.
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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 2024/2025, Award #7000161, Page # 15	Budget Coding: 11.736.0000.2013558.2014694.55110.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Press Brake and Metal Shear	Meeting Date:	April 23, 2024
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Reject received 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 equipment 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 Materials and Supplies Contract -RFQ 2407 Press Brake and Metal Shear						DATE: March 20, 2024						
CONTRACTOR: D&L Precision Rebuilding				Sole Proposer		PERCENTAGE OF CONTRACT DOLLARS						
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	Foreign	
PRIME: D&L Precision Rebuilding		\$361,212	White	x		91.4%						
SUBS: Lawson Drayage		\$10,000	White	x		2.5%						
Allway Trucking		\$24,000	White	x		6.1%						
TOTAL		\$395,212				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 *Total not to exceed: \$395,212												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



BOARD ACTION

Agenda Number:	5.	Meeting Date:	April 23, 2024
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TITLE

CAMANCHE SOUTH SHORE MAINTENANCE SHOP ROOF REPLACEMENT

ACTION

☒ Motion:

☐ Resolution:

☐ Ordinance:

RECOMMENDED ACTION

Authorize an agreement beginning on or after April 23, 2024 with Plummerbuilt Incorporated in the amount of \$109,860 for repairing a portion of the Camanche South Shore Maintenance Shop roof.

SUMMARY

Work includes replacing a 70'x40' section of 16 gauge sheet roof panels, top plate, fascia, and mounting fasteners. Two damaged roll-up doors will be removed and replaced with new ones.

DISCUSSION

The Camanche South Shore Maintenance Shop is located within the recreation area at Camanche South Shore in Calaveras County. The shop is the base of maintenance operations for both the concessionaire and staff at Camanche South Shore. Winter storms in 2022-2023 damaged large portions of the shop roof and roll-up doors.

SERVICE PROVIDER SELECTION

The District held a mandatory pre-award jobsite walk. Four contractors attended the jobsite walk. Two bids were received. Plummerbuilt Incorporated submitted the lowest bid and meets the District's expertise requirements.

SUSTAINABILITY

Economic

Funding for this unplanned work is available in the FY 2024/2025 adopted capital budget for Camanche Rec Area Improvement.

Social

The project will provide a safe and secure workshop for District and concessionaire staff.

Environmental

The work will be conducted above the ordinary high-water mark and no work will be conducted within waterways. The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15302 because it involves replacement and reconstruction of an existing structure and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

ALTERNATIVE

Do not perform the work. This alternative is not recommended because the District needs to rebuild the roof and maintain the building.

I:\SEC\2024 Board Related Items\042324 Board Agenda Items\WNR – Camanche SS Maintenance Shop Roof Replacement.docx

Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2024; CIP Award #7100009; Page 63	Budget Coding: 11-490-3100085-5311		
Attachment(s): P-035; P-061			

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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 Camanche South Shore Roof Replacement						DATE: February 9, 2024						
CONTRACTOR: Plummerbuilt Incorporated Herald, CA				Small Business/ Local Business		PERCENTAGE OF CONTRACT DOLLARS						
						Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP				White Men		25%		0.0%		
		Ethnicity	Gender			White Women		6%		0.0%		
\$109,860 *		Hispanic		Women		Ethnic Minorities		25%		100.0%		
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: Plummerbuilt Incorporated		\$109,860	Hispanic		x			100.0%				
SUBS: None												
TOTAL		\$109,860				0.0%	0.0%	100.0%	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:		1		0		6		7				
Percent of Total Employees:		14.3%		0.0%		85.7%						
MSA Labor Market %:		36.1%		32.3%		31.6%						
MSA Labor Market Location:		Sacramento										
COMMENTS												
Contract Equity Participation: 100% Ethnic Minority participation. Contract Duration: NA Total not to exceed: \$109,860												
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: Camanche South Shore Roof Replacement			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 2/9/2024	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	EMW: L/SBE	Company Wide	0	5	0	0	5	50.0%	53.9%
Plumberbuilt Incorporated Gene Plummer 11925 McKinley Road Herald, CA 95638 916-296-7484		Manager/Prof	0	2	0	0	2	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	3	0	0	3	50.0%	
		Bay Area	0	5	0	0	5	50.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		8/10/2020		
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		10		Bay Area: 10
P	EMW-H: LBE	Company Wide	0	9	0	0	9	100.0%	53.9%
Stronger Building Services Claudia Carrasco 580 Harlan St San Leandro, CA 94577 510-487-8363		Manager/Prof	0	3	0	0	3	100.0%	
		Technical/Sales	0	0	0	0	0	NA	
		Clerical/Skilled	0	3	0	0	3	100.0%	
		Semi/Unskilled	0	3	0	0	3	100.0%	
		Bay Area	0	9	0	0	9	0.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		9		Bay Area: 9

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:	6.1.-6.2.	Meeting Date:	April 23, 2024
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TITLE

WATER QUALITY RESEARCH FACILITY PILOT EQUIPMENT

ACTION

☒ Motion:

☐ Resolution:

☐ Ordinance:

RECOMMENDED ACTION

- Award a sole source contract beginning on or after April 23, 2024 to Intuitech, Inc. for supplying pilot-scale carbon dioxide, ozone, and filter systems for the Water Quality Research Facility (WQRF) for a total cost, after the addition of taxes, not to exceed \$2,593,320.
- Award a sole source contract beginning on or after April 23, 2024 to Veolia Water Technologies, Inc. (Veolia), for supplying a pilot-scale ballasted flocculation system for the WQRF for a total cost, after the addition of taxes, not to exceed \$884,816.

SUMMARY

These contracts are for fabrication and delivery of ballasted flocculation, carbon dioxide, ozone, and filter systems pilot-scale equipment and associated instrumentation required for water quality testing as part of the District's new WQRF which will be constructed at the Walnut Creek Water Treatment Plant (WTP) under Specification 2171. The equipment needs to be purchased in advance of WQRF construction to pilot test the process for the Walnut Creek WTP Pretreatment Project which will be constructed under Specification 2200. After completion of this pilot testing, the equipment will be installed in the WQRF and used for testing and optimizing various water quality processes used at District WTPs.

DISCUSSION

The WQRF is critical for the District's preparations to handle changing water quality due to climate change, the use of alternate water supplies, and regulatory changes. The WQRF will also allow the District to better optimize current and future treatment plant operations. Engineering support services for submittal review, factory inspection, and onsite commissioning of this equipment are included in the amendment to the agreement for design services for the WQRF project, which will be brought to the Board for consideration at its April 23, 2024 meeting.

Since the 1980s, the District has operated a water quality testing facility to mimic the performance of coagulation, flocculation, sedimentation, ozonation, and filtration processes; inform treatment plant operations; assess the impacts of operational changes; and conduct other research projects. The equipment, located at the Walnut Creek Raw Water Pumping Plant, was not designed for continuous use and due to process limitations cannot be adapted to include the use of carbon dioxide, ozone, or ballasted flocculation systems. The new WQRF equipment is designed to mimic all treatment processes for current and future research needs and will improve working conditions for staff.

Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2024/2025; Award #7000021, Page 72	Budget Coding: 11-791-2013901-55110		Approved: 
Attachment(s): P-035; P-061			

Title:	Water Quality Research Facility Pilot Equipment	Meeting Date:	April 23, 2024
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These contracts include purchase and delivery of fully assembled and integrated pilot-scale carbon dioxide, ballasted flocculation, ozone, and filter systems in advance of the WQRF construction that is scheduled to begin in 2025. Pilot testing of the carbon dioxide, ozone, and ballasted flocculation systems is necessary to make informed decisions for the Walnut Creek WTP Pretreatment Project that is currently in pre-design.

This purchase supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.

VENDOR SELECTION

Intuitech, Inc. is the only supplier of carbon dioxide, ozone, and filter systems with demonstrated experience building a fully customized, integrated, and packaged pilot system of this size and complexity.

For ballasted flocculation, the current market is limited to Veolia's Actiflo and Actiflo Turbo systems and WesTech's RapiSand system. The patented Actiflo Turbo system is the only system that meets the District's size and design criteria. It is available at approximately one half the size and footprint of its competitors and allows for a lower capacity pilot-scale system that can fit within the available space for the WQRF.

SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2024/2025 adopted capital budget for Distribution System Water Quality Improvements.

Social

This purchase will replace aging existing equipment and improve working conditions for District staff. The existing pilot facility at the Walnut Creek Raw Water Pumping Plant was not designed for permanent use or human occupancy.

Environmental

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15303 because it involves installation of small new equipment and facilities. A CEQA Notice of Exemption was filed with the Contra Costa County Clerk on March 12, 2024.

ALTERNATIVES

Do not purchase the equipment. This alternative is not recommended because the equipment is needed for the new WQRF which will improve working conditions for staff, allow for informed decisions about operational changes at District WTPs, and allow the District to prepare for future water quality challenges.

Purchase equipment under the WQRF construction contract. This alternative is not recommended because the WQRF is not scheduled to begin construction until 2025 and the long lead times for pilot equipment fabrication would delay the availability of pilot test results needed to inform design decisions for the Walnut Creek WTP Pretreatment Project.

Solicit quotes from additional vendors. This alternative is not recommended for the ballasted flocculation system as Veolia is the only vendor that meets the District's size and design criteria. This alternative is not recommended for the carbon dioxide, ozone and filter systems

Title:	Water Quality Research Facility Pilot Equipment	Meeting Date:	April 23, 2024
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because separately procuring each piece of equipment in lieu of a packaged system from Intuitech, Inc. would result in higher operating and maintenance costs.

I:\Sec\2024 Board Related Items\04232024 Board Agenda Items\ECD–Water Quality Research Facility Pilot Equipment.docx

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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 Water Quality Research Facility Pilot Equipment						DATE: April 9, 2024					
CONTRACTOR: Various Firms (See Below)				Sole Source		PERCENTAGE OF CONTRACT DOLLARS					
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		25.4%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$3,478,136 *		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: Veolia Water Technologies, Inc. (Veolia)		\$884,816	White	x		25.4%					
Intuitech, Inc.		\$2,593,320	Unclassified						74.6%		
SUBS:											
TOTAL		\$2,593,320				25.4%	0.0%	0.0%	74.6%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			See P-061								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation : 25.4% White Men participation. Contract Duration : NA *Total not to exceed: \$3,478,136											
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: Water Quality Research Facility Pilot Equipment			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 2407			DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			4/9/2024	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	5	6	4	0	15	12.0%	26.0%
Veolia Water Technologies, Inc. (Veolia) Laura Himmelsloach 4001 Weston Parkway Cary, NC 27513 919-677-8310		Manager/Prof	1	5	4	0	10	11.5%	
		Technical/Sales	0	1	0	0	1	3.8%	
		Clerical/Skilled	4	0	0	0	4	33.3%	
		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:	North Carolina		# Employees-Co. Wide:		125	Bay Area: 0	
RP		INFORMATION NOT PROVIDED							
Intuitech, Inc.									
John Rasmussen									
2490 S 900 W									
Salt Lake City, UT 84117									
801-487-9255									

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:	April 23, 2024
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TITLE **AMEND AGREEMENT FOR THE WATER QUALITY RESEARCH FACILITY PROJECT DESIGN SERVICES**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Authorize an amendment to the agreement previously authorized under Board Motion No. 225-20 with Trussell Technologies, Inc. (Trussell Technologies) to increase the agreement amount by \$1,332,619 to a total amount not to exceed \$2,777,935 for the design of the Water Quality Research Facility (WQRF) Project.

SUMMARY This agreement provides design services to replace the District's existing WQRF. This amendment expands Trussell Technologies' original scope of work to provide additional engineering services that were not originally contemplated.

DISCUSSION This project replaces the District's existing water quality pilot plant located at the Walnut Creek Raw Water Pumping Plant with a new, permanent WQRF located at the Walnut Creek Water Treatment Plant (WTP). Additional engineering services are needed to address design complexities outside of the scope of the original design agreement, increase water quality testing capabilities and operational flexibility of the WQRF equipment, and incorporate results of the District's value engineering efforts to reduce construction costs. The amendment also includes additional engineering services for the pre-purchase and testing of treatment process skids for the WQRF in support of the Walnut Creek WTP Pretreatment Project. Two separate contracts for purchase of this equipment will be brought to the Board for consideration at its April 23, 2024 meeting.

This work supports the District's Long-Term Infrastructure Investment and Water Quality and Environmental Protection and Water Quality and Environmental Protection Strategic Plan goals.

The services contracted for in the agreement amendment cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.

CONSULTANT SELECTION In December 2020, Trussell Technologies was selected based on their qualifications and expertise designing water quality research facilities. Trussell Technologies is the Engineer-of-Record for the design of the project and is the most cost-effective consulting firm to provide the additional services and ensure continuity in completing the design.

Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; Award#7000021; Page 72	Budget Coding: 11.791.2013901.52310		Approved: 
Attachment(s): P-035; P-061			

Title:	Amend Consulting Agreement for the Water Quality Research Facility Project Design Services	Meeting Date:	April 23, 2024
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SUSTAINABILITY**Economic**

Funding for this agreement is available in the FY 2024/FY 2025 adopted capital budget for Distribution Systems Water Quality Improvements.

Social

Locals 2019 and 21 were notified of the agreement on December 17, 2019 and April 28, 2020, and did not raise any specific issues related to the agreement. Locals 2019 and 21 were notified of the amendment on April 3, 2024 and did not raise any specific issues related to the amendment.

This project will improve working conditions for staff. The existing temporary pilot facility at the Walnut Creek Raw Water Pumping Plant was not designed for permanent use or human occupancy.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the Contra Costa County Clerk on March 12, 2024.

ALTERNATIVES

Select a different consultant to do the work. This alternative is not recommended because Trussell Technologies is the Engineer-of-Record, is already familiar with the work and has the technical expertise and experience to complete the required additional design services.

Perform the work with District forces. This alternative is not recommended because District forces do not have the resources to perform the work within the required schedule.

Do not complete the work. This alternative is not recommended because the WQRF is needed to evaluate various treatment scenarios and make informed decisions regarding elements of the Walnut Creek WTP Pretreatment Project.



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 Water Quality Research Facility Amendment No. 1						DATE: April 9, 2024					
CONTRACTOR: Trussell Technologies, Inc. Oakland, CA 94612				Small / Local Business / Sole Proposer		PERCENTAGE OF CONTRACT DOLLARS					
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		78.7%			
		Ethnicity	Gender	White Women		6%		21.3%			
\$1,332,619 *		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: Trussell Technologies, Inc.											
SUBS: AECOM Technical Services, Inc.											
TJC and Associates											
Burks Toma Architects, Inc.											
Ewing Consultant Services											
Cadworks											
TOTAL											
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		11		13		16		40			
Percent of Total Employees:		27.5%		32.5%		40.0%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		California									
COMMENTS											
Contract Equity Participation - 78.7% White Men and 21.3% White Women participation. Contract Duration: NA *Total not to exceed: \$2,777,935 = \$1,445,316 (Original contract) + \$1,332,619 (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: Water Quality Research Facility Amendment No. 1		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 4/9/2024	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	1	6	7	2	16	40.0%
Trussell Technologies, Inc. David Hokanson 1939 Harrison Street, Suite 6000 Oakland, CA 94612 626-486-0560		Manager/Prof	1	5	7	0	13	39.4%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	1	0	2	3	50.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File:	NA		Date of last contract with District:		1/21/2021	
		Co. Wide MSA:	California		# Employees-Co. Wide:		40 Bay Area: 7	
S	WM: LBE	Company Wide	532	1,140	1,800	55	3,527	23.8%
AECOM Technical Services, Inc. Carrie Mullin 300 Lakeside Drive, Suite 400 Oakland, CA 94612 717-503-3162		Manager/Prof	421	998	1,724	42	3,185	23.6%
		Technical/Sales	77	99	50	13	239	22.9%
		Clerical/Skilled	34	43	26	0	103	36.8%
		Semi/Unskilled	0	0	0	0	-	NA
		Bay Area	9	32	140	1	182	36.5%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		14,814 Bay Area: 498	
S	WW: L/SBE	Company Wide	2	0	5	0	7	30.4%
TJC and Associates Gianna Zappettini 2300 Clayton Road, Suite 1450 Concord, CA 94520 (925) 357-2676		Manager/Prof	1	2	4	0	7	38.9%
		Technical/Sales	0	0	1	0	1	50.0%
		Clerical/Skilled	1	2	0	0	3	100.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	2	3	3	0	8	53.3%
		Co. Wide MSA:	California		# Employees-Co. Wide:		23 Bay Area: 15	
S	WW: L/SBE	Company Wide	0	0	0	0	0	0.0%
Burks Toma Architects, Inc. Karen Burks 814 Camelia Street Berkeley, CA 94710 510-524-4255		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	0	0	0	0	-	NA
		Clerical/Skilled	0	0	0	0	-	NA
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		3 Bay Area: 3	
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Ewing Consultant Services David Ewing 417 Mace Blvd., Suite J-336 Davis, CA 95618 530-304-09752		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)

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BOARD ACTION

Agenda Number:	8.	Meeting Date:	April 23, 2024
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TITLE	PARDEE CENTER BUILDINGS IMPROVEMENT DESIGN
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after April 23, 2024 with Sterry Architecture in an amount not to exceed \$254,490 for design engineering services for Pardee Center buildings improvements.
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SUMMARY	This agreement provides for design engineering services for the renovation of Pardee Lodge and McLean Hall including replacement of exterior and interior components such as the deck, windows, siding, paint, and restroom accessibility compliance.
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DISCUSSION	Pardee Lodge and McLean Hall are located at Pardee Center in Valley Springs, Calaveras County. The facilities support District operations and host a variety of meetings for employees, guests, and the public. Pardee Lodge's existing wood siding is in poor condition and continues to deteriorate due to dry rot and pest damage. The windows, trim, roof gutters, and downspouts are also in poor condition. This project includes replacement of siding and trim with a fiber cement product that resists deterioration and is fire resistant; replacement of windows, gutters, and downspouts; and painting. The restroom in Pardee Lodge will be renovated to comply with the American with Disabilities Act (ADA). McLean Hall's existing deck is in poor condition and needs to be replaced. This project will replace the deck with a new, expanded, and fire-resistant deck and will also address the restroom accessibility issues. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
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CONSULTANT SELECTION	A project specific request for proposals for design engineering services was sent to three architectural firms on the short list and one proposal was received. Sterry Architecture was selected based on the response package provided, the cost, and an interview with the consultant, which determined this consultant has the skills and experience necessary to provide the required services.
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SUSTAINABILITY	Economic Funding for this purpose is available in the FY 2024 and FY 2025 adopted capital budget for Pardee Center Capital Maintenance and Improvements.
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Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; Award #7000299; Page 104	Budget Coding: 11.762.2014944.53120		Approved: 
Attachment(s): P-035; P-061			

Title:	Pardee Center Buildings Improvement Design	Meeting Date:	April 23, 2024
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Social

Locals 21 and 2019 were notified of this agreement on October 31, 2023 and did not raise any specific issues related to this agreement.

ALTERNATIVES

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

Defer the project. This alternative is not recommended because various exterior and interior building components continue to deteriorate and increase maintenance and repair costs.

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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 Pardee Center Building Improvement Design						DATE: March 26, 2024						
CONTRACTOR: Serry Architecture Oakland, CA				Sole Proposer/ Local Business		PERCENTAGE OF CONTRACT DOLLARS						
						Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP				White Men		25%		18.7%		
		Ethnicity	Gender	White Women		6%		73.4%				
\$254,490 *		White		Women		Ethnic Minorities		25%		8.0%		
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: Serry Architecture		\$186,740	White		x		73.4%					
SUBS: Habekoss Engineering, Inc.		\$35,200	White	x		13.8%						
Silva Cost Consulting		\$19,191	Hispanic	x				7.5%				
Basaltic, Inc.		\$1,050	Asian	x				0.4%				
Lefler Engineering		\$12,309	White	x		4.8%						
TOTAL		\$254,490				18.7%	73.4%	8.0%	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: 73.4% White Women, 18.7% White Men, and 8.0% Ethnic Minorities participation. Contract Duration: NA Total not to exceed: \$254,490												
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: Pardee Center Building Improvement Design		Ethnic Minority Percentages From U.S. Census Data															
			B	H	A/PI	AI/AN	TOTAL										
		National	10.5	10.7	3.7	0.7	27.3										
Professional Services Agreement		DATE: 3/26/2024	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	WW: LBE	INFORMATION NOT PROVIDED															
Sterry Architecture Cindy Sterry 1916 Asilomar Dr. Oakland, CA 94611 510-835-5425																	
S	WM									INFORMATION NOT PROVIDED							
Habekoss Engineering, Inc. Paul Habekoss 2614 First St. #205 Napa, CA 94558 415-306-2531																	
S	EMM-H: LBE																
Silva Cost Consulting Javier Silva 521 Corporate Way, Suite 210 Sacramento, CA 95831 916-444-1130																	
S	EMM-A/PI: LBE	INFORMATION NOT PROVIDED															
Basaltic, Inc. John Tao 2615 MacArthur Blvd. Oakland, CA 94602 510-967-1299																	
S	WM									INFORMATION NOT PROVIDED							
Lefler Engineering Trevor Lefler 1651 Second Street San Rafael, CA 94901 415-456-4220																	

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:	9.	Meeting Date:	April 23, 2024
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TITLE **LOWER MOKELUMNE RIVER RELICENSING PROJECT STRATEGIC CONSULTING AND FACILITATION SERVICES**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Authorize a seven-year agreement beginning on or after April 23, 2024, with Kleinschmidt Associates, Inc. in an amount not to exceed \$4,526,294 for professional services to provide strategic guidance in managing the Lower Mokelumne River Project relicensing process, assist with public outreach, and facilitate focus group meetings.

SUMMARY On March 31, 2031, the District's Federal Energy Regulatory Commission (FERC) license to operate the hydropower facilities at Pardee and Camanche Dams will expire. The relicensing process may take six to seven years to complete, and the District requires consulting and facilitation services during this period. The relicense process will follow FERC's Integrated Licensing Process (ILP), which requires adherence to a defined schedule with review and comment periods and strict filing deadlines. An overview of the FERC relicensing process, including the need for professional services, was presented at the November 14, 2023 Planning Committee meeting.

DISCUSSION On March 10, 1981, FERC issued a 50-year license to the District effective April 1, 1981, for the Lower Mokelumne River Project 2916 (Project). In addition to permitting hydropower generation, the license also prescribes terms for Project operations related to dam safety, public safety, recreation, and environmental protection.

The relicensing process is formally initiated by filing a Notice of Intent (NOI) and Pre-Application Document (PAD) with FERC no later than March 31, 2026, and a License Application which must be filed by March 31, 2029. The District will also need to comply with numerous environmental and regulatory requirements (e.g., National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and Clean Water Act 401 Water Quality Certification).

Consulting services for the next seven years are necessary to assist the District with: developing a strategic approach to successfully manage the relicensing process; preparing required documents and filings; assessing planning study needs; and conducting engagement with external interested parties and any settlement negotiations.

Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; CIP Award #7100007; page 86	Budget Coding: 11.441.0000.3100086.52310.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Lower Mokelumne River Relicensing Project Strategic Consulting and Facilitation Services	Meeting Date:	April 23, 2024
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The relicensing process includes planning and implementing field studies and other relevant assessments of power and non-power (i.e. recreation, cultural resources, fisheries) elements of the District's FERC license. These potential studies will become defined in the course of the relicensing process and will result in additional costs. Depending on which studies are required, the additional cost could be on the order of \$10 million or more, based on other recent FERC relicensing processes within the state.

This project supports the District's Long-Term Water Supply Strategic Plan goal.

**CONSULTANT
SELECTION**

A request for proposals was posted on the District's website and sent to six firms. Three firms submitted proposals. Kleinschmidt Associates, Inc. was selected based on their knowledge of and expertise in the FERC relicensing process, and experience working with different interested parties and regulatory agencies.

SUSTAINABILITY**Economic**

Funding for this agreement is available in the FY 2024/FY 2025 adopted capital budget for Water Rights, Licenses and Plans.

Annual inflationary escalation costs for labor have been factored for the anticipated seven-year life of this agreement.

Social

Locals 2019 and 21 were notified of this agreement on December 13, 2023 and did not raise any specific issues related to this agreement. The relicensing process will include numerous community engagements in the Mokelumne River watershed.

Environmental

The relicensing process includes requirements for the District to be in compliance with environmental laws and regulations under NEPA and CEQA. Relicensing the hydropower facilities supports the District's Policy 7.07 - Energy towards achieving the District's carbon neutrality goal for direct and indirect greenhouse gas (GHG) emissions and continues the generation of renewable energy to support California's renewable energy goal.

ALTERNATIVE

Do not procure a consultant for strategic and facilitation consulting services for the FERC relicensing project. This alternative is not recommended because the District does not have any experience with the relicensing process. The District needs to obtain the hydropower license to continue operating the hydropower facilities at Pardee and Camanche dams.



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 Lower Mokelumne River Relicensing Project Strategic Consulting and Facilitation Services					DATE: April 9, 2024						
CONTRACTOR: Kleinschmidt Associates, Inc. Portland, OR					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%			
\$4,526,294 *		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
PRIMES: Kleinschmidt Associates, Inc.		\$4,526,294	White	X		100.0%					
SUBS: Scott Wells and Associates		TBD	White	x							
GEI Consultants, Inc.		TBD	White	x							
Janelle Nolan & Associates Environmental Consulting		TBD	White		x						
Western Hydrologics, L.L.P.		TBD	White	x							
Psomas		TBD	White	x							
Far Western Anthropological Research Group, Inc.		TBD	White	x							
Rainwater & Associates LLC		TBD	White		x						
TOTAL		\$4,526,294				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:		115		88		13		216			
Percent of Total Employees:		53.2%		40.7%		6.0%					
MSA Labor Market %:		39.0%		33.7%		27.2%					
MSA Labor Market Location:		USA									
COMMENTS											
Contract Equity Participation: 98% White Men and 2% White women participation. Contract Duration: NA *Total not to exceed: \$4,526,294											
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: Lower Mokelumne River Relicensing Project Strategic Consulting and Facilitation 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		
Professional Services Agreement DATE: 4/9/2024		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	1	2	3	2	8	3.7%	27.2%
Kleinschmidt Associates, Inc. Kristal Genwright 1500 NE Irving Street, Suite 550 Portland, OR 97232 (503) 345-7956		Manager/Prof	1	2	2	0	5	3.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	1	2	6.3%	
		Semi/Unskilled	0	0	0	1	1	#DIV/0!	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		6/28/2021		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		216	Bay Area:	0
S	WM	INFORMATION NOT PROVIDED							
Scott Wells and Associates Scott Wells 2382 SW Cedar St Portland, OR 97205 503-935-6379									
S	WM	Company Wide	31	73	76	1	181	15.7%	27.2%
GEI Consultants, Inc. Julie Jennings Kale 400 Unicorn Park Drive, 3rd Floor Wooburn, MA, 01801 781-721-4000		Manager/Prof	21	62	71	1	155	16.1%	
		Technical/Sales	6	6	0	0	12	9.2%	
		Clerical/Skilled	4	5	5	0	14	23.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	6	4	0	10	31.3%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,152	Bay Area:	32
S	WW: LBE	Company Wide	-	8	-	-	8	88.9%	37.3%
Janelle Nolan & Associates Environmental Consulting Janelle Nolan 50 Iron Point Road Folsom, CA 95667 530-277-4582		Manager/Prof	0	5	0	0	5	83.3%	
		Technical/Sales	0	2	0	0	2	100.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	0	0	0	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		9	Bay Area:	0
S	WM: LBE	Company Wide	-	-	-	-	0	0.0%	37.3%
Western Hydrologics, L.L.P. Jeffrey Meyer P.O. Box 7192 Auburn, CA 95603 (916) 390-5829		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	-	NA	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	0	0	0	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		2	Bay Area:	0
S	WM	Company Wide	11	140	70	6	227	30.0%	27.2%
Psomas Ann Johnston 5 Hutton Centre Drive, Suite 300 Santa Ana, CA 92707 (714) 481-8046		Manager/Prof	6	86	56	5	153	25.8%	
		Technical/Sales	2	37	9	1	49	48.0%	
		Clerical/Skilled	3	17	5	0	25	41.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	4	1	6	1	12	27.3%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		756	Bay Area:	44

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: Lower Mokelumne River Relicensing Project Strategic Consulting and Facilitation 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	
Professional Services Agreement		DATE: 4/9/2024	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 %
S	WM: LBE	Company Wide	-	14	4	-	18	16.5%	27.2%
Far Western Anthropological Research Group, Inc. Jerome King 2727 Del Rio Place Davis, CA 95618 (530) 756-394		Manager/Prof	0	2	0	0	2	3.8%	
		Technical/Sales	0	9	1	0	10	23.8%	
		Clerical/Skilled	0	3	3	0	6	40.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 109				Bay Area: 3		
S	WW:LBE	Company Wide	-	-	-	-	0	0.0%	48.3%
Rainwater & Associates LLC Marie Rainwater 4052 Suter Street Oakland, CA 94619 510.282.6711		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 2				Bay Area: 2		
P	WM: LBE	Company Wide	31	73	76	1	181	15.7%	27.2%
GEI Consultants, Inc. Julie Jennings Kale 400 Unicorn Park Drive, 3rd Floor Woburn, MA, 01801 781-721-4000		Manager/Prof	21	62	71	1	155	16.1%	
		Technical/Sales	6	6	0	0	12	9.2%	
		Clerical/Skilled	4	5	5	0	14	23.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	6	4	0	10	31.3%	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 1,152				Bay Area: 32		
P	WM	Company Wide	23	59	47	9	138	8.4%	27.2%
SWCA, Inc. Kristin Dizinno 20 W. Thomas Rd, Suite 1700 Phoenix, AZ 85012 602-274-3831		Manager/Prof	5	45	20	3	73	8.3%	
		Technical/Sales	17	14	23	6	60	8.3%	
		Clerical/Skilled	1	0	4	0	5	10.4%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	4	0	0	4	9.3%	39.9%
		Co. Wide MSA: Arizona	# Employees-Co. Wide: 1,652				Bay Area: 43		

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

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BOARD ACTION

Agenda Number:	10a-10b.	Meeting Date:	April 23, 2024
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TITLE

INDUSTRIAL HYGIENE AND ENVIRONMENTAL SAMPLING AND RELATED SERVICES

ACTION

☒ Motion:

☐ Resolution:

☐ Ordinance:

RECOMMENDED ACTION

- Authorize agreements beginning on or after April 23, 2024 with Terraphase Engineering, Inc.; MECA Consulting, Inc. dba Millenium Consulting Associates; TRC Solutions, Inc.; and Forensic Analytical Consulting Services, Inc. in an aggregate amount of \$500,000 annually for three years, with two options to renew for additional one-year periods for the total amount, including option years, not to exceed \$2,500,000 for industrial hygiene and environmental sampling and related services.
- Authorize additional agreements for industrial hygiene and environmental sampling and related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on April 23, 2024, with consultants that meet District standards and offer pricing at or below the range in the proposed agreements with the consultants above to increase flexibility and ensure consultant availability. The Board of Directors will be notified of additional qualified consultants by means of the General Manager's monthly report.

SUMMARY

Federal and state environmental and workplace safety regulations require the District to determine the presence of hazardous materials within building materials, soils, groundwater or as airborne constituents generated by maintenance and construction work. The California Occupational Safety & Health Administration (Cal/OSHA) requires periodic and annual exposure monitoring to ensure District work practices and processes maintain employee exposures below occupational exposure limits. These agreements will ensure the District is able to perform the required sampling and analysis.

DISCUSSION

Environmental regulations and Cal/OSHA require the sampling of building materials and soils/groundwater prior to renovation, demolition or repair activities to determine the presence of hazardous materials (e.g., asbestos, lead, silica, polychlorinated biphenyls, etc.) that may pose a health and safety risk to District staff, contractors or the community and to determine the appropriate disposal and handling methods. Additionally, Cal/OSHA has set occupational exposure limits for airborne contaminants generated during maintenance and construction work which requires periodic exposure monitoring.

The contracted services ensure the District has access to consultants with specific expertise, certifications, and equipment for the assessment of industrial hygiene and environmental issues related to capital improvement projects, hazardous building material assessments and

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; Award#7000005; Page 29; Award#7000003; Page 32; Award#7000033; Page 57; Award#7000090; Page 105; Award#7000328; Page 124	Budget Coding: Various.Variou.Variou.53120	Approved: 	
Attachment(s): P-035; P-061			

Title:	Industrial Hygiene and Environmental Sampling and Related Services	Meeting Date:	April 23, 2024
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abatement oversight, exposure assessments, waste management characterization, trench soils and groundwater contamination characterization.

Staff perform limited industrial hygiene and environmental sampling and may not have the requisite certifications or equipment for the full scope of materials and hazards encountered. This work supports the District's Workforce Planning and Development Strategic Plan goal.

**CONSULTANT
SELECTION**

A request for proposals was posted on the District's website and sent to nine firms, including two minority-owned firms with expertise in industrial hygiene and environmental sampling. Six firms submitted proposals. Terraphase Engineering, Inc., MECA Consulting, Inc. dba Millenium Consulting Associates, TRC Solutions, Inc., and Forensic Analytical Consulting Services, Inc. were selected based on their professional qualifications, project experience, technical expertise, knowledge of environmental and safety regulations, and their understanding of the District's work.

SUSTAINABILITY**Economic**

The Fiscal Year 2024/ 2025 adopted operating budget includes funding for the first two years of these multi-year agreements. Additionally, capital awards will be utilized including but not limited to Pipeline System Extension, Pipeline Rebuild, Pumping Plant Rehabilitation, Treatment Plant Upgrades, and Interceptors and Pump Stations. Funding for the additional years will be considered as part of the associated budget development process.

Social

Local 21 and Local 2019 were notified of these agreements on May 25, 2023 and did not raise any specific issues related to these agreements.

Environmental

Providing industrial hygiene and environmental sampling and related services is necessary for compliance with environmental laws and regulations.

ALTERNATIVES

Do not authorize these agreements. This alternative is not recommended because it would limit the ability to provide timely and necessary material and exposure sampling and analysis for compliance with workplace safety and environmental regulations.

Complete all sampling with District staff. This alternative is not recommended because staff do not possess the required expertise, certifications, or equipment to perform some of the sampling and analysis.



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 Industrial Hygiene and Environmental Sampling and Related Services					DATE: April 9, 2024						
CONTRACTOR: Various Firms (See Below)					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		75.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$500,000 *yr		See Below		--		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
PRIMES:											
Terraphase Engineering, Inc.		\$125,000	Publicly Held							25.0%	
MECA Consulting, Inc. dba Millenium Consulting Associates		\$125,000	White	x		25.0%					
TRC Solutions, Inc.		\$125,000	White	x		25.0%					
Forensic Analytical Consulting Services, Inc.		\$125,000	White	X		25.0%					
SUBS											
Network Environmental Systems, Inc.		TBD	White	x							
Asbestos TEM Laboratories, Inc.		TBD	White	x							
Enthalphy Analytical		TBD	White	x							
EMSL Analytical, Inc.		TBD	White	x							
TOTAL			\$500,000			75.0%	0.0%	0.0%	0.0%	25.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			See -P-061								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: 75% White Men participation. Contract Duration: Three years, with the two options to renew for additional one-year periods *Total not to exceed: \$2,500,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



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 Industrial Hygiene and Environmental Sampling and Related Services					DATE: April 9, 2024							
CONTRACTOR: Various Firms (See Below)					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		75.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
\$500,000 *yr		See Below	--	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
SUBS CONTINUED:												
Eurofins EMLab P&K		TBD	PHC									
Kelco Services, Inc.		TBD	White	x								
Aurora Environmental Services, Inc.		TBD	Hispanic	x								
Cascade Drilling, L.P.		TBD	White	x								
Pace Analytical Services, LLC		TBD	White	x								
SGS North America, Inc.		TBD	White	x								
Aurora Industrial Hygiene, Inc.		TBD	White		x							
TOTAL		\$500,000				0.0%	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:		See P-061										
Percent of Total Employees:												
MSA Labor Market %:												
MSA Labor Market Location:												
COMMENTS												
Contract Equity Participation: 75% White Men participation. Contract Duration: Three years, with the two options to renew for additional one-year periods												
*Total not to exceed: \$2,500,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Industrial Hygiene and Environmental Sampling and 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		
Professional Services Agreement DATE: 4/9/2024		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	6	16	12	0	34	21.9%	48.4%
Terraphase Engineering, Inc. Hank Galindo 1300 Clay St, Suite 1000 Oakland, CA 94612 510-645-1850		Manager/Prof	4	11	11	0	26	20.3%	
		Technical/Sales	0	1	1	0	0	0.0%	
		Clerical/Skilled	1	4	0	0	0	0.0%	
		Semi/Unskilled	1	0	0	0	0	0.0%	
		Bay Area	2	7	8	0	17	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/19/2021		
		Co. Wide MSA:	California		# Employees-Co. Wide:		155	Bay Area:	49
S	WM	Company Wide	-	5	5	0	10	16.1%	27.2%
Network Environmental Systems dba NES, Inc. 620 Collidge Dr., Suite 620 Folsom, CA 95630 916-353-2360		Manager/Prof	0	3	4	1	8	21.1%	
		Technical/Sales	0	0	1	1	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	25.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	5	2	0	0.0%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		62	Bay Area:	9
S	WM: LBE	INFORMATION NOT PROVIDED							
Asbestos TEM Laboratories 3431 Ettie St. Oakland, CA 94608 510-704-8930									
S	WM: LBE	INFORMATION NOT PROVIDED							
Enthalphy Analytical 2323 5th Street Berkeley, CA 94710 510-486-0900									
S	WM: LBE	INFORMATION NOT PROVIDED							
EMSL Analytical, Inc. 464 McCormick St. San Leandro, CA 94577 510-895-3675									
S	PHC	INFORMATION NOT PROVIDED							
Eurofins EMLab P& K 880 Riverside Pkwy West Sacramento, CA 95605 916-373-5600									

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: Industrial Hygiene and Environmental Sampling and 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		
Professional Services Agreement		DATE: 4/9/2024	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 %
S	WM:LBE	INFORMATION NOT PROVIDED							
Kelico Services, Inc.									
3137 Diablo Ave Hayward, CA 94545									
510-786-9751									
RP	WM:L/SBE	Company Wide	3	2	5	0	10	40.0%	48.4%
MECA Consulting, Inc. dba Millennium Consulting Associates Jack McCubbin 4683 Chabot Drive, Suite 380 Pleasanton, CA 94588 925-808-6700		Manager/Prof	1	2	4	0	7	41.2%	
		Technical/Sales	2	0	1	0	3	60.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	0	5	0	7	43.8%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		25	Bay Area:	16
S	WW	INFORMATION NOT PROVIDED							
Aurora Industrial Hygiene, Inc.									
Karen Shockley									
9666 Business Park Ave, Ste 102 San Diego, CA 92132									
RP	WM:LBE	Company Wide	5	31	16	0	52	38.0%	48.4%
Forensic Analytical Consulting Services, Inc. Carrie Cassillas 21228 Cabot Blvd Hayward, CA 94545 510-266-4600		Manager/Prof	2	14	9	0	25	32.1%	
		Technical/Sales	2	14	6	0	22	42.3%	
		Clerical/Skilled	1	3	1	0	5	6.5%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	9	0	10	27.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		137	Bay Area:	37

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: Industrial Hygiene and Environmental Sampling and 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		
Professional Services Agreement		DATE: 4/9/2024	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	309	548	539	30	1,426	20.4%	27.2%
TRC Solutions, Inc. Regina Robertson 1850 Gateway Boulevard, Suite 1000 Concord, CA 84529 480-535-8987		Manager/Prof	191	365	445	23	1,024	20.5%	
		Technical/Sales	80	109	57	5	251	17.9%	
		Clerical/Skilled	38	66	37	1	142	25.8%	
		Semi/Unskilled	0	8	0	1	9	24.3%	
		Bay Area	43	35	73	0	151	23.5%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		6,980	Bay Area:	642
S	EMM-H:LBE	INFORMATION NOT PROVIDED							
Aurora Environmental Services, Inc. Mabel Delgado 220 4th Street, Suite 201 Oakland, CA 94607 510-444-1300									
S	WM: LBE	INFORMATION NOT PROVIDED							
Cascade Drilling, LP Dustin King 3000 Duluth St. West Sacramento, CA 95691 916-638-1169									
S	WM	INFORMATION NOT PROVIDED							
EMSL Analytical, Inc. Daniel B Kocher 200 Route 130 North Cinnaminson, NJ 08077 856-858-4800									
S	WM	INFORMATION NOT PROVIDED							
Enthalpy Analytical, Inc. Will Rice 2323 5th St Berkeley, CA 510-439-7877									
S		INFORMATION NOT PROVIDED							
Pace Analytical Services, LLC Randy Cavadini 2665 Long Lake Road, Ste 300 Roseville, MN 55113 612-607-6400									

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:	11.1.-11.2.	Meeting Date:	April 23, 2024
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TITLE

RATIFY EXTENSION OF AGREEMENT AND PAYMENT AND AUTHORIZE AGREEMENT FOR ELECTRONIC CERTIFIED PAYROLL REPORTING AND PREVAILING WAGE MONITORING SOFTWARE

ACTION☒ Motion:☐ Resolution:☐ Ordinance:**RECOMMENDED ACTION**

- Ratify the extension of the agreement with LCPTracker, Inc., authorized under Board Motion No. 204-16 to April 30, 2024 and the total payment of \$75,680 for electronic certified payroll reporting and prevailing wage monitoring software rendered between February 1, 2023 and April 30, 2024.
- Authorize an agreement beginning on or after May 1, 2024 with LCPTracker, Inc. for three years, with two options to renew for additional one-year periods, for a total amount, including option years, not to exceed \$376,856 for an electronic certified payroll reporting and prevailing wage monitoring software.

SUMMARY

The State of California requires all public works contractors to submit certified payroll reports electronically to the State Department of Industrial Relations. These reports must also be submitted to awarding agencies to monitor and enforce prevailing wage laws.

The District awards public works contracts under the Contract Equity Program (CEP) and monitors vendor payroll reports for compliance and local workforce utilization. A contractor must comply with applicable labor compliance requirements including prevailing wages, Public Works Contractor Registration Program, and the submittal of electronic certified payroll records to the State.

This system tracks certified payrolls and prevailing wage data for both prime and sub-contractors in compliance with state law. Since the approval of the initial agreement, the District and its contractors have utilized the LCPTracker, Inc. system for tracking of ongoing capital construction infrastructure projects. This software also allows CEP to continue with its automated process for receiving and reviewing certified payroll reports and responding to certified payroll records requests.

DISCUSSION

In December 2016, under Motion No. 204-16, the Board authorized an agreement with LCPTracker, Inc. to provide a certified payroll reporting and prevailing wage tracking system for three years with two options to renew for one-year periods for a total amount not to exceed \$150,000. In December 2021, staff requested to extend the agreement term to January 31, 2023 and requested the 15 percent contingency increase to the agreement for an additional \$4,372.73 to a total amount not to exceed \$154,372.73. Staff is requesting the

Originating Department: Office of Diversity, Equity, and Culture	Department Director or Manager: Derry L. Moten	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2024/2025	Budget Coding: 11-142-8851100-52430		Approved: 
Attachment(s): P-035; P-061			

Title:	Ratify Extension of Agreement and Payment and Authorize Agreement for Electronic Certified Payroll Reporting and Prevailing Wage Monitoring Software	Meeting Date:	April 23, 2024
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Board ratify payment for services rendered between February 1, 2023 through April 30, 2024 in the amount of \$75,680, increasing the total amount not to exceed \$230,052.73.

Staff began negotiations to amend the 2016 agreement in December 2022; however, LCPTTracker, Inc. was not willing to meet new agreement terms initiated by the District but was open to continued negotiations. LCPTTracker, Inc. agreed to continue providing services under the terms of the prior agreement while negotiations of a new agreement were ongoing.

These actions also requests a new direct award agreement beginning on or after May 1, 2024 for three years with two options to renew for additional one-year periods, for a total amount, including option years, not to exceed \$376,856. The new agreement and renewal options would secure a 20 percent discount, through January 2029.

The total amount requested under these actions is \$452,536, which includes the request for ratified payment and the new direct award agreement for electronic certified payroll reporting and prevailing wage monitoring software.

This project supports the District's Customer and Community Services Strategic Plan goal to enhance customer experience and improve operational efficiencies by investing in cost-effective technology.

SERVICE PROVIDER SELECTION

This agreement is being recommended as a direct award for continuity and operational efficiencies, especially for ongoing infrastructure projects. A request for information was posted on the District's website and sent to five firms, including three minority-owned firms in 2016. The District received five responses and selected LCPTTracker, Inc.'s electronic certified payroll reporting software based on their qualification and experience. The software is used locally by the City of Oakland, the City and County of San Francisco, and other agencies nationwide. Since 2017, staff and construction contractors (primes/subs) have utilized the system's online portal.

SUSTAINABILITY

Economic

The Fiscal Year 2024/2025 adopted operating budget includes partial funding for the first two years of this multi-year agreement. The fiscal impact associated with this action will be absorbed within the existing budget appropriation. Funding for the additional years will be considered as part of the associated budget development process.

Social

Ensuring labor and wage compliance in the District's contracting and supply chain supports fairness and equity in the contracting opportunities and benefits the local community.

Environmental

Electronic submission of certified payroll records by construction contractors is an environmentally responsible process that reduces paper and supports compliance with the State of California requirement for electronic submission of all certified payroll records by public works contractors.

Title:	Ratify Extension of Agreement and Payment and Authorize Agreement for Electronic Certified Payroll Reporting and Prevailing Wage Monitoring Software	Meeting Date:	April 23, 2024
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ALTERNATIVES

Select a different software provider to perform the work. This alternative is not recommended because District staff and District contractors are currently using the software on all District capital construction projects.

Delay or do not proceed with the agreement. This alternative is not recommended because the State requires submission of electronic certified payrolls and delaying or not proceeding with this agreement would require staff to manually review and verify payment of prevailing wages on public works projects.

I:\Sec\2024 Board Related Items\042324 Board Agenda Items\OGM – Electronic Certified Payroll reporting and Prevailing Wage Monitoring Software.docx

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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 Ratify Extension of Agreement and Payment and Authorize Agreement for Electronic Certified Payroll Reporting and Prevailing Wage Monitoring Software					DATE: April 17, 2024						
CONTRACTOR: LCPTTracker, Inc. Orange, CA					PERCENTAGE OF CONTRACT DOLLARS						
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%		
\$452,536		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: LCPTTracker, Inc.		\$452,536				100.0%					
TOTAL		\$452,536				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:		42		23		55		120			
Percent of Total Employees:		35.0%		19.2%		45.8%					
MSA Labor Market %:		31.5%		26.1%		42.4%					
MSA Labor Market Location:		Texas									
COMMENTS											
Contract Equity Participation : 100% White men participation. Contract Duration : Three years, with two options to renew for additional one year periods. *Total not to exceed: \$452,536 = \$75,680 (Ratified payment for February 1, 2023 thru April 30, 2024) +\$376,856 (New contract amount)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	12.1.-12.2.	Meeting Date:	April 23, 2024
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TITLE	RATIFY PAYMENT AND EXTEND AGREEMENT FOR ONLINE LEARNING MANAGEMENT SYSTEM SERVICES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	• Ratify the payment of \$43,360 to Cornerstone OnDemand, Inc. (Cornerstone) for an increase in user licenses for the online learning management system services for the current agreement year ending January 10, 2025. • Authorize an amendment to extend the agreement previously authorized under Board Motion No. 007-22 with Cornerstone for three additional one-year option periods through January 10, 2028, and to increase the agreement amount by \$344,062, which incorporates the ratified amount from the action above, for a total amount not to exceed \$488,365 for providing online learning management system services for 2,100 user licenses.
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SUMMARY	Staff is seeking to increase user access to Cornerstone's Learning Management System from 1,000 to 2,100 employees so the entire District has access to EBMUD Learn, the District's new online learning management system. The system allows employees to access online learning content, register for live and virtual trainings, and track progress through District assigned learning pathways. The amendment extends the District's subscription to the Cornerstone Learning Management System for up to three additional years, to deliver e-Learning courses to District employees by providing learning content, tracking employee progress, and assessing qualification for specific classes. This timing is aligned with the District's Human Resources Information System (HRIS) Replacement Project.
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DISCUSSION	In January 2022, a one-year agreement for \$125,481 was authorized under Board Motion No. 007-22, which included two options to renew for additional one-year periods. In January 2024, staff requested the 15 percent contingency increase to the agreement for an additional \$18,822 for learning content for the final option year. The usage of the contingency funds increased the total not to exceed amount to \$144,303. Staff is requesting that the Board ratify payment for services rendered between January 11, 2024 through January 10, 2025 in the amount of \$43,360 due to the increase in user licenses. The proposed amendment will increase the total authorized amount to not exceed \$488,365 for services performed during the entire agreement term. This proposed amendment increases the number of users allowing all District employees access to the system and include
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Originating Department: Office of Diversity, Equity, and Culture	Department Director or Manager: Derry L. Moten	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2024/2025	Budget Coding: 11-143-8851300-52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	Ratify Payment and Extend Agreement for Online Learning Management System Services	Meeting Date:	April 23, 2024
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three additional one-year options to renew, covering the period beginning January 11, 2025 through January 10, 2028.

This agreement supports the District's Workforce Planning and Development Strategic Plan goal. The system is a modernization of the District's learning and development practices and methodology and will be evaluated for integration into the future HRIS Replacement Project.

**CONSULTANT
SELECTION**

In July 2020, a request for proposals was sent to firms with expertise in online learning management systems. Four firms submitted proposals and a short-list of three firms was established. Cornerstone was selected based on their product's features, including its ability to share data with the District's Training Management System.

SUSTAINABILITY**Economic**

The Fiscal Year 2024/2025 adopted operating budget includes partial funding for this amendment. The fiscal impact associated with this action will be absorbed within the existing budget appropriation. Funding for the additional years will be considered as part of the associated budget development process.

ALTERNATIVES

Do not procure licenses for the additional users. This alternative is not recommended because more than 50 percent of employees will not have access to e-Learning training and instructor led programs.

Do not authorize option years. This alternative is not recommended because the goal of adding the option years is to align with the District's HRIS Replacement Project.

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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 Ratify Payment and Extend Agreement for the Online Learning Management System Services						DATE: April 17, 2024							
CONTRACTOR: Cornerstone OnDemand, Inc. Santa Monica, CA					PERCENTAGE OF CONTRACT DOLLARS								
					Availability Group		Contracting Objectives		Participation				
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		0.0%				
		Ethnicity	Gender		White Women		6%		0.0%				
\$344,062 *		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	
PRIMES: Cornerstone OnDemand, Inc.		\$344,062	Publicly Held							100.0%			
SUBS: None													
TOTAL		\$344,062					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:		438		304		495		1,237					
Percent of Total Employees:		35.4%		24.6%		40.0%							
MSA Labor Market %:		20.2%		16.4%		63.5%							
MSA Labor Market Location:		Los Angeles-Long Beach											
COMMENTS													
Contract Equity Participation: Zero Contract Equity participation since firm is Publicly Held. Contract Duration: Three additional One year option periods through January 10, 2028. *Total not to exceed: \$488,365 = \$144,303 (Original Amount: \$125,481 + 15% contingency) + \$43,360 (ratified payment)+ \$300,702 (three additional one-year option periods)													
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: Ratify Payment and Extend Agreement for the Online Learning Management System 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		
Professional Services Agreement		DATE: 4/17/2024	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	104	100	339	1	544	44.0%	63.5%
Cornerstone OnDemand, Inc. Kimberly Cassady 1601 Cloverfield Blvd., Suite 600 South Santa Monica, CA 90404 310-752-1736		Manager/Prof	101	85	327	1	514	49.0%	
		Technical/Sales	1	13	4	0	18	10.7%	
		Clerical/Skilled	2	2	8	0	12	63.2%	
		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: Los Angeles-Long Beach	# Employees-Co. Wide: 1,237 Bay Area: 0						
P	WM	INFORMATION NOT PROVIDED							
NeoGov Kimberly Goerlitz 222 N. Sepulveda Blvd., Suite 2000 El Segundo, CA 90245 (310) 658-5715									
P		INFORMATION NOT PROVIDED							
SumTotal Brandon Linder 2850 NW 43rd Street Suite #150. Gainesville, FL 32606 (775) 770-8038									
P	Foreign	INFORMATION NOT PROVIDED							
Docebo Danniel Angulo 600 N. Thomas Street, Suite A Athens, GA 30601 (770) 875-8475									

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:	13.	Meeting Date:	April 23, 2024
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TITLE	AUTHORIZE THE EMPLOYMENT OF SPIEGEL & MCDIARMID LLP FOR SPECIALIZED LEGAL SERVICES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize the Office of General Counsel (OGC) to employ the law firm of Spiegel & McDiarmid LLP, for specialized legal services related to the relicensing of the Lower Mokelumne River Project, Federal Energy Regulatory Commission (FERC) License No. 2916, in an amount not to exceed \$150,000.
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SUMMARY	The FERC License for the Lower Mokelumne River project will expire in 2031, and the District is commencing the process for renewing the license. The District is seeking assistance from special counsel with an understanding of FERC relicensing proceedings to guide the development of the relicensing application and assist with related proceedings.
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DISCUSSION	Spiegel & McDiarmid LLP specializes in assisting municipal and other non-profit utilities in proceedings before FERC, providing legal assistance on every aspect of FERC regulation of hydropower facilities and every stage of licensing and relicensing. OGC issued a request for proposals soliciting special legal services and received responses from six firms. Spiegel & McDiarmid LLP was selected based on their experience and expertise in providing legal assistance to municipalities in proceedings before FERC. The firm has represented other public agencies in California in relicensing proceedings held under FERC's Integrated Licensing process, and OGC is seeking to have the firm perform similar services in relation to the relicensing proceeding for the District's Lower Mokelumne River Project. The firm has broad experience in FERC regulation of hydropower facilities and has advised clients on various issues that are expected to arise in the relicensing of the Lower Mokelumne River Project.
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SUSTAINABILITY	Economic Funding for this item is included in the Fiscal Year 2024 and 2025 adopted operating budget.
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Originating Department: Office of General Counsel	Department Director or Manager: Derek McDonald	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2024/FY 2025	Budget Coding: 11-130-8851100-52310-000000	Approved: 	
Attachment(s): P-035; P-061			

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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 Authorize the Employment of Spiegel & McDiarmid LLP					DATE: April 11, 2024						
CONTRACTOR: Spiegel & McDiarmid LLP Washington, DC					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%		
\$150,000 *		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
PRIMES: Spiegel & McDiarmid LLP		\$150,000	White	x		100.0%					
SUBS: None											
TOTAL		\$150,000					100.0%	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:		13		14		4		31			
Percent of Total Employees:		41.9%		45.2%		12.9%					
MSA Labor Market %:		19.2%		18.0%		62.8%					
MSA Labor Market Location:		District of Columbia									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: *Total not to exceed: \$150,000											
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 **A/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	14.	Meeting Date:	April 23, 2024
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TITLE	MONTHLY INVESTMENT TRANSACTIONS REPORT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Approve the March 2024 Monthly Investment Transactions Report.
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SUMMARY	In accordance with Policy 4.07 – Investments, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The March 2024 report is being brought to the Board for consideration. This report was presented at the April 23, 2024 Finance/Administration Committee meeting.
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DISCUSSION	Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors is presented in the quarterly investment report. In March 2024, the portfolio increased from \$497.4 million to \$774.8 million. The large increase was due to the issuance of Water Revenue Bonds and Wastewater Revenue Bonds, which both closed in March. Net transactions increased the total by \$277.0 million. Interest received added approximately \$392,000 to the portfolio. Deposits into short-term liquidity funds totaled \$56.0 million, and \$20.0 million in securities matured. The District purchased \$156.0 million in securities, and \$18.8 million was withdrawn. No securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of \$103.8 million.
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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): March 2024 Monthly Investment Transactions Report			

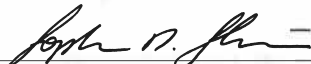
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Monthly Investment Transactions Report
March 2024

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

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

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


Approved by: Sophia D. Skoda, Finance Director

Apr 9, 2024
Date

SDS:KM:lm



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
March 2024

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	377,364,517.19	149,300,000.00	181,445.92	526,845,963.11
007 - Wastewater Consolidated	78,469,116.74	21,700,000.00	44,616.08	100,213,732.82
049 - Ferc Partnership	2,090,266.00	-	-	2,090,266.00
009 - BACWA	2,364,721.97	-	-	2,364,721.97
015 - DERWA	1,045,136.82	-	-	1,045,136.82
002 - FRWA	1,045,136.82	-	-	1,045,136.82
014 - IICP	157,294.14	-	-	157,294.14
010 - UMRWA	66,888.59	-	-	66,888.59
003 - Employees Retirement	3,372,077.14	2,230,000.00	-	5,602,077.14
099 - Wells Fargo**	31,393,228.38	103,808,977.79	166,266.18	135,368,472.35
Total	497,368,383.79	277,038,977.79	392,328.18	774,799,689.76

* Portfolio balance presented at face value.

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

A portion of the balance in Wells Fargo is swept to a money market fund to increase investment earnings.

Leanne Maloney
 Prepared by: Leanne Maloney, Accountant III

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

David Glasser
 Approved by: David Glasser, Controller

04/03/2024
 Date

04/04/2024
 Date

Apr 8, 2024
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	138,300,000.00	32,000,000.00	(16,000,000.00)	-	-	(5,000,000.00)	-	149,300,000.00
007 - Wastewater Consolidated	17,700,000.00	8,000,000.00	(4,000,000.00)	-	-	-	-	21,700,000.00
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	16,015,000.00	-	-	-	(13,785,000.00)	-	2,230,000.00
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
Investment Activity Total	156,000,000.00	56,015,000.00	(20,000,000.00)	-	-	(18,785,000.00)	-	173,230,000.00
099 - Wells Fargo	(156,000,000.00)	(56,015,000.00)	20,000,000.00	-	-	18,785,000.00	277,038,977.79	103,808,977.79
Total	-	-	-	-	-	-	277,038,977.79	277,038,977.79

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

Steven Goodman-Leibof

Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

Apr 8, 2024

Date

Robert L. Hannay

Approved by: Robert L. Hannay, Treasury Manager

Apr 8, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Buys										
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/23/2024	912797HR1	3/5/2024	3/6/2024	5/23/2024	32,000,000.00	31,637,594.56	0.00	31,637,594.56
001 - Water System Consolidated	US Treasuries	T-Note 2.25 11/15/2024	912828G38	3/5/2024	3/6/2024	11/15/2024	15,300,000.00	15,000,426.00	105,923.07	15,106,349.07
001 - Water System Consolidated	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	3/8/2024	3/11/2024	5/15/2025	35,000,000.00	34,179,687.50	309,375.00	34,489,062.50
001 - Water System Consolidated	US Treasuries	T-Note 1.75 3/15/2025	91282CED9	3/14/2024	3/15/2024	3/15/2025	16,000,000.00	15,492,000.00	0.00	15,492,000.00
001 - Water System Consolidated	US Treasuries	T-Note 4.5 11/15/2025	91282CFW6	3/14/2024	3/15/2024	11/15/2025	40,000,000.00	39,820,000.00	598,351.65	40,418,351.65
		Total					138,300,000.00			
007 - Wastewater Consolidated	US Treasuries	T-Bill 0 5/23/2024	912797HR1	3/5/2024	3/6/2024	5/23/2024	6,000,000.00	5,932,048.98	0.00	5,932,048.98
007 - Wastewater Consolidated	US Treasuries	T-Note 2.25 11/15/2024	912828G38	3/5/2024	3/6/2024	11/15/2024	2,700,000.00	2,647,134.00	18,692.31	2,665,826.31
007 - Wastewater Consolidated	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	3/8/2024	3/11/2024	5/15/2025	5,000,000.00	4,882,812.50	44,196.43	4,927,008.93
007 - Wastewater Consolidated	US Treasuries	T-Note 1.75 3/15/2025	91282CED9	3/14/2024	3/15/2024	3/15/2025	4,000,000.00	3,873,000.00	0.00	3,873,000.00
		Total					17,700,000.00			
							156,000,000.00	153,464,703.54	1,076,538.46	154,541,242.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Matured										
001 - Water System Consolidated	US Treasuries	T-Note 0.25 3/15/2024	91282CBR1	3/15/2024	3/15/2024	3/15/2024	16,000,000.00	16,000,000.00	-	16,000,000.00
					Total		16,000,000.00			
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 3/15/2024	91282CBR1	3/15/2024	3/15/2024	3/15/2024	4,000,000.00	4,000,000.00	-	4,000,000.00
					Total		4,000,000.00			
							20,000,000.00	20,000,000.00	-	20,000,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

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

No Transactions this Period

0.00 0.00 0.00 0.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

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

No Transactions this Period

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
March 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	3/4/2024	3/4/2024	N/A	2,500,000.00	2,500,000.00	-	2,500,000.00
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	3/4/2024	3/4/2024	N/A	2,500,000.00	2,500,000.00	-	2,500,000.00
					Total		5,000,000.00			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	3/28/2024	3/28/2024	N/A	13,785,000.00	13,785,000.00	-	13,785,000.00
					Total		13,785,000.00			
							18,785,000.00	18,785,000.00	-	18,785,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
March 2024

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	231,445.92	(50,000.00)	181,445.92
007 - Wastewater Consolidated	57,116.08	(12,500.00)	44,616.08
049 - Ferc Partnership	-	-	-
009 - BACWA	-	-	-
015 - DERWA	-	-	-
002 - FRWA	-	-	-
014 - IICP	-	-	-
010 - UMRWA	-	-	-
003 - Employees Retirement	-	-	-
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
Interest Transactions Total	288,562.00	(62,500.00)	226,062.00
099 - Wells Fargo	103,766.18	166,266.18	166,266.18
Total	392,328.18	103,766.18	392,328.18

*Coupon and other interest received; reinvestment unavailable.

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

Leanne Maloney
 Prepared by: Leanne Maloney, Accountant III

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

David Glasser
 Approved by: David Glasser, Controller

04/03/2024
 Date

04/04/2024
 Date

Apr 8, 2024
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
March 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Transferred to Wells Fargo)										
099 - Wells Fargo	Cash	WELLS FARGO Cash	CASH2017	3/1/2024	3/1/2024	N/A	-	-	103,766.18	103,766.18
					Total				103,766.18	
001 - Water System Consolidated	US Treasuries	T-Note 0.25 3/15/2024	91282CBR1	3/15/2024	3/15/2024	3/15/2024	-	-	20,000.00	20,000.00
001 - Water System Consolidated	US Treasuries	T-Note 0.375 9/15/2024	91282CCX7	3/15/2024	3/15/2024	9/15/2024	-	-	30,000.00	30,000.00
					Total				50,000.00	
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 3/15/2024	91282CBR1	3/15/2024	3/15/2024	3/15/2024	-	-	5,000.00	5,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.375 9/15/2024	91282CCX7	3/15/2024	3/15/2024	9/15/2024	-	-	7,500.00	7,500.00
					Total				12,500.00	
							0.00	0.00	166,266.18	166,266.18



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
March 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Reinvested)										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	3/1/2024	3/1/2024	N/A	-	-	20,839.25	20,839.25
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley	IMVRXX	3/1/2024	3/1/2024	N/A	-	-	5,096.48	5,096.48
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	3/1/2024	3/1/2024	N/A	-	-	20,794.06	20,794.06
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	3/28/2024	3/28/2024	N/A	-	-	134,716.13	134,716.13
Total										181,445.92
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	3/1/2024	3/1/2024	N/A	-	-	5,478.52	5,478.52
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley	IMVRXX	3/1/2024	3/1/2024	N/A	-	-	1,072.51	1,072.51
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	3/1/2024	3/1/2024	N/A	-	-	5,562.35	5,562.35
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	3/28/2024	3/28/2024	N/A	-	-	32,502.70	32,502.70
Total										44,616.08
							0.00	0.00	226,062.00	226,062.00



BOARD ACTION

Agenda Number:	15.	Meeting Date:	April 23, 2024
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TITLE **MODIFICATIONS TO DISTRICT REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS SECTIONS 1, 2, 3, 18, 23, AND 31**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Adopt a resolution to approve modifications to the following District Regulations Governing Water Service (Regulations):

- Section 1: Explanation of Terms
- Section 2: Applying for Service
- Section 3: Standard Service
- Section 18: Location of Service
- Section 23: District Equipment on Customer Property
- Section 31: Water Efficiency Requirements

SUMMARY To ensure District operations and business practices remain consistent with Board objectives and priorities, the District reviews the regulations governing water service periodically to consider whether any organizational, regulatory, or other changes or concerns related to the applicant project process necessitate a modification of the Regulations. As part of an ongoing effort to improve the applicant process, the District identified a number of modifications to the Regulations.

DISCUSSION At the August 23, 2022 Finance/Administration Committee meeting, staff presented plans to improve the applicant project process and address periods of peak applicant workload. In May 2023, the District conducted an internal three-day Applicant Project Process Improvement Workshop (Workshop) to identify priority areas for improving the application process to reduce the time for providing new water services. Staff presented the identified improvements at the October 24, 2023 Finance/Administration Committee meeting. These improvements included modifications to the Regulations. At the March 26, 2024 Finance/Administration Committee meeting, staff presented recommended modifications to the following Regulations to improve the applicant project process:

- Section 1: Explanation of Terms – Modify key terms to clarify aspects of the District’s requirements for new water service.
- Section 2: Applying for Service - Clarify the conditions that affect applications for water service and the requirements for submitting applications.
- Section 3: Standard Service – Update language for how the District may provide water service during construction, and when and how the District provides a master meter for a

Originating Department: Customer and Community Services	Department Director or Manager: Andrew L. Lee	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachments: Summary of Modifications to Regulations; Regulations Governing Water Service recommended amendments Sections 1, 2, 3, 18, 23, 31; Resolution			

Title:	Modifications to District Regulations Governing Water Service to Customers Sections 1, 2, 3, 18, 23, and 31	Meeting Date:	April 23, 2024
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structure or premises; clarify the rules for allowing conditional water services for smaller subdivisions.

- Section 18: Location of Service – Clarify the rules regarding location of District meters to allow better planning for developments.
- Section 23: District Equipment on Customer Property – Modify the District’s requirement for vertical clearance over the meter box, consistent with best management practices for maintenance activities.
- Section 31: Water Efficiency Requirements – Clarify the type of submeters applicants may utilize if a District master meter is approved for their project.

These modifications, combined with process improvements already implemented, will improve clarity and help applicants understand District requirements when applying for water service, reduce application processing timelines, and reduce project costs for applicants.

The modifications to these Regulations support the District’s Customer and Community Services Strategic Plan goal.

SUSTAINABILITY**Economic**

Modifying the Regulations will provide applicants a clear understanding of the District’s requirements for new water services and allow them to more effectively plan their projects. These changes will also reduce project costs and shorten application processing timelines.

Environmental

The action is not a project subject to CEQA because it involves administrative actions that do not commit the District to any particular project and will not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change.

Social

The modifications to the Regulations support quicker delivery of water services to housing developments in the service area.

ALTERNATIVE

Do not update these Regulations. This alternative is not recommended because it would reduce staff’s ability to make updates to improve the applicant project process.

SUMMARY OF MODIFICATIONS TO REGULATIONS

Regulation Section	Modification Recommended	Reason for Modification
Section 1	Add definitions of: Common Area, Hydrant or Public Fire Hydrant, Lateral, Main, Submeter, Branch Service, Conditional Service, Dual Service, Private Fire Service, Standard Service	Improve clarity for applicants.
	Update definitions of Major Facilities, Water Efficiency Requirements, Dwelling Unit; revise Limited Service to include Limited/Low/High Pressure Service	Improve clarity and help applicants understand the requirements when applying for water service.
	Delete the definition of Master Meter	Master Meter is defined in Section 3 of the Regulations.
Section 2	Add language related to payment of costs associated with Encroachment permits	Land use agencies require additional payments for encroachment permits. The added language clarifies the applicants' responsibility to pay outside agencies fees as part of the applicant's project.
Section 3	Revise language under Temporary Construction Service & Installation of Service Connection subsections	Allows applicants to use an existing service for construction purposes. Update language for readability.
	Revise Branch Meter subsection	Improve flexibility for installing branch services to reduce installation costs.
	Revise Master Meter subsection	Provide developers the ability to plan their projects for the right number of water meters.
	Create Accessory Dwelling Units (ADUs) subsection	Aligning the District's Regulations with the California Government Code chapter addressing ADUs.
	Revise Service Connection Not at the Principal Frontage subsection	Decrease the number of short main extensions within infill developments.
Section 18	Revise language related to the location of where meters are allowed for installation.	Improve clarity on where District meters can be installed.
Section 23	Revise vertical clearance requirement above a District meter box	Align Regulations with requirements for meter maintenance.
Section 31	Add language in the Water Efficiency Requirements for New Development or Expanded Service subsection	Improve clarity on the type of submeters that the District will allow if a submeter is approved for use.

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

COMMON AREA shall mean a room, unit, or area of a building that is outside of the residential or commercial units, and is for the sole use of the tenants or occupants.

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.

HYDRANT or PUBLIC FIRE HYDRANT shall mean a fire hydrant that is connected to a main by a lateral, owned by the District, and located within the public right-of-way or District-owned right-of-way.

PRIVATE FIRE HYDRANT shall mean a fire hydrant that is located downstream of a private fire service.

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.

LATERAL shall refer to the District-owned pipeline connecting a meter or hydrant to the main.

MAIN shall refer to District-owned pipelines that are not part of a service connection or hydrant.

~~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~~ water treatment 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.

SUBMETER shall mean a non-District-meter that is installed downstream of the District's meter. The submeter or submeter data must be readily accessible for review by those utilizing the water, and is wholly maintained and serviced by the owner/agent of the premises.

~~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.

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.

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~~ water using fixtures.

SERVICE shall mean the furnishing of water (potable or nonpotable) to a customer through a service connection.

BRANCH SERVICE shall refer to a service connection with two or more meters per service connection.

CONDITIONAL SERVICE shall mean a service connection to a premises at other than the principal frontage as provided in Section 3 of these Regulations.

DUAL SERVICE shall mean a combination standard and fire service.

LIMITED/LOW/HIGH PRESSURE SERVICE shall mean a water service connection provided under a written agreement for a service with special conditions when standard service is not reasonably available. See Section 8, 8A, and 8B of these Regulations.

PRIVATE FIRE SERVICE shall mean a water service connection provided under written agreement for the sole use of fire protection to a premises, further defined in Section 3 of

these Regulations.

STANDARD SERVICE shall mean a service other than a private fire service, installed within the District's service area, adjacent to the principal frontage of the premises to be served, which service is needed for immediate use to supply an identified function directly related to such premises.

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.

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 ~~on~~ 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~~ include all ~~devices~~ water-using fixtures, technologies, ~~and practices~~, and ordinances in accordance with Section 31 of these Regulations.

SECTION 2

APPLYING FOR SERVICE

Applications for new water service or a change in use of existing water service shall be submitted to the District's New Business Office ~~of the District~~. The District's requirements for the type of service desired shall be met before an application will be approved. Customers requesting to stop or restart existing water service shall contact the District's Customer Service Center.

If conditions exist such that standard service (see Section 3) is not reasonably available, or if the premises is outside of the District's boundaries, ~~or if unusual conditions exist,~~ the applicant will be advised of the terms and conditions that must be met ~~before an application for service may be approved to obtain service~~. In determining whether the portion of an applicant's premises lying directly along a main constitutes principal frontage, the District's decision shall be final.

Each unit in a ~~newly built~~ new or renovated multi-family or multi-occupancy commercial/industrial premises shall be individually metered. Individual meters shall be District meters or submeters installed and owned by the District or applicant, as solely determined by the District. When approved by the District, ~~individual meters installed by an applicant~~ submeters shall meet the ~~standards established by the District~~ requirements and applicable laws. Additional requirements for metering are contained in Section 3 and 31 of these regulations.

Continuance of service is dependent on compliance with the District's regulations governing service, and on conditions at the premises of the service remaining unchanged to the extent that they do not conflict with the District's requirements for obtaining service. Where a change in conditions at the premises of the service makes a customer ineligible for continued service the customer concerned shall be responsible for promptly notifying the District by completing the water service application process ~~in writing of the change~~.

Applicants for service shall pay all applicable charges in full and in advance consistent with as provided in the Schedule of Rates and Charges, including but not limited to the following:

- Account Establishment Charge
- Service Installation Charges
- Water Service Estimate Fee (if applicable)
- Water Main Extension Charges (if required)
- System Capacity Charge
- Charges for Annexation (if applicable)
- Wastewater Capacity Fee (if applicable)
- Any outstanding balance owed to the District (if applicable)
- Encroachment permit fees imposed by Local Agencies (if applicable)
- Cost for compliance with encroachment permit conditions (e.g. engineered traffic control plans).

Applicants shall provide all information determined by the District to be necessary to establish conditions at the location of service. This information may include, but is not ~~be~~ limited to:

- Property descriptions
- Improvement plans, including certification of subgrade elevation
- Information regarding soils and known contaminated soil conditions
- Environmental documentation
- Fire flow form signed by responsible fire agency
- Topographical map(s)
- Development and site plans with hydrant locations identified and signed by the responsible fire department (if applicable)
- Hydraulic calculations for proposed fire sprinkler system (if

applicable) AMORTIZATION OF CONNECTION AND

INSTALLATION FEES

Applicants for service that satisfy the criteria set forth below may make written application to the District to amortize the payment of water service installation charges (Schedules D and E), water main extension charges (Schedule G), water system capacity charges (Schedule J) and wastewater capacity fees, pursuant to the following terms and conditions:

- The amount amortized shall be at least \$5,000 but not more than \$150,000.
- Applicant shall pay in advance a minimum of 25% of the estimated cost to provide the new service connection.
- Applicants shall enter into an agreement with the District which provides that:
 - a. amortized charges that shall be paid in equal installments over a maximum period of 24 months;
 - b. interest shall be applied to the balance due at a rate set by the Director of Finance;
 - c. water service may be terminated for failure to pay any installment when due;
 - d. repayment of the amortized charges shall be secured by real property owned by applicant and the District shall have the right of foreclosure by a power of sale;
 - e. applicant shall pay all escrow and title search costs incurred.
- Applicants shall execute deeds of trust which shall constitute a lien upon real property interests described therein, which property shall be situated in California and shall be sufficient to secure repayment of the amortized charges.

Applicant Criteria

- I. Applicants providing job training in District job skills.

In order to make application to amortized charges pursuant to this section, the applicant must:

- a. make written application to the District for water service;
- b. have tax-exempt status under Internal Revenue Code section 501(c)3;
- c. provide job training, including job skills utilized in District job classifications, to unemployed individuals; and
- d. own and occupy the property for which water service application is made.

II. Applicants providing low income housing incorporating water conserving devices and landscaping.

To apply for amortized charges pursuant to this section, the applicant must:

- be organized solely for the purpose of constructing low income housing;
- provide evidence of eligibility for Community Development Block Grant (CDBG) assistance;
- own the property for which water service is requested;
- seek to amortize charges related to providing water service to a low-income housing project that:
 - i. is restricted to such use for at least 15 years or such other time specified or required by law; and
 - ii. will provide rental units for low-income residents or, if intended for ownership, will be owner-occupied units for low-income residents.
- incorporate water conservation features, beyond those required by law, into the design of the project and install and maintain water conserving landscaping approved by the District; and
- specify the cost benefit that will inure to residents of the project.

For purposes of this section, “housing” and “low-income housing” shall have the following meaning:

- Housing is defined to include rental housing, condominiums, cooperative housing, ownership housing, housing for families, senior housing, housing for physically and/or mentally disabled people, emergency shelters and shared housing.
 - Low-income housing is defined as housing that is subsidized in whole or in part by one or more governmental agencies or foundations and that is rented or owned by individuals or families whose incomes are within ranges specified as low-income by the U.S. Department of Housing and Urban Development for Alameda and Contra Costa Counties.
- III. In addition to the above criteria, applicants must make written application to the District for water service and provide evidence of tax-exempt status under Internal Revenue Code section 501(c)(3).

SECTION 3 STANDARD SERVICE

SERVICE CONNECTION EXISTS AT TIME APPLICATION RECEIVED

Utilization of an existing standard service may be granted where a complete service connection for the premises exists, there is no change in the use of the premises, the service has been active within the previous five years, there is no change in service size, and the District's requirements are met as stated in these regulations (see Section 2, Applying for Service and Section 31 – Water Efficiency Requirements). In such cases, if sufficient advance notice is furnished to the District, the service will be turned on at the meter on the date requested by the customer, except Saturdays, Sundays, and holidays.

All requirements established for the existing service connection shall remain in effect, including the requirement for a pressure regulator or backflow prevention device.

SERVICE CONNECTION DOES NOT EXIST AT TIME APPLICATION RECEIVED

When an application is received for a standard service to a premises where a service connection does not exist as determined by the District, a standard service may be granted and installed, provided the applicant meets the District's general requirements as stated elsewhere in these regulations, and:

1. Service is reasonably available at the premises to be served.
2. The size of the service connection is approved by the District.
3. The applicable District charges have been paid.
4. The applicant agrees to install a pressure regulator or backflow prevention device when required by the District.
5. There is an immediate need for water service to the premises.
6. The applicant agrees to meter the development as specifically approved by the District.

If service is not reasonably available or if unusual conditions exist, the applicant will be advised of the terms and conditions which must be met before an application for service will be accepted.

Additional requirements for nonpotable water service are included in Sections 30 and 31 of these regulations.

In circumstances under which the District anticipates unusual conditions, the applicant shall pay installation charges based on the District's estimate of the total cost of all materials, labor, and other costs incidental to the installation. Unusual conditions shall exist when, in the sole determination of the District, the installation is to be made under conditions that would result in unusual or significant departure from the basic installation charges set forth in the Schedule of Rates and Charges to Customers. Such circumstances shall include, but not be limited to, the length of the lateral, the type

of pavement, anticipated soil or other underground conditions, and the width or travel conditions of the roadway or right-of-way.

Water service will generally be made available by extending a main if the premises to be served does not have principal frontage on an existing water main of adequate flow and pressure (See Section 4). However, water service will not be provided by the extension of a water main where the meter(s) for the premises concerned will be located at an elevation of less than 100 feet below the overflow level of the reservoir supplying such main.

EXCEPTIONS

TEMPORARY CONSTRUCTION SERVICE

The District may grant a temporary reuse of an existing service for construction service purposes where it is expected that the service will be in use for a short period to serve a temporary operation, not related to any particular premises. In such cases, the appropriate installation and System Capacity Charges set forth in the Schedule of Rates and Charges shall be paid in advance and billing at the current rate for a standard service shall apply.

INSTALLATION OF SERVICE CONNECTIONS

Under special conditions the District may install a service connection without the meter in advance of actual need to avoid later cutting of pavement or for other reasons. In such cases, the appropriate installation charges set forth in the Schedule of Rates, and Charges, and Fees shall be paid in advance, but billing procedures shall not apply as the service will not be turned on until standard service is requested and approved by the District. If the service connection is not completed by a request for meter installation and turned on within one year of installation of the connection, the District may determine there is no immediate need for water service and may remove the service connection.

Regardless of whether the service connection was removed, to complete the installation of the standard service a new service application and payment will be required under consistent with the Regulations and Schedule of Rates, and Charges, and Fees then in effect. The System Capacity Charge shall be paid in accordance with the provisions of the Schedule of Rates and Charges then in effect.

STREET LANDSCAPING SERVICE

The District may grant a street landscaping service for planting strips or areas which lie within public streets and are devoted to and maintained for landscaping and related purposes by the public agency having jurisdiction over the streets. In such cases, the irrigable landscape area may be considered a single premises for the purposes of receiving, using and paying for service regardless of its division or intersection by other public streets. The District shall approve the size and location of the service and the distance or area which may constitute a single premises. The appropriate installation and System Capacity Charge set forth in the Schedule of Rates and Charges shall be paid, and billing at the current rate for a standard service shall apply. Additional requirements for nonpotable and potable water service are contained in Sections 30 and 31 of these regulations.

LANDSCAPING SERVICE

The District may grant a landscaping service for irrigable landscape areas for an entire property which is considered a single premises for the purposes of receiving, using and paying for irrigation service. The District shall approve the size and location of the service and the distance or area which may constitute a single premises. The appropriate installation and System Capacity Charge set forth in the Schedule of Rates and Charges shall be paid, and billing at the current rate for a standard service shall apply. Additional requirements for nonpotable and potable water service are contained in Sections 30 and 31 of these regulations.

COMBINATION STANDARD AND FIRE SERVICE

The California Building Code requires all newly constructed single and two-family homes and townhouses to install fire sprinkler systems. The District will grant one service to provide both standard service and a supply to a private fire protection system for each newly constructed single-family premises or residential dwelling unit. A separate fire service connection is required for service to a private fire protection system at all other premises except the following:

1. New service or the enlargement of existing connections required for large area premises with public or private educational facilities and publicly-owned facilities served with combined standard and fire service.
2. Service to multi-family residential premises when a combination standard/fire service meter has been installed for each residential dwelling unit.
3. Service to group homes or group residential facilities when it is determined by the District that a combined service connection is acceptable for metering normal water use and is approved by the responsible fire protection agency.

Except for the System Capacity Charge as provided in Schedule J, the rates and charges pertaining to the service shall be based on actual meter size.

BRANCH ~~METERS~~ SERVICE

The District may grant two or more standard services from a single service connection for a premises other than a single-family premises ~~if fire sprinklers are not required~~. The appropriate installation charge set forth in the Schedule of Rates and Charges shall be paid.

MASTER METER

Each separate structure of a multi-family, multi-occupancy, or commercial/industrial premises shall be separately metered, except when ~~the, as solely determined by the District determines,~~ it is not beneficial for water use efficiency. ~~The District may require e~~Each customer type in a new or renovated structure with more than one business classification ~~to be must be separately metered by a master meter or individual meters for each unit, consistent with District Regulations, as solely determined by the District.~~

~~A separate meter may be required for an Accessory Dwelling Unit as defined by these Regulations only as authorized by Government Code Sections 65852.2 and 65852.22.~~

The District may grant a single service with a master meter to a premises with multiple separate structures when the District determines the structures on the premises are all provided the premises is determined to be a single business classification and all the following conditions are met:

1. The ~~property to be served~~ structures must be in a single ownership, and the property surrounding the structures must be in single ownership, including streets containing the owner's water service pipelines. ~~Where the property or the property~~ surrounding the structures must be in single common ownership under a residents' or homeowners' association or in ownership by a unified school district or similar entity.
- 1.2. The business classifications are unlikely to change due to the use and status of the ownership.
- 2.3. Submeters are installed by the applicant to meter individual water use at each structure and/or units. Submeters shall be equipped with registers as per Section 31 of these Regulations. There must be a single management entity for the property who will be responsible for maintaining the private water system maintenance of the submeters beyond the master meter and for payment of all water service charges.
- 3.4. The applicant must furnish a written statement from the fire district or other public agency with jurisdiction, indicating its acceptance of the proposed arrangement for providing fire flow, and that the liability for supplying water for fire protection rests solely with the property owner responsible for the private water system.
- 4.5. It has been determined by the District that District-installed individual meters for each customer business classification, unit, or structure is my not beneficial to the District to maintain in furthering water use efficiency, as solely determined by the District, or is not in accordance with these regulations.

ACCESSORY DWELLING UNITS

A separate meter may be required for an Accessory Dwelling Unit as defined by these Regulations only as authorized by the California Government Code chapter addressing ADUs (Title 7, Division 1, Chapter 13).

SERVICE CONNECTION NOT AT THE PRINCIPAL FRONTAGE

~~In certain unusual circumstances, t~~The District may locate a conditional service connection(s) for a premises at other than the principal frontage provided:

- there is only a small number of premises that would be so served,
- service is reasonably available at that location,
- all necessary property rights providing permanent access for installation and maintenance of private houselines, water service connections, and meters, to each premises has been provided

by the applicant to the District, and

- ~~the principal frontage is on a private road or driveway,~~
- ~~there is only one premises that would be so served,~~
- ~~there is no apparent possibility of further extension to serve other premises,~~
- ~~there is no requirement for a fire~~ a main extension for a public hydrant, and would not be required
and other factors requiring a main extension are not present.
- ~~a main extension for adjacent premises would not be required.~~

The owner(s) of the premises shall agree in writing to the conditions of service(s) and agree to relocate the service(s) and pay any applicable costs in the future ~~if, should~~ standard service becomes available at the principal frontage due to the installation of a main extension to serve other premises and the District determines that service relocations are required when the standard service becomes available. This conditional service agreement shall be a covenant against the premises to be served and shall run with the land, and will be recorded by the District.

SERVICE CONNECTION AT ALTERNATE MAJOR FRONTAGE

The District may locate the service connection for a premises at that part of the perimeter immediately adjacent to a street or road of general public access, where a water main exists or may

be installed, even though it is not the normal vehicle access to the property and provided that the fire hydrant location in relation to the premises is acceptable to the responsible fire protection agency.

The District may locate the service connection(s) for a multi-family residential unit(s) or multi-occupancy commercial/industrial unit(s) at that part of the perimeter immediately adjacent to a street or road of general public access in a development where individual metering of all multi-family residential or multi-occupancy commercial/industrial unit(s) has been determined to be feasible in the sole discretion of the District in accordance with Section 2 of these Regulations.

SECTION 18 LOCATION OF SERVICE

In general, the meter shall be installed at the principal frontage of the premises, in the area between the curb line and the customer's premises, ~~at the point specified by the applicant,~~ except as allowed under written agreement as provided in Section 3 or Section 4, of these Regulations.

~~The meter~~ Applicants may request a specific meter location if the meter placement meets all District requirements for standard meter installation. The meter shall not be located in a traveled way ~~of private roads~~ or driveways except in certain unusual installations when determined by the District that there is not a practical alternative location. In all cases, whether initial installation or relocation of existing service, the specific location of the meter shall be subject to District approval and charges will apply in accordance with the Schedules of Rates, Charges, and Fees.

The meter will be installed in the approved location upon payment of applicable District charges.

SECTION 23

DISTRICT EQUIPMENT ON CUSTOMER'S PREMISES

All service pipe and equipment needed to serve a customer up to and including the meter shall be owned by the District whether installed (1) on public or private property, and (2) at applicant or District expense.

District equipment required for service including the meter box, which is installed on a customer's premises, may be repaired, replaced, or removed by the District without the consent of the customer. Authorized representatives of the District shall have the right of access to such equipment for any purpose reasonably connected with furnishing services. The District will make no payment for placing or maintaining such equipment on the customer's premises.

The customer shall exercise care to prevent damage to or interference with the operation or servicing of District equipment. A minimum unobstructed clear setback zone of 30 inches on all 4 sides of the water meter box (measured from the outside edge of the box), as well as a 106 foot vertical clearance above the meter box is required.

The customer shall be liable for any damage to District-owned meters, locks, or other equipment which is caused by himself or his tenants, agents, employees, contractors, licensees, or permittees, and must promptly reimburse the District on presentation of a bill for any such damage.

SECTION 31 WATER EFFICIENCY REQUIREMENTS

These regulations identify the types of water efficiency requirements for water service and the procedure for notification to Applicants that water efficiency measures are required. Applicants shall be subject to the most current and most water-efficient requirements in effect on the date the District receives payment for new or upgraded service, whether specified by EBMUD or other local, state, or federal regulations.

A. DETERMINATION OF FEASIBILITY OF WATER EFFICIENCY MEASURES

The District will review applications for new standard services and determine the applicability of, and compliance with, water-efficiency requirements. Applicants for increased or expanded service shall be required to meet the water-efficiency requirements for all new water service facilities and may be required to retrofit existing water service facilities or uses to comply with all requirements. Applicant shall maintain design documents and construction and installation records and furnish a copy of said documents and records to the District upon request. The District may inspect the installation of indoor and outdoor water efficiency measures to verify that the items are installed and performing to the required water efficiency levels. The Applicant or their representative may be present during any District inspection.

B. WATER EFFICIENCY REQUIREMENTS FOR NEW DEVELOPMENT OR EXPANDED SERVICE

Water service shall not be furnished to any Applicant for new or increased or expanded service, or for any change in customer classification (such as a change from industrial to commercial, residential to commercial, or the like) that includes new or retrofitted water using equipment, unless all the applicable water-efficiency measures hereinafter described in this Section 31 and required by applicable local, state and/or federal law have been reviewed and approved by the District. All the applicable and required water-efficiency measures shall be installed at Applicant's expense.

All applicants applying for new water service for multi-family residential structures or mixed-use residential and commercial structures shall comply with all applicable local and/or state submetering regulations. Submeters shall be equipped with registers with an encoded output to allow for electronic reading of submeters and shall be accessible for maintenance and visual needs. Applicants shall submit site and plumbing plans including location, accessibility, and specifications for submeters. See Sections 2 and 3 of EBMUD Regulations for additional requirements.

C. INDOOR WATER USE

- a. All Applicants shall comply with these regulations and those required by applicable local, state and/or federal law including the California Green Building Standards Code (CAL Green).
- b. Toilets shall be high-efficiency or dual flush models rated and third party tested at a maximum average flush volume of 1.28 gallons per flush (gpf), and be certified as passing a 350 gram or higher flush test as established by the U.S. Environmental testing entity. Pressure-assisted type toilets shall be high-efficiency rated at a

maximum 1.0 gpf. No flush or conversion devices of any other kind shall be accepted.

- c. Wall mounted urinals shall have a maximum rated flow of 0.125 gpf or less, or be zero water consumption urinals.
- d. Floor mounted urinals shall have a maximum rated flow of 0.5 gpf or less.
- e. Single showerheads shall have a maximum flow rate of 1.8 gallons per minute (gpm) at 80 pounds of pressure per square inch (psi).
- f. Multiple showerheads serving a single shower enclosure shall have a combined flow rate of not more than 1.8 gpm at 80 psi or shall be designed to allow only a single showerhead to be operated at one time.
- g. Residential lavatory faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.2 gallons per minute or less.
- h. Public lavatory faucets shall have aerators or laminar flow control devices with a maximum rated flow of 0.5 gallons per minute or less.
- i. Wash fountains shall have a maximum flow rate of not more than 1.8 gpm per wash station.
- j. Metering faucets shall not deliver more than 0.20 gallons per cycle.
- k. Kitchen faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.8 gallons per minute or less with optional temporary flow of 2.2 gpm.
- l. Clothes washing machines shall be front loading horizontal axis or top loading models with a water factor rating of 4.5 or less. A water factor rating of 4.5 means a maximum average water use of 4.5 gallons per cubic foot of laundry.
- m. Residential dishwashers rated as standard size (i.e. 307 kWh/year) shall use less than or equal to 5.0 gallons/cycle. Dishwashers rated as compact size (i.e., 222 kWh/year) shall use less than or equal to 3.5 gallons/cycle.
- n. Cooling towers not utilizing recycled water shall be equipped with recirculating systems and operate at a minimum of five (5) cycles of concentration. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make up and blowdown meters.
- o. Food steamers in all food service facilities shall be boiler-less or self-contained models using ≤ 3.0 gallons per hour where applicable.

- p. Ice machines shall be air-cooled and use no more than 20 gallons of water per 100 pounds of ice and shall be equipped with a recirculating cooling unit or water-cooled on a closed loop system.
- q. Commercial refrigeration shall be air-cooled or if water-cooled, must have a closed looped system. No once through, single pass systems are permitted.
- r. Pre-Rinse dishwashing spray valves shall have a maximum rated flow of 1.28 gpm or less.
- s. Food disposers shall modulate the use of water to no more than 1 gpm when the disposer is not in use and shall automatically shut off after no more than 10 minutes of inactivity. Disposers shall use no more than 8 gpm of water.
- t. Commercial dishwashers or ware washing equipment shall be currently labeled an EnergyStar rated water efficient model meeting the maximum water consumption limits as specified in the table below:

Machine Type	High Temp Requirements	Low Temp Requirements
Under Counter	≤ 0.86 GPR	≤ 1.19 GPR
Stationary Single Tank Door	≤ 0.89 GPR	≤ 1.18 GPR
Pot, Pan, and Utensil	≤ 0.58 GPSF	≤ 0.58 GPSF
Single Tank Conveyor	≤ 0.70 GPR	≤ 0.79 GPR
Multiple Tank Conveyor	≤ 0.54 GPR	≤ 0.54 GPR
Single Tank Flight Type	$\leq \text{GPH} \leq 2.975x + 55.00$	$\leq \text{GPH} \leq 2.975x + 55.00$
Multiple Tank Flight Type	$\leq \text{GPH} \leq 4.96x + 17.00$	$\leq \text{GPH} \leq 4.96x + 17.00$

*GPR (gallons per rack); GPSF (gallons per square foot); GPH (gallons per hour)

- u. Conveyor and in-bay vehicle wash facilities shall reuse a minimum of 60% of water from previous vehicle rinses in subsequent washes.
- v. Self-service vehicle wash facilities shall use spray nozzles with a flow rate of 3.0 gpm or less.
- w. Swimming pools and spas shall be covered when not in use, unless public health and safety concerns exist.

D. OUTDOOR WATER USE

- a. All Applicants shall comply with all District water service regulations and those required by applicable local, state and/or federal law including the Model Water Efficient Landscape Ordinance (MWELO).

- b. Applicants shall submit, at a minimum, a scaled site plan that identifies the property address, parcel boundaries, building footprints, hardscape, softscape, meter location, and location of each hose bib. If an application for service is submitted without a detailed landscape plan for the entire premises, the District will estimate the new irrigable landscape area to determine the potential irrigation demand (default demand) for inclusion in the total domestic water demand calculation. Projects subject to MWELo shall also provide a compliant landscape documentation package as required by the ordinance.
- c. All premises with 500 square feet or more of new irrigable landscape area shall install a modular weather-based smart controller with rain or soil moisture sensor, an irrigation connection with a manual shutoff valve, a backflow prevention device, a pressure regulator where pressure exceeds the operating range of system components, and sleeves allowing irrigation to extend to all landscape areas.
- d. All non-residential premises with 500 square feet or more of new irrigable landscape shall also install a flow sensor with master shutoff valve.
- e. All residential premises with more than 5,000 square feet of new irrigable landscape area shall also install a flow sensor with master shutoff valve.
- f. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for residential premises with an irrigable landscape area of 5,000 square feet or more.
- g. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of more than 1,000 square feet but less than 5,000 square feet.
- h. As provided in Sections 1 and 3 of the Regulations, a District dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of 5,000 square feet or more.

E. NONCOMPLIANCE

The District will review applications for new and expanded services for water efficiency features as described in this Section. If an application does not meet the water efficiency requirements, the District may require the Applicant to resubmit a revised water service application and water efficiency plan at the Applicant's expense. The District may withhold water meter(s) and account activation until the District determines the application complies with the requirements of this Section.



RESOLUTION NO. _____

ADOPTING REVISED REGULATIONS GOVERNING WATER SERVICE TO
CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) has developed Regulations Governing Water Service to Customers of the East Bay Municipal Utility District (Regulations) that include, among other provisions, terms that describe the process for applying for new water service from the District; and

WHEREAS, the Regulations have been adopted by the District's Board of Directors (Board) and have been modified from time to time; and

WHEREAS, consistent with the policies adopted by the Board, beginning in 2022 District staff have explored ways in which the applicant process can be improved; and

WHEREAS, among other measures to improve the applicant process, District staff have identified modifications that could be made to the Regulations to clarify certain terms and requirements regarding the provision of service to new developments; and

WHEREAS, District staff presented these recommended modifications at the March 26, 2024 meeting of the Finance/Administration Committee and the Committee voted to recommend the modifications;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby adopts the modifications of the District's Regulations to include changes

to Sections 1, 2, 3, 18, 23, and 31 of the Regulations, as shown on Exhibit A attached hereto.

ADOPTED this 23rd day of April, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

SECTION 1
EXPLANATION OF TERMS USED IN THESE REGULATIONS

COMMON AREA shall mean a room, unit, or area of a building that is outside of the residential or commercial units, and is for the sole use of the tenants or occupants.

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.

HYDRANT or PUBLIC FIRE HYDRANT shall mean a fire hydrant that is connected to a main by a lateral, owned by the District, and located within the public right-of-way or District-owned right-of-way.

PRIVATE FIRE HYDRANT shall mean a fire hydrant that is located downstream of a private fire service.

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.

LATERAL shall refer to the District-owned pipeline connecting a meter or hydrant to the main.

MAIN shall refer to District-owned pipelines that are not part of a service connection or hydrant.

~~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~~ water treatment 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.

SUBMETER shall mean a non-District-meter that is installed downstream of the District's meter. The submeter or submeter data must be readily accessible for review by those utilizing the water, and is wholly maintained and serviced by the owner/agent of the premises.

~~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.

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.

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~~ water using fixtures.

SERVICE shall mean the furnishing of water (potable or nonpotable) to a customer through a service connection.

BRANCH SERVICE shall refer to a service connection with two or more meters per service connection.

CONDITIONAL SERVICE shall mean a service connection to a premises at other than the principal frontage as provided in Section 3 of these Regulations.

DUAL SERVICE shall mean a combination standard and fire service.

LIMITED/LOW/HIGH PRESSURE SERVICE shall mean a water service connection provided under a written agreement for a service with special conditions when standard service is not reasonably available. See Section 8, 8A, and 8B of these Regulations.

PRIVATE FIRE SERVICE shall mean a water service connection provided under written agreement for the sole use of fire protection to a premises, further defined in Section 3 of

these Regulations.

STANDARD SERVICE shall mean a service other than a private fire service, installed within the District's service area, adjacent to the principal frontage of the premises to be served, which service is needed for immediate use to supply an identified function directly related to such premises.

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.

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 ~~on~~ 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~~ include all ~~devices~~ water-using fixtures, technologies, ~~and~~ practices, and ordinances in accordance with Section 31 of these Regulations.

SECTION 2 APPLYING FOR SERVICE

Applications for new water service or a change in use of existing water service shall be submitted to the District's New Business Office ~~of the District~~. The District's requirements for the type of service desired shall be met before an application will be approved. Customers requesting to stop or restart existing water service shall contact the District's Customer Service Center.

If conditions exist such that standard service (see Section 3) is not reasonably available, or if the premises is outside of the District's boundaries, ~~or if unusual conditions exist,~~ the applicant will be advised of the terms and conditions that must be met ~~before an application for service may be approved to obtain service~~. In determining whether the portion of an applicant's premises lying directly along a main constitutes principal frontage, the District's decision shall be final.

Each unit in a ~~newly built~~ new or renovated multi-family or multi-occupancy commercial/industrial premises shall be individually metered. Individual meters shall be District meters or submeters installed and owned by the District or applicant, as solely determined by the District. When approved by the District, ~~individual meters installed by an applicant~~ submeters shall meet the ~~standards established by the District~~ requirements and applicable laws. Additional requirements for metering are contained in Section 3 and 31 of these regulations.

Continuance of service is dependent on compliance with the District's regulations governing service, and on conditions at the premises of the service remaining unchanged to the extent that they do not conflict with the District's requirements for obtaining service. Where a change in conditions at the premises of the service makes a customer ineligible for continued service the customer concerned shall be responsible for promptly notifying the District by completing the water service application process ~~in writing of the change~~.

Applicants for service shall pay all applicable charges in full and in advance consistent with as provided in the Schedule of Rates and Charges, including but not limited to the following:

- Account Establishment Charge
- Service Installation Charges
- Water Service Estimate Fee (if applicable)
- Water Main Extension Charges (if required)
- System Capacity Charge
- Charges for Annexation (if applicable)
- Wastewater Capacity Fee (if applicable)
- Any outstanding balance owed to the District (if applicable)
- Encroachment permit fees imposed by Local Agencies (if applicable)
- Cost for compliance with encroachment permit conditions (e.g. engineered traffic control plans).

Applicants shall provide all information determined by the District to be necessary to establish conditions at the location of service. This information may include, but is not ~~be~~ limited to:

- Property descriptions
- Improvement plans, including certification of subgrade elevation
- Information regarding soils and known contaminated soil conditions
- Environmental documentation
- Fire flow form signed by responsible fire agency
- Topographical map(s)
- Development and site plans with hydrant locations identified and signed by the responsible fire department (if applicable)
- Hydraulic calculations for proposed fire sprinkler system (if

applicable) AMORTIZATION OF CONNECTION AND

INSTALLATION FEES

Applicants for service that satisfy the criteria set forth below may make written application to the District to amortize the payment of water service installation charges (Schedules D and E), water main extension charges (Schedule G), water system capacity charges (Schedule J) and wastewater capacity fees, pursuant to the following terms and conditions:

- The amount amortized shall be at least \$5,000 but not more than \$150,000.
- Applicant shall pay in advance a minimum of 25% of the estimated cost to provide the new service connection.
- Applicants shall enter into an agreement with the District which provides that:
 - a. amortized charges that shall be paid in equal installments over a maximum period of 24 months;
 - b. interest shall be applied to the balance due at a rate set by the Director of Finance;
 - c. water service may be terminated for failure to pay any installment when due;
 - d. repayment of the amortized charges shall be secured by real property owned by applicant and the District shall have the right of foreclosure by a power of sale;
 - e. applicant shall pay all escrow and title search costs incurred.
- Applicants shall execute deeds of trust which shall constitute a lien upon real property interests described therein, which property shall be situated in California and shall be sufficient to secure repayment of the amortized charges.

Applicant Criteria

- I. Applicants providing job training in District job skills.

In order to make application to amortized charges pursuant to this section, the applicant must:

- a. make written application to the District for water service;
- b. have tax-exempt status under Internal Revenue Code section 501(c)3;
- c. provide job training, including job skills utilized in District job classifications, to unemployed individuals; and
- d. own and occupy the property for which water service application is made.

II. Applicants providing low income housing incorporating water conserving devices and landscaping.

To apply for amortized charges pursuant to this section, the applicant must:

- be organized solely for the purpose of constructing low income housing;
- provide evidence of eligibility for Community Development Block Grant (CDBG) assistance;
- own the property for which water service is requested;
- seek to amortize charges related to providing water service to a low-income housing project that:
 - i. is restricted to such use for at least 15 years or such other time specified or required by law; and
 - ii. will provide rental units for low-income residents or, if intended for ownership, will be owner-occupied units for low-income residents.
- incorporate water conservation features, beyond those required by law, into the design of the project and install and maintain water conserving landscaping approved by the District; and
- specify the cost benefit that will inure to residents of the project.

For purposes of this section, “housing” and “low-income housing” shall have the following meaning:

- Housing is defined to include rental housing, condominiums, cooperative housing, ownership housing, housing for families, senior housing, housing for physically and/or mentally disabled people, emergency shelters and shared housing.
 - Low-income housing is defined as housing that is subsidized in whole or in part by one or more governmental agencies or foundations and that is rented or owned by individuals or families whose incomes are within ranges specified as low-income by the U.S. Department of Housing and Urban Development for Alameda and Contra Costa Counties.
- III. In addition to the above criteria, applicants must make written application to the District for water service and provide evidence of tax-exempt status under Internal Revenue Code section 501(c)(3).

SECTION 3 STANDARD SERVICE

SERVICE CONNECTION EXISTS AT TIME APPLICATION RECEIVED

Utilization of an existing standard service may be granted where a complete service connection for the premises exists, there is no change in the use of the premises, the service has been active within the previous five years, there is no change in service size, and the District's requirements are met as stated in these regulations (see Section 2, Applying for Service and Section 31 – Water Efficiency Requirements). In such cases, if sufficient advance notice is furnished to the District, the service will be turned on at the meter on the date requested by the customer, except Saturdays, Sundays, and holidays.

All requirements established for the existing service connection shall remain in effect, including the requirement for a pressure regulator or backflow prevention device.

SERVICE CONNECTION DOES NOT EXIST AT TIME APPLICATION RECEIVED

When an application is received for a standard service to a premises where a service connection does not exist as determined by the District, a standard service may be granted and installed, provided the applicant meets the District's general requirements as stated elsewhere in these regulations, and:

1. Service is reasonably available at the premises to be served.
2. The size of the service connection is approved by the District.
3. The applicable District charges have been paid.
4. The applicant agrees to install a pressure regulator or backflow prevention device when required by the District.
5. There is an immediate need for water service to the premises.
6. The applicant agrees to meter the development as specifically approved by the District.

If service is not reasonably available or if unusual conditions exist, the applicant will be advised of the terms and conditions which must be met before an application for service will be accepted.

Additional requirements for nonpotable water service are included in Sections 30 and 31 of these regulations.

In circumstances under which the District anticipates unusual conditions, the applicant shall pay installation charges based on the District's estimate of the total cost of all materials, labor, and other costs incidental to the installation. Unusual conditions shall exist when, in the sole determination of the District, the installation is to be made under conditions that would result in unusual or significant departure from the basic installation charges set forth in the Schedule of Rates and Charges to Customers. Such circumstances shall include, but not be limited to, the length of the lateral, the type

of pavement, anticipated soil or other underground conditions, and the width or travel conditions of the roadway or right-of-way.

Water service will generally be made available by extending a main if the premises to be served does not have principal frontage on an existing water main of adequate flow and pressure (See Section 4). However, water service will not be provided by the extension of a water main where the meter(s) for the premises concerned will be located at an elevation of less than 100 feet below the overflow level of the reservoir supplying such main.

EXCEPTIONS

TEMPORARY CONSTRUCTION SERVICE

The District may grant a temporary reuse of an existing service for construction service purposes where it is expected that the service will be in use for a short period to serve a temporary operation, not related to any particular premises. In such cases, the appropriate installation and System Capacity Charges set forth in the Schedule of Rates and Charges shall be paid in advance and billing at the current rate for a standard service shall apply.

INSTALLATION OF SERVICE CONNECTIONS

Under special conditions the District may install a service connection without the meter in advance of actual need to avoid later cutting of pavement or for other reasons. In such cases, the appropriate installation charges set forth in the Schedule of Rates, and Charges, and Fees shall be paid in advance, but billing procedures shall not apply as the service will not be turned on until standard service is requested and approved by the District. If the service connection is not completed by a request for meter installation and turned on within one year of installation of the connection, the District may determine there is no immediate need for water service and may remove the service connection.

Regardless of whether the service connection was removed, to complete the installation of the standard service a new service application and payment will be required under consistent with the Regulations and Schedule of Rates, and Charges, and Fees then in effect. The System Capacity Charge shall be paid in accordance with the provisions of the Schedule of Rates and Charges then in effect.

STREET LANDSCAPING SERVICE

The District may grant a street landscaping service for planting strips or areas which lie within public streets and are devoted to and maintained for landscaping and related purposes by the public agency having jurisdiction over the streets. In such cases, the irrigable landscape area may be considered a single premises for the purposes of receiving, using and paying for service regardless of its division or intersection by other public streets. The District shall approve the size and location of the service and the distance or area which may constitute a single premises. The appropriate installation and System Capacity Charge set forth in the Schedule of Rates and Charges shall be paid, and billing at the current rate for a standard service shall apply. Additional requirements for nonpotable and potable water service are contained in Sections 30 and 31 of these regulations.

LANDSCAPING SERVICE

The District may grant a landscaping service for irrigable landscape areas for an entire property which is considered a single premises for the purposes of receiving, using and paying for irrigation service. The District shall approve the size and location of the service and the distance or area which may constitute a single premises. The appropriate installation and System Capacity Charge set forth in the Schedule of Rates and Charges shall be paid, and billing at the current rate for a standard service shall apply. Additional requirements for nonpotable and potable water service are contained in Sections 30 and 31 of these regulations.

COMBINATION STANDARD AND FIRE SERVICE

The California Building Code requires all newly constructed single and two-family homes and townhouses to install fire sprinkler systems. The District will grant one service to provide both standard service and a supply to a private fire protection system for each newly constructed single-family premises or residential dwelling unit. A separate fire service connection is required for service to a private fire protection system at all other premises except the following:

1. New service or the enlargement of existing connections required for large area premises with public or private educational facilities and publicly-owned facilities served with combined standard and fire service.
2. Service to multi-family residential premises when a combination standard/fire service meter has been installed for each residential dwelling unit.
3. Service to group homes or group residential facilities when it is determined by the District that a combined service connection is acceptable for metering normal water use and is approved by the responsible fire protection agency.

Except for the System Capacity Charge as provided in Schedule J, the rates and charges pertaining to the service shall be based on actual meter size.

BRANCH ~~METERS~~ SERVICE

The District may grant two or more standard services from a single service connection for a premises other than a single-family premises ~~if fire sprinklers are not required~~. The appropriate installation charge set forth in the Schedule of Rates and Charges shall be paid.

MASTER METER

Each separate structure of a multi-family, multi-occupancy, or commercial/industrial premises shall be separately metered, except when ~~the, as solely determined by the District determines,~~ it is not beneficial for water use efficiency. ~~The District may require e~~Each customer type in a new or renovated structure with more than one business classification ~~to be must be separately metered by a master meter or individual meters for each unit, consistent with District Regulations, as solely determined by the District.~~

~~A separate meter may be required for an Accessory Dwelling Unit as defined by these Regulations only as authorized by Government Code Sections 65852.2 and 65852.22.~~

The District may grant a single service with a master meter to a premises with multiple separate structures when the District determines the structures on the premises are all provided the premises is determined to be a single business classification and all the following conditions are met:

1. The ~~property to be served~~ structures must be in a single ownership, and the property surrounding the structures must be in single ownership, including streets containing the owner's water service pipelines. ~~Where the property or the property~~ surrounding the structures must be in single common ownership under a residents' or homeowners' association or in ownership by a unified school district or similar entity.
- 1.2. The business classifications are unlikely to change due to the use and status of the ownership.
- 2.3. Submeters are installed by the applicant to meter individual water use at each structure and/or units. Submeters shall be equipped with registers as per Section 31 of these Regulations. There must be a single management entity for the property who will be responsible for maintaining the private water system maintenance of the submeters beyond the master meter and for payment of all water service charges.
- 3.4. The applicant must furnish a written statement from the fire district or other public agency with jurisdiction, indicating its acceptance of the proposed arrangement for providing fire flow, and that the liability for supplying water for fire protection rests solely with the property owner responsible for the private water system.
- 4.5. It has been determined by the District that District-installed individual meters for each customer business classification, unit, or structure is my not beneficial to the District to maintain in furthering water use efficiency, as solely determined by the District, or is not in accordance with these regulations.

ACCESSORY DWELLING UNITS

A separate meter may be required for an Accessory Dwelling Unit as defined by these Regulations only as authorized by the California Government Code chapter addressing ADUs (Title 7, Division 1, Chapter 13).

SERVICE CONNECTION NOT AT THE PRINCIPAL FRONTAGE

~~In certain unusual circumstances, t~~The District may locate a conditional service connection(s) for a premises at other than the principal frontage provided:

- there is only a small number of premises that would be so served,
- service is reasonably available at that location,
- all necessary property rights providing permanent access for installation and maintenance of private houselines, water service connections, and meters, to each premises has been provided

by the applicant to the District, and

- ~~the principal frontage is on a private road or driveway,~~
- ~~there is only one premises that would be so served,~~
- ~~there is no apparent possibility of further extension to serve other premises,~~
- ~~there is no requirement for a fire~~ a main extension for a public hydrant, and would not be required
and other factors requiring a main extension are not present.
- ~~a main extension for adjacent premises would not be required.~~

The owner(s) of the premises shall agree in writing to the conditions of service(s) and agree to relocate the service(s) and pay any applicable costs in the future ~~if, should~~ standard service becomes available at the principal frontage due to the installation of a main extension to serve other premises and the District determines that service relocations are required when the standard service becomes available. This conditional service agreement shall be a covenant against the premises to be served and shall run with the land, and will be recorded by the District.

SERVICE CONNECTION AT ALTERNATE MAJOR FRONTAGE

The District may locate the service connection for a premises at that part of the perimeter immediately adjacent to a street or road of general public access, where a water main exists or may

be installed, even though it is not the normal vehicle access to the property and provided that the fire hydrant location in relation to the premises is acceptable to the responsible fire protection agency.

The District may locate the service connection(s) for a multi-family residential unit(s) or multi-occupancy commercial/industrial unit(s) at that part of the perimeter immediately adjacent to a street or road of general public access in a development where individual metering of all multi-family residential or multi-occupancy commercial/industrial unit(s) has been determined to be feasible in the sole discretion of the District in accordance with Section 2 of these Regulations.

SECTION 18 LOCATION OF SERVICE

In general, the meter shall be installed at the principal frontage of the premises, in the area between the curb line and the customer's premises, ~~at the point specified by the applicant,~~ except as allowed under written agreement as provided in Section 3 or Section 4, of these Regulations.

~~The meter~~ Applicants may request a specific meter location if the meter placement meets all District requirements for standard meter installation. The meter shall not be located in a traveled way ~~of private roads~~ or driveways except in certain unusual installations when determined by the District that there is not a practical alternative location. In all cases, whether initial installation or relocation of existing service, the specific location of the meter shall be subject to District approval and charges will apply in accordance with the Schedules of Rates, Charges, and Fees.

The meter will be installed in the approved location upon payment of applicable District charges.

SECTION 23

DISTRICT EQUIPMENT ON CUSTOMER'S PREMISES

All service pipe and equipment needed to serve a customer up to and including the meter shall be owned by the District whether installed (1) on public or private property, and (2) at applicant or District expense.

District equipment required for service including the meter box, which is installed on a customer's premises, may be repaired, replaced, or removed by the District without the consent of the customer. Authorized representatives of the District shall have the right of access to such equipment for any purpose reasonably connected with furnishing services. The District will make no payment for placing or maintaining such equipment on the customer's premises.

The customer shall exercise care to prevent damage to or interference with the operation or servicing of District equipment. A minimum unobstructed clear setback zone of 30 inches on all 4 sides of the water meter box (measured from the outside edge of the box), as well as a 106 foot vertical clearance above the meter box is required.

The customer shall be liable for any damage to District-owned meters, locks, or other equipment which is caused by himself or his tenants, agents, employees, contractors, licensees, or permittees, and must promptly reimburse the District on presentation of a bill for any such damage.

SECTION 31 WATER EFFICIENCY REQUIREMENTS

These regulations identify the types of water efficiency requirements for water service and the procedure for notification to Applicants that water efficiency measures are required. Applicants shall be subject to the most current and most water-efficient requirements in effect on the date the District receives payment for new or upgraded service, whether specified by EBMUD or other local, state, or federal regulations.

A. DETERMINATION OF FEASIBILITY OF WATER EFFICIENCY MEASURES

The District will review applications for new standard services and determine the applicability of, and compliance with, water-efficiency requirements. Applicants for increased or expanded service shall be required to meet the water-efficiency requirements for all new water service facilities and may be required to retrofit existing water service facilities or uses to comply with all requirements. Applicant shall maintain design documents and construction and installation records and furnish a copy of said documents and records to the District upon request. The District may inspect the installation of indoor and outdoor water efficiency measures to verify that the items are installed and performing to the required water efficiency levels. The Applicant or their representative may be present during any District inspection.

B. WATER EFFICIENCY REQUIREMENTS FOR NEW DEVELOPMENT OR EXPANDED SERVICE

Water service shall not be furnished to any Applicant for new or increased or expanded service, or for any change in customer classification (such as a change from industrial to commercial, residential to commercial, or the like) that includes new or retrofitted water using equipment, unless all the applicable water-efficiency measures hereinafter described in this Section 31 and required by applicable local, state and/or federal law have been reviewed and approved by the District. All the applicable and required water-efficiency measures shall be installed at Applicant's expense.

All applicants applying for new water service for multi-family residential structures or mixed-use residential and commercial structures shall comply with all applicable local and/or state submetering regulations. Submeters shall be equipped with registers with an encoded output to allow for electronic reading of submeters and shall be accessible for maintenance and visual needs. Applicants shall submit site and plumbing plans including location, accessibility, and specifications for submeters. See Sections 2 and 3 of EBMUD Regulations for additional requirements.

C. INDOOR WATER USE

- a. All Applicants shall comply with these regulations and those required by applicable local, state and/or federal law including the California Green Building Standards Code (CAL Green).
- b. Toilets shall be high-efficiency or dual flush models rated and third party tested at a maximum average flush volume of 1.28 gallons per flush (gpf), and be certified as passing a 350 gram or higher flush test as established by the U.S. Environmental testing entity. Pressure-assisted type toilets shall be high-efficiency rated at a

maximum 1.0 gpf. No flush or conversion devices of any other kind shall be accepted.

- c. Wall mounted urinals shall have a maximum rated flow of 0.125 gpf or less, or be zero water consumption urinals.
- d. Floor mounted urinals shall have a maximum rated flow of 0.5 gpf or less.
- e. Single showerheads shall have a maximum flow rate of 1.8 gallons per minute (gpm) at 80 pounds of pressure per square inch (psi).
- f. Multiple showerheads serving a single shower enclosure shall have a combined flow rate of not more than 1.8 gpm at 80 psi or shall be designed to allow only a single showerhead to be operated at one time.
- g. Residential lavatory faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.2 gallons per minute or less.
- h. Public lavatory faucets shall have aerators or laminar flow control devices with a maximum rated flow of 0.5 gallons per minute or less.
- i. Wash fountains shall have a maximum flow rate of not more than 1.8 gpm per wash station.
- j. Metering faucets shall not deliver more than 0.20 gallons per cycle.
- k. Kitchen faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.8 gallons per minute or less with optional temporary flow of 2.2 gpm.
- l. Clothes washing machines shall be front loading horizontal axis or top loading models with a water factor rating of 4.5 or less. A water factor rating of 4.5 means a maximum average water use of 4.5 gallons per cubic foot of laundry.
- m. Residential dishwashers rated as standard size (i.e. 307 kWh/year) shall use less than or equal to 5.0 gallons/cycle. Dishwashers rated as compact size (i.e., 222 kWh/year) shall use less than or equal to 3.5 gallons/cycle.
- n. Cooling towers not utilizing recycled water shall be equipped with recirculating systems and operate at a minimum of five (5) cycles of concentration. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make up and blowdown meters.
- o. Food steamers in all food service facilities shall be boiler-less or self-contained models using ≤ 3.0 gallons per hour where applicable.

- p. Ice machines shall be air-cooled and use no more than 20 gallons of water per 100 pounds of ice and shall be equipped with a recirculating cooling unit or water-cooled on a closed loop system.
- q. Commercial refrigeration shall be air-cooled or if water-cooled, must have a closed looped system. No once through, single pass systems are permitted.
- r. Pre-Rinse dishwashing spray valves shall have a maximum rated flow of 1.28 gpm or less.
- s. Food disposers shall modulate the use of water to no more than 1 gpm when the disposer is not in use and shall automatically shut off after no more than 10 minutes of inactivity. Disposers shall use no more than 8 gpm of water.
- t. Commercial dishwashers or ware washing equipment shall be currently labeled an EnergyStar rated water efficient model meeting the maximum water consumption limits as specified in the table below:

Machine Type	High Temp Requirements	Low Temp Requirements
Under Counter	≤ 0.86 GPR	≤ 1.19 GPR
Stationary Single Tank Door	≤ 0.89 GPR	≤ 1.18 GPR
Pot, Pan, and Utensil	≤ 0.58 GPSF	≤ 0.58 GPSF
Single Tank Conveyor	≤ 0.70 GPR	≤ 0.79 GPR
Multiple Tank Conveyor	≤ 0.54 GPR	≤ 0.54 GPR
Single Tank Flight Type	$\leq \text{GPH} \leq 2.975x + 55.00$	$\leq \text{GPH} \leq 2.975x + 55.00$
Multiple Tank Flight Type	$\leq \text{GPH} \leq 4.96x + 17.00$	$\leq \text{GPH} \leq 4.96x + 17.00$

*GPR (gallons per rack); GPSF (gallons per square foot); GPH (gallons per hour)

- u. Conveyor and in-bay vehicle wash facilities shall reuse a minimum of 60% of water from previous vehicle rinses in subsequent washes.
- v. Self-service vehicle wash facilities shall use spray nozzles with a flow rate of 3.0 gpm or less.
- w. Swimming pools and spas shall be covered when not in use, unless public health and safety concerns exist.

D. OUTDOOR WATER USE

- a. All Applicants shall comply with all District water service regulations and those required by applicable local, state and/or federal law including the Model Water Efficient Landscape Ordinance (MWELO).

- b. Applicants shall submit, at a minimum, a scaled site plan that identifies the property address, parcel boundaries, building footprints, hardscape, softscape, meter location, and location of each hose bib. If an application for service is submitted without a detailed landscape plan for the entire premises, the District will estimate the new irrigable landscape area to determine the potential irrigation demand (default demand) for inclusion in the total domestic water demand calculation. Projects subject to MWELo shall also provide a compliant landscape documentation package as required by the ordinance.
- c. All premises with 500 square feet or more of new irrigable landscape area shall install a modular weather-based smart controller with rain or soil moisture sensor, an irrigation connection with a manual shutoff valve, a backflow prevention device, a pressure regulator where pressure exceeds the operating range of system components, and sleeves allowing irrigation to extend to all landscape areas.
- d. All non-residential premises with 500 square feet or more of new irrigable landscape shall also install a flow sensor with master shutoff valve.
- e. All residential premises with more than 5,000 square feet of new irrigable landscape area shall also install a flow sensor with master shutoff valve.
- f. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for residential premises with an irrigable landscape area of 5,000 square feet or more.
- g. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of more than 1,000 square feet but less than 5,000 square feet.
- h. As provided in Sections 1 and 3 of the Regulations, a District dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of 5,000 square feet or more.

E. NONCOMPLIANCE

The District will review applications for new and expanded services for water efficiency features as described in this Section. If an application does not meet the water efficiency requirements, the District may require the Applicant to resubmit a revised water service application and water efficiency plan at the Applicant's expense. The District may withhold water meter(s) and account activation until the District determines the application complies with the requirements of this Section.

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BOARD ACTION

Agenda Number:	16.	Meeting Date:	April 23, 2024
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TITLE	WATER SUPPLY AVAILABILITY AND DEFICIENCY REPORT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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- | | |
|--------------------|--|
| RECOMMENDED ACTION | <ul style="list-style-type: none">• File the 2024 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency.• Declare the District’s water supply is sufficient for meeting customer demands in 2024. |
|--------------------|--|

SUMMARY	This report provides an assessment of the District’s 2024 water supply as outlined in the District’s Urban Water Management Plan and Water Shortage Contingency Plan. As of April 16, 2024, total system storage (TSS) is at 684 thousand acre-feet (TAF) and forecasted to be 630 TAF by the end of the water year on September 30, 2024, under a dry (90 percent exceedance) condition. Forecasted TSS for the end of September 2024 is above 475 TAF, which is the District’s trigger for drought action. Additionally, the California Department of Water Resources’ (DWR) April Bulletin 120 forecast of runoff on the Mokelumne River is 730 TAF. The forecasted runoff corresponds to a Below Normal water year type on the lower Mokelumne River under the District’s Joint Settlement Agreement (JSA). The District’s water supply is sufficient to meet customer demands after all required downstream obligations are met.
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DISCUSSION	The purpose of the Water Supply Availability and Deficiency Report (WSADR) is to assess current and forecasted water supply availability, and if necessary, provide guidance for the Board’s consideration of potential drought response actions that follow the District’s Water Shortage Contingency Plan. In years when water supply is sufficient, the WSADR provides the basis for the Board’s determination of additional availability of water for potential use by others, and for its rescission of drought response actions previously taken.
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2024 Water Supply and Demand Assessment

The District’s 2020 Urban Water Management Plan (2020 UWMP) provides a framework for evaluating and addressing water shortages. The Water Shortage Contingency Plan (WSCP), Attachment 1 of the 2020 UWMP, outlines a coordinated response to water shortage situations and guides the District’s planning and response based on assessment and management of the water supply.

Water supply availability is determined by forecasting the amount of water that will be stored in District reservoirs on September 30, which marks the end of the water year. The amount of TSS projected on September 30 is calculated by first adding projected runoff amounts to existing storage levels; and then deducting anticipated customer demand based on the last fiscal year, evaporation, and the volume of water that must be released from the

Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): N/A			

Title:	Water Supply Availability and Deficiency Report	Meeting Date:	April 23, 2024
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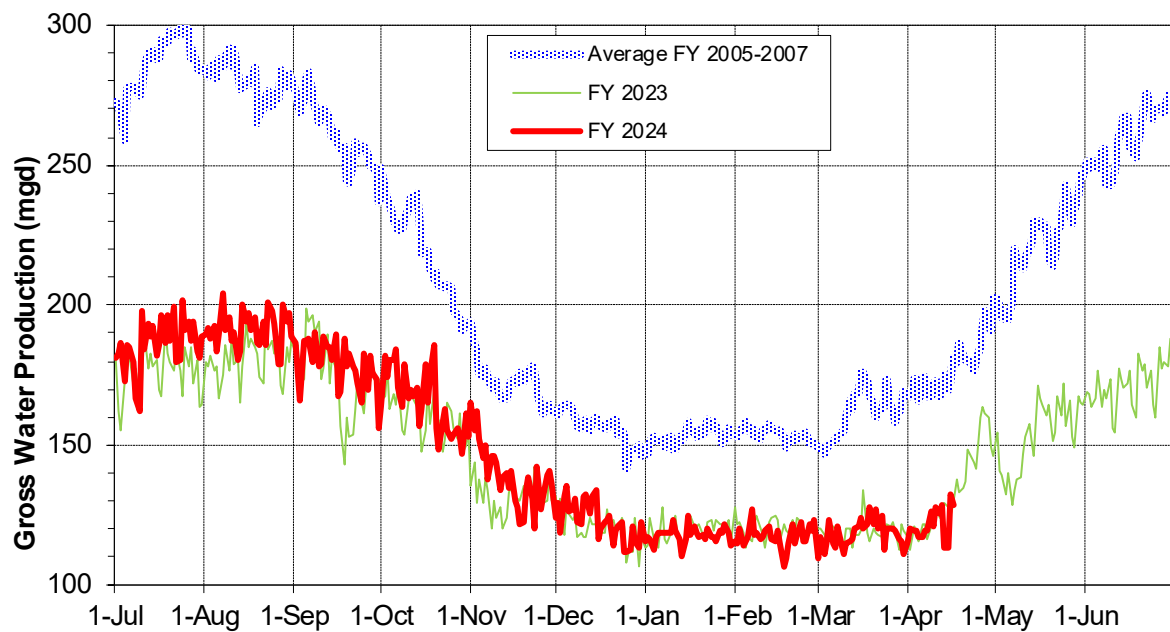
District's storage reservoirs to meet operating criteria and downstream obligations. These criteria and obligations include minimum flows for fishery requirements, use by downstream water rights holders, water requirements by other downstream interests, and water releases from terminal reservoirs to maintain reservoir levels within normal operating ranges.

Using the Drought Management Program guidelines in the WSCP, the resulting projected water supply available at the end of the water year is then compared against thresholds to determine if there is sufficient water to meet demands and all other obligations for the current year or if a water shortage response action is necessary.

Status of District Water Demands

The recent drought from 2020-2022 together with the previous drought from 2013-2015 have advanced long-term efficient and wise use of water. The recent droughts, changes in customer usage patterns, and legislation have contributed to the District's low water demand. Figure 1 shows the latest water production data. The annual average production is projected to be 154 million gallons per day (MGD) for Fiscal Year (FY) 2024. The District's water supplies are sufficient to meet customer demand and downstream flow obligations.

Figure 1. Gross Water Production as of April 2024



Status of Current Water Supplies

The District's TSS is the volume of water in storage in the District's Mokelumne River reservoirs (Pardee and Camanche) plus the East Bay terminal reservoirs. Table 1 shows the storage as of April 16, 2024. The combined Pardee and Camanche Reservoirs' storage was 544 TAF, which is 108 percent of capacity. The East Bay reservoirs are 100 percent of average for this time of year and at 89 percent of capacity.

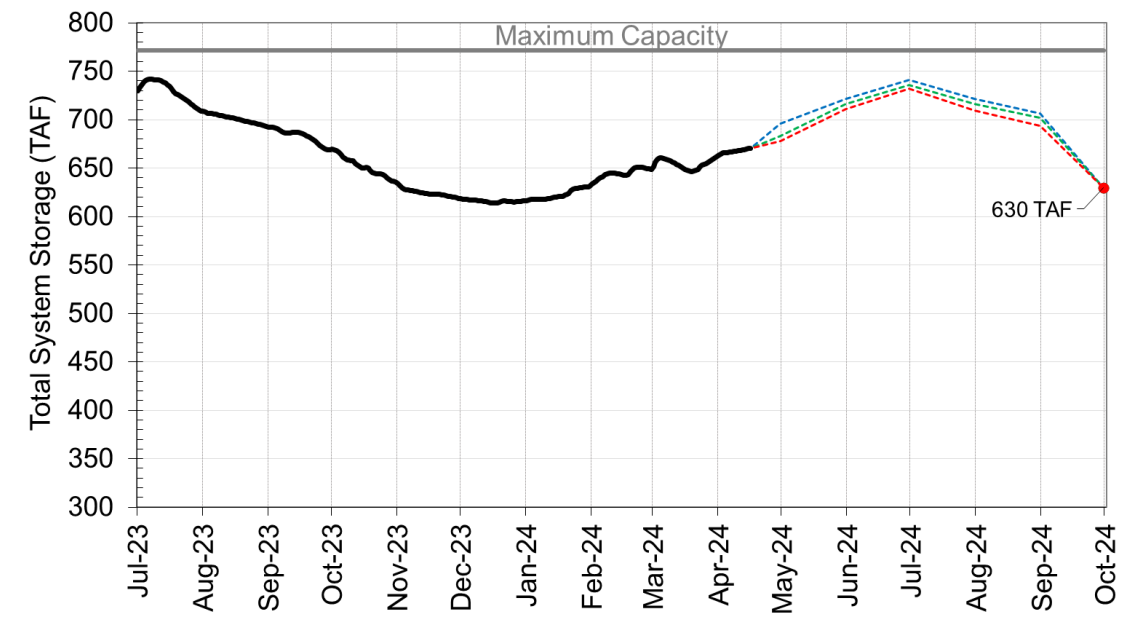
Title:	Water Supply Availability and Deficiency Report	Meeting Date:	April 23, 2024
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Table 1. Total System Storage as of April 16, 2024

Reservoirs	Current Storage, TAF ^(a)	Percent of Average for this Date	Percent of Capacity
Upcountry	544	111%	88%
<i>Pardee</i>	171	91%	84%
<i>Camanche</i>	373	123%	89%
East Bay	140	100%	93%
Total	684	108%	89%

^(a) TAF: Thousand Acre-Feet

As of April 16, the District's Mokelumne basin snow survey reference point at Caples Lake had a snow depth of over 76 inches (130 percent of average) and snow water content of 31.39 inches (120 percent of average). The total precipitation through April 16 in the Mokelumne watershed and in the East Bay was 40.06 inches (93 percent of average) and 18.89 inches (76 percent of average), respectively. The District's median unimpaired runoff projection for Water Year 2024 is 680 TAF, which corresponds to a current median projection for TSS at the end of September of 630 TAF (see Figure 1). The projected TSS for a 90 percent exceedance (9 of 10 years are wetter) is 630 TAF. This indicates the District's reservoirs will be full at the end of the water year.

Figure 2. Total System Storage Forecast for 2024

Title:	Water Supply Availability and Deficiency Report	Meeting Date:	April 23, 2024
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Water Flow Obligations in the Lower Mokelumne River

The JSA governs the District's obligation to release flows for instream uses. The water year type determines the amount of water the District must release to meet JSA requirements. Under the JSA, the water year type is classified as "Below Normal," based on DWR's April Bulletin 120 forecast for unimpaired runoff of 730 TAF into Pardee Reservoir. The "Below Normal" condition will determine the requirements for releases from Camanche Reservoir and flow expected below Woodbridge Dam from April 1, 2024, through September 30, 2024, in accordance with the JSA.

The District also makes releases to satisfy obligations to certain downstream water users. Based on runoff projections for the remainder of this year:

- Woodbridge Irrigation District will receive its full regulated base supply of 60,000 AF as provided by the parties' agreement;
- Jackson Valley Irrigation District will receive up to its maximum entitlement of 3,850 AF, but direct diversion may not be available in all months; and
- North San Joaquin Water Conservation District (NSJWCD), a junior water right holder, will receive up to their scheduled amount of the 18,000 AF requested on March 18, 2024.

Section F.3 of the JSA provides that the District notify resource agencies of the availability of surplus water; therefore, following Board acceptance of the 2024 WSADR, the District will notify the fishery resource agencies of the availability of surplus water.

Statewide Water Supply Condition

A series of atmospheric rivers from January to early March 2024 boosted the State's water supply, and as of April 16, 2024, major reservoir levels in California are 120 percent of average and statewide snowpack levels are about 111 percent of average.

Demonstration Recharge Extraction and Aquifer Management (DREAM) Project

The DREAM Project is a pilot conjunctive use groundwater replenishment project that is a joint effort of the North San Joaquin Water Conservation District (NSJWCD), San Joaquin County, Eastern Water Alliance, and the District. The District provided NSJWCD with up to 1,000 AF of the District's surface water from the Mokelumne River that participating landowners used for irrigation instead of pumping local groundwater, thereby storing groundwater in the basin for future use. In exchange, the District was able subsequently to extract up to half of the delivered water from the ground, subject to County permit conditions.

The District released a total of 342 AF of Mokelumne River water to NSJWCD for the DREAM Project in 2018 and 2019 and released the remaining 658 AF of the 1,000 AF of surface water to NSJWCD during the 2023 irrigation season. The District began extracting its stored groundwater for delivery into the Mokelumne Aqueducts in January 2024 and expects to complete the extractions in April 2024 to finish the pilot project.

Title:	Water Supply Availability and Deficiency Report	Meeting Date:	April 23, 2024
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Pulse Flow Operations

Pulse flows are intended to mimic the natural variability found in undammed rivers and help cue fish migration. The District conducted multiple pulse flow releases from Camanche Dam in the fall of 2023. Each pulse resulted in an increase in salmon returning to the Mokelumne River. Pulse flow timing for fall 2024 will be coordinated with other fishery resource agencies, State Water Resources Control Board, and downstream Mokelumne River water users. A detailed operations plan will be developed by September 1, 2024.

SUSTAINABILITY

Economic

The WSADR provides information necessary for the Board to maintain a reliable water supply for the East Bay.

Social

The WSADR helps inform the Board and the District's customers about the status of water supplies.

Environmental

The WSADR presents updated water supply information that is used to comply with the flow requirements of the JSA.

ALTERNATIVE

Do not file the WSADR. This alternative is not recommended because California Water Code section 10632.1 requires each urban water supplier to conduct an annual water supply and demand assessment and Policy 9.03 requires filing of the WSADR each year.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 23, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Derry L. Moten, Special Assistant to the General Manager 

SUBJECT: Service Award Recipients - January through March 2024

The District values the individual and collective contributions of employees and recognizes that staff longevity is a key factor in successfully providing high quality water and wastewater services for the people of the East Bay. Employee longevity milestones are acknowledged for every five years of service.

During the Board meeting on April 23, 2024, staff will present a list of 85 District employees who reached service award milestones ranging from five to 40 years of service between January 1, 2024, and March 31, 2024. This group of employees includes one employee celebrating 40 years of service, five employees achieving 30 years of service, and seven employees with 25 years of service.

Employees who reach service award milestones are also recognized by their organizational leadership through the Employee Recognition and Service Award Program and receive a service award on behalf of the District.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 18, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Planning Committee Minutes – April 9, 2024

Chair Marguerite Young called to order the Planning Committee meeting at 9:00 a.m. in the Administration Building Boardroom. Director Doug A. Linney was present at roll call. Director April Chan was absent. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Water and Natural Resources Michael T. Tognolini, Managers of Watershed and Recreation Scott D. Hill and Charles C. Beckham, Director of Wastewater Amit K. Mutsuddy, Wastewater Control Representative Zoe A. Lake, Senior Civil Engineer Grace W. Su, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who asked the Committee to instruct her supervisor to cease retaliation and harassment and commented on the Pierce/Bland case and a document she provided to the Committee.

Presentations/Documentation. 1) Presentation entitled, “Wastewater Pretreatment and Pollution Prevention Program Update,” dated April 9, 2024; 2) Presentation entitled, “Los Vaqueros Reservoir Expansion Project Updates,” dated April 9, 2024; 3) Presentation entitled, “Annual Watershed and Recreation Report - 2023,” dated April 9, 2024; and 4) Handout entitled Employer-Employee Relations Policy.

Wastewater Pretreatment and Pollution Prevention Programs Update. Wastewater Control Representative Zoe A. Lake provided the update. The Pretreatment Program monitors the influent quality, inspects businesses, and issues permits to certain industries. The program requires periodically conducting industrial user surveys to identify and evaluate sources of non-residential discharges within the collection system. In spring 2023, staff inspected four industrial facilities that manufacture paints, inks or dyes and determined that none required a permit. The District established limits for certain constituents for wastewater discharges to the community sewer to ensure regulatory compliance and protect Main Wastewater Treatment Plant (MWWTP) processes. The MWWTP National Pollutant Discharge Elimination System permit requires that these limits be evaluated every five years. The local limits study was completed in 2023 and staff proposed changes to several local limits. Ms. Lake reviewed the proposed changes and reported the District did not receive any objections to the proposed changes during the federally required public comment period. Next steps include revising the Wastewater Control Ordinance for the Board to consider at a regular meeting later in 2024. Next, she provided an overview of the Pollution Prevention Program which is focused on reducing pollution from residential and commercial sources. Staff is working with Bay Area Clean Water Agencies (BACWA) on a regional study of per- and polyfluoroalkyl substances (PFAS). The second phase of the PFAS study was completed in 2023 and demonstrated residential users are a significant contributor of PFAS in wastewater. The District added a new webpage with

information and resources about PFAS in wastewater. Virtual and in-person tours of the MWWTP remain popular and staff is participating on the steering committee for Bay Area Pollution Prevention Group (BAPPG), a BACWA committee that coordinates campaigns for regional pollution prevention messaging. In 2023, BAPPG launched a video on “The 3P’s” in Spanish and English. Next steps include revising the Wastewater Control Ordinance to present to the Board; monitoring industrial users and reaching out to customers about reducing pollutants in wastewater; and continued monitoring of wastewater influent. Ms. Lake responded to Committee questions regarding local limits and the information on the District’s PFAS webpage. Staff was asked to update the first paragraph on the PFAS webpage to highlight that residential households are a significant contributor of PFAS in wastewater. It was moved by Director Linney, seconded by Director Young, and carried (2-0) by voice vote to accept the report. Director Chan was absent.

Los Vaqueros Reservoir (LVR) Expansion Project Updates. Senior Civil Engineer Grace W. Su presented the update. EBMUD, along with seven partner agencies, is evaluating potential participation in the proposed expansion of LVR. The project would increase capacity in the LVR from 160 thousand acre-feet (TAF) to 275 TAF and would provide EBMUD up to 30 TAF of new supplemental water supply and provide environmental benefits. Some key issues with EBMUD’s participation in the project include updates to the District’s unit cost evaluation, the structure of the project agreements, resolving key points in some agreements, and confirming the sources of water supply. Ms. Su discussed the District’s water supply portfolio noting supplemental supplies beyond the District’s Central Valley Project and water transfers would be needed during the third year of a drought. She also noted the District’s previous need for water analysis from the 2020 Urban Water Management Plan assumed a level of projected demand increase, however actual demand is lower than previously projected. The District will need to re-evaluate the amount of supplemental supply needed in the third year of a drought. Next, Ms. Su reviewed unit cost assumptions and draft unit costs for the LVR Expansion and San Joaquin County Groundwater Banking projects; unit costs in 2023 dollars for Central Valley Project supplies and water transfers; and dry year unit costs for the District’s current and future recycled water projects. There was considerable discussion by the Committee and Ms. Su, Director of Water and Natural Resources Michael T. Tognolini, and General Manager Clifford C. Chan responded to questions regarding the unit cost assumptions and unit cost information. Addressing the Committee was Chris Shutes, Executive Director of California Sportfishing Protection Alliance who expressed support for the LVR and Demonstration Recharge Extraction and Aquifer Management (DREAM) projects and commented on other factors the District should consider in determining continued participation in the LVR Project. Chair Young thanked Mr. Shutes and asked him to submit comments to the District in writing. The Committee requested information on the original and final construction cost estimates for Los Vaqueros Dam, updated costs for the DREAM project, and cost assumptions for water conservation.

Annual Watershed and Recreation Report – 2023. Managers of Watershed and Recreation Scott D. Hill and Charles C. Beckham presented the report. Mr. Hill provided an overview of activities for East Bay watershed recreation. In 2023, 1.26 million visitors used East Bay reservoirs and watershed trails. To support wildfire management, EBMUD resources supported two multi-agency fuel reduction projects and rangers and contractors reduced the fuel load in the watershed by over 8,000 tons. He discussed the fuel management project on the east shore of San Pablo Reservoir which included log deck burning, efforts to address illegal dumping on and near watershed lands, staff-led watershed walks, and participation levels in the low-income, free, one-year trail permit

program. In 2024, staff will continue the interpretative signs upgrade project at Lafayette Reservoir and begin planning for multi-lingual signage at the watershed trail staging areas. Mr. Beckman reported on activities in the Mokelumne watershed. More than 600,000 people visited Mokelumne watershed reservoirs and recreation areas, however the Mokelumne River Day Use Area was closed for most of the summer due to flooding. Repairs were made to the damaged culvert near Middle Bar takeout and over 25 acres of grassland affected by invasive plants were treated using prescribed fires. In 2024, staff is planning major renovations to cabins at the Camanche Recreation Area, expanding the popular Kid's Fishing Day event at Camanche South Shore Recreation Area and increasing the use of prescribed fires on the watershed. In both the East Bay and Mokelumne, staff will explore other ways to remove barriers and increase access for underrepresented communities to watershed and recreation opportunities. The Committee asked questions about potential impacts to air quality from the log deck burning at San Pablo Reservoir and other alternatives to burning materials; additional outreach for the free trail use permits; and tracking users of the Middle Bar and other Mokelumne River takeouts. Staff was asked to include information about free trail use permits during education outreach work and to relocate the registration signage to improve tracking users of Mokelumne River takeouts. It was moved by Director Linney, seconded by Director Young, and carried (2-0) by voice vote to accept the report. Director Chan was absent.

Adjournment. Chair Young adjourned the meeting at 10:12 a.m.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 18, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Legislative/Human Resources Committee Minutes – April 9, 2024

Director Lesa R. McIntosh called to order the Legislative/Human Resources Committee meeting at 10:16 a.m. in the Administration Building Boardroom. Director Marguerite Young was present at roll call. Chair William B. Patterson was absent (excused). Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Human Resources Cindy R. Charan, Special Assistant to the General Manager Derry L. Moten, Senior Human Resources Analyst Jaisha A. White, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who asked the Committee to instruct her supervisor to cease retaliation and harassment and commented on the Employer-Employee Relations Policy and supervisors not being trained at the District.

Presentations/Documentation. 1) Presentation entitled, “Maximizing Employee Retention and Engagement through Stay Interviews,” dated April 9, 2024; 2) Presentation entitled, “Diversity, Equity, and Inclusion Strategic Plan Update,” dated April 9, 2024; 3) Handout entitled Employer-Employee Relations Policy; and 4) Handout entitled Philosophy, Principles, Practices and Techniques of Supervision, Administration, Management, and Organization.

Maximizing Employee Retention and Engagement through Stay Interviews. Director of Human Resources Cindy R. Charan provided the presentation. She reviewed the definition of stay interviews which are conducted with current employees; why they are important for retention, engagement, insight into employee needs, agency culture, and manager-employee relationships; the process used to conduct stay interviews; sample interview questions; and including interviews in the onboarding process for new hires. In conjunction with the Office of Diversity, Equity, and Culture, staff will begin piloting stay interviews for new hires beginning in July 2024. Data will be used to gain key insights to support professional development and assess overall employee satisfaction with the goal to conduct stay interviews with all employees. Ms. Charan responded to questions from the Committee on how issues identified during interviews will be addressed; the timeline for interviews with new hires and whether employees will be required to participate in interviews with their supervisor; how staff will address situations where an employee is uncomfortable participating in interviews with their supervisor; the average number of staff hired each year; resources needed to administer stay interviews; and protections against retaliation or harassment for probationary employees. Addressing the Committee was Ivette Rivera who commented on the presentation, remarks made by Director Young, and adequate training for supervisors and employees. The Committee asked for information on how all feedback (negative and positive) will be incorporated into action planning for stay interviews and training provided for District supervisors and managers.

Diversity, Equity, and Inclusion Strategic Plan (DEISP) Update. Due to time constraints, General Manager Clifford C. Chan announced the update would be provided at the Legislative/Human Resources Committee meeting in May. He asked the Committee if they had questions regarding the DEISP staff report. Committee members commented the information on promotions at the District is helpful and asked that future presentations be pared down to focus on a few key topics. Addressing the Committee was Ivette Rivera who commented on retaining people of color at the District and the DEISP staff report. Staff was asked to provide additional information and data on promotions for people of color. The Committee said future staff reports no longer need to include the list of DEISP implementation work groups.

Adjournment. Director McIntosh adjourned the meeting at 10:59 a.m.

CCC/RSC