



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
REGULAR CLOSED SESSION**

Tuesday, May 14, 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. Conference with Labor Negotiators Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; and Adam Smyer, Manager of Employee Relations, 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.
2. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *United States of America, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C09-00186-RS
 - b. *Ivette Rivera, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C24-02491-AGT

(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

PRESENTATION:

- Contra Costa Science and Engineering Fair Award Winners
- Government Finance Officers Association Distinguished Budget Presentation Award and Operating Budget Excellence Award

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 10 recommendations, including 1 resolution.)

1. Approve the Regular Meeting and Special Meeting Minutes of April 23, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after May 14, 2024 to the lowest responsive/responsible bidder, Airgas USA LLC, for supplying liquid oxygen and maintenance and repair services for the District's Sobrante and Upper San Leandro water treatment plants for two years, with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$1,578,615 under Request for Quotation No. 2408.

CONSENT CALENDAR: (Continued)

4. Award contracts relating to rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms.
 - 4a. Award contracts beginning on or after May 14, 2024 to American Portables; Lance Soares Inc. dba Clean Site Service; Foothill Portable Toilets, Inc.; Northwest Cascade, Inc. dba Honey Bucket; SOS Portable Toilets; and United Site Services of California, Inc. to provide rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations for two years with three options to renew for additional one-year periods in an aggregate amount, after the addition of taxes, including option years, not to exceed \$7,876,075 under Request for Quotation No. 2404.
 - 4b. Award additional contracts for rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations, on an as-needed basis and subject to the total aggregate amount awarded by the Board for such services on May 14, 2024, with vendors that meet District standards and offer pricing at or below the range described in the current proposed contracts with vendors above to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
5. Authorize an agreement beginning on or after May 14, 2024 with Diède Construction, Inc. DDC, Inc. in an amount not to exceed \$576,000 for materials and labor for landscaping and site improvements at Pardee Center.
6. Authorize an agreement beginning on or after May 14, 2024, with Simpson Gumpertz & Heger Inc. in an amount not to exceed \$2,988,873 for specialized engineering design services for seismic and heating, ventilation, and air conditioning systems improvements for the Main Wastewater Treatment Plant Administration and Laboratory Building.
7. Authorize agreements related to replacement of private sewer lateral software.
 - 7.1. Authorize an agreement beginning on or after May 14, 2024 with Accela, Inc. for \$257,829.45 for five years, with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$562,825.61 for Accela Software subscriptions and support to replace the software used to schedule, manage, and track compliance with the District's Private Sewer Lateral Program.
 - 7.2. Authorize an agreement beginning on or after May 14, 2024 with RedMark Technologies, LLC in an amount not to exceed \$697,600 to configure Accela Software to meet District business processes, implement interfaces with other systems, and migrate existing Private Sewer Lateral program data.

CONSENT CALENDAR: (Continued)

8. Authorize agreements relating to vehicle/equipment repair and other related services.
 - 8a. Authorize agreements beginning on or after May 14, 2024 with Crash Champions; Walnut Creek Ford; Got Power Inc. dba CD & Power; Doc Bailey Construction Equipment, Inc.; FH Dailey Chevrolet; Fleetworks, Inc.; Golden Gate Truck Center; Grand Collision Center, Inc.; Kelly's Truck Repair; Maz Glass; Nixon Egli Equipment Co., Inc.; Oakland Chevrolet; Owen Equipment Sales; Pape Machinery, Inc.; Peterson Power Systems, Inc.; Stewarts Body Shop Inc.; Unlimited Tool Repair & Fabrication, Inc.; and Uptown Ford of Oakland for one year in an aggregate amount not to exceed \$830,000 for vehicle/equipment repair and other related services.
 - 8b. Authorize additional agreements for vehicle/equipment repair and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on May 14, 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.
9. Authorize the purchase of wireless telephone and broadband Internet services beginning on or after July 1, 2024 from AT&T Mobility National Accounts LLC and Cellco Partnership dba Verizon Wireless, for District devices for five years for a total aggregate amount not to exceed \$5,855,048. This purchase will be made through the National Association of State Procurement Officials contracts.
10. Adopt a resolution designating each territory newly annexed to the East Bay Municipal Utility District service area since September 2022 to a District ward in anticipation of electing Directors during the November 5, 2024 general election. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update.
 - Receive Legislative Report No. 03-24 and consider positions on the following bills: AB 1798 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters; AB 1827 (Papan) Local government: fees and charges: water: higher consumptive water parcels; AB 2257 (Wilson) Local government: property-related water and sewer fees and assessments: remedies; AB 3023 (Papan) Wildfire and Forest Resilience Task Force: interagency funding strategy: state watershed restoration plans: forest resilience plans: grant program guidelines; and SB 1515, SB 1516, SB 1517 (Committee on Local Government) Validations; and receive information on connection fee and capacity charge legislation
 - Update on Legislative Issues of Interest to EBMUD

DETERMINATION AND DISCUSSION: (Continued)

12. Take actions relating to amendments to Retirement Ordinance No. 40 pertaining to pension benefits of future Board members.
 - 12.1. Vote on an option to amend the Retirement Ordinance as to pension benefits conferred on future Board Members.
 - 12.2. Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 reflecting the selected option to amend the ordinance.
(Introduction and First Reading – Ordinance No. 376-24)
13. File a report and set a Public Hearing for the Water and Wastewater Systems' Schedule of Rates and Charges, Capacity Charges, Other Fees, and Regulations.
 - 13.1. File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations.
 - 13.2. Set a Public Hearing for Tuesday, June 11, 2024, during the Board's regular meeting, to consider the Report and Recommendation.
14. General Manager's Report.
 - Monthly Report – April 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 28, 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, May 14	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> New Central Area Service Center Project Update Board of Directors Standby Officers
	Legislative/Human Resources Committee	9:30 a.m. Boardroom	<ul style="list-style-type: none"> Diversity, Equity, and Inclusion Strategic Plan Update Legislative Update
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Monday, May 27	Memorial Day Holiday Observed		Offices closed
Tuesday, May 28	Finance/Administration Committee	TBD Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
	Mid-Cycle Budget Update Workshop	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
<u>2024 Board Committee Members</u>			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, Gómez, McIntosh	
Planning		Young {Chair}, Chan, Linney	
Sustainability		Linney {Chair}, Katz, Young	



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=eUdZSGh5SG82akZiRDZlUDg2b0lYUT09>

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/>

This page is intentionally left blank.

MINUTES

Tuesday, April 23, 2024

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

Special Meeting

President Lesa R. McIntosh called to order the Special Meeting of the Board of Directors at 9:33 a.m. in the Administration Building Boardroom. The Board met in workshop session to receive an overview of the process for preparing the Cost of Service (COS) Study for the District's Water and Wastewater systems' rate structures in advance of the adoption of rates for Fiscal Years 2026 and 2027 in June 2025. The COS Study is part of the District's process for ensuring compliance with Proposition 218 and other legal requirements related to rates and charges. Staff also discussed a review of System Capacity Charges (SCCs), including SCCs for Accessory Dwelling Units.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director William B. Patterson arrived at 10:33 a.m.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Principal Management Analyst Phoebe A. Grow, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled "2025 Cost of Service Study –Water and Wastewater Workshop," dated April 23, 2024.

General Manager Clifford C. Chan introduced the workshop and said the COS Study is being performed in advance of the adoption of the District's Fiscal Year 2026/2027 budget. Based on feedback received from the Board, staff and the District's rate consultant will continue their study and analysis and will present a draft rate structure to the Board in October 2024.

Principal Management Analyst Phoebe A. Grow reviewed the workshop agenda and objectives including the timeline for completing the COS Study prior to the Fiscal Year 2026/2027 rates, charges, and fees hearing in June 2025. She highlighted the impact of California laws (Propositions 13, 26, and 218) on the COS Study and the District's rate structure and noted potential challenges posed by initiatives proposed for the November 2024 ballot that could alter requirements for implementing taxes, fees, and other charges. Ms. Grow discussed components of Water System Schedule A, the rate schedule for water service, and the Customer Assistance Program which is funded by non-rate revenue and outside the scope of the COS Study. She detailed how the COS Study evaluates revenue requirements, customer class cost allocation, and a rate design to allocate total revenue requirements among District customer classes. Production data from Fiscal Years

2022 and 2023 shows peak and maximum potential demands increase system costs. Single-family residential (SFR) consumption patterns, differing from multi-family residential patterns, demonstrated that SFR customers drive peak system demand. Ms. Grow discussed the District's SFR tiered rate structure and those used by other agencies, explaining how these tiers can help recover peak demand costs. There was considerable discussion by the Board regarding the District's current SFR tiered rate structure. Ms. Grow and Director of Finance Sophia D. Skoda answered Board questions on the SFR rate structure, data availability for customer class analysis, and whether additional customer classes could be identified. They also responded to questions on whether the information on slide 17 is available by ward; the percentage of District customers paying tier 3 rates and the revenue generated from these rates; the analysis of median and average customer usage; and fixed charges and different rate structures at other agencies.

- President McIntosh left the meeting at 9:34 a.m. and returned at 9:35 a.m.

Director of Finance Sophia D. Skoda reviewed key water rate considerations in the COS Study including revenue stability, rate stability, affordability, customer understanding, administrative ease, conservation, and drought management – all of which are subject to Proposition 218. Staff and the District's consultant are closely examining the balance between fixed and variable rates, SFR tier thresholds, and drought surcharges. She discussed the balance between fixed and variable rates noting that about 30 percent of Water System rate revenues come from the water service charge. Higher fixed fees enhance revenue stability and moderate impacts of drought while lower fixed fees encourage conservation and require increased reserves. Staff is recommending the consultant explore ways to increase the District's fixed revenue while maintaining the current three-tier structure for SFR customers and implementing a Stage 1 drought surcharge. These recommendations are subject to the COS Study results. The Board discussed balancing fixed and variable rates, using "conservation" to describe efficient water use outside of a drought, implementing a baseline credit rate structure to encourage conservation, and reducing revenue from fixed charges. They also discussed the concept of a minimum bill; potential effects of reducing or eliminating fixed charges; requiring higher water users to pay higher fixed costs; addressing infrastructure investments and affordability; ensuring charges meet District needs; quantifying avoided costs from efficient water use; intra-tier inequity; and water use messaging to customers in a low-water, non-drought year. There was Board consensus to support adding a Stage 1 drought surcharge.

Next, Ms. Skoda reviewed the components of Wastewater System Schedule A, (wastewater service rates for SFR customers), Schedule B (the Wet Weather Facilities charge rate schedule), and how the COS Study supports the allocation of the total revenue requirement among wastewater billing constituents. She discussed the Wastewater System rate considerations noting wastewater is currently billed using 36 different rates based on assigned business customer class strength and the current rate structure does not include a separate Wet Weather Facilities charge for condominiums. Staff recommends simplifying commercial/industrial strength billing and assessing the feasibility of a separate Wet Weather Facilities charge for condominiums. Wastewater revenues remain stable year-to-year, even during droughts. While potential future costs related to nutrients and nitrogen are a concern, it is too early to evaluate them thoroughly. She highlighted next steps for the COS Study: a Draft Rate Structure workshop in October, Budget and Rates workshops in January and March 2025, Proposition 218 notices in April 2025, and a public hearing on Fiscal Year 2026/2027 rates, fees, and charges in June 2025. Ms. Skoda concluded with a review of the District's current system capacity charge practices for Accessory Dwelling Units (ADUs) and options being explored to streamline processes for customers

constructing ADUs. Staff is scheduled to present the following to the Board: General Manager's rates report on May 9; Fiscal Year 2025 non-Proposition 218 rates on May 14; and a Strategic Plan and Fiscal Year 2025 Mid-Cycle Budget Board workshop on May 28. A public hearing on Fiscal Year 2025 non-Proposition rates, charges, and fees will be held on June 11.

- Director Chan left the meeting at 10:12 a.m. and returned at 10:13 a.m.

The Board requested the following:

- Provide updates on COS Study topics before the October Draft Rate Structure workshop
- Provide data on water usage by District ward and tiers;
- Conduct a financial sensitivity analysis, including reserve impacts, with varying proportions of fixed and variable charges;
- Explore new tiers based on different user types, such as “efficient water user” tier or tier 1A;
- Consider creating a separate class for low water users among single family residential customers;
- Assess legal implications of implementing having fixed charges based on water usage;
- Evaluate the avoided cost resulting from reduced water consumption by lower water users;
- Review current tier thresholds in light of median and average use, demand hardening, and other influencing factors;
- Provide information on why different tier structures are used by other water agencies; and
- Provide information on fixed charges at other agencies

ADJOURNMENT

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

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 14, 2024

Lesa R. McIntosh, President of the Board

This page is intentionally left blank.

MINUTES

Tuesday, April 23, 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 11:05 a.m. in the Administration Building Boardroom.

ROLL CALL

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

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

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who welcomed Director Gómez and commented on documents she provided to the Board and the Pierce/Bland case.

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 1:28 p.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young, 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.

Recognizing the Asian Pacific Employee Association (APEA) and Asian Pacific Heritage Month

Director April Chan announced the APEA Affinity Group was founded in 1998 to promote, educate, and provide information to enhance the visibility, value, and advancement of District employees at EBMUD and within the surrounding communities. The APEA also supports the District's mission and goals of serving the public. In honor of Asian Pacific Heritage Month, the APEA will hold an event each week in May to highlight different realms of the Asian Pacific diaspora. On behalf of the Board, Director Chan encouraged support of the APEA and Asian Pacific Heritage Month.

Updated Committee Assignments

President McIntosh announced the updated 2024 assignments for Board committees, joint powers authorities, and associations were up for consideration and reflect assignments for newly appointed Director Luz Gómez.

- Motion by Director Patterson, seconded by Director Katz, to approve the updated 2024 assignments for Board committees, joint powers authorities, and associations, carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 063-24 – Approved the following updated 2024 Board Committee assignments:

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.*

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*

Retirement Board

Director Chan
Director Young

*3rd Thursday odd numbered months at 9:00 a.m.
Administration Center Building*

Upper Mokelumne River Watershed Authority

Director Patterson
Director Gómez
Director Katz, Alternate

*4th Friday of January, April, and October; and
third Friday of August, at 10:00 a.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

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board, results from the Retirement Board’s Health Insurance Benefit survey, and the Pierce/Bland case.

CONSENT CALENDAR

- Item 7 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director Chan, seconded by Director Patterson to approve the recommended actions for Items 1-6, and 8-14 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 064-24** – Approved the Regular Meeting Minutes of April 9, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Applicant Project Process Improvement (Affected Regulations),” dated April 23, 2024; **2)** Presentation entitled, “2024 Water Supply Availability & Deficiency Report,” dated April 23, 2024; **3)** Speakers’ Bureau and Outreach Record CY24, dated April 23, 2024; **4)** Document titled 2023 Performance Pay Program - Management Salary Plan; **5)** Document titled EBMUD Pensions – 2022; **6)** Document untitled related to employee Health Insurance Benefits; and **7)** Document titled Case 3:21-cv-04325-ACT Document 303 Filed April 17, 2024.
 3. **Motion No. 065-24** – Awarded 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. **Motion No. 066-24** – Awarded 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. **Motion No. 067-24** – Authorized 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.
 - 6.1. **Motion No. 068-24** – Awarded 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. **Motion No. 069-24** – Awarded 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.**

- Addressing the Board was Justin Young, Contracting Out Committee Chair, AFSCME Local 2019 who expressed concerns regarding management of the District’s Capital Improvement Program, and the cost increase in the Trussell Technologies’ agreement since 2020. Director of Engineering and Construction Olujimi O. Yoloye responded to Board questions on whether the agreement is time-sensitive and why the agreement funds need to be increased. The project is time sensitive as it relates to actions approved by the Board under Items 6.1 and 6.2 for the Water Quality Research Facility Project and additional funding is needed as the project has experienced several changes, is more complex than originally expected, and needs new and redesigned drawings. Staff was asked to provide updates in the General Manager’s Monthly Report on capital projects that exceed their estimated funding.
- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 7 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 077-24 – Authorized 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. **Motion No. 070-24** – Authorized 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. **Motion No. 071-24** – Authorized 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.a.–**Motion No. 072-24** – Authorized 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; and authorized 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.

- 11.1.–**Motion No. 073-24** – Ratified the extension of the agreement with LCPTracker, Inc., authorized
11.2. 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; and authorized 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.
- 12.1.–**Motion No. 074-24** – Ratified the payment of \$43,360 to Cornerstone OnDemand, Inc. for an
12.2. increase in user licenses for the online learning management system services for the current agreement year ending January 10, 2025; and authorized 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. **Motion No. 075-24** – Authorized 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. **Motion No. 076-24** – Approved 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.**

Customer Services Manager Jack J. Flynn provided the presentation. In May 2023, the District conducted an internal three-day Applicant Project Process Improvement Workshop. During the workshop, District subject matter experts reviewed the process for each type of applicant project and identified nine priority areas to streamline application processing for new water services. One recommendation was to modify sections of the District’s Regulations Governing Water Service to improve clarity and reduce application timelines and project costs. Mr. Flynn reviewed the proposed modifications and discussed trends and goals for processing standard service, fire service, hydrant, and main extension applications for Fiscal Years 2021 through 2024. Mr. Flynn responded to Board questions regarding outreach to stakeholders and the applicant community and further clarification on the term “renovations” in Regulations Section 2. Staff was asked to provide periodic updates on the effectiveness of the process improvements and to further define “renovation” in the next update to Regulations Section 2. Director Young motioned to approve the item and amended the motion for staff to further clarify the term “renovation” in the next update to Regulations Section 2: Applying for Service.

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

Resolution No. 35396-24 – Adopting Revised Regulations Governing Water Service To Customers Of the East Bay Municipal Utility District (*Sections 1, 2, 3, 18, 23, and 31*).

16. **File the 2024 Water Supply Availability and Deficiency Report (WASDR) 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.**

Associate Civil Engineer Ginger J. Chen provided the presentation. She reviewed gross water production for the fiscal year, and as of April 16, 2024, precipitation in the East Bay and the Mokelumne, snowpack levels in the Sierras, and Caples Lake snow depth. The 2024 WASDR 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, 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’ 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. 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, 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.

- Motion by Director Patterson, seconded by Director Gómez to approve the recommended actions for Item 16 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 078-24 – Filed the 2024 Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency and declared the District’s water supply is sufficient for meeting customer demands in 2024.

17. **General Manager’s Report.**

Service Award Recipients – January through March 2024

Senior Human Resources Analyst Laura V. Salangsang provided highlights on more than 80 employees listed in the presentation that reached service award milestones ranging from five to 40 years of service during this period. These employees were also recognized by their organizational leadership through the Employee Recognition and Service Award Program and received a service award on behalf of the District. Internal Auditor Supervisor Barry N. Gardin addressed the Board and was acknowledged for his 30 years of service.

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

President McIntosh welcomed Director Luz Gómez to the Board of Directors. Director Gómez thanked the Board for the appointment.

REPORTS AND DIRECTOR COMMENTS

18. Committee Reports.

- Filed with the Board were the Minutes for the April 9, 2024 Planning and Legislative/Human Resources Committees.
- Chair Andy Katz reported the Finance/Administration Committee met earlier and received updates on the March 2024 Monthly Investment Transactions Report and the Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems and Quarterly Investment Report for the quarter ended March 31, 2024.
- President Lesa R. McIntosh reported the Board of Directors met earlier for the Cost of Service (COS) Study Workshop where staff provided an overview of the process for preparing the COS Study for the District's Water and Wastewater systems' rate structures in advance of the adoption of rates for Fiscal Years 2026 and 2027 in June 2025. Staff also discussed a review of System Capacity Charges (SCCs), including SCCs for Accessory Dwelling Units.

19. Other Items for Future Consideration.

None.

20. Director Comments.

- Director Chan reviewed the list of APEA events scheduled in May and encouraged participation.
- Director Patterson reported attending the NAACP Community Forum on Saturday, April 20 at Acts Full Gospel Church in Oakland.
- President McIntosh asked that the next Regular meeting be adjourned in honor of Reverend Cecil Williams of Glide Memorial Church, who passed away on April 22. Reverend Williams was well known in San Francisco and the Bay Area for his efforts to feed the homeless and provide them with clean drinking water.
- Directors Gómez, Katz, Linney, and Young had no reports.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:18 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 14, 2024

Lesa R. McIntosh, President of the Board

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	3.	Meeting Date:	May 14, 2024
----------------	----	---------------	--------------

TITLE	LIQUID OXYGEN SUPPLY AND MAINTENANCE FOR SOBRANTE AND UPPER SAN LEANDRO WATER TREATMENT PLANTS
-------	---

ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------


RECOMMENDED ACTION	Award a contract beginning on or after May 14, 2024 to the lowest responsive/responsible bidder, Airgas USA LLC, for supplying liquid oxygen and maintenance and repair services for the District's Sobrante and Upper San Leandro water treatment plants for two years, with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$1,578,615 under Request for Quotation No. 2408.
--------------------	---

SUMMARY	This contract will purchase LOX to be used at Sobrante and USL WTPs. LOX is used in the water treatment process to reduce taste and odor in water through the formation of ozone.
---------	---

DISCUSSION	<p>LOX is used to produce ozone which is a powerful oxidant and effective at reducing taste and odor in water. The use of ozone at the Sobrante and USL WTPs is an important treatment component to ensure customers receive aesthetically acceptable drinking water. The primary raw water supply for Sobrante WTP is the San Pablo Reservoir and the primary raw water supply for USL WTP is the USL Reservoir. Both these reservoirs experience periodic algae growth, some of which produce musty and earthy smells in drinking water. Reducing these odor compounds is a major goal at these WTPs.</p> <p>This contract supports the District's Water Quality and Environmental Protection Strategic Plan goal.</p>
------------	--

VENDOR SELECTION	An RFQ was posted on the District's website, sent to nine potential proposers, and advertised in the Oakland Tribune. Three bids were received. Airgas USA LLC was the lowest responsive/responsible bidder.
------------------	--

SUSTAINABILITY	<p>Economic</p> <p>The Fiscal Year 2024/2025 adopted operating budget includes funding for this multi-year contract through June 30, 2025. Funding for the additional years will be considered as part of the associated budget development process.</p>
----------------	---

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2024/2025	Budget Coding: 11.778.1470.8483400.53610.000000	Approved: 	
Attachment(s): P-035; P-061			

Title:	Liquid Oxygen Supply and Maintenance for Sobrante and Upper San Leandro Water Treatment Plants	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

Social

This action will ensure customers trust and continue to receive high-quality water.

ALTERNATIVES

- Do not purchase LOX.** This alternative is not recommended because without LOX, ozone cannot be generated and added to treated water and will result in taste and odor complaints from customers.
- Purchase LOX on the open market.** This alternative is not recommended because volume purchasing through a contract ensures a more consistent and continuous supply, and more stable pricing.



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 Agreement -RFQ 2408 Liquid Oxygen Supply and Maintenance For Sobrante and USL Water Treatment Plants							DATE: April 19, 2024				
CONTRACTOR: Airgas USA LLC Sacramento, CA					PERCENTAGE OF CONTRACT DOLLARS						
Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		0.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$1,578,615 *		Publicly Held Corp			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: Airgas USA LLC		\$1,578,615	Publicly Held Corp.						100.0%		
SUBS: None											
TOTAL		\$1,578,615			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:			INFORMATION NOT PROVIDED								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: Zero Contract Equity Participation. Firm is a Publicly Held Corporation. Contract Duration: Two years, with three options to renew for additional one-year periods *Total not to exceed: \$1,578,615											
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: Liquid Oxygen Supply and Maintenance For Sobrante and USL Water Treatment Plants		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 Agreement		DATE: 4/19/2024	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: LBE	INFORMATION NOT PROVIDED							
Airgas USA LLC									
David Castro									
6790 Florin Perkins Rd. Ste 300									
Sacramento, CA 95828									
510-691-9515									
P		INFORMATION NOT PROVIDED							
Matheson Tri-Gas, Inc.									
Jon Owen									
909 Lake Carolyn Pkwy STE 1300									
Irving, TX 75039									
214-604-9563									
P		INFORMATION NOT PROVIDED							
WestAir Gases & Equipment, Inc									
Johanna Love									
2505 Congress Street									
San Diego, CA 92110									
619-239-7211									

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:	4a.-4b.	Meeting Date:	May 14, 2024
----------------	---------	---------------	--------------

TITLE

CHEMICAL TOILETS, ASSOCIATED PRODUCTS, RENTAL AND MAINTENANCE

ACTION

☒ Motion:

☐ Resolution:

☐ Ordinance:

RECOMMENDED ACTION

- Award contracts beginning on or after May 14, 2024 to American Portables; Lance Soares Inc. dba Clean Site Service; Foothill Portable Toilets, Inc.; Northwest Cascade, Inc. dba Honey Bucket; SOS Portable Toilets; and United Site Services of California, Inc. to provide rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations for two years with three options to renew for additional one-year periods in an aggregate amount, after the addition of taxes, including option years, not to exceed \$7,876,075 under Request for Quotation No. 2404.
- Award additional contracts for rental and servicing of portable chemical toilets, hand washing stations, and maintenance services for District-owned portable toilets and vault restrooms as required at various District locations, on an as-needed basis and subject to the total aggregate amount awarded by the Board for such services on May 14, 2024, with vendors that meet District standards and offer pricing at or below the range described in the current proposed contracts with vendors above to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.


SUMMARY

These contracts shall provide rental and service of various types of chemical toilets and hand washing stations including maintenance services for District-owned portable toilets and vault restrooms used by District employees working in various locations.

DISCUSSION

Title 8, California Code of Regulations, Section 8397.4 under Health and Safety, requires employers to provide adequate and readily accessible sanitation facilities to its employees. Additionally, the employer shall establish and implement a schedule for servicing, cleaning, and supplying each facility to ensure it is maintained in a clean, sanitary, and serviceable condition. To meet this requirement and ensure that portable toilets are available at all District service and project locations for staff and in District-operated public areas, parks and communities, providers submitted quotes on schedules that cover the East Bay and Upcountry/Mokelumne area.

These contracts support the District's Workforce Planning and Development Strategic Plan goal.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2024/2025	Budget Coding: Various/various		
Attachment(s): P-035; P-061			

Title:	Chemical Toilets, Associated Products, Rental and Maintenance	Meeting Date:	May 14, 2024
--------	---	---------------	--------------

**VENDOR
SELECTION**

An RFQ was posted on the District's website, sent to six firms that service the District regions, and was advertised in the Oakland Tribune. Six bids were received, and all bidders qualified and met the bid's minimum requirements to be included in the contract pool.

SUSTAINABILITY**Economic**

The Fiscal Year 2024/2025 adopted operating budget includes funding for this multi-year contract through June 30, 2025. Funding for the additional years will be considered as part of the associated budget development process.

Social

Union notification was not required for the procurement of these materials. The District does not service and maintain portable chemical toilets and hand washing stations.

ALTERNATIVES

Do not acquire these services. This alternative is not recommended because the District must comply with Title 8, California Code of Regulations, Section 8397.4 under Health and Safety, which requires employers to provide adequate and readily accessible sanitation facilities to its employees.

Reject received bid and re-bid. This alternative is not recommended because the District engaged in a fair and competitive bid process and the bids received meets all specifications and is reasonable for the rental of chemical portable toilets, hand washing stations, and maintenance services.



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 Agreement -RFQ 2404 Chemical Toilets, Associated Products, Rental and Maintenance						DATE: May 8, 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%		83.3%		
		Ethnicity	Gender		White Women		6%		16.7%		
\$7,876,075 *					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:											
American Portables		\$1,312,679	White		X		16.7%			16.7%	
Lance Soares Inc. dba Clean Site Service		\$1,312,679	White	x		16.7%					
Foothill Portable Toilets, Inc.		\$1,312,679	White	x		16.7%					
Northwest Cascade, Inc. dba Honey Bucket		\$1,312,679	White	x		16.7%					
SOS Portable Toilets		\$1,312,679	White	x		16.7%					
United Site Services of California, Inc.		\$1,312,679	White	x		16.7%					
TOTAL			\$7,876,075			83.3%	16.7%	0.0%	0.0%	16.7%	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 : 83.35% White men and 16.7% White women participation. Contract Duration : Two years with 3 One-year renewal options. *Total not to exceed: \$7,876,075											
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: Chemical Toilets, Associated Products, Rental and Maintenance		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 Agreement DATE: 4/29/2024		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: SBE	Company Wide	0	30	0	0	30	83.3%	48.4%
American Portables Mark Russell 2005 Cabrillo Hwy S Half Moon Bay, CA 94109 650-712-8229		Manager/Prof	0	1	0	0	1	14.3%	
		Technical/Sales	0	29	0	0	29	100.0%	
		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%
		AA Plan on File: NA	Date of last contract with District: NA						
		Co. Wide MSA: California	# Employees-Co. Wide: 36 Bay Area: 0						
RP	WM: SBE	Company Wide	10	2	4	-	16	22.9%	48.4%
Lance Soares Inc. dba Clean Site Service Allyn Stojkovich 6910 28th Street North Highlands, CA 95660 916-253-3900		Manager/Prof	0	2	1	0	3	30.0%	
		Technical/Sales	10	0	3	0	13	28.3%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	0	0	0	-	0.0%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 70 Bay Area: 0						
RP	WM: SBE	Company Wide	-	9	-	-	9	69.2%	48.4%
Foothill Portable Toilets, Inc. Robin Booth 3566 Spangler Lane, Suite 2 Copperopolis, CA 95228 209-785-6160		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	9	0	0	9	0.0%	
		Bay Area	0	0	0	0	-	0.0%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 13 Bay Area: 0						
RP	WM	INFORMATION NOT PROVIDED							
Northwest Cascade, Inc. dba Honey Bucket Angela Dupont 10412 John Bananola Way Pullyallup, WA 98374 253-848-2371									
RP	WM: L/SBE	Company Wide	2	5	2	-	9	64.3%	48.4%
SOS Portable Toilets Monika Hederova 1245 Berkeley Way, Unit A Berkeley, CA 94702 747-474-8744		Manager/Prof	0	0	0	0	0	NA	
		Technical/Sales	1	5	0	0	6	60.0%	
		Clerical/Skilled	1	0	2	0	3	75.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	5	2	0	9	0.0%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 14 Bay Area: 14						
RP	WM	Company Wide	30	408	8	-	446	89.7%	27.2%
United Site Services of California, Inc. Jeff Dunlop 118 Flanders Road Westborough, MA 01581 508-406-5016		Manager/Prof	1	18	0	0	19	63.3%	
		Technical/Sales	29	378	8	0	415	92.2%	
		Clerical/Skilled	0	12	0	0	12	70.6%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	0	0	0	-	0.0%	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 497 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)



BOARD ACTION

Agenda Number:	5.	Meeting Date:	May 14, 2024
----------------	----	---------------	--------------

TITLE	PARDEE LANDSCAPE AND SITE IMPROVEMENTS
-------	---

ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------


RECOMMENDED ACTION	Authorize an agreement beginning on or after May 14, 2024 with Diede Construction, Inc. DDC, Inc. in an amount not to exceed \$576,000 for materials and labor for landscaping and site improvements at Pardee Center.
--------------------	--

SUMMARY	This agreement provides for site improvements and landscaping around Buildings 116 and 119 and replacement of stairs connecting the Pardee Fuel Island and Warehouse to the Pardee Administration Building.
---------	---

DISCUSSION	Buildings 116 and 119 are located at Pardee Center and support District operations. The area between Buildings 116 and 119 is not landscaped and erodes after rainfall. This project will provide a retaining wall, site drainage improvements, fire resistant and drought tolerant plants, and gravel/rock groundcover. In addition, the existing stairs from the Pardee Administration Building to the Warehouse and Fuel Island will be replaced with new building code compliant stairs and handrails. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
------------	--

SERVICE PROVIDER SELECTION	<p>A request for proposals was sent to one resource organization. Two service providers submitted proposals. DDC, Inc. was selected based on their experience with similar projects, implementation plan, and schedule.</p> <p>Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. DDC, Inc. is licensed to perform work in California, and is not on the State DIR debarment list. DDC, Inc. and its listed subcontractors are properly registered with the State DIR.</p>
----------------------------	---

SUSTAINABILITY	Economic Funding for this purpose is available in the Fiscal Year 2024/2025 adopted capital budget for the Pardee Center Capital Maintenance and Improvements.
----------------	--

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2024/2025; Award #7000299; Page 104	Budget Coding: 11.762.2014944.53120		Approved: 
Attachment(s): P-035; P-061			

Title:	Pardee Landscape and Site Improvements	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

Social

Local 444 was notified of this agreement on February 5, 2024, and did not raise any specific issues related to this agreement.

Environmental

Project generated waste and recyclable materials will be handled per the State Construction Waste Management Requirements and the District's Environmental Requirements Specifications Waste Management Requirements.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because staff is committed to other higher priority work.

Defer the renovation. This alternative is not recommended because the continuing erosion between Buildings 116 and 119 will increase maintenance and repair costs, and the existing stairs do not meet current building code.

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\OMD – Pardee Landscape and Site Improvements.docx



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 Pardee Landscape and Site Improvements					DATE: April 12, 2024							
CONTRACTOR: Diede Construction, Inc. Lodi, CA					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%			
\$576,000 *		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	Foreign
PRIME: Diede Construction, Inc.		\$576,000	White	x		100.0%						
SUBS: None												
TOTAL		\$576,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		43		13		20		76				
Percent of Total Employees:		56.6%		17.1%		26.3%						
MSA Labor Market %:		28.1%		24.5%		47.4%						
MSA Labor Market Location:		San Joaquin										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: *Total not to exceed: \$576,000												
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: Pardee Landscape and Site Improvements			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: 4/12/2024	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	14	5	0	20	41.7%	47.4%
Diede Construction, Inc. Kari Maldonado 12393 N. Hwy 99 Lodi, CA 95242 209-369-8255		Manager/Prof	1	1	1	0	3	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	10	4	0	14	107.7%	
		Semi/Unskilled	0	3	0	0	3	37.5%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/18/2021		
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		48	Bay Area: 0	
P	WM: LBE	Company Wide	-	3	-	2	5	50.0%	48.4%
Comprehensive Construction Services Collete Preszler 2983 Crestview Dr. Valley Springs, CA 95252 209-603-5373		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	0.0%	
		Clerical/Skilled	0	3	0	2	5	55.6%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		10	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)



BOARD ACTION

Agenda Number:	6.	Meeting Date:	May 14, 2024
----------------	----	---------------	--------------

TITLE	MAIN WASTEWATER TREATMENT PLANT ADMINISTRATION AND LABORATORY BUILDING SEISMIC AND HVAC SYSTEMS IMPROVEMENT
-------	--


ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after May 14, 2024, with Simpson Gumpertz & Heger Inc. in an amount not to exceed \$2,988,873 for specialized engineering design services for seismic and heating, ventilation, and air conditioning systems improvements for the Main Wastewater Treatment Plant Administration and Laboratory Building.
--------------------	--

SUMMARY	This agreement will provide specialized engineering evaluations and design improvements for the seismic, HVAC, and fire protection systems at the MWWTP Administration and Laboratory Building. SGH will also provide engineering design services during construction of these improvements. This project will mitigate seismic vulnerabilities, reduce operational impacts in the event of a major earthquake, and enhance indoor air quality, temperature control, and fire safety systems. This item was presented at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
---------	---

DISCUSSION	<p>The MWWTP Administration and Laboratory Building was built in three phases between 1974 and 1994. Seismic safety codes have changed significantly since construction was completed. In 2016, the District performed a seismic evaluation and risk assessment of all MWWTP facilities, and the Administration and Laboratory Building was determined to be a high-risk facility, since it has a high consequence of failure and high likelihood of failure after a seismic event. The planned improvements will mitigate the seismic vulnerability and make improvements to the HVAC and fire protection systems to enhance indoor air quality, temperature control, and fire safety systems. Combining these improvements into one project will streamline design activities and minimize interruption to building occupants and laboratory operations during construction. Design services will include the preliminary and final design, peer review, and engineering design services during construction.</p> <p>The services contracted for in this agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.</p> <p>This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.</p>
------------	--

CONSULTANT SELECTION	A request for proposals was posted on the District's website and sent to eight firms with expertise in seismic upgrades and HVAC improvements for laboratories. Four firms submitted
----------------------	--

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; Award #7000341; Page 126	Budget Coding: 21-928-3100052-52310	Approved: 	
Attachments: P-035; P-061			

Title:	Main Wastewater Treatment Plant Administration and Laboratory Building Seismic and HVAC Systems Improvement	Meeting Date:	May 14, 2024
--------	---	---------------	--------------

proposals and a short-list of four firms was established. SGH was selected based on its extensive experience in seismic retrofit design and HVAC improvements for laboratories, the expertise of its team, and its superior technical approach.

SUSTAINABILITY**Economic**

Funding for this project is available in the Fiscal Year 2024/2025 adopted capital budget for General Wastewater.

Social

Locals 21 and 2019 were notified of the HVAC systems improvement scope on November 5, 2018 and the seismic improvement scope on April 22, 2021, and did not raise any specific issues related to this agreement.

Environmental

The MWWTP is a critical facility that protects public health and water quality in the San Francisco Bay. This project will enhance the resiliency of the MWWTP during normal operations and in the event of an earthquake.

ALTERNATIVES

Perform the work with District staff. This alternative is not recommended because District staff does not have specialized expertise in seismic system, complex HVAC, and fire protection improvements.

Do not authorize this agreement. This alternative is not recommended because seismic, HVAC, and fire protection systems improvements for the Administration and Laboratory Building are essential for the resiliency of the MWWTP.



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 Agreement For MWWTP Administration and Laboratory Building Seismic and HVAC Systems Improvements						DATE: April 24, 2024								
CONTRACTOR: Simpson Gumpertz & Heger Inc. Oakland, CA					Local Business					PERCENTAGE OF CONTRACT DOLLARS				
					Availability Group		Contracting Objectives		Participation					
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		97.7%					
		Ethnicity	Gender		White Women		6%		0.0%					
\$2,988,873 *		White		Men		Ethnic Minorities		25%		2.3%				
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: Simpson Gumpertz & Heger Inc.		\$1,312,889	White	x		43.9%								
SUBS: Nova Partner		\$270,917	White	x		9.1%								
Bello & Associates, Structural Engineers		\$68,208	Asian		x			2.3%						
TBD Consultant		\$157,350	White	x		5.3%								
Group 4 Architecture, Research & Planning, Inc.		\$234,780	White	x		7.9%								
BKF Engineers		\$21,594	White	x		0.7%								
Applied Materials & Engineering, Inc.		\$186,200	White	x		6.2%								
PAE Engineering		\$736,935	White	x		24.7%								
TOTAL		\$2,988,873				97.7%	0.0%	2.3%	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:			338		151		164		653					
Percent of Total Employees:			51.8%		23.1%		25.1%							
MSA Labor Market %:			39.0%		33.7%		27.2%							
MSA Labor Market Location:			United States											
COMMENTS														
Contract Equity Participation: 97.7 % White men and 2.3% Ethnic minority participation. Contract Duration : *Total not to exceed: \$2,988,873														
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: Agreement For MWWTP Adminstration and Laboratory Building Seismic and HVAC Systems Improvements		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: 4/24/2024	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	7	52	83	0	142	21.7%
Simpson Gumpertz & Heger Inc. Alyssa Brownson 1999 Harrison Street, Suite 2400 Oakland, CA 94612 415.495.3700		Manager/Prof	5	45	75	0	125	21.4%
		Technical/Sales	0	3	2	0	5	20.8%
		Clerical/Skilled	2	4	6	0	12	26.1%
		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: 1/24/2020					
		Co. Wide MSA: USA	# Employees-Co. Wide: 653 Bay Area: 0					
S	WM	Company Wide	4	14	8	-	26	66.7%
Nova Partner Bonnie Daniels 201 Moffett Blvd. Mountain View, CA 94043 650-324-5324		Manager/Prof	4	14	8	0	26	68.4%
		Technical/Sales	0	0	0	0	-	0.0%
		Clerical/Skilled	0	0	0	0	0	0.0%
		Semi/Unskilled	0	0	0	0	-	0.0%
		Bay Area	4	14	8	-	26	66.7%
		Co. Wide MSA: Santa Clara	# Employees-Co. Wide: 39 Bay Area: 39					
S	EMW-A/PI	Company Wide	-	-	4	-	4	80.0%
Bello & Associates, Structural Engineers Marguerite Bello 165 Tenth Street, Suite 25 San Francisco, CA 94103 415.908.0555		Manager/Prof	0	0	3	0	3	60.0%
		Technical/Sales	0	0	1	0	-	NA
		Clerical/Skilled	0	0	0	0	-	NA
		Semi/Unskilled	0	0	0	0	-	NA
		Bay Area	-	-	-	-	0	0.0%
		Co. Wide MSA: San Francisco	# Employees-Co. Wide: 5 Bay Area: 5					
S	WM	Company Wide	4	69	95	1	169	37.1%
BKF Engineers Elisa Levy 1730 N. First Street, Suite 600 San Jose, CA 408-467-9100		Manager/Prof	2	16	32	1	51	32.5%
		Technical/Sales	2	43	49	0	94	39.5%
		Clerical/Skilled	0	10	14	0	24	39.3%
		Semi/Unskilled	0	0	0	0	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA: San Jose	# Employees-Co. Wide: 456 Bay Area: 456					
S	WM	Company Wide	-	-	14	-	14	40.0%
Group 4 Architecture Research & Planning Jonathan Hartman 211 Linden Avenue South San Francisco CA 94080 650-871-0709		Manager/Prof	0	0	11	0	11	34.4%
		Technical/Sales	0	0	0	0	-	NA
		Clerical/Skilled	0	0	3	0	3	100.0%
		Semi/Unskilled	0	0	0	0	-	NA
		Bay Area	-	-	-	-	0	0.0%
		Co. Wide MSA: San Francisco	# Employees-Co. Wide: 35 Bay Area: 35					
S	WM	Company Wide	6	23	30	4	63	19.1%
PAE Consulting Engineers, Inc Jessica Martos 151 SW 1st Ave, Suite 300 Portland, OR 97204 503-226-2921		Manager/Prof	4	19	23	3	49	18.0%
		Technical/Sales	1	1	4	0	6	40.0%
		Clerical/Skilled	1	3	3	1	8	18.6%
		Semi/Unskilled	0	0	0	0	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA: Oregon	# Employees-Co. Wide: 330 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: Agreement For MWWTP Adminstration and Laboratory Building Seismic and HVAC Systems Improvements		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: 4/24/2024	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	Company Wide	-	18	-	-	18	100.0%	27.2%
TBD Consultants Brian Tolland 111 Pine St. Ste. 1315 San Francisco, CA, 94111 415 981 9430		Manager/Prof	0	16	0	0	16	100.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	2	0	0	2	100.0%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	-	11	-	-	11	100.0%	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 18				Bay Area: 11		
S	EMM-A/PI: LBE	Company Wide	-	6	-	-	6	66.7%	48.4%
Applied Materials & Engineering Inc. Armen Tajirian 980 41st Street Oakland, CA 94608 510-420-8190		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	5	0	0	5	100.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	-	6	-	-	6	66.7%	39.9%
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 9				Bay Area: 9		
P	WM	Company Wide	63	136	138	2	339	23.0%	27.2%
Salas O'Brien Engineers, Inc. Jamie Bonner 305 South 11th Street San Jose, CA 95112 408.899.3053		Manager/Prof	33	88	100	0	221	21.6%	
		Technical/Sales	16	28	26	2	72	24.5%	
		Clerical/Skilled	14	20	12	0	46	29.1%	
		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: 1,477				Bay Area: 0		
P	PHC: LBE	Company Wide	645	958	1,154	38	2,795	28.7%	27.2%
Jacobs Enginnering Group, Inc. Trisha Blaschko 1999 Bryan St, Suite 1200 Dallas, TX 75201 214-638-0145		Manager/Prof	490	809	1,071	29	2,399	28.3%	
		Technical/Sales	97	96	68	8	269	29.0%	
		Clerical/Skilled	58	52	15	1	126	40.1%	
		Semi/Unskilled	0	1	0	0	1	25.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 9,736				Bay Area: 0		
P	EMM-A/PI: L/SBE	Company Wide	1	22	28	-	51	69.9%	48.4%
Lee & Ro, Inc. Thalia Villalpando 1550 Parkside Dr. Ste 320 Walnut Creek, CA 94596 925-627-3382		Manager/Prof	0	12	27	0	39	66.1%	
		Technical/Sales	0	3	1	0	4	80.0%	
		Clerical/Skilled	1	7	0	0	8	88.9%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	0	1	4	0	5	50.0%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 73				Bay Area: 10		

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	7.1.-7.2.	Meeting Date:	May 14, 2024
----------------	-----------	---------------	--------------


TITLE	PRIVATE SEWER LATERAL SOFTWARE REPLACEMENT PROJECT
-------	---

ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	<ul style="list-style-type: none">• Authorize an agreement beginning on or after May 14, 2024 with Accela, Inc. for \$257,829.45 for five years, with five options to renew for additional one-year periods for a total amount, including option years, not to exceed \$562,825.61 for Accela Software subscriptions and support to replace the software used to schedule, manage, and track compliance with the District's Private Sewer Lateral Program.• Authorize an agreement beginning on or after May 14, 2024 with RedMark Technologies, LLC in an amount not to exceed \$697,600 to configure Accela Software to meet District business processes, implement interfaces with other systems, and migrate existing Private Sewer Lateral program data.
--------------------	--

SUMMARY	<p>These agreements are required to transition to Accela Software to administer the PSL Program. The RedMark agreement will configure the Accela Software to meet the District's business and technical requirements. The Accela, Inc. agreement will provide the software subscriptions and ongoing support. This project will improve customer experience and streamline internal operations.</p>
---------	---

DISCUSSION	<p>The District is required by the U.S. Environmental Protection Agency, the State, and Regional Water Quality Control Boards to implement the PSL Program to reduce infiltration and inflow within the wastewater service area. The PSL Program utilizes a custom software program to manage PSL inspection scheduling, program compliance, and related activities. The existing software is unable to meet all the current program needs, such as enforcement billing, tracking compliance for properties within a homeowners' association, and tracking and refunding monetary deposits. This project will replace the software with Accela Software, an off-the-shelf permitting cloud solution that will meet program needs, reduce administrative burden, and provide greater reliability and quality control.</p> <p>Accela Software is used by many municipalities to manage permit issuance, fees, tracking, and inspections. RedMark will work with the District to configure Accela Software to meet the needs of the PSL Program.</p> <p>This project supports the District's Water Quality and Environmental Protection Strategic Plan goal.</p>
------------	---

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025, Award#7000341, Page 126	Budget Coding: 21.942.3100070.52310; 21.942.9222800.52430	Approved: 	
Attachment(s): P-035; P-061			

Title:	Private Sewer Lateral Software Replacement Project	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

**CONSULTANT
SELECTION**

A request for proposals was posted on the District's website and sent to 20 potential proposers. Three service providers submitted proposals and a short-list of three firms was established. Two proposals were for implementation of Accela and the third was for implementation of another software. Accela was selected as the software based on its ability to meet the project requirements. RedMark was selected based on its project implementation approach and project management capabilities. RedMark demonstrated the best ability to configure the Accela Software to meet the District's functional and technical requirements.

SUSTAINABILITY**Economic**

Funding for Accela, Inc. system configuration is available in the FY 2024/2025 adopted capital budget for General Wastewater. The FY 2024/2025 adopted operating budget does not include funding for the Accela, Inc. subscription and ongoing support. 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.

Funding for RedMark work is available in the Fiscal Year 2024/2025 capital budget for General Wastewater.

The agreement with Accela, Inc. is \$257,829.45 for the first five years which includes the annual subscription fee (discounted by 50 percent in the first year, assessed in full starting in year two, and escalated by 5% annually), and a fee for implementation and use of a single sign on enhanced security feature for customers (escalated by 5% annually). Subscription fees for years six through ten are optional and total \$304,996.16, including the escalation fee per year.

The agreement with RedMark includes \$507,600 for the implementation and \$190,000 for optional services for additional integrations with other systems, additional training, and work to support migration of existing data.

Social

This type of work is not performed by District forces and consequently union notification was not required. The software replacement will provide better customer service through an interface that is easier to use.

Environmental

This project will ensure that the District continues to comply with the federal Wet Weather Consent decree by administering and enforcing the PSL Program.

ALTERNATIVES

Do not award these agreements. This alternative is not recommended because the existing software system cannot meet program needs for enforcement billing, tracking large complex properties, or monitoring monetary deposits and requires additional manual tracking of program and financial data, which is more prone to error.

Reissue the request for proposals. This alternative is not recommended because RedMark, and Accela, Inc. have the required capabilities at a reasonable cost.



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 Private Sewer Lateral Software Replacement Project						DATE: May 8, 2024					
CONTRACTOR: Various Firms (See Below)					PERCENTAGE OF CONTRACT DOLLARS						
Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		24.5%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$1,260,425.61					Ethnic Minorities		25%		75.5%		
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: RedMark Technologies, LLC		\$697,600	Hispanic	x				75.5%			
Accela, Inc.		\$562,825.61	White	x		24.5%					
TOTAL		\$1,260,425.61				24.5%	0.0%	75.5%	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: 75.5% Ethnic Minority and 24.5% White Men participation. Contract Duration: Five years, with five options to renew for additional one-year periods for a total amount, including option years, for Accela, Inc. *Total not to exceed: \$1,260,425.61											
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: Private Sewer Lateral Software Replacement Project			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: 5/3/2024	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	EMM:H	Company Wide	0	9	0	0	9	100.0%	27.2%
RedMark Technologies, LLC Walter Chavez 2385 NW Executive Center, Suite 100 Boca Raton, FL 33431 561-210-5141		Manager/Prof	0	7	0	0	7	100.0%	
		Technical/Sales	0	2	0	0	2	100.0%	
		Clerical/Skilled	0	0	0	0	0	NA	
		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:	Florida		# Employees-Co. Wide:		9 Bay Area: 0		
RP	WM: LBE	Company Wide	14	24	57	-	95	60.9%	27.2%
Accela, Inc. Maria Trenary 2633 Camino Ramon #500 San Ramon, CA 94583 925-359-3594		Manager/Prof	12	20	54	0	86	62.3%	
		Technical/Sales	2	4	3	0	9	180.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	1	6	26	0	-	NA	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		156 Bay Area: 0		
P	WM	Company Wide	27	27	18	1	73	10.5%	27.3%
Timmons Group, Inc. Ronald Butcher 1001 Boulders Parkway, Suite 300 Richmond, VA 23225 804.200.6500		Manager/Prof	9	17	16	0	42	9.0%	
		Technical/Sales	16	7	1	1	25	13.4%	
		Clerical/Skilled	2	3	1	0	6	0.0%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	1	6	26	0	-	NA	39.9%
		Co. Wide MSA:	Virginia		# Employees-Co. Wide:		692 Bay Area: 0		
P		INFORMATION NOT PROVIDED							
TruePoint Solutions, LLC									
3262 Penryn Rd. Suite 100-B Loomis, CA 95650									
916-259-1293									

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:	8a.-8b.	Meeting Date:	May 14, 2024
----------------	---------	---------------	--------------

TITLE

VEHICLE/EQUIPMENT REPAIR AND OTHER RELATED SERVICES

ACTION

☒ Motion:☐ Resolution:☐ Ordinance:

RECOMMENDED ACTION

- Authorize agreements beginning on or after May 14, 2024 with Crash Champions; Walnut Creek Ford; Got Power Inc. dba CD & Power; Doc Bailey Construction Equipment, Inc.; FH Dailey Chevrolet; Fleetworks, Inc.; Golden Gate Truck Center; Grand Collision Center, Inc.; Kelly's Truck Repair; Maz Glass; Nixon Egli Equipment Co., Inc.; Oakland Chevrolet; Owen Equipment Sales; Pape Machinery, Inc.; Peterson Power Systems, Inc.; Stewarts Body Shop Inc.; Unlimited Tool Repair & Fabrication, Inc.; and Uptown Ford of Oakland for one year in an aggregate amount not to exceed \$830,000 for vehicle/equipment repair and other related services.
- Authorize additional agreements for vehicle/equipment repair and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on May 14, 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.

SUMMARY


These agreements will provide the necessary repair services to adequately maintain the District's large fleet of vehicles and equipment in various locations throughout the EBMUD service area.

DISCUSSION

The District has utilized local service providers throughout the service area to provide specialized repairs on fleet vehicles and equipment for many years. These service providers perform body work, glass repair, transmission repair, certain crane repairs and other specialized work that District staff do not have the expertise, certifications, or tools to address. These service providers also can assist with peak workload to ensure productivity of field crews. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

The selection criteria for the service providers are based on proximity and the ability to perform manufacturer approved repairs using trained technicians at competitive rates.

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal J. Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2024/2025	Budget Coding: 11.756.8834500.52910	Approved: 	
Attachment(s): P-035; P-061			

Title:	Vehicle/Equipment Repair and Other Related Services	Meeting Date:	May 14, 2024
--------	---	---------------	--------------

SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Years 2024/2025 operating budget.

Social

Local 444 was notified of this agreement on February 16, 2024. Local 444's concerns were addressed on February 20, 2024 and March 19, 2024 and resolved.

Many of the service providers are local which supports communities in our service area.

Environmental

Maintaining District vehicles and equipment in accordance with the manufacturer's recommendations reduces fuel consumption which helps the District's emission reduction goals.

ALTERNATIVES

Do not authorize the agreements. This alternative is not recommended because these services are necessary to properly maintain vehicles and equipment.

Perform all work with District staff. This alternative is not recommended because District staff are not equipped or trained to perform specialized vehicle repair.

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\OMD – Vehicle/Equipment Repair and Other Related Services.docx



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 Vehicle / Equipment Repair and Other Related Services					DATE: April 19, 2024							
CONTRACTOR: Various Firms (See Below)			Local Businesses/ Small Businesses		PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		66.7%				
		Ethnicity		Gender		White Women		6%		5.6%		
\$830,000 *						Ethnic Minorities		25%		27.8%		
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:												
Crash Champions		\$46,111	White	x		5.6%						
Walnut Creek Ford		\$46,111	White	x		5.6%						
Got Power Inc. dba CD & Power		\$46,111	White		x		5.6%					
Doc Bailey Construction Equipment, Inc.		\$46,111	White	x		5.6%						
FH Dailey Chevrolet		\$46,111	Asian	x				5.6%				
Fleetworks, Inc.		\$46,111	White	x		5.6%						
Golden Gate Truck Center		\$46,111	White	x		5.6%						
Grand Collision Center, Inc.		\$46,111	Asian	X				5.6%				
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 : 66.7% White men, 5.6% White women, and 27.8% Ethnic minority participation. Contract Duration : May 14, 2024 through May 14, 2025. *Total not to exceed: \$830,000												
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 General Services Agreement Vehicle / Equipment Repair and Other Related Services					DATE: April 19, 2024							
CONTRACTOR: Various Firms (See Below)			Local Businesses/ Small Businesses		PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		66.7%				
		Ethnicity	Gender	White Women		6%		5.6%				
\$830,000 *				Ethnic Minorities		25%		27.8%				
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:												
Kelly's Truck Repair		\$46,111	White	x		5.6%						
Maz Glass		\$46,111	White	x		5.6%						
Nixon Egli Equipment Co., Inc.		\$46,111	White	x		5.6%						
Oakland Chevrolet		\$46,111	Asian	x				5.6%				
Owen Equipment Sales		\$46,111	White	x		5.6%						
Pape Machinery, Inc.		\$46,111	White	x		5.6%						
Peterson Power Systems, Inc.		\$46,111	White	x		5.6%						
Stewarts Body Shop Inc.		\$46,111	White	x		5.6%						
Unlimited Tool Repair & Fabrication, Inc.		\$46,111	Black	x				5.6%				
Uptown Ford of Oakland		\$46,111	Asian	x				5.6%				
TOTAL		\$830,000				66.7%	5.6%	27.8%	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 : 66.7% White men, 5.6% White women, and 27.8% Ethnic minority participation. Contract Duration : May 14, 2024 through May 14, 2025. *Total not to exceed: \$830,000												
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: Vehicle / Equipment Repair and Other Related Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement		DATE: 4/19/2024	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	INFORMATION NOT PROVIDED							
Crash Champions									
110 10th Street Oakland, CA 94607 (510) 836-2535									
RP	WM: LBE	INFORMATION NOT PROVIDED							
Walnut Creek Ford									
1800 N. Main Street Walnut Creek, CA 94596 (925) 932-2900									
RP	WW: L/SBE	Company Wide	1	15	4	-	20	31.7%	39.9%
Got Power Inc. dba CD & Power Anni Sartorio 150 Nardi Lane Martinez, CA 94553 925-229-2700		Manager/Prof	0	0	2	0	2	18.2%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	13	2	0	16	33.3%	
		Semi/Unskilled	0	2	0	0	2	100.0%	
		Bay Area	1	15	4	0	20	31.7%	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 63				Bay Area: 63		
RP	WM: L/SBE	Company Wide	-	4	2	-	6	40.0%	39.9%
Doc Bailey Construction Equipment, Inc. Lisa Chu 2584 Grant Ave. San Lorenzo, CA 94580 510-638-6243		Manager/Prof	0	1	1	0	2	28.6%	
		Technical/Sales	0	3	0	0	3	60.0%	
		Clerical/Skilled	0	0	1	0	1	33.3%	
		Semi/Unskilled	0	0	0	0	-	0.0%	
		Bay Area	0	4	2	0	6	40.0%	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 15				Bay Area: 15		
RP	EMM-A/PI: LBE	Company Wide	14	94	27	-	135	72.2%	53.9%
FH Dailey Chevrolet Elizabeth Wong 800 Davis Street San Leandro, CA 94577 510-351-5800		Manager/Prof	0	26	6	0	32	61.5%	
		Technical/Sales	4	27	6	0	37	69.8%	
		Clerical/Skilled	2	14	3	0	19	67.9%	
		Semi/Unskilled	8	27	12	0	47	87.0%	
		Bay Area	14	94	27	0	135	72.2%	39.9%
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 187				Bay Area: 187		
RP	WM	Company Wide	2	24	2	-	28	60.9%	48.4%
Fleetworks, Inc. Ritu Orozco 14011 Marquardt Ave. Sante Fe Springs, CA 90670 562-921-7979		Manager/Prof	0	2	0	0	2	66.7%	
		Technical/Sales	0	14	1	0	15	65.2%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	2	8	1	0	11	73.3%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 46				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: Vehicle / Equipment Repair and Other Related Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement DATE: 4/19/2024		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	7	36	4	-	47	61.0%	53.9%
Golden Gate Truck Center Cynthia Campa 8200 Baldwin St. Oakland, CA 94621 510-632-3235		Manager/Prof	0	1	1	0	2	40.0%	
		Technical/Sales	4	21	2	0	27	61.4%	
		Clerical/Skilled	2	9	1	0	12	66.7%	
		Semi/Unskilled	1	5	0	0	6	60.0%	
		Bay Area	7	36	4	0	47	61.0%	39.9%
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 77				Bay Area: 77		
RP	EMM-A/PI: L/SBE	Company Wide	-	8	2	-	10	100.0%	53.9%
Grand Collison Center, Inc. Ruel Tiamzon 22765 Grand St. Hayward, CA 94521 510-581-9700		Manager/Prof	0	0	2	0	2	100.0%	
		Technical/Sales	0	0	0	0	-	0.0%	
		Clerical/Skilled	0	0	0	0	-	0.0%	
		Semi/Unskilled	0	8	0	0	8	100.0%	
		Bay Area	0	8	2	0	10	100.0%	39.9%
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 10				Bay Area: 10		
RP	WM: L/SBE	Company Wide	-	19	1	-	20	62.5%	46.2%
Kelly's Truck Repair Amine Filal 495 Hester St. San Leandro, CA 94577 510-633-9600		Manager/Prof	0	2	0	0	2	25.0%	
		Technical/Sales	0	13	1	0	14	73.7%	
		Clerical/Skilled	0	1	0	0	1	50.0%	
		Semi/Unskilled	0	3	0	0	3	100.0%	
		Bay Area	0	19	1	0	20	62.5%	39.9%
		Co. Wide MSA: Alameda/CC Counties	# Employees-Co. Wide: 32				Bay Area: 32		
RP	WM: L/SBE	Company Wide	-	9	-	-	9	90.0%	46.2%
Maz Glass Ed Hemmat 750 107th Ave. Oakland CA 94603 (510) 428-3950		Manager/Prof	0	0	0	0	-	NA	
		Technical/Sales	0	5	0	0	5	83.3%	
		Clerical/Skilled	0	4	0	0	4	100.0%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	0	9	0	0	9	90.0%	39.9%
		Co. Wide MSA: Alameda/CC Counties	# Employees-Co. Wide: 10				Bay Area: 10		
RP	WM: SBE	Company Wide	-	30	1	-	31	100.0%	48.4%
Nixon Egli Equipment Co., Inc. Gabriela Scantee 2044 S. Vineyard Ave. Ontario, CA 91761 909-930-1822		Manager/Prof	0	2	1	0	3	25.0%	
		Technical/Sales	0	16	0	0	16	100.0%	
		Clerical/Skilled	0	8	0	0	-	NA	
		Semi/Unskilled	0	4	0	0	4	133.3%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 31				Bay Area: 31		
RP	EMM-A/PI: LBE	Company Wide	7	12	6	-	25	277.8%	47.8%
Oakland Chevrolet Katherine Sngoeun 2735 Broadway Oakland, CA 94612 510-398-1200		Manager/Prof	2	1	6	0	9	900.0%	
		Technical/Sales	5	8	0	0	13	325.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	3	0	0	-	NA	
		Bay Area	7	12	6	0	25	75.8%	39.9%
		Co. Wide MSA: Oakland	# Employees-Co. Wide: 9				Bay Area: 33		

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: Vehicle / Equipment Repair and Other Related Services		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 4/19/2024	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	2	7.1%
Owen Equipment Sales		Manager/Prof	0	0	0	0	0	0.0%
Eileen Wrobai		Technical/Sales	0	1	0	0	1	14.3%
1085 Horizon Dr.		Clerical/Skilled	0	0	0	1	1	7.7%
Fairfield, CA 94533		Semi/Unskilled	0	0	0	0	0	0.0%
360-787-7684		Bay Area	-	-	-	-	0	0.0%
		Co. Wide MSA: Solano	# Employees-Co. Wide: 28				Bay Area: 28	39.9%
RP	WM	Company Wide	1	8	3	-	12	4.2%
Pape Machinery, Inc.		Manager/Prof	1	0	0	0	1	1.4%
Lee Ballard		Technical/Sales	0	2	1	0	3	7.5%
43510 Osgood Rd.		Clerical/Skilled	0	3	2	0	5	2.9%
Fremont, CA 94539		Semi/Unskilled	0	3	0	0	3	100.0%
541-683-5073		Bay Area	1	8	3	0	12	8.3%
		Co. Wide MSA: Oregon	# Employees-Co. Wide: 286				Bay Area: 144	39.9%
RP	WM: LBE	Company Wide	5	44	16	2	67	203.0%
Peterson Power Systems, Inc.		Manager/Prof	0	6	2	1	9	180.0%
Bruce Hillyer		Technical/Sales	2	4	1	1	-	NA
2828 Teagarden Street		Clerical/Skilled	3	32	13	0	48	282.4%
San Leandro, CA 94577		Semi/Unskilled	0	2	0	0	2	18.2%
800-963-6446		Bay Area	4	29	5	2	40	121.2%
		Co. Wide MSA: California	# Employees-Co. Wide: 33				Bay Area: 33	39.9%
RP	WM: L/SBE	Company Wide	-	10	2	-	12	85.7%
Stewarts Body Shop Inc.		Manager/Prof	0	2	0	0	2	66.7%
Chad Stewart		Technical/Sales	0	8	0	0	8	100.0%
12540 San Pablo Ave		Clerical/Skilled	0	0	2	0	2	100.0%
Richmond, CA 94805		Semi/Unskilled	0	0	0	0	0	0.0%
510-235-3515		Bay Area	-	10	1	-	11	78.6%
		Co. Wide MSA: Contra Costa	# Employees-Co. Wide: 14				Bay Area: 14	39.9%
RP	EMM-B: SBE	Company Wide	1	1	-	-	2	100.0%
Unlimited Tool Repair & Fabrication, Inc.		Manager/Prof	1	0	0	0	1	100.0%
Carlos Garcia		Technical/Sales	0	1	0	0	1	100.0%
130 S. Linden Ave., Unit H		Clerical/Skilled	0	0	0	0	-	NA
San Francisco, CA 94080		Semi/Unskilled	0	0	0	0	-	NA
650-589-2941		Bay Area	1	1	-	-	2	100.0%
		Co. Wide MSA: San Francisco	# Employees-Co. Wide: 1				Bay Area: 2	39.9%
RP	EMM-A/PI: LBE	Company Wide	7	12	6	-	25	80.6%
Uptown Ford of Oakland		Manager/Prof	2	1	6	0	9	75.0%
Katherine Sngoeun		Technical/Sales	5	8	0	0	13	81.3%
2560 Webster Street		Clerical/Skilled	0	0	0	0	-	NA
Oakland, CA 94612		Semi/Unskilled	0	3	0	0	3	100.0%
510-588-1088		Bay Area	7	12	6	-	25	80.6%
		Co. Wide MSA: Oakland	# Employees-Co. Wide: 31				Bay Area: 31	39.9%

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	9.	Meeting Date:	May 14, 2024
----------------	----	---------------	--------------

TITLE	WIRELESS TELEPHONE AND BROADBAND INTERNET SERVICE
-------	--


ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize the purchase of wireless telephone and broadband Internet services beginning on or after July 1, 2024 from AT&T Mobility National Accounts LLC and Cellco Partnership dba Verizon Wireless, for District devices for five years for a total aggregate amount not to exceed \$5,855,048. This purchase will be made through the National Association of State Procurement Officials contracts.
--------------------	---

SUMMARY	The District has used wireless telephones since 1997 and wireless broadband Internet services since 1999 to improve the efficiency of District staff and provide telemetry for data acquisition systems. The use of tablets and smartphones has greatly increased the number of these devices. The District currently uses the two service providers stated and has been satisfied with their cost, experience, knowledge, and ability to meet District requirements.
---------	---

DISCUSSION	<p>Since 2006, the District has procured wireless telephone and data services through the NASPO contracts, receiving more favorable pricing as compared to pricing through the competitive bid process. NASPO is a non-profit cooperative that facilitates competitively solicited multistate group contracting to leverage the buying power and expertise of many states and other participating entities. By leveraging the competitively solicited contract, the District benefits from favorable terms and access to a larger portfolio of communication devices and services without having to request additional cost proposals.</p> <p>The cost per employee has increased due to multiple devices issued per employee to make data available while in the field. In addition, the Wastewater Distributed Control System (DCS), Water Operations Supervisory Control and Data Acquisition (SCADA), and the Water Supply Division utilize wireless broadband to collect their respective telemetry data.</p> <p>This purchase supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals by implementing technologies that improve the efficiency and effectiveness of business processes.</p>
------------	--

SERVICE PROVIDER SELECTION	Public Contract Code, Section 10298-10299, specifically allows the District to purchase directly through the State of California on competitively awarded contracts without pursuing separate competitive bidding. The AT&T and Verizon prices and terms of service are under NASPO Wireless Voice, Data & Accessories (2019 – 2029) Master Price Agreement #MA149 with AT&T
----------------------------	--

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2025	Budget Coding: 11.252.1765.8858300.53720.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Wireless Telephone and Broadband Internet Service	Meeting Date:	May 14, 2024
--------	---	---------------	--------------

and #MA152 with Verizon, of which the State of California has a Participating Addendum. District staff has confirmed state pricing is the lowest pricing available to the District.

SUSTAINABILITY**Economic**

The Fiscal Year 2025 adopted operating budget includes funding for the first year of this multi-year contract. Funding for the additional years will be considered as part of the associated budget development process.

ALTERNATIVES

Do not authorize the purchase. This alternative is not recommended because it would limit the District's access to wireless services, which will significantly decrease employee productivity and increase response times for field operations.

Conduct a competitive process to obtain pricing and vendors. This alternative is not recommended because the NASPO contract provides the best terms and pricing available to the District due to the leveraged buying power of multiple agencies. The District would also incur additional costs of replacing equipment not compatible with an alternate wireless service provider.

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\FIN - Wireless Telephone Internet Service.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 Agreement Wireless Telephone and Wireless Broadband Internet Service						DATE: April 29, 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%		0.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$5,855,048 *					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: AT&T Mobility National Accounts LLC (AT&T)		\$2,927,524	PHC							50.0%	
Cellco Partnership dba Verizon Wireless (Verizon)		\$2,927,524	PHC							50.0%	
TOTAL		\$5,855,048			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:			See P-061								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation : Zero Contract Equity participation. Firms are Publicly Held. Contract Duration : Five years *Total not to exceed: \$5,855,048											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	10.	Meeting Date:	May 14, 2024
----------------	-----	---------------	--------------


TITLE	DESIGNATE EACH NEWLY ANNEXED TERRITORY TO AN EAST BAY MUNICIPAL UTILITY DISTRICT WARD IN ANTICIPATION OF ELECTING DIRECTORS
-------	--

ACTION	<input type="checkbox"/> Motion:	<input checked="" type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	----------------------------------	---	-------------------------------------

RECOMMENDED ACTION	Adopt a resolution designating each territory newly annexed to the East Bay Municipal Utility District service area since September 2022 to a District ward in anticipation of electing Directors during the November 5, 2024 general election.
--------------------	---

SUMMARY	Adoption of the proposed resolution would designate two territories annexed to the District since September 2022 to a District ward. The current wards were established on April 12, 2022 under Board Resolution No. 35279-22 as part of the District's redistricting process.
---------	--

DISCUSSION	<p>The Municipal Utility District Act requires the Board to adjust the District's ward boundaries in accordance with section 22000 of the California Elections Code. On April 12, 2022, the Board adopted Resolution No. 35279-22 to adjust its legal ward boundaries following the decennial census and in anticipation of the November 2022 general election. Following the annexation of any territory to the District, Elections Code section 22000(c) requires the Board, by resolution, to designate the ward which the annexed territory will be part of. Two territories were annexed to the District between September 2022 and March 2023:</p> <ul style="list-style-type: none">• LAFCO 21-09 - 285 Lark Lane - Alamo, recorded September 12, 2022, as instrument number 2022-0138509, Official Records of Contra Costa County, whereas said document affects assessor parcel number 198-230-017• LAFCO 22-04 – 4949 Happy Valley Road – Lafayette, recorded March 6, 2023, Official Records of Contra Costa County, whereas said document affects assessor parcel numbers 365-230-037-1 and 365-230-038-9 <p>Upon adoption of a resolution, the newly annexed territories will be designated to the following EBMUD District wards:</p> <ul style="list-style-type: none">• LAFCO 21-09 – 285 Lark Lane – Alamo – Ward 2• LAFCO 22-04 – 4949 Happy Valley Road – Lafayette – Ward 2 <p>Following adoption of the resolution, the Office of the Secretary will submit the resolution with Resolution No. 35279-22 attached to Alameda and Contra Costa counties to enable them to determine their precinct boundaries for the November 5, 2024 general election.</p>
------------	---

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

Title:	Designate Each Newly Annexed Territory to an EBMUD Ward in Anticipation of Electing Directors	Meeting Date:	May 14, 2024
--------	---	---------------	--------------

SUSTAINABILITY

Economic

Adding newly annexed territory to a District ward will not result in an economic impact to the District.

Social

Adding newly annexed territory to a District ward will ensure Alameda and Contra Costa counties have the information needed to determine their precinct boundaries for the general election.

ALTERNATIVE

Do not adopt a resolution to add newly annexed territory to a designated District ward. This alternative is not recommended because this action is required pursuant to the California Elections Code and counties need this information to determine their precinct boundaries for the November 5, 2024 general election.

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\OGM – Designating Annexed Territories – Ward Boundaries.docx



RESOLUTION NO. _____

DESIGNATING THE EAST BAY MUNICIPAL UTILITY DISTRICT WARD
OF WHICH NEWLY-ANNEXED TERRITORY WILL BE A PART
IN ANTICIPATION OF ELECTING DIRECTORS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Municipal Utility District Act requires the Board of Directors (Board) to adjust the East Bay Municipal Utility District's (District) ward boundaries in accordance with Section 22000 of the California Elections Code; and

WHEREAS, the Board adopted Resolution No. 35279-22, adjusting its legal ward boundaries following the decennial census on April 12, 2022, with such boundaries being shown on Exhibit A to this Resolution, attached hereto and incorporated herein by reference; and

WHEREAS, after the annexation of any territory to the District, Elections Code section 22000(c) requires the Board, by resolution, to designate the ward of which the annexed territory will be part; and

WHEREAS, on September 12, 2022, the following real property situated in the community of Alamo, located in an unincorporated area of Contra Costa County, State of California, was annexed to the territory of the District: All that land described in the Certificate of Completion for reorganization to East Bay Municipal Utility District referred to as LAFCO 21-09 - 285 Lark Lane - Alamo, recorded September 12, 2022, as instrument number 2022-0138509, Official Records of Contra Costa County, whereas said document affects assessor parcel number 198-230-017 (285 Lark Lane Property); and

WHEREAS, on March 6, 2023, the following real property, located in Contra Costa County, State of California, was annexed to the territory of the District: All that land described in the Certificate of Completion for reorganization to East Bay Municipal Utility District referred to as LAFCO 22-04 – 4949 Happy Valley Road – Lafayette, recorded March 6, 2023, Official Records of Contra Costa County, whereas said document affects assessor parcel numbers 365-230-037-1 and 365-230-038-9 (4949 Happy Valley Road Property); and

WHEREAS, the 285 Lark Lane Property is within the geographic boundaries of District Ward 2 as adopted under Resolution No. 35279-22; and

WHEREAS, the 4949 Happy Valley Road Property is near the geographic boundaries of District Ward 2 as adopted under Resolution No. 35279-22 and Lafayette is within the geographic boundaries of Ward 2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby designates the 285 Lark Lane Property to District Ward 2.

BE IT FURTHER RESOLVED that the Board hereby designates the 4949 Happy Valley Road Property to District Ward 2.

BE IT FURTHER RESOLVED that the official map of the territory included within the East Bay Municipal Utility District, as described above, covering portions of Alameda and Contra Costa counties and vicinity is on file at East Bay Municipal Utility District and by reference made a part hereof.

BE IT FURTHER RESOLVED that the legal descriptions of ward boundaries included in Exhibit A are for administrative purposes only and are not a legal property description as defined in the Subdivision Map Act.

BE IT FURTHER RESOLVED the Office of the Secretary shall provide Alameda and Contra Costa counties with approved legal ward boundaries to enable the determination of precinct boundaries for the November 5, 2024 General Election.

ADOPTED this 14th day of May, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT A

RESOLUTION NO. 35279-22

FIXING THE BOUNDARIES OF THE WARDS FOR
THE PURPOSE OF ELECTING DIRECTORS THEREFROM

Introduced by Director Mellon

; Seconded by Director Patterson

BE IT RESOLVED AS FOLLOWS:

Pursuant to Section 22000 of the California Elections Code and pursuant to the provisions of Section 11823 and Article 2.5 (commencing with Section 11850) of Chapter 3 of Division 6 of the Municipal Utility District Act, and until changed pursuant to said Act, the boundaries of the wards for the purpose of electing directors therefrom are hereby fixed and established as follows:

WARD NO. 1

Ward No. 1 includes the following 2020 census tracts, block groups, and blocks in Contra Costa County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

3591.04, 3592.03, 3640.02, 3650.03, 3660.01, 3660.02, 3671, 3672, 3680.01, 3680.02, 3690.01, 3700, 3710, 3720, 3730, 3740, 3750, 3760, 3770, 3790, 3800.02, 3810, 3820, 3830, 9800;

Tract 3560.01 Block Groups as follows: 1, 2; Blocks as follows: 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3023, 3024;

Tract 3560.02 Blocks as follows: 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1034, 1035, 1036, 1175;

Tract 3570 Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1033, 1034, 1035, 1036, 1037, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2021, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021;

Tract 3580 Block Groups as follows: 1, 2, 3, 4; Blocks as follows: 5002, 5003, 5004, 5005, 5006, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041;

Tract 3591.02 Block Groups as follows: 1, 2; Blocks as follows; 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017;

Tract 3591.03 Block Groups as follows: 2, 3, 4; Blocks as follows: 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011;

Tract 3591.05 Block Group as follows: 1; Blocks as follows: 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032;

Tract 3592.02 Blocks as follows: 1000

Tract 3592.04 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008;

Tract 3601.01 Blocks as follows: 3000;

Tract 3610 Blocks as follows: 2001, 2010, 2014, 2015, 2016, 2018, 2019;

Tract 3620 Block Groups as follows: 2, 3; Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009;

Tract 3630 Blocks as follows: 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 4000, 4011;

Tract 3650.02 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3046, 3047, 3048, 3049, 3050;

Tract 3690.02 Block Groups as follows: 2, 3; Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017;

Tract 3780 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046;

Tract 3800.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012;

Tract 3840 Blocks as follows: 1003, 1006, 1007, 1008, 4000, 4001, 4002, 4003, 4004, 4005;

Tract 3922.01 Block Groups as follows: 2, 3; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035;

Tract 3922.02 Block Groups as follows: 1, 2; Blocks as follows: 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015;

Tract 3923 Block Groups as follows: 2; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013;

EXCEPTING FROM the hereinabove described Ward No. 1, the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Contra Costa County, being a portion of Census Tract 3922.01, described as follows:

BEGINNING at the intersection of the northern line of Lot 225 with the western line of Road 21, as said lot and road are shown on the map entitled, "Map of the San Pablo Rancho Accompanying and Forming a Part of the Final Report of the Referees in Partition", a certified copy of which map was filed in the office of the Recorder of Contra Costa County, California, on March 1, 1894; thence southerly along said western line of Road 21 to an intersection with the western production of the northern line of Lot 224 of said San Pablo Rancho; thence easterly along said westerly production to the eastern line of said Road 21; thence northerly along said eastern line of said Road 21 to its intersection with the east right of way line of the Atchison, Topeka and Santa Fe Railway as it now exists; thence northerly along said east right of way line to its intersection with the easterly production of said northern line of Lot 225; thence westerly along said easterly production of Lot 225 to the Point of Beginning.

EXCEPTION TWO: All that portion of Census Tract 3922.01, being a parcel of land delineated and designated as "Survey No. 456, Swamp and Overflowed Lands, Contra Costa County", records of said County.

EXCEPTION THREE: All that parcel of land in Contra Costa County, being a portion of Census Tracts 3591.03, 3591.04, 3592.02 and 3592.04 described as follows:

BEGINNING at a point on the general westerly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953 at the most easterly corner of Lot 21 as said lot is shown on the map of Tract 2603; filed June 25, 1958 in Book 70 of Maps at Page 1, Contra Costa County Records; thence easterly and southerly along said Town of Hercules annexation to the intersection with the northwesterly boundary line of that annexation to East Bay Municipal Utility District known as Sunset Boundary Reorganization, as annexed by Resolution No. 29462 of the Utility District's Board of Directors dated July 22, 1980; thence southwesterly along said Sunset Boundary Reorganization annexation to the intersection with the general northeasterly boundary line of that annexation to East Bay Municipal Utility District known as Faria Ranch Boundary Reorganization, as annexed by Resolution No. 29609 of the Utility District's Board of Directors dated December 9, 1980; thence northwesterly along said Faria Ranch Boundary Reorganization annexation to the intersection with the southeasterly boundary line of the City of Pinole annexation as established by Ordinance No. 92 of the City of Pinole; thence northeasterly along said City of Pinole boundary to the Point of Beginning.

EXCEPTION FOUR: All that parcel of land in Contra Costa County, being a portion of Census Tract 3560.02, described as follows:

BEGINNING at the most southerly corner on the general easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953; thence northwesterly along said Town of Hercules annexation to the intersection with the most easterly corner of that certain annexation to East Bay Municipal Utility District known as Marsten Ranch, as annexed by Resolution No. 31,986 of the Utility District's Board of Directors dated December 8, 1987; thence southwesterly along the easterly boundary of said annexation (Res. No. 31,986) to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Silver Canyon, as annexed by Resolution No. 22,726 of the Utility District's Board of Directors dated September 19, 1965; thence along the boundary of said annexation (Res. No. 22,726) southeasterly, southwesterly, northeasterly, southeasterly, southerly, easterly and

southwesterly to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917; thence in a general easterly direction to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Hanna Ranch, as annexed by Resolution No. 31,777 of the Utility District's Board of Directors dated December 9, 1986; thence along the boundary of said annexation (Res. No. 31,777) northwesterly to the said most southerly corner on the general easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, and the Point of Beginning.

EXCEPTION FIVE: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3560.01, 3560.02, 3570, 3591.03, 3592.02, and 3922.01 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

WARD NO. 2

Ward No. 2 includes the following 2020 census tracts and blocks in Contra Costa County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

3260.00, 3342.00, 3390.01, 3390.03, 3400.03, 3400.04, 3410.00, 3430.01, 3430.02, 3451.01, 3451.02, 3451.03, 3451.05, 3451.11, 3451.13, 3451.14, 3451.17, 3451.18, 3462.03, 3462.04, 3462.06, 3490.00, 3511.01, 3511.03, 3511.04, 3511.05, 3551.13, 3551.22,

Tract 3211.03 Blocks as follows: 1007, 1012, 1013, 1024;

Tract 3220 Blocks as follows: 3002, 3005, 3010, 4007, 4014;

Tract 3250 Blocks as follows: 3001, 3002, 3003, 3004, 3005, 3009, 3010, 3011, 4004;

Tract 3382.03 Blocks as follows: 5004

Tract 3382.04 Blocks as follows: 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2002, 2003, 2004, 2005, 2006, 2007, 2008;

Tract 3383.02 Block Groups as follows: 3; Blocks as follows: 1005, 1013, 1014, 1016, 1017, 1023, 1024, 1025, 1026, 1027;

Tract 3390.04 Blocks as follows: 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008;

Tract 3400.01 Block Groups as follows: 4; Blocks as follows: 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010;

Tract 3430.03 Block Groups as follows: 2; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016;

Tract 3451.12 Block Groups as follows: 1, 2; Blocks as follows: 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4032;

Tract 3451.15 Blocks as follows: 3000;

Tract 3451.16 Blocks as follows: 1000;

Tract 3452.03 Block Groups as follows: 2, 3, 4; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005;

Tract 3452.04 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2006, 2009, 2010, 2011, 2012;

Tract 3452.05 Block Groups as follows: 1; Blocks as follows: 3000, 3001, 3016;

Tract 3461.01 Block Groups as follows: 1; Blocks as follows: 2002, 2003, 2004, 2005, 2006, 2007, 2008;

Tract 3461.02 Block Groups as follows: 1, 2, 4; Blocks as follows: 3001, 3002, 3003;

Tract 3462.05 Block Groups as follows: 1; Blocks as follows: 2001, 2002;

Tract 3470 Block Groups as follows: 1, 3; Blocks as follows: 2004, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037;

Tract 3480 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3012, 3013, 3014, 3015, 3016, 3017, 3018;

Tract 3500 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014;

Tract 3512 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3016;

Tract 3521.01 Blocks as follows: 1003

Tract 3530.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1010, 1011, 2000;

Tract 3540.02 Blocks as follows: 1016, 1018, 1019, 1020, 1021, 1024;

Tract 3551.12 Blocks as follows: 1067, 1068, 1069, 2003, 2004, 2005, 2006, 2007, 2008, 3002, 3003, 3004, 3005, 3006;

Tract 3551.21 Block Groups as follows: 2; Blocks as follows: 3004, 3007;

Tract 3551.26 Blocks as follows: 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1028, 1029, 1030, 1031;

EXCEPTING FROM the hereinabove described Ward No. 2, the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Contra Costa County, being a portion of Census Tract 3342.00, described as follows:

BEGINNING at the northwest corner of The Hill Mutual Water Company Unincorporated Territory annexation to East Bay Municipal Utility District, EBMUD Resolution No. 27235, dated February 25, 1975, a map of which was recorded in the office of the County Recorder of Contra Costa County under Recorder's Series No. 18353; thence easterly along the northern boundary line of said annexation to the west line of Castle Crest Road and the TRUE POINT OF BEGINNING; thence continuing along said boundary line southerly and northeasterly to the general western line of the San Ramon Valley County Water District annexation to East Bay Municipal Utility District, EBMUD Resolution No. 18868, dated November 14, 1958, a map of which was recorded in the office of the County Recorder of Contra Costa County under Recorder's Series No. 63644; thence northerly to an angle point of the The Hill Mutual Water Company Unincorporated Territory annexation boundary; thence westerly along said line and the extension thereof to the west line of Castle Crest Road; thence southerly along said line to the Point of Beginning.

EXCEPTION TWO: All that parcel of land in Contra Costa County, being a portion of Census Tract 3410.00, described as follows:

BEGINNING on the southern boundary line of that annexation to East Bay Municipal Utility District known as Parcel No. 2 of Tice-Colorados Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on September 27, 1949 under Recorder's Series No. 34720, at the eastern boundary of that annexation to East Bay Municipal Utility District known as Lafayette County Water District, EBMUD Resolution No. 3457, dated October 19, 1931; thence along the boundary of said Parcel No. 2 of Tice-Colorados annexation, easterly, northerly and easterly to the boundary of the annexation to the City of Walnut Creek by City Ordinance No. 661, designated as Dollar Ranch Annexation to the City of Walnut Creek (Rossmoor); thence along the boundary of said Dollar Ranch annexation easterly and southerly to the northern line of that annexation to the East Bay Municipal Utility District known as the Lindberg/Strand Annexation, as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 06-19 of January 10, 2007 and recorded in the Office of the County Recorder of Contra Costa County on February 26, 2007 as Document 2007-0057069-00; thence along the boundary of said Lindberg/Strand annexation, westerly, southerly, southeasterly, south, southwesterly, southeasterly and northwesterly to the boundary of that annexation to the East Bay Municipal Utility District known as the Soldier Field Partners LLC Annexation, as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 07-26 of June 11, 2008 and recorded in the Office of the County Recorder of Contra Costa County on July 22, 2008 as Document 2008-0163071-00; thence along the boundary of said Soldier Field Partners LLC annexation southerly and westerly to the boundary of the territory annexed to the East Bay Municipal Utility District known as Lafayette Valley Unincorporated Territory, a map and description of which said territory was filed in the office of the Recorder of Contra Costa County on October 26, 1955 under Recorder's Series No. 65461; thence along the boundary of said Lafayette Valley Unincorporated Territory, westerly to the boundary of that annexation to East Bay Municipal Utility District known as North Moraga Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on January 20, 1948 under Recorder's Series No. 2619; thence along the boundary of said North Moraga Unincorporated Territory annexation northwesterly to the boundary of that annexation to East Bay Municipal Utility District on October 19, 1931 by

Resolution No. 3457 of the Utility District's Board of Directors known as Lafayette County Water District; thence, northerly, along the boundary of said Lafayette County Water District annexation to the Point of Beginning.

EXCEPTION THREE: All those parcels of land in Contra Costa County, being a portion of Census Tract 3342.00 lying within a boundary more particularly described as follows:

BEGINNING at the northwest corner of The Hill Mutual Water Company Unincorporated Territory annexation to East Bay Municipal Utility District, EBMUD Resolution No. 27235, dated February 25, 1975, a map of which was recorded in the office of the County Recorder of Contra Costa County under Recorder's Series No. 18353; thence southerly along the boundary of said annexation to the northern line of the Alamo Summit Boundary Reorganization (LAFC 91-33) annexation to East Bay Municipal Utility District, a map of which is recorded in the office of the County Recorder of Contra Costa County, filed March 2, 1992 under Recorder's Series No. 92-47535; thence westerly along the said northern line to the easterly line of that annexation to East Bay Municipal Utility District known as Dollar Ranch Annexation to the City of Walnut Creek (Rossmoor); thence northerly, westerly, northerly and northeasterly to the aforesaid northwest corner of said Hill Mutual Water Company Unincorporated Territory annexation and the Point of Beginning.

EXCEPTION FOUR: All that parcel of land in Contra Costa County, being a portion of Census Tracts 3220.00 and 3260.00, described as follows:

ALL that portion of Contra Costa County bounded by that certain annexation to East Bay Municipal Utility District known as Pleasant Hills County Water District as annexed by the District's Board of Directors on January 29, 1941 by Resolution No. 8298 on the south, by that certain annexation to East Bay Municipal Utility District known as Pleasant Hill No. 1 as annexed by the District's Board of Directors on February 24, 1956 by Resolution No. 17465 on the east, and by those certain annexations to East Bay Municipal Utility District known as Pleasant Hill No. 2 as annexed by the District's Board of Directors on June 14, 1963 by Resolution No. 21528 and Valpreda Property as annexed by the District's Board of Directors in July, 1966 by Resolution No. 23310 on the northwest.

EXCEPTION FIVE: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3211.03, 3220, 3250, 3382.03, 3382.04, 3383.02, 3400.01, 3430.03, 3452.03, 3461.01, 3461.02, 3462.05, 3470, 3480, 3551.21, 3551.26 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

WARD NO. 3

Ward No. 3 includes the following 2020 census tracts and blocks in Alameda County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

3522.01, 3540.01, 3601.02, 3602, 4003, 4010, 4011, 4012, 4013, 4014, 4028.01, 4029, 4034.01, 4034.02, 4035.01, 4035.02, 4036, 4037.01, 4037.02, 4038, 4039, 4040, 4041.01, 4041.02, 4042, 4045.01, 4045.02, 4046, 4047, 4048, 4067;

Tract 4001 Block Groups as follows: 2; Blocks as follows: 1011, 1026, 1027;

Tract 4043 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024;

Tract 4044 Block Groups as follows: 2, 3, 4; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025;

Tract 4049 Blocks as follows: 1000, 1001, 1002, 1003, 2010, 2011, 2012, 2013;

Tract 4050 Blocks as follows: 3016;

Tract 4051 Blocks as follows: 3002, 5008, 5009;

Tract 4066.01 Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016;

Tract 4066.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1020, 1021;

Tract 4070 Block Groups as follows: 1;

Tract 4079 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012;

Tract 4080 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027;

Tract 4081 Blocks as follows: 5010;

Tract 4215 Blocks as follows: 1008;

Tract 4251.04 Blocks as follows: 1016;

Tract 4301.02 Blocks as follows: 1035;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

4068, 4069, 4261, 4262;

Tract 3480 Blocks as follows: 3009, 3010, 3011;

Tract 3500 Block Groups as follows: 3; Blocks as follows: 2003, 2004, 2005, 2006, 2007, 2008, 4015, 4016;

Tract 3512 Blocks as follows: 3005, 3006, 3014, 3015;

Tract 3521.01 Blocks as follows: 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1026, 1027, 1028;

Tract 3521.02 Block Groups as follows: 1, 2, 3; Blocks as follows: 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014;

Tract 3522.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033;

Tract 3530.01 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3010;

Tract 3530.02 Block Groups as follows: 3, 4; Blocks as follows: 1005, 1006, 1007, 1008, 1009, 1012, 2001, 2002, 2003, 2004, 2005, 2006;

Tract 3540.02 Block Groups as follows: 2, 3, 4; Blocks as follows: 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1022, 1023;

Tract 3560.02 Blocks as follows: 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 2014;

Tract 3592.02 Block Groups as follows: 3; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021;

Tract 3592.04 Blocks as follows: 3001;

Tract 3601.01 Block Groups as follows: 1, 2; Blocks as follows: 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019;

Tract 3610 Block Groups as follows: 1, 3; Blocks as follows: 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2017, 2020, 2021, 2022, 2023, 2024, 2025;

Tract 3620 Blocks as follows: 1000, 1001;

Tract 3630 Block Groups as follows: 2; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1020, 3000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018;

Tract 3690.02 Blocks as follows: 1000, 1001;

EXCEPTING FROM the hereinabove described Ward No. 3; the following described parcels of land:

EXCEPTION ONE: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

A tract of land containing 0.93 acres conveyed by C. A. Hooper & Company to Valle Vista School District, described as follows:

BEGINNING at point in the southerly right of way fence of the Oakland, Antioch & Eastern Railway which point bears North $58^{\circ}24'$ West, 192.55 feet from Station No. 2 of Rancho Laguna de los Palos Colorados Tract No. 2; thence South $37^{\circ}02'$ West, 160 feet; thence North $50^{\circ}52'$ West, 269.7 feet; thence North $45^{\circ}21'$ East, 163.6 feet; thence South $50^{\circ}14'$ East, 246.2 feet, to the Point of Beginning.

EXCEPTION TWO: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

ALL that parcel of land described as Lot 31 as delineated upon that certain map entitled, "Pinehurst Unit One"; Contra Costa County, California, filed June 17, 1916, in Map Book 15, Page 306, in the office of the County Recorder of Contra Costa County, State of California, more particularly described as follows:

BEGINNING on the west line of Pinehurst Drive as said road is shown on said Map of Pinehurst Unit One at the most easterly corner of said Lot 31, said corner bears South $66^{\circ}30'$ East, 1115 feet, more or less, from the Section corner common Sections 23, 24, 25 and 26, of Township 1 south, Range 3 west, Mount Diablo Base and Meridian; thence North $81^{\circ}41'$ West, 99.25 feet; thence North $8^{\circ}19'$ East, 36.86 feet; thence South $88^{\circ}30'40''$ East, 97.05 feet to the aforesaid west line of Pinehurst Drive, thence southerly along said line along the arc of a curve to the right with a radius of 407.12 feet an arc distance of 48.52 feet to the Point of Beginning.

EXCEPTION THREE: All that portion of land in Contra Costa County, being a portion of Census Tracts 3530.01 and 3522.02, described as follows:

BEGINNING at a point on the southern boundary of that annexation to East Bay Municipal Utility District known as the Orinda County Water District, as annexed by the District's Board of Directors on May 18, 1934 by Resolution No. 4771 at the western boundary line of that annexation to East Bay Municipal Utility District known as Indian Valley, Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on June 17, 1971 under Recorder's Series No. 48015; thence northerly to the southeast corner of the Montanera Boundary Reorganization, recorded September 10, 1999, Contra Costa County

Recorder's series number 1999-242482; thence westerly and northerly along said Montanera Boundary Reorganization to the southerly line of said Orinda County Water District; thence westerly along the southern boundary of the Orinda County Water District annexation to its intersection with the common boundary line between the Counties of Alameda and Contra Costa; thence southeasterly along said line to a point on the northerly line of the Persin Annexation, recorded August 14, 2001, Contra Costa County Recorder's series number 2001-240406; thence easterly and southerly along said Persin Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the Larabell Annexation, recorded November 18, 2016, Contra Costa County Recorder's series number 2016-249943; thence northeasterly and southeasterly along the northwesterly and northeasterly line of said Larabell Annexation to the most northerly corner of the Randi Annexation, recorded December 28, 2005, Contra Costa County Recorder's series number 2005-496653; thence southeasterly and southwesterly along said Randi Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the McCulley Annexation, EBMUD Resolution No. 33171-99, dated September 14, 1999; thence easterly, southerly and westerly along said McCulley Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the Duffy Annexation, EBMUD Resolution No. 33180-00, dated January 11, 2000; thence easterly and southerly along said Duffy Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the District's Board of Directors on June 10, 1975 by Resolution No. 27344; thence along said boundary line easterly, southeasterly and easterly to a point on the aforesaid western boundary of the Indian Valley Unincorporated Territory annexation, EBMUD Resolution No. 25640, dated May 11, 1971; thence northwesterly and northerly along said boundary to the Point of Beginning.

EXCEPTION FOUR: All that portion of land in Contra Costa County, being a portion of Census Tract 3521.02, described as follows:

BEGINNING at the northern corner of the parcel of land described in the deed to Alfred Carr, Jr., et ux, recorded June 22, 1971 in Book 6414 of Official Records, at Page 375; thence southwesterly and southeasterly along the eastern boundary of the Town of Moraga, 2900 feet, more or less, to the northwestern corner of Parcel "B", as shown on that certain map filed May 11, 1971 in Book 16 of Parcel Maps, Page 34; thence leaving said Town boundary North 74°58' East, along the northern line of said Parcel "B" and the northern line of Parcel "C", as shown on said Parcel Map 16 P.M. 34, and its eastern extension, 1093.96 feet to a point on the boundary line of the East Bay Municipal Utility District as established by that certain annexation known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County in Map Book 1 of East Bay Municipal Utility District annexations at page 36; thence northerly along said boundary to the southeast corner of that annexation to East Bay Municipal Utility District known as the Carr Ranch Annexation a map of which was filed in the office of the County Recorder of Contra Costa County on June 16, 2016 under Recorder's Series No. 2016-118457; thence westerly and northerly along the southerly and westerly lines of said boundary to the boundary line of the aforesaid annexation known as East Bay Municipal Utility District Watershed No. 3

Unincorporated Territory, (Book 1 Page 36); thence north, west, and north along said boundary line to the Point of Beginning.

EXCEPTION FIVE: All that portion of land in Contra Costa County, being a portion of Census Tract 3521.02, described as follows:

BEGINNING at the most northerly corner of Renz/Stremel Annexation to East Bay Municipal Utility District, which is recorded in the office of the County Recorder of Contra Costa County filed on October 7, 1993 under Recorder's Series 93-280555, said point also being on the southern boundary line of the Town of Moraga; thence northwesterly along the said boundary line of the Town of Moraga to the boundary line of East Bay Municipal Utility District as established by that certain annexation known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County in Map Book 1 of East Bay Municipal Utility District Annexations at Page 36; thence south, southeasterly and westerly along said last boundary to the southwest corner of said Renz/Stremel Annexation; thence northwesterly, westerly and northeasterly, along last said Annexation to the Point of Beginning.

EXCEPTION SIX: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

ALL that portion of Contra Costa County bounded by the boundary between Contra Costa County and Alameda County on the south, the City of Oakland on the west and that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the District's Board of Directors on June 10, 1975, by Resolution No. 27344 on the northeast.

EXCEPTION SEVEN: All that parcel of land in Contra Costa County, being a portion of Census Tract 3601.02, described as follows:

BEGINNING at a point on the northeasterly boundary line of that certain annexation to East Bay Municipal Utility District known as El Sobrante County Water District, a map of which was filed March 30, 1972 under Recorder's Series No. 26819 Official Records of Contra Costa County, said point being also the most southerly corner of that certain annexation to East Bay Municipal Utility District known as a portion of the City of Pinole, Resolution No. 1170 "Bragg Annexation", a map of which was filed April 4, 1977 in Book 1 of East Bay Municipal Utility District Annexation Maps at page 43 Official Records of Contra Costa County; thence northeasterly along the southeasterly boundary line of the aforesaid "Bragg Annexation" to a point on the southwesterly boundary line of that certain annexation to East Bay Municipal Utility District known as the City of Pinole Annexation, Ordinance No. 85 adopted April 25, 1955; thence southeasterly along the southwesterly boundary line of said annexation to the most westerly corner of Parcel One of that certain annexation to East Bay Municipal Utility District known as Pinole Valley Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 5, 1968 under Recorder's Series No. 6883; thence easterly along the southern line of said Parcel One to the aforesaid boundary line of the City of Pinole (Ordinance No. 85); thence easterly along said boundary to its intersection with the western boundary line of that certain annexation to East Bay Municipal Utility District, known as Adobe Road Annexation, as annexed by Resolution No. 32,591 of the Utility District's Board of Directors dated March 10, 1992 ; thence southwesterly, southerly and easterly along said boundary to its intersection with the southwest corner of Parcel Two of that certain annexation to East Bay Municipal Utility District known as Pinole Valley No. 2 Unincorporated Territory, a

map of which was filed in the office of the County Recorder of Contra Costa County on February 17, 1969 under Recorder's Series No. 11151; thence easterly along the southerly boundary of said Parcel Two (Rec. Ser. No. 11151) to the southwest corner of that annexation to the East Bay Municipal Utility District known as "4900 Pinole Valley Road Annexation", as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 07-18 of October 10, 2007 and recorded in the Office of the County Recorder of Contra Costa County on November 13, 2007 as Document 2007-0314291-00; thence, along the southerly boundary of said "4900 Pinole Valley Road Annexation" to its intersection with the westerly boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917; thence in a general southerly direction along the general westerly boundary of said annexation (Rec. Ser. No. 22917) to its intersection with the northeasterly boundary line of that certain annexation to East Bay Municipal Utility District known as Cutter Ranch Boundary Reorganization as annexed by Resolution No. 29,770 of the Utility District's Board of Directors dated May 12, 1981; thence northwesterly along the northeasterly boundary of said annexation (Res. No. 29,770) to its intersection with the general easterly boundary line of that certain annexation to East Bay Municipal Utility District known as El Sobrante Hills No. 1 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 7, 1978 in Book 8737, Official Records, at Page 18; thence northwesterly along the northeasterly boundary of said annexation (8737 OR 18) to its intersection with the northeasterly boundary line of the aforesaid El Sobrante County Water District annexation (Rec. Ser. No. 26819); thence northwesterly along said boundary to the Point of Beginning.

EXCEPTION EIGHT: All that parcel of land in Contra Costa County, being a portion of Census Tract 3592.02, described as follows:

BEGINNING at a point on the general northerly boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917 said point also being on the general easterly boundary line of that certain annexation to East Bay Municipal Utility District known as Kensington Unincorporated Territory as annexed by the Utility District's Board of Directors by Resolution No. 3579 dated January 4, 1932; thence northwesterly along the easterly boundary of said annexation (Res. No. 3579) to its intersection with the southerly boundary line of that certain annexation to East Bay Municipal Utility District known as Cutter Ranch Boundary Reorganization, as annexed by Resolution No. 29770 of the Utility District's Board of Directors dated May 12, 1981 thence in a generally easterly direction along said southerly boundary line to the intersection with that certain annexation to East Bay Municipal Utility District known as Castro Pointe - Carriage Hill South Boundary Reorganization as adopted by the City Council of the City of Richmond on April 16, 1987 under Resolution No. 37/87 (LAFC 86-45); thence along the westerly line of said boundary (LAFC 86-45) southeasterly, northeasterly, and southeasterly along said boundary to its intersection with the aforesaid East Bay Municipal Utility District Watershed No. 2 annexation (Rec. Ser. 22917); thence southwesterly along said boundary to the Point of Beginning.

EXCEPTION NINE: All that parcel of land in Contra Costa County, being a portion of Census Tracts 3591.03, 3591.04, 3592.02 and 3592.04 described as follows:

BEGINNING at a point on the general westerly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953 at the most easterly corner of Lot 21 as said lot is shown on the map of Tract 2603; filed June 25, 1958 in Book 70 of Maps at Page 1, Contra Costa County Records; thence easterly and southerly along said Town of Hercules annexation to the intersection with the northwesterly boundary line of that annexation to East Bay Municipal Utility District known as Sunset Boundary Reorganization, as annexed by Resolution No. 29462 of the Utility District's Board of Directors dated July 22, 1980; thence southwesterly along said Sunset Boundary Reorganization annexation to the intersection with the general northeasterly boundary line of that annexation to East Bay Municipal Utility District known as Faria Ranch Boundary Reorganization, as annexed by Resolution No. 29609 of the Utility District's Board of Directors dated December 9, 1980; thence northwesterly along said Faria Ranch Boundary Reorganization annexation to the intersection with the southeasterly boundary line of the City of Pinole annexation as established by Ordinance No. 92 of the City of Pinole; thence northeasterly along said City of Pinole boundary to the Point of Beginning.

EXCEPTION TEN All that parcel of land in Contra Costa County, being a portion of Census Tract 3592.02, described as follows:

BEGINNING at the most southerly corner on the general easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953; thence northwesterly along said Town of Hercules annexation to the intersection with the most easterly corner of that certain annexation to East Bay Municipal Utility District known as Marsten Ranch, as annexed by Resolution No. 31,986 of the Utility District's Board of Directors dated December 8, 1987; thence southwesterly along the easterly boundary of said annexation (Res. No. 31,986) to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Silver Canyon, as annexed by Resolution No. 22,726 of the Utility District's Board of Directors dated September 19, 1965; thence along the boundary of said annexation (Res. No. 22,726) southeasterly, southwesterly, northeasterly, southeasterly, southerly, easterly and southwesterly, southeasterly, northeasterly, southeasterly, northeasterly, southeasterly, southwesterly, northwesterly, southwesterly, to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917; thence along the said boundary line in a general easterly direction, to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Hanna Ranch, as annexed by Resolution No. 31,777 of the Utility District's Board of Directors dated December 9, 1986; thence along the southwesterly boundary of said annexation (Res. No. 31,777) northwesterly to the said most southerly corner on the general easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, and the Point of Beginning.

EXCEPTION ELEVEN: All that portion of land in Alameda County, being a portion of Census Tracts 4046, 4080, described as follows:

ALL that portion of Alameda County bounded by the boundary between Contra Costa County and Alameda County on the north, the City of Oakland on the West, those certain annexations to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the Board of Director's on June 10, 1975 by Resolution

No. 27344 and East Bay Municipal Utility District Watershed No. 1 Unincorporated Territory as annexed by the Board of Director's on March 28, 1972 by Resolution No. 26021 on the east and by that certain annexation to East Bay Municipal Utility District known as Chabot as annexed by the Board of Director's on February 13, 1934 by Resolution No. 4648 on the south.

EXCEPTION TWELVE: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3480, 3521.01, 3521.02, 3522.02, 3530.01, 3540.02, 3560.01, 3560.02, 3592.02, 3592.04, and any portion of that parcel of land in Alameda County, being a portion of Census Tract 4044, 4080, 4301.02 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

WARD NO. 4

Ward No. 4 includes the following 2020 census tracts and blocks in Alameda County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

4002, 4004, 4005, 4006, 4007, 4008, 4009, 4201, 4202, 4203.01, 4204.01, 4205, 4206, 4211, 4212, 4213, 4214, 4216, 4217, 4218, 4219, 4221, 4222, 4223, 4224, 4225, 4227, 4228, 4229.01, 4229.02, 4230, 4231, 4232, 4233, 4234, 4235, 4236.01, 4236.02, 4237, 4238, 4239.01, 4239.02, 4240.01, 4240.02, 4251.02, 4251.03, 9821;

Tract 4001 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1028, 1029, 1030, 1031, 1032, 1033;

Tract 4017 Blocks as follows: 3000, 3001, 3006;

Tract 4043 Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1008;

Tract 4044 Blocks as follows: 1018;

Tract 4203.02 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021;

Tract 4204.02 Block Groups as follows: 2; Blocks as follows: 1000, 1001, 1002, 1003, 1005, 1006;

Tract 4215 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028;

Tract 4220 Block Groups as follows: 2; Blocks as follows: 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058,

1059,1060,1061,1062,1063,1064,1065,1066,1067,1068,1069,1070,1071,1072,1073,1074,1075, 1076;

Tract 4251.01 Block Groups as follows: 1; Blocks as follows: 2001,2002,2003;

Tract 4251.04 Block Groups as follows: 2,3,4,5; Blocks as follows: 1000,1001,1002,1003,1004, 1005,1006,1007,1008,1009,1010,1011,1012,1013,1014,1015,1017,1018;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

3851, 3852, 3860, 3870, 3880, 3891, 3892, 3901, 3902, 3910, 3920;

Tract 3840 Block Groups as follows: 2,3; Blocks as follows: 1000,1001,1002,1004,1005,1009,1010, 1011,1012,1013,1014,1015,1016,1017,1018,1019,1020,4006,4007,4008,4009,4010,4011,4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023;

WARD NO. 5

Ward No. 5 includes the following 2020 census tracts and blocks in Alameda County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

4015, 4016, 4018, 4022, 4024, 4025, 4026, 4027, 4028.02, 4030, 4031, 4033.01, 4091, 4092, 4105, 4276, 4277, 4278, 4279, 4280, 4333, 4335, 4336, 4358, 4360, 4361;

Tract 4017 Block Groups as follows: 1,2; Blocks as follows: 3002,3003,3004,3005,3007,3008,3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110;

Tract 4033.02 Block Groups as follows: 1,3; Blocks as follows: 2000,2001,2002,2003,2004,2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014;

Tract 4060 Block Groups as follows: 2, 4; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010;

Tract 4061 Block Groups as follows: 1,4; Blocks as follows: 2000,2001,2002,2003,2004,2005,2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000,

3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020;

Tract 4073 Blocks as follows: 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2051, 2052;

Tract 4088 Block Groups as follows: 2, 3; Blocks as follows: 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017;

Tract 4089 Blocks as follows: 1007, 1008, 1009, 1010, 1011, 1012, 2003, 2004, 2014, 2015, 2016, 2024, 2025;

Tract 4090 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2041, 2042, 2043, 2044, 2045, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068;

Tract 4093 Block Groups as follows: 2, 4; Blocks as follows: 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 3000, 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026;

Tract 4094 Blocks as follows: 2020, 2021, 2025, 2026;

Tract 4095 Blocks as follows: 1014, 1015, 1016;

Tract 4271 Block Groups as follows: 2; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023;

Tract 4272 Block Groups as follows: 1, 2, 3, 4;

Tract 4273 Block Groups as follows: 1, 3, 4, 5; Blocks as follows: 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023;

Tract 4281 Block Groups as follows: 2, 3, 4; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014;

Tract 4282 Block Groups as follows: 1, 3, 4, 5; Blocks as follows: 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020;

Tract 4283.01 Block Groups as follows: 1, 2, 3; Blocks as follows: 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4031, 4032, 4033, 4034, 4035, 4036, 4037;

Tract 4283.02 Block Groups as follows: 2; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012;

Tract 4284 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009;

Tract 4285 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012;

Tract 4286 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012;

Tract 4287 Block Groups as follows: 1; Blocks as follows: 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032;

Tract 4324 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031;

Tract 4334 Block Groups as follows: 1, 2, 4, 5, 6; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005;

Tract 4357 Blocks as follows: 2008, 3009, 4006;

Tract 4359 Block Groups as follows: 1, 2, 4; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016;

Tract 4362 Blocks as follows: 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2010, 2011;

Tract 4369 Blocks as follows: 4005;

Tract 9819 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011;

Tract 9820 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025;

Tract 9832 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021;

EXCEPTING FROM the hereinabove described Ward No. 5; the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

ALL that portion of the Southern Pacific Railroad property bounded by the boundary of the City of San Leandro on the north, east, south, and west as said boundary was established by City of San Leandro Ordinances 723 N.S., 879 N.S., 1220 N.S., 862 N.S., and 1029 N.S.

EXCEPTION TWO: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

ALL that unincorporated territory bounded on the north by the City of San Leandro boundary as established by Ordinance 723 N.S., bounded on the east by the City of San Leandro boundary as established by Ordinance 654 N.S., bounded on the south by the north line of Davis Street, and bounded on the west by the eastern line of that certain annexation to East Bay Municipal Utility District known as Davis Street Unincorporated Territory, a map of which was filed December 23, 1962 in Map Book 43, Page 27A, Alameda County Records and by the City of San Leandro boundary as established by Ordinance 879 N.S.

EXCEPTION THREE: All that area of land annexed to the City of Oakland by City of Oakland Ordinance 47516 C.M.S.

EXCEPTION FOUR: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

That portion of Census Tract 4342.00, Block 3005, bounded southerly and westerly by Doolittle Drive and easterly by Carden Street, and northerly and easterly by the City of San Leandro boundary as established by Ordinance 732 N.S.

EXCEPTION FIVE: All that portion of land in Alameda County, being any portion of Census Tracts 4336.00, described as follows:

ALL that portion of the Nimitz Freeway bounded on the north by the City of San Leandro boundary as established by Resolution No. 115261 of the Board of Supervisors of Alameda County, bounded on the southwest by the City of San Leandro boundary as established by Ordinance 1052 N.S., and bounded on the east by the west line and its prolongation northerly and southerly of the parcel of land conveyed to Mary Graves, et al, by deed recorded on June 21, 1971 under Recorder's Series No. 71-76203, Official Records of Alameda County.

EXCEPTION SIX: Any portion of those parcels of land in Alameda County, being a portion of Census Tracts 4359, 4360, 4361, and 4362 lying outside of the existing East Bay Municipal Utility District as shown on that certain East Bay Municipal Utility District Map "Reorganization to Reflect Agreement on Water Service Boundary with the City of Hayward", recorded July 29, 2020, Alameda County Recorder's series number 202-181063.

EXCEPTION SEVEN: Any portion of those parcels of land in Alameda County, being a portion of Census Tracts 4324, 4359, 4362, 4369 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

WARD NO. 6

Ward No. 6 includes the following 2020 census tracts and blocks in Alameda County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

4052, 4053.01, 4053.02, 4054.01, 4054.02, 4055, 4056, 4057, 4058, 4059.01, 4059.02, 4062.01, 4062.02, 4063, 4064, 4065, 4071.01, 4071.02, 4072, 4074, 4075, 4076, 4077, 4078, 4082, 4083, 4084, 4085, 4086, 4087, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104;

Tract 4049 Block Groups as follows: 3, 4; Blocks as follows: 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2014;

Tract 4050 Block Groups as follows: 1, 2; Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3017, 3018, 3019, 3020, 3021, 3022;

Tract 4051 Block Groups as follows: 1, 2, 4; Blocks as follows: 3000, 3001, 3003, 3004, 3005, 3006, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5010, 5011, 5012, 5013, 5014;

Tract 4060 Blocks as follows: 3000, 3007;

Tract 4066.01 Block Groups as follows: 1, 2; Blocks as follows: 3005, 3006, 3011, 3012, 3013, 3014, 3015, 4005, 4006, 4007, 4008;

Tract 4066.02 Block Groups as follows: 2; Blocks as follows: 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1024, 1025;

Tract 4070 Block Groups as follows: 2, 3, 4, 5;

Tract 4073 Blocks as follows: 1004, 1010, 2018, 2021;

Tract 4079 Blocks as follows: 1007;

Tract 4080 Blocks as follows: 2018;

Tract 4081 Block Groups as follows: 1, 2, 3, 4; Blocks as follows: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023;

Tract 4088 Blocks as follows: 1000, 1003, 4000;

Tract 4089 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2026;

Tract 4093 Blocks as follows: 1001, 3004;

Tract 4094 Block Groups as follows: 1, 3; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023, 2024;

Tract 4095 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013;

Tract 4321 Blocks as follows: 1000, 2000;

WARD NO. 7

Ward No. 7 includes the following 2020 census tracts and blocks in Alameda County, State of California, as established by the 2020 decennial federal census:

CENSUS TRACTS:

4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4322, 4323, 4325.01, 4325.02, 4326.01, 4326.02, 4327, 4328, 4330, 4331.02, 4331.03, 4331.04, 4332, 4337, 4338.01, 4338.02, 4339, 4340, 4352, 4356.02, 4364.04;

Tract 4301.01 Block Groups as follows: 1, 2, 4; Blocks as follows: 3003, 3004, 3005, 3006, 3007, 3011, 3012;

Tract 4301.02 Blocks as follows: 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1033, 1034, 1036, 1037, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1048, 1049, 1050;

Tract 4302 Block Groups as follows: 2, 3, 4, 5; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011;

Tract 4311 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010;

Tract 4312 Block Groups as follows: 1, 3; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2026, 2027, 2028;

Tract 4321 Block Groups as follows: 3; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011;

Tract 4351.03 Block Groups as follows: 3; Blocks as follows: 1003, 1004, 1005, 1006, 1007, 1014, 1015, 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2033;

Tract 4353 Block Groups as follows: 3; Blocks as follows: 1000, 1004, 1005, 2000, 2001, 2002, 2003, 2006;

Tract 4354 Blocks as follows: 2000;

Tract 4355 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2017, 3000, 3001, 3002, 3003, 3004, 3007, 3010, 3011, 3013;

Tract 4356.01 Block Groups as follows: 2, 3; Blocks as follows: 1000, 1001, 1002, 1003, 1004;

Tract 4357 Block Groups as follows: 1; Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4007, 4008, 4009, 4010, 4013, 4014;

Tract 4362 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 2007, 2009;

Tract 4363.01 Blocks as follows: 1001, 1002, 1011, 1012, 1013, 1014, 1015, 1016, 1017;

Tract 4364.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2006;

Tract 4364.03 Blocks as follows: 2000, 3000, 3001, 3002, 3005, 4005;

Tract 4367 Blocks as follows: 1000, 1006, 2000, 2001, 2002, 2003, 2011, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021;

Tract 4369 Block Groups as follows: 1; Blocks as follows: 2000, 4000, 4001, 4007;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2020 decennial federal census:

Tract 3451.15 Block Groups as follows: 2; Blocks as follows: 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3017, 3018, 3019;

Tract 3451.16 Block Groups as follows: 2; Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008;

Tract 3452.03 Blocks as follows: 1018, 1021, 1022, 1023;

Tract 3452.05 Block Groups as follows: 2; Blocks as follows: 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3017, 3018, 3019, 3020, 3021, 3022, 3023;

Tract 3452.06 Block Groups as follows: 2; Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005;

EXCEPTING FROM the hereinabove described Ward No. 7 the following described parcels of land:

EXCEPTION ONE: All that portion of land in Alameda County, being any portion of Census Tracts 4338.02, 4337.00 and 4332.00, described as follows:

ALL that portion of Southern Pacific Railroad right of way, lying between the east line of Hesperian Boulevard and the south line of Lewelling Boulevard.

EXCEPTION TWO: All that portion of land in Alameda County, being any portion of Census Tracts 4332.00, described as follows:

ALL that portion of the Nimitz Freeway bounded on the north by the City of San Leandro boundary as established by Resolution No. 115261 of the Board of Supervisors of Alameda County, bounded on the southwest by the City of San Leandro boundary as established by Ordinance 1052 N.S., and bounded on the east by the west line and its prolongation northerly and southerly of the parcel of land conveyed to Mary Graves, et al, by deed recorded on June 21, 1971 under Recorder's Series No. 71-76203, Official Records of Alameda County.

EXCEPTION THREE: All that portion of land in Alameda County, being a portion of Census Tracts 4301.02 and 3522.02, described as follows:

ALL that portion of Alameda County bounded by the boundary between Contra Costa County and Alameda County on the north, the City of Oakland on the West, those certain annexations to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the Board of Director's on June 10, 1975 by Resolution No. 27344 and East Bay Municipal Utility District Watershed No. 1 Unincorporated Territory as annexed by the Board of Director's on March 28, 1972 by Resolution No. 26021 on the east and by that certain annexation to East Bay Municipal Utility District known as Chabot as annexed by the Board of Director's on February 13, 1934 by Resolution No. 4648 on the south.

EXCEPTION FOUR: All that portion of land in Alameda County, being a portion of Census Tracts 4301.02 and 4302, described as follows:

ALL that portion of Alameda County bounded on the north by an annexation to East Bay Municipal Utility District known as Cull Ridge Unincorporated Territory as annexed by the Board of Director's on June 26, 1979 by Resolution No. 29000 and bounded on the west and south by an annexation to East Bay Municipal Utility District known as Castro Valley County Water District as annexed by the Board of Director's on July 17, 1931 by Resolution No. 3302 and bounded on the east by the annexation to East Bay Municipal Utility District known as Cull Canyon Unincorporated Territory as annexed by the Board of Director's on July 12, 1977 by Resolution No. 28213 and Cull Canyon Estates Annexation as annexed by the Castro Valley Sanitary District on June 2, 1992 by Resolution No. 2656. The above-described parcel is commonly known as the Cull Canyon Regional Recreation Area.

EXCEPTION FIVE: All that parcel of land in Alameda County, being a portion of Census Tract 4351.03, described as follows:

The area bounded northerly and westerly by that certain annexation to East Bay Municipal Utility District known as the Fairview County Water District Annexation, EBMUD Resolution No. 4283, dated May 26, 1933; bounded easterly by that certain annexation known as the Palomares Canyon Annexation, filed November 2, 1965 in Book 51, Page 8, Annexation Maps of Alameda County; and bounded southerly by that certain annexation known as the Rancho Palomares Annexation, recorded December 26, 1990, Alameda County Recorder's series number 90-335077.

EXCEPTION SIX: All that parcel of land in Contra Costa County, being a portion of Census Tract 3451.15, Block 1003, described as follows:

The area bounded northerly, westerly and southerly by that certain annexation to East Bay Municipal Utility District known as the Norris Canyon Annexation, Contra Costa County Resolution No. 93-83, dated April 1, 1993, and bounded easterly by those certain annexations known as the Twin Creeks Hills Annexation, EBMUD Resolution No. 29610, dated December 9,

1980 and the San Ramon South Annexation, EBMUD Resolution No. 21862, dated January 10, 1964.

EXCEPTION SEVEN: Any portion of those parcels of land in Alameda County, being a portion of Census Tracts 4311.00, 4312, 4351.02, 4351.03, 4353, 4354, 4355, 4356.01, 4357, 4362, 4363.01, 4364.02, 4364.03, 4364.04, 4367, 4368, and 4369 lying outside of the existing East Bay Municipal Utility District as shown on that certain East Bay Municipal Utility District Map "Reorganization to Reflect Agreement on Water Service Boundary with the City of Hayward", recorded July 29, 2020, Alameda County Recorder's series number 202-181063.

EXCEPTION EIGHT: Any portion of those parcels of land in Alameda County, being a portion of Census Tracts 4301.01, 4301.02, 4302, 4311, 4312, 4337, 4338.02, 4351.03, 4353, 4354, 4355, 4356.01, 4357, 4362, 4363.01, 4363.01, 4364.02, 4364.03, 4364.04, 4367, and 4369 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

EXCEPTION NINE: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3451.15, and 3452.03, 3452.05, 3452.06 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", dated August 3, 2021, on file at the offices of East Bay Municipal Utility District.

The official map of the territory included within the East Bay Municipal Utility District, as described above, covering portions of Alameda and Contra Costa Counties and vicinity is on file at East Bay Municipal Utility District and by reference made a part hereof.

Any Resolution, or part thereof, in conflict herewith is hereby repealed and rescinded.

This legal description is for administrative purposes only and is not a legal property description as defined in the Subdivision Map Act.

ADOPTED THIS 12th day of April, 2022 by the following vote:

AYES: Directors Coleman, Katz, Mellon, Patterson, Young, and President Linney.

NOES: None.

ABSENT: Director McIntosh.

ABSTAIN: None.



President

ATTEST:



Secretary

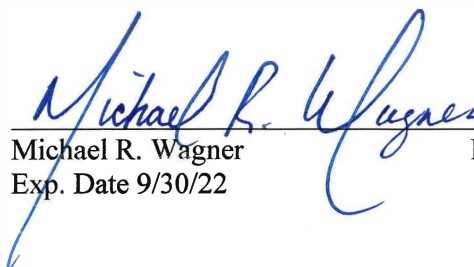
APPROVED AS TO FORM AND PROCEDURE:



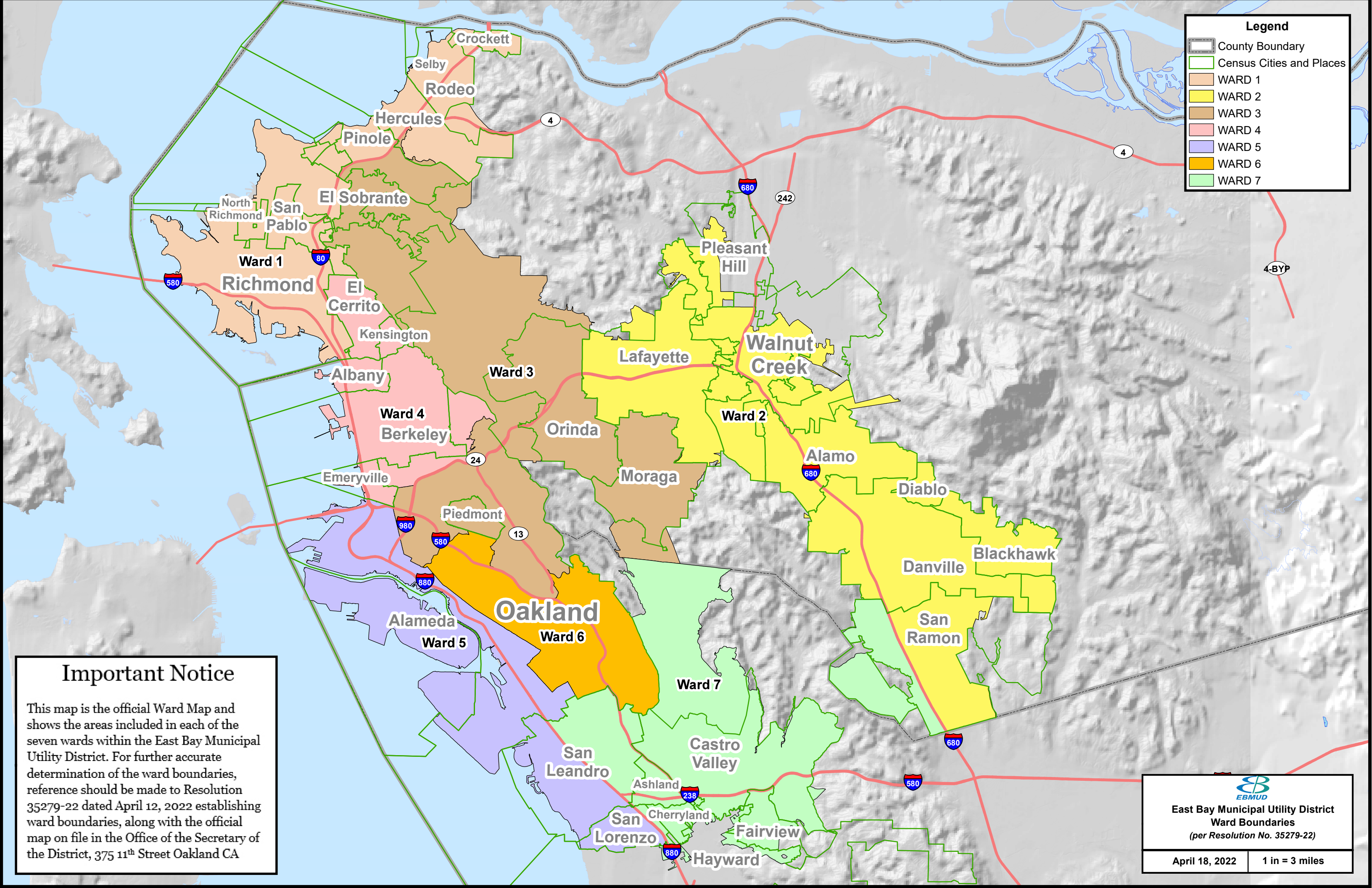
General Counsel



This document was made by me, or
under my direction in March 2022.



Michael R. Wagner L.S. 9151
Exp. Date 9/30/22




Legend

- County Boundary
- Census Cities and Places
- WARD 1
- WARD 2
- WARD 3
- WARD 4
- WARD 5
- WARD 6
- WARD 7

Important Notice

This map is the official Ward Map and shows the areas included in each of the seven wards within the East Bay Municipal Utility District. For further accurate determination of the ward boundaries, reference should be made to Resolution 35279-22 dated April 12, 2022 establishing ward boundaries, along with the official map on file in the Office of the Secretary of the District, 375 11th Street Oakland CA



East Bay Municipal Utility District
Ward Boundaries
(per Resolution No. 35279-22)

April 18, 2022	1 in = 3 miles
----------------	----------------

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 9, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative Report No. 03-24

Attached for your reference is an information memo dated February 22, 2024, that lists the committee memberships for EBMUD's state delegation.

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on May 14, 2024.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 1798 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters; 2) Support AB 1827 (Papan) Local government: fees and charges: water: higher consumptive water parcels; 3) Support AB 2257 (Wilson) Local government: property-related water and sewer fees and assessments: remedies; 4) Support AB 3023 (Papan) Wildfire and Forest Resilience Task Force: interagency funding strategy: state watershed restoration plans: forest resilience plans: grant program guidelines; 5) Support SB 1515, SB 1516, SB 1517 (Committee on Local Government) Validations; and receive information on connection fee and capacity charge legislation.

STATE LEGISLATION

RECOMMENDED POSITION

AB 1798 (Papan)	DEPARTMENT OF TRANSPORTATION: CONTAMINATED STORMWATER RUNOFF: SALMON AND STEELHEAD TROUT BEARING SURFACE WATERS	SUPPORT
----------------------------	--	----------------

Existing law vests the Department of Transportation (Caltrans) with full possession and control of all state highways. In addition, under existing law the State Water Resources Control Board (SWRCB) and the regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system permit program and the Porter-Cologne Water Quality Control Act.

AB 1798 (Papan), as amended on April 3, 2024, is intended to protect water quality of salmon and steelhead trout-bearing surface waters. AB 1798 would require Caltrans, in conjunction with the SWRCB, to develop a programmatic environmental review process to prevent the chemical compounds known as 6PPD and 6PPD-quinone (6PPD-q), used in automotive tires and known to be toxic to aquatic life, from entering salmon and steelhead trout-bearing streams and rivers. Under the bill, the programmatic environmental review process would include five pilot projects, one in each of the counties of Contra Costa, Humboldt, Nevada, San Mateo, and Sonoma, to study the cost and effectiveness of installing and maintaining bioretention and biofiltration along Caltrans rights-of-way to intercept and eliminate the discharge of 6PPD and 6PPD-quinone into surface waters. The study would also measure the effectiveness of bioretention and biofiltration to control the discharge of microplastics, including tire wear particles, and other pollutants from state highways into surface waters.

6PPD is a chemical that prevents automotive tires from breaking down. According to the U.S. Environmental Protection Agency (U.S. EPA), when 6PPD is exposed to air, it reacts with ozone to create 6PPD-q. 6PPD-q is lethal to coho salmon and can contaminate water systems. The state's Department of Toxic Substances Control (DTSC) has listed 6PPD as a chemical of concern and requires tiremakers to look for safer alternatives. However, currently there are no safe alternatives.

The pilot projects required under AB 1798 would provide useful information to understand if bioretention and biofiltration can intercept stormwater runoff from state highways and roads to prevent 6PPD and 6PPD-q from entering surface waters, including streams, rivers, and reservoirs in order to protect water quality and fish. This information could potentially benefit EBMUD, especially if the pilot project in Contra Costa County is located within EBMUD's service area. The bill is not expected to impose new costs or requirements on EBMUD.

EBMUD has historically supported legislation to protect and improve water quality. In 2018, EBMUD supported AB 2787 (Quirk) to require the California Department of Fish and Wildlife to review and report on research on the impacts of lead fishing tackle on water quality and efforts to regulate lead fishing tackle. AB 2787 was subsequently amended to pertain to a different subject matter. In 2009, EBMUD supported SB 757 (Pavley) to reduce the loading of lead in surface waters by restricting the use of lead in wheel weights. SB 757 was signed into law (Chapter 614 of 2009). Also in 2009, EBMUD supported SB 346 (Kehoe) to reduce the loading of copper, mercury, and other metals in surface waters by restricting the level of metals in brake pads. SB 346 was signed into law (Chapter 307 of 2010).

AB 1798 is sponsored by the California Coastkeeper Alliance. The official support and opposition list to AB 1798 is shown below.

Support

7th Generation Advisors
California Coastkeeper Alliance
California Council for Environmental &
Economic Balance (CCEEB)
California Environmental Voters (formerly
CLCV)
California Trout
City/County Association of Governments of
San Mateo County
Clean Earth 4 Kids
Clean Water Action
Cleaneearth4kids.org
Defenders of Wildlife
Environmental Action Committee of West
Marin (EAC)
Heal the Bay
Humboldt Waterkeeper
Inland Empire Waterkeeper
Los Angeles Waterkeeper
Monterey Bay Aquarium
Monterey Waterkeeper

Support continued

Orange County Coastkeeper
Planning and Conservation League
Russian Riverkeeper
San Diego Coastkeeper
Santa Barbara Channelkeeper
Save the Bay
Shasta Waterkeeper
Sierra Club California
Solano County Water Agency
South Yuba River Citizens League
The Otter Project
Tuolumne River Trust
U.S. Tire Manufacturers Association
Ventura Coastkeeper
Water Climate Trust
Wishtoyo Chumash Foundation
Yuba River Waterkeeper

Opposition

None listed

**AB 1827
(Papan)**

**LOCAL GOVERNMENT: FEES AND
CHARGES: WATER: HIGHER
CONSUMPTIVE WATER PARCELS**

SUPPORT

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. Existing law, known as the Proposition 218 Omnibus Implementation Act (Act), prescribes specific procedures and parameters for local jurisdictions to comply with these requirements, including an agency providing water, wastewater, sewer, or refuse collection services.

AB 1827 (Papan), as amended on April 4, 2024, would make clarifications to the Act to provide that fees or charges for property-related water service can include the incrementally higher costs of water service due to any of the following:

- Higher water usage demand;
- Maximum potential water use;
- Projected peak water usage; or
- Any combination of the above factors.

Additionally, the bill specifies that the incrementally higher costs of water service associated with higher water usage demands, maximum potential water use, or projected peak water usage may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels. AB 1827 provides that in addition to any other method consistent with the California Constitution, the incrementally higher costs of water service associated with these factors may be allocated among customer classes, within customer classes, or both, based on meter size or peaking factors, as those methods reasonably assess the water service provider's cost of serving parcels that increase water usage demand, maximum potential water use, or projected peak water usage. AB 1827 specifies that its provisions are declaratory of existing law.

According to the author, "While collectively, all customers pay for the water service costs, contribution by higher use parcels per Proposition 218 should be proportionately larger than smaller use parcels. Recent trial courts' imposition of increasing degrees of granularity and precision, instead of well accepted methods for cost allocation, have made the allocation of costs to high water users nearly impossible. AB 1827 affirms that existing law allows water suppliers to use reasonable and well-accepted methods of assessing the incremental costs associated with high water use demands to high water users; thereby, confirming what Proposition 218 requires for water rates and charges."

AB 1827 would benefit water agencies, including EBMUD, by helping to support the methods and factors used in cost-of-service studies and subsequent adoption of fees and charges for water service, specifically for addressing the impact of high-water users. AB 1827 would not result in additional costs to EBMUD but could provide greater insulation from any future Proposition 218 challenges.

EBMUD previously supported SB 1386 (Moorlach, Chapter 240, Statutes of 2020). SB 1386 confirmed the authority of cities and water agencies to use property-related service charges for funding water services related to fire protection, thereby helping to insulate public agencies from future litigation regarding these service charges.

The official support and opposition list to AB 1827 is shown below.

Support

California Coastkeeper Alliance
[SPONSOR]
Irvine Ranch Water District [SPONSOR]
7th Generation Advisors
Association of California Water Agencies
California Council for Environmental &
Economic Balance
California Municipal Utilities Association

Support continued

California Special Districts Association
California Water Association
California Water Efficiency Partnership
City of Sacramento
Coachella Valley Waterkeeper
Community Water Center
Eastern Municipal Water District
Friends of the River

Support continued

Humboldt Waterkeeper
Inland Empire Waterkeeper
Las Virgenes Municipal Water District
Los Angeles Alliance for a New Economy
Los Angeles Waterkeeper
Monte Vista Water District
Monterey Waterkeeper
Orange County Coastkeeper
Otay Water District
Russian Riverkeeper
San Diego Coastkeeper
San Gabriel Valley Water Association
Santa Barbara Channelkeeper
Santa Clara Valley Water District
Shasta Waterkeeper

Support continued

Sierra Club California
Social Eco Education
South Yuba River Citizens League
Southern California Water Coalition
Sweetwater Authority
Three Valleys Municipal Water District
Trabuco Canyon Water District
Upper San Gabriel Valley Municipal Water District
Yorba Linda Water District
Yuba River Waterkeeper

Opposition

Howard Jarvis Taxpayers Association

**AB 2257
(Wilson)**

**LOCAL GOVERNMENT: PROPERTY
RELATED WATER AND SEWER FEES
AND ASSESSMENTS: REMEDIES**

SUPPORT

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including notice, hearing, and protest procedures, depending on the character of the assessment, fee, or charge. Existing law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements.

AB 2257 (Wilson), as amended on April 23, 2024, would establish an optional exhaustion of administrative remedies procedure to be included as part of a public agency's rate or assessment consideration process. The bill would prohibit, if the local agency implements the procedure, a person or entity from bringing a judicial action or proceeding alleging noncompliance with specified constitutional provisions for any new, increased, or extended fee or assessment, unless that person or entity has timely submitted to the local agency a written objection that specifies the grounds for alleging noncompliance.

AB 2257 requires any written objection to be submitted by a deadline established by the local agency, which must not be less than 45 days after the notice required by Proposition 218 is provided to ratepayers. Additionally, the bill provides that in any judicial action or proceeding to review, invalidate, or challenge the fee or assessment for failure to comply with the California Constitution, the court's review would be limited to a specified record of proceedings, as detailed in the bill.

According to the author, “AB 2257 would build upon Proposition 218’s existing procedural requirements by creating a clear and robust mechanism for customers to raise questions, concerns, comments, and criticisms of a proposed rate structure. The agency’s governing body would have the benefit of hearing the evidence, which would include objections and the agency’s responses, and apply its reasoned discretion and expertise. This is especially valuable in ratemaking cases in which evidence and policies are highly technical. The process would serve to foster better informed administrative decisions, which [would] benefit the objector, the public agency, and the ratepayers that the agency serves. It would also help agencies develop more defensible rates and build rapport and trust with their ratepayers.”

AB 2257 would benefit water agencies, including EBMUD, by establishing a process for ratepayers to raise concerns or questions during the public noticing process leading up to the decision to adopt rates or assessments, creating more upfront public engagement to address issues, thereby reducing “surprise” litigation. While AB 2257 could result in minor costs to establish this new procedure within the ratemaking process, there could be cost savings in terms of future litigation due to a more limited, specified administrative record. Overall, the bill would benefit public agencies by providing more upfront engagement with ratepayers earlier in the ratemaking process and limiting potential litigation risk.

EBMUD previously supported SB 1386 (Moorlach, Chapter 240, Statutes of 2020). SB 1386 confirmed the authority of cities and water agencies to use property-related service charges for funding water services related to fire protection, thereby helping to insulate public agencies from future litigation regarding these service charges.

The official support and opposition list to AB 2257 is shown below.

Support

Association of California Water Agencies
[SPONSOR]
Alta Irrigation District
Bella Vista Water District
Brooktrails Township Community Services
District
California Alliance for Jobs
California Council for Environmental &
Economic Balance (CCEEB)
California Municipal Utilities Association
(CMUA)
California Special Districts Association
California State Association of Counties
Calleguas Municipal Water District

Support continued

Camrosa Water District
City of Rancho Cucamonga
City of Santa Rosa
Coastside County Water District
Contra Costa Water District
Crescenta Water District
Crestline-Lake Arrowhead Water Agency
Cucamonga Valley Water District
Diablo Water District
Dublin San Ramon Services District
Eastern Municipal Water District
Environmental Defense Fund
Fallbrook Public Utilities District

Support continued

Florin Resource Conservation District/Elk
Grove Water District
Georgetown Divide Public Utility District
Helix Water District
Hidden Valley Lake Community Services
District
Irvine Ranch Water District
Las Virgenes Municipal Water District
McKinleyville Community Services District
McMullin Area Groundwater Sustainability
Agency
Mendocino County Russian River Flood
Control & Water Conservation
Monte Vista Water District
Montecito Water District
Nevada Irrigation District
Olivenhain Municipal Water District
Padre Dam Municipal Water District
Placer County Water Agency
Rosedale-Rio Bravo Water Storage District
San Bernardino Valley Water Conservation
District
San Diego County Water Authority
San Gabriel Valley Water Association
San Juan Water District
Santa Clarita Valley Water Agency
South San Joaquin Irrigation District
Stockton East Water District
Tahoe City Public Utility District

Support continued

Three Valleys Municipal Water District
Town of Hillsborough
Tri-County Water Authority
Upper San Gabriel Valley Municipal Water
District
Valley Center Municipal Water District
Valley Sanitary District
Walnut Valley Water District
Western Municipal Water District

Opposition

Apartment Owners Association of California
California Taxpayer Protection Committee
California Taxpayers Association
Central Coast Taxpayers Association
Central Valley Taxpayers Association
Howard Jarvis Taxpayers Association
Los Angeles County Taxpayers Association
Placer County Taxpayers Association
San Diego Tax Fighters
Silicon Valley Taxpayers Association
Solano County Taxpayers Association
Western Manufactured Housing
Communities Association

Concerns

California Farm Bureau Federation

**AB 3023
(Papan)**

**WILDFIRE AND FOREST RESILIENCE
TASK FORCE: INTERAGENCY FUNDING
STRATEGY: STATE WATERSHED
RESTORATION PLANS: FOREST
RESILIENCE PLANS: GRANT PROGRAM
GUIDELINES**

SUPPORT

Existing law establishes the California Wildfire and Forest Resilience Task Force (Task Force), with specified membership including the California Natural Resources Agency (CNRA), the California Environmental Protection Agency (CalEPA), the Office of Planning and Research (OPR), and the Department of Forestry and Fire Protection (CAL FIRE), in coordination with

various other entities. Existing law requires implementation and regular updating of the Task Force's plan, entitled "California's Wildfire and Forest Resilience Action Plan" (Action Plan), annual reporting of the Action Plan's progress, and alignment of the goals and key actions with the state's climate adaptation and resiliency framework. The most recent Action Plan was released on January 8, 2021.

Existing law declares that it is the policy of the state that the California Water Plan (State Water Plan) is accepted as the master plan which guides the orderly and coordinated control, protection, conservation, development, management, and efficient utilization of the water resources of the state.

AB 3023, as amended April 16, 2024, would require the Task Force to align watershed restoration plans and initiatives with forest resilience actions to achieve more integrated and holistic outcomes. The bill provides that watershed restoration plans and initiatives include, but are not limited to, the following:

- The State Water Plan;
- Integrated regional water management plans;
- Regional water planning initiatives; and
- The California Salmon Strategy for a Hotter, Drier Future (The Strategy, released by Governor Newsom in January 2024, specifies six priorities and 71 actions to build healthier, thriving salmon populations in California).

Additionally, the bill requires CNRA and other relevant state entities to review and update grant guidelines for climate change, biodiversity, conservation, fire, and watershed restoration programs to encourage projects that advance plans and goals in an integrated fashion. AB 3023 specifies that if feasible and appropriate, similar grant programs shall develop a shared, consolidated application process, and relevant grant guidelines shall be revised to reinforce program alignment opportunities. The review and update of grant guidelines includes, but is not limited to, the following programs (and is only for those programs that receive funding through the Budget Act of 2024, or later, or a general obligation bond):

- CAL FIRE's forest health grant program, the Fire Prevention Grants Program, and the Wildfire Resilience Program;
- The Department of Water Resources' (DWR) integrated regional water management grant program and other grant programs that support watershed restoration planning and implementation;
- The Department of Conservation's (DOC) Regional Forest and Fire Capacity Program;
- The Department of Fish and Wildlife's (DFW) watershed restoration, planning, and protection programs; and

- The Wildlife Conservation Board (WCB), state conservancies, and other relevant conservation funding programs.

According to the author, “California is facing multiple interrelated crises: extreme wildfires, protecting our water resources, reducing greenhouse gases, and preventing the decline in our state’s unique biodiversity. However, the remedies are largely the same – restoration, prudent management, and conservation of our diverse forests and landscapes. Yet our strategies and implementation efforts are siloed. AB 3023 would require better coordination of planning and alignment of grant programs so that we are able to tackle the challenge with synergy and maximum efficiency.”

The bill could benefit EBMUD through its participation in the Upper Mokelumne River Watershed Authority (UMRWA). UMRWA is currently implementing a Forest Projects Plan to improve forest health in the upper watershed, largely funded by grants. Should the bill result in a streamlined grant application process, UMRWA’s work could benefit. The bill may also expand the number of grants available for specific projects by broadening eligibility criteria. It is not anticipated that this bill will impose new costs or requirements on EBMUD or its UMRWA partners.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2020, EBMUD supported SB 1348 (Stern) which would have expanded grants for forest health and fire prevention efforts and made several other beneficial changes to state law and fire management. SB 1348 failed to advance out of the legislature. In 2021, SB 63 (Stern), a substantially similar measure that EBMUD supported, was signed into law. EBMUD also supported AB 679 (Chau) in 2021, which required CNRA to establish a Good Neighbor Authority Program for the purposes of conducting ecological restoration and fire resiliency projects on national forest lands. That bill was signed into law.

In 2023, EBMUD supported AB 388 (Connolly), which would have required DOC to establish guidelines and regional investment strategies to support the goals and key actions identified in the Action Plan, and would have authorized CNRA and its conservancies, departments, and boards to award regional block grants as provided. That bill was held under submission in the Senate Appropriations Committee.

The official support and opposition list to AB 3023 is shown below.

Support

American River Conservancy
California Environmental Voters
California Native Plant Society California
State Association of Counties
California State Parks Foundation

Support continued

California Trout
Carbon Cycle Institute
Endangered Habitats League
Environmental Defense Fund, Inc.
Pacific Forest Trust

Support continued

Opposition

Peninsula Open Space Trust
Planning and Conservation League
Sempervirens Fund

None listed

**SB 1515, SB 1516, VALIDATIONS
SB 1517
(Committee on
Local Government)**

SUPPORT

SB 1515, SB 1516, and SB 1517 (Committee on Local Government), as introduced on February 29, 2024, would enact the Validating Acts of 2024. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

Regarding cost and benefit to EBMUD, this measure could benefit EBMUD by protecting investors from any minor procedural mistakes in bond issuances or other official acts. These measures are not expected to impose additional cost burdens on EBMUD ratepayers.

EBMUD has historically supported the Validating Acts. Most recently, in 2023, EBMUD's Board adopted a "support" position on the Validating Acts of 2023, SB 878, SB 879, and SB 880, which were signed into law (Chapter 30, Chapter 31, and Chapter 32 of 2023, respectively).

The official support and opposition list to SB 1515, SB 1516, SB 1517 is shown below.

Support

California Association of Local Agency Formation Commissions
California State Association of Counties
League of California Cities
Rural County Representatives of California
Urban Counties of California

Opposition

None listed

INFORMATION ITEM

**CONNECTION FEE AND CAPACITY
CHARGE LEGISLATION**

INFORMATION

At the March 12 Board meeting, staff presented information on four water and sewer connection fee and capacity charge-related bills of direct interest to EBMUD. Generally, the four bills – AB 1820 (Schiavo), AB 2729 (Joe Patterson), SB 937 (Wiener) and SB 1210 (Skinner) – would have treated connection fees and capacity charges the same as other impact or development fees. Water and wastewater agencies under prior versions of the bills would have been subject to new requirements to provide connection fee and capacity charge estimates and final costs based on pre-application information developers provide to cities and counties; delayed payment of fees and charges until occupancy rather than when a permit or service is applied for; a cap on connection fees and capacity charges at a percentage of a building permit value; and collection of connection fees and capacity charges over an extended period of time.

Staff successfully worked with the authors and sponsors of the bills, as well as our associations, to address EBMUD's concerns. Amendments taken to AB 1820, SB 937 and SB 1210 have resolved concerns and the requirements in AB 2729 do not apply to water and wastewater connection fees and capacity charges.

The current provisions of AB 1820, SB 937 and SB 1210 pertaining to connection fees and capacity charges are described below.

- AB 1820 would require fee schedules for connection fees and capacity charges to be provided to development proponents upon request.
- SB 937 would continue to allow utility service fees related to connections to be collected at the time of application, provided the fees do not exceed the cost of connection.
- SB 1210 would require a utility, including EBMUD, to publicly post on its website the schedule of connection fees and capacity charges for each housing development type and to post estimated timeframes for completing typical service connections for each housing

development type. Utilities that post fee schedules as required by existing law would not have to post separate or new fee information.

Staff will continue to monitor and evaluate connection fee and capacity charge legislation and engage, as appropriate.

CCC:KCV:DM/JW

Attachments

I:\SEC\2024 Board Related Items\051424 Board Agenda Items\LegHRCmte and Regular Mtg\OGM - Legislative Report No. 03-24.docx

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 22, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: State Delegation Committee Membership

As requested at the February 13, 2024 Board meeting, below is a list of the committee memberships for EBMUD's state delegation.

Senator Steve Glazer (District 7)

Business, Professions and Economic Development
Education
Governmental Organization
Health
Local Government
Revenue and Taxation, *Chair*

Senator Nancy Skinner (District 9)

Budget and Fiscal Review, *Chair Emeritus*
Energy, Utilities and Communications
Environmental Quality
Housing, *Chair*
Local Government
Public Safety
Revenue and Taxation

Senator Aisha Wahab (District 10)

Appropriations
Budget and Fiscal Review
Housing
Judiciary
Local Government
Public Safety, *Chair*
Budget Subcommittee #5 on Corrections, Public Safety, Judiciary, Labor and Transportation,
Chair

Assembly Member Rebecca Bauer-Kahan (District 16)

Insurance
Judiciary
Natural Resources
Privacy and Consumer Protection, *Chair*
Utilities and Energy

Assembly Member Mia Bonta (District 18)

Budget
Communications and Conveyance
Education
Health, *Chair*
Water, Parks, and Wildlife
Budget Subcommittee #1 on Health

Assembly Member Tim Grayson (District 15)

Appropriations
Banking and Finance, *Chair*
Business and Professions
Revenue and Taxation

Assembly Member Liz Ortega (District 20)

Budget
Human Services
Insurance
Labor and Employment, *Chair*
Privacy and Consumer Protection

Assembly Member Buffy Wicks (District 14)

Appropriations, *Chair*
Natural Resources
Privacy and Consumer Protection
Transportation

CCC:KCV:dd

AMENDED IN ASSEMBLY APRIL 3, 2024

AMENDED IN ASSEMBLY MARCH 12, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1798

Introduced by Assembly Member Papan

January 8, 2024

An act to add Article 3.6 (commencing with Section 156.8) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1798, as amended, Papan. Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters.

Existing law vests the Department of Transportation with full possession and control of all state highways. Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality.

This bill would require the department, in conjunction with the State Water Resources Control Board, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the state board to establish the parameters of the department's programmatic environmental review process, as specified, and, to the extent practical, with the department, consult with the States of Washington and Oregon in the development of the programmatic environmental review process. The bill would require the department's 6PPD and 6PPD-quinone programmatic environmental review process

to include specified components, including 5 pilot projects at specified locations to study the effectiveness and cost effectiveness of installing and maintaining bioretention and biofiltration comparatively along department rights-of-way to eliminate the discharge of 6PPD and 6PPD-quinone into surface waters of the state, as specified. The bill would require all information provided by the department to the state board pursuant to these provisions be made publicly available through the state board's stormwater data collection system.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Saving Aquatic Life from Manufactured Oxidized Nanochemicals
3 Act or S.A.L.M.O.N. Act.

4 SEC. 2. Article 3.6 (commencing with Section 156.8) is added
5 to Chapter 1 of Division 1 of the Streets and Highways Code, to
6 read:

7
8 Article 3.6. 6PPD Stormwater Runoff
9

10 156.8. For the purposes of this article, the following definitions
11 apply:

12 (a) "6PPD" means the chemical compound
13 N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine commonly
14 contained in motor vehicle tires.

15 (b) "6PPD-quinone" means the reaction product of 6PPD that
16 is acutely toxic to aquatic life.

17 (c) "Biofiltration" means the effect of vegetated treatment
18 facilities that reduce stormwater pollutant discharges by
19 intercepting rainfall on vegetative canopy, and through incidental
20 infiltration or evapotranspiration, and filtration.

21 (d) "Bioretention" means the effect of engineered facilities that
22 store and treat stormwater by passing it through a specified soil
23 profile, and either retain or detain the treated stormwater for flow
24 attenuation.

25 (e) "Consultation" means the meaningful and timely process of
26 seeking, discussing, and considering carefully the views of others,
27 in a manner that is cognizant of all parties' cultural values and,

1 where feasible, seeking agreement. Consultation between
2 government agencies and Native American tribes shall be
3 conducted in a way that is mutually respectful of each party's
4 sovereignty. Consultation shall also recognize a tribe's potential
5 needs for confidentiality with respect to places that have traditional
6 tribal cultural significance.

7 (f) "Tribal community" means a community within a federally
8 recognized California Native American tribe or nonfederally
9 recognized Native American tribe on the contact list maintained
10 by the Native American Heritage Commission for the purposes of
11 Chapter 905 of the Statutes of 2004.

12 156.9. (a) The department, in conjunction with the State Water
13 Resources Control Board, shall develop a programmatic
14 environmental review process to prevent 6PPD and 6PPD-quinone
15 from entering salmon and steelhead trout bearing surface waters
16 of the state. To the extent practicable, the State Water Resources
17 Control Board and the department shall seek the assistance and
18 expertise of the States of Washington and Oregon in the
19 development of the programmatic environmental review process.
20 Through consultation, the State Water Resources Control Board
21 shall determine all of the following for the department's
22 programmatic environmental review process:

23 (1) The frequency and timing for sampling a qualified storm
24 event, as defined by the State Water Resources Control Board.

25 (2) The monitoring and reporting protocols.

26 (3) The specific project location for each county.

27 (4) All other information and data deemed necessary to inform
28 future stormwater permit reissuances.

29 (b) The department's 6PPD and 6PPD-quinone programmatic
30 environmental review process shall include all of the following:

31 (1) Five pilot projects, as described in subdivision (c), to study
32 the water quality control effectiveness and cost effectiveness of
33 installing and maintaining bioretention and biofiltration along
34 department rights-of-way to eliminate the discharge of 6PPD and
35 6PPD-quinone into surface waters of the state.

36 (2) A map of all locations where the department is likely to
37 discharge stormwater into salmon or steelhead trout bearing surface
38 waters of the state. The map shall include an overlay of salmon
39 and steelhead fishery information, areas of high vehicle miles

1 traveled, and specific drainage outlets or other likely discharge
2 points for each location.

3 (3) (A) A strategy to eliminate, by December 31, 2037, the
4 discharge of 6PPD and 6PPD-quinone by the department into
5 salmon and steelhead trout bearing surface waters of the state. The
6 strategy shall *be posted on the department's internet website on*
7 *or before December 31, 2027, and shall include, but not be limited*
8 *to, consideration of ~~cost-savings~~ cost savings through the*
9 *implementation of existing total daily maximum load projects and*
10 *planned projects where biofiltration or bioretention could*
11 *effectively be implemented to control 6PPD and 6PPD-quinone.*

12 (B) *In developing the strategy required by subparagraph (A),*
13 *the department may consult with the Department of Toxic*
14 *Substances Control and consider how the department's strategy,*
15 *in combination with efforts by the Department of Toxic Substances*
16 *Control to regulate the use of 6PPD in the manufacture of motor*
17 *vehicle tires, will further reduce the presence of 6PPD and*
18 *6PPD-quinone in salmon and steelhead trout bearing surface*
19 *waters of the state.*

20 (c) No later than December 31, 2026, the department shall
21 construct five pilot projects, one each in the Counties of San Mateo,
22 Contra Costa, Sonoma, Humboldt, and Nevada, to study the highest
23 performance and most cost-effective methods to install bioretention
24 and biofiltration comparatively as a method to eliminate 6PPD
25 and 6PPD-quinone from entering salmon and steelhead trout
26 bearing surface waters of the state. The study shall also measure
27 the effectiveness of bioretention and biofiltration to control the
28 discharge of microplastics, including tire wear particles, and other
29 pollutants as deemed appropriate by the State Water Resources
30 Control Board, from state highways into surface waters of the
31 state.

32 (d) The department shall provide consultation on a
33 government-to-government basis with tribal communities, as
34 appropriate, in order to allow tribal officials the opportunity to
35 provide meaningful and timely input in the development of the
36 department's strategy to eliminate 6PPD and 6PPD-quinone from
37 all salmon and steelhead ~~treat~~ trout bearing surface waters of the
38 state.

39 (e) All information provided by the department to the State
40 Water Resources Control Board pursuant to this section shall be

- 1 made publicly available through the State Water Resources Control
- 2 Board's stormwater data collection system.

O

AMENDED IN ASSEMBLY APRIL 4, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1827

Introduced by Assembly Member Papan

January 12, 2024

An act to add Section 53750.6 to the Government Code, relating to local government finance.

LEGISLATIVE COUNSEL’S DIGEST

AB 1827, as amended, Papan. Local government: fees and charges: water: ~~higher-consumptive~~ *higher consumptive* water parcels.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including requiring that the local agency provide public notice and a majority protest procedure in the case of assessments and submit property-related fees and charges for approval by property owners subject to the fee or charge or the electorate residing in the affected area following a public hearing.

Existing law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Existing law defines, among other terms, the term “water” for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.

This bill would provide that the fees or charges for property-related water service imposed or increased, as specified, may include the incrementally higher costs of water service due to specified factors, including the higher water usage demand of parcels. The bill would provide that the *incrementally higher costs of water service* associated with higher water usage demands, the maximum potential water use, or a projected peak water usage ~~demand~~ may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or ~~project projected peak water-use demand~~ *usage*. The bill would declare that these provisions are declaratory of existing law.

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

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

1 SECTION 1. Section 53750.6 is added to the Government
2 Code, to read:
3 53750.6. (a) The fees or charges for property-related water
4 service imposed or increased pursuant to Section 6 of Article XIII
5 D of the California Constitution may include the incrementally
6 higher costs of water service due to any of the following:
7 (1) The higher water usage demand of parcels.
8 (2) The maximum potential water ~~use of parcels~~ *use*.
9 (3) Projected peak water usage.
10 (4) Any combination of paragraphs (1) to (3), inclusive.
11 (b) (1) The *incrementally higher costs of water service*
12 associated with higher water usage demands, the maximum
13 potential water use, or a projected peak water usage ~~demand~~ may
14 be allocated using any method that reasonably assesses the water
15 service provider's cost of serving those parcels that are increasing
16 potential water usage demand, maximum potential water use, or
17 ~~project projected peak water-use demand~~ *usage*.
18 (2) In addition to any other method consistent with Section 6
19 of Article XIII D of the California Constitution, the *incrementally*
20 *higher costs of water service* associated with higher water usage
21 ~~demands, the demand~~, maximum potential water use, or a projected
22 peak water usage ~~demand cost~~ may be allocated *among customer*
23 *classes, within customer classes, or both*, based on meter size or

1 peaking factors, as those ~~are two methods that~~ reasonably assess
2 the water service provider's cost of serving ~~those parcels which~~
3 ~~are increasing demand or potential water use.~~ *parcels that increase*
4 *water usage demand, maximum potential water use, or projected*
5 *peak water usage.*

6 (c) This section is declaratory of existing law.

O

AMENDED IN ASSEMBLY APRIL 23, 2024

AMENDED IN ASSEMBLY MARCH 20, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2257

Introduced by Assembly Member Wilson

February 8, 2024

An act to add Sections 53759.1 and 53759.2 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2257, as amended, Wilson. Local government: property-related water and sewer fees and assessments: remedies.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including notice, hearing, and protest procedures, depending on the character of the assessment, fee, or charge.

Existing law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements.

This bill would prohibit, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, as defined, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, as specified.

This bill would provide that local agency responses to the timely submitted written objections shall go to the weight of the evidence

supporting the agency's compliance with the substantive limitations on fees and assessments imposed by the constitutional provisions. The bill would also prohibit an independent cause of action as to the adequacy of the local agency's responses.

This bill would, if the local agency complies with the specified procedures, provide that in any judicial action or proceeding to review, invalidate, challenge, set aside, rescind, void, or annul the fee or assessment for failure to comply with the procedural and substantive requirements of specified constitutional provisions in the fee or assessment setting process, the court's review is limited to a record of proceedings containing specified documents, except as otherwise provided. The bill would provide that this limitation does not preclude any civil action related to a local agency's failure to implement a fee or assessment in compliance with the manner adopted by the local agency. The bill would make related findings and declarations.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The purpose of this act is to create an exhaustion of
- 4 administrative remedies procedure that, if ~~implemented by a local~~
- 5 ~~agency~~, *a local agency chooses to implement it*, requires ratepayers
- 6 to bring an objection regarding a proposed property-related water
- 7 or sewer fee or charge, or any special assessment to the local public
- 8 agency governing body's attention prior to the deadline established
- 9 by the local public agency as part of the rate or assessment
- 10 consideration process. The purpose of the act is also to provide an
- 11 opportunity for the local public agency to address or resolve the
- 12 objection or objections before its governing body makes a final
- 13 decision on whether to establish a new, or amend a current,
- 14 property-related fee or special assessment pursuant to Proposition
- 15 218.
- 16 (b) The procedure created by this act is intended to provide a
- 17 meaningful opportunity for a ratepayer to ~~resolve present~~ an
- 18 objection to a proposed new or amended property-related water
- 19 or sewer fee or charge, or any special ~~assessment~~ *assessment*, and
- 20 *allow the local agency the opportunity to resolve the objection,*

before resorting to litigation after the new or amended rate or special assessment is approved (see *Plantier v. Ramona Municipal Water Dist.* (2019) 7 Cal.5th 372, 383). Even if such an objection is not fully resolved, the local ~~agency's~~ agency considering and responding to the objection can narrow the dispute and will create a better evidentiary record for court review in deciding any later litigation (see *id.*).

(c) This act establishes a “clearly defined machinery for the submission, evaluation, and resolution of complaints by aggrieved parties” (see *Plantier v. Ramona Municipal Water Dist.*, *supra*, 7 Cal.5th at p. 384, citing *Rosenfield v. Malcom* (1967) 65 Cal.2d 559, 566) and is consistent with the intent of Proposition 218, which is to enhance communication between ratepayers and agencies (*Morgan v. Imperial Irrigation Dist.* (2014) 223 Cal.App.4th 892, 911; see also *Bighorn-Desert View Water Agency v. Virjil* (2006) 39 Cal.4th 205, 220).

SEC. 2. Section 53759.1 is added to the Government Code, to read:

53759.1. (a) For purposes of this section, the following definitions apply:

(1) “Exhaustion of remedies requirement” means the written objection requirement under subdivision (b).

(2) “Fee or assessment” means *the amount of any property-related water or sewer fee or charge, or any special assessment.* ~~assessment levied or the methodology used to develop and levy the fee, charge, or assessment.~~

(3) “Sewer” *includes systems, all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate sewage collection, treatment, or disposition for sanitary or drainage purposes, including lateral and connecting sewers, interceptors, trunk and outfall lines, sanitary sewage treatment or disposal plants or works, drains, conduits, outlets for surface or storm waters, and any and all other works, property, or structures necessary or convenient for the collection or disposal of sewage, industrial waste, or surface or storm waters. “Sewer system” shall not include a sewer system that merely collects sewage on the property of a single owner.*

(4) “Water” *means any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.*

(b) For purposes of any fee or assessment adopted by a local agency pursuant to Section 4 or 6 of Article XIII D of the California Constitution, if the local agency complies with the procedures described in subdivision (c), a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for any new, increased, or extended fee or assessment, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance.

(c) The exhaustion of remedies requirement authorized by subdivision (b) applies only if the local agency does all of the following:

(1) ~~Posts on its internet website and makes~~ *Makes* available to the public a proposed fee or assessment ~~and a written basis for the fee or assessment no less than 45 days prior to the protest hearing required by Article XIII D of the California Constitution; deadline for a ratepayer to submit an objection, as established by the local agency pursuant to paragraph (4).~~

(2) *Posts on its internet website a written basis for the fee or assessment.*

(3) *Mails the written basis described in paragraph (2) to a property owner upon request.*

~~(2)~~

(4) Provides at least 45 days for a property owner to review the proposed fee or assessment and to timely submit to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance. To be considered timely, any written objection shall be submitted by a deadline established by the local agency, which shall be no less than 45 days after the local agency complies with paragraph (1). *notice is provided pursuant to subdivision (c) of Section 4 or paragraph (1) of subdivision (a) of Section 6 of Article XIII D of the California Constitution, as applicable.*

~~(3)~~

(5) Considers and responds in writing, including the grounds for which a challenge is not resulting in amendments to the proposed fee or assessment, to any timely submitted written objections prior to the close of the protest hearing or ballot tabulation hearing required under Section 4 or 6 of Article XIII D

1 of the California Constitution. The agency's response shall explain
2 the substantive basis for retaining or altering the proposed fee or
3 assessment in response to the written objection. Timely submitted
4 written objections and agency responses required by this
5 subdivision shall be presented to the local agency's governing
6 body for consideration prior to or during a protest hearing or ballot
7 tabulation hearing required under Section 4 or 6 of Article XIII D
8 of the California Constitution.

9 ~~(4)~~

10 (6) Includes in the written notice, sent pursuant to paragraph
11 (c) of Section 4 or paragraph (1) of subdivision (a) of Section 6 of
12 Article XIII D of the California Constitution, a statement that
13 contains the following information:

14 (A) That all written objections must be submitted within the
15 written objection period set by the local agency pursuant to
16 paragraph ~~(2)~~ (4) and that a failure to timely object in writing bars
17 any right to challenge that fee or assessment through a legal
18 proceeding.

19 (B) All substantive and procedural requirements for submitting
20 an objection to the proposed fee or assessment.

21 ~~(5)~~

22 (7) Completes the procedures described in paragraphs (1) to
23 ~~(4)~~, (6), inclusive, prior to the completion of the protest hearing
24 and ballot tabulating hearing required by Section 4 or 6 of Article
25 XIII D of the California Constitution.

26 (d) The local agency's governing body, in exercising its
27 legislative discretion, shall determine whether the written
28 objections and the agency's response warrant clarifications to the
29 proposed fee or assessment, a reduction in the proposed fee or
30 assessment, further review before making a determination on
31 whether clarification or reduction is needed, or whether to proceed
32 with the protest hearing or ballot tabulation hearing required under
33 Section 4 or 6 of Article XIII D of the California Constitution.

34 (e) The local agency's response to timely submitted written
35 objections, as required under paragraph ~~(3)~~ (5) of subdivision (c),
36 shall go to the weight of the evidence supporting the agency's
37 compliance with the substantive limitations on fees and assessments
38 imposed by Section 4 or 6 of Article XIII D of the California
39 Constitution. There shall be no independent cause of action as to

1 the adequacy of a local agency's response pursuant to paragraph
2 ~~(3)~~ (5) of subdivision (c).

3 SEC. 3. Section 53759.2 is added to the Government Code, to
4 read:

5 53759.2. (a) For purposes of this section, "fee or assessment"
6 means any property-related water or sewer fee or charge, or any
7 special assessment.

8 (b) Notwithstanding any law, if a local agency adopts a fee or
9 assessment and complies with subdivision (c) of Section 53759.1,
10 any judicial action or proceeding to review, invalidate, challenge,
11 set aside, rescind, void, or annul the fee or assessment for failure
12 to comply with the procedural and substantive requirements of
13 Section 4 or 6 of Article XIII D of the California Constitution in
14 the fee or assessment setting process shall be subject to the
15 following requirements:

16 (1) Except as provided in paragraph (2), the court's review shall
17 be limited to the record of proceedings before the local agency for
18 that fee or assessment as follows:

19 (A) Any cost-of-service or rate study or report, any engineer's
20 report, agency staff reports, and related documents prepared by
21 the local agency with respect to the fee or assessment.

22 (B) Any transcript or minutes of the proceedings at which the
23 decisionmaking body of the local agency heard testimony or public
24 comment on the fee or assessment, and any transcript or minutes
25 of the proceedings before any advisory body to the local agency
26 that were presented to the decisionmaking body before action on
27 the fee or assessment.

28 (C) All notices issued by the local agency for purposes of
29 complying with subdivision (c) of Section 53759.1, to comply
30 with the requirements of Section 4 or 6 of Article XIII D of the
31 California Constitution, or with any other law requiring notice.

32 (D) All timely submitted written objections and any local agency
33 responses to those objections made pursuant to Section 53759.1.

34 (E) All written evidence or correspondence related to the fee or
35 assessment submitted to, or transmitted from, the local agency
36 prior to the completion of the protest hearing or ballot tabulation
37 hearing required under Section 4 or 6 of Article XIII D of the
38 California Constitution.

39 (F) Documentation of the local agency's final decision on the
40 fee or assessment, including any ordinance, resolution, rule,

1 regulation, meeting minutes, or other record of the local agency's
2 decision.

3 (G) All protests, ballots, and records of the tabulation, protests,
4 or ballots made in connection with the fee or assessment.

5 (H) All written evidence or documentation supporting the fee
6 or assessment in the local agency's files prior to completion of the
7 protest hearing or ballot tabulation hearing required under Section
8 4 or 6 of Article XIII D of the California Constitution.

9 (2) Evidence outside the record of proceedings before the local
10 agency may be admitted under the following circumstances:

11 (A) Where the evidence is relevant to issues other than the
12 validity of the fee or assessment, such as a petitioner's standing
13 and capacity to sue.

14 (B) Where the evidence is relevant to affirmative defenses,
15 including, but not limited to, laches, estoppel, and res judicata.

16 (C) Where the evidence is relevant to the accuracy and
17 completeness of the administrative record certified by the local
18 agency.

19 (D) Where the evidence is relevant to the local agency's
20 compliance with the procedures set forth in subdivision (c) of
21 Section 53759.1.

22 (E) Where the evidence is necessary to explain information in
23 the administrative record to demonstrate compliance with Section
24 4 or *subdivision (a) of Section 6* of Article XIII D of the California
25 Constitution.

26 (c) Nothing in this section shall preclude any civil action related
27 to a local agency's failure to implement a fee or assessment in
28 compliance with the manner adopted by the local agency.

AMENDED IN ASSEMBLY APRIL 16, 2024

AMENDED IN ASSEMBLY APRIL 2, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3023

Introduced by Assembly Member Papan

February 16, 2024

An act to add Section 4773 to the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL’S DIGEST

AB 3023, as amended, Papan. Wildfire and Forest Resilience Task Force: *interagency funding strategy: state watershed restoration plans: forest resilience actions: plans: grant program guidelines.*

Existing law establishes in the Natural Resources Agency the Department of Forestry and Fire Protection, and requires the department to be responsible for, among other things, fire protection and prevention, as provided. Existing law establishes the Wildfire and Forest Resilience Task Force and requires the task force to develop a comprehensive implementation strategy to track and ensure the achievement of the goals and key actions identified in the state’s “Wildfire and Forest Resilience Action Plan” issued by the task force in January 2021.

Existing law declares that the department has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed land, and, when appropriately applied, this expertise can have significant public resource benefits, including decreasing high-intensity wildland fires, improving watershed management, and improving carbon resilience, among other benefits.

~~This bill would require the state to align watershed restoration plans and initiatives with forest resilience actions to achieve more integrated and holistic outcomes. The bill would require the state to coordinate relevant boards, departments, and other stakeholders to incorporate planning for permanent conservation into forest and watershed restoration actions to ensure that landscapes are protected and managed for climate resilience.~~ *task force to develop, in partnership with the agency, an interagency funding strategy to help coordinate and align implementation of state watershed restoration plans and initiatives, as specified, with forest resilience planning efforts to achieve more integrated and holistic outcomes.*

~~The bill would also require the agency and other relevant state agencies entities to align the grant guidelines of review and update grant guidelines for certain climate change, forest, biodiversity, conservation, fire, and watershed restoration programs at state boards and departments to promote greater program coordination and more integrated planning and outcomes.~~ *to encourage projects that advance plans and goals in an integrated fashion. The bill would also require the programs to review and revise relevant grant guidelines to reinforce the program alignment in order to integrate conservation action with landscape restoration actions to ensure that landscapes are protected and well managed for climate, biodiversity, water security, and fire resilience. The bill would further require, to the extent feasible, the interagency funding strategy to coordinate and align state and federal investments in forest and watershed protection programs.*

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California's natural and working lands are essential to both
- 4 mitigating and adapting to climate change. Restoring, managing,
- 5 and conserving these lands are a critical complement to other direct
- 6 emissions reductions. Climate-smart land management offers the
- 7 most immediate, ~~cost-effective~~, *cost-effective*, and large-scale
- 8 opportunities for reductions in carbon and other potent greenhouse
- 9 gas emissions.

(2) The health of California’s source watersheds is critical for secure water supplies, including the ability to buffer large storms and store snowpack. Healthy forests, meadows, and streams help moderate runoff, support reliable water supply, and allow better function of our water storage reservoirs.

(3) Extreme wildfire behavior is transforming the landscapes most important to state water supply. For example, one-quarter of the 7-million-acre area that supplies California’s three largest reservoirs burned between 2012 and 2022. Over 43 percent of that fire was damaging, high-intensity fire.

(4) The forest conditions that support greater and more resilient carbon sequestration and biodiversity are also more resilient to wildfire: larger well-spaced trees maintained by frequent low-intensity fire, often accompanied by healthy mountain meadows. These are the same target conditions that support good watershed function and more predictable water runoff.

(5) Conservation actions are essential to develop and retain these healthy landscape characteristics and ensure that critical areas are managed for public benefits into the future. Strategic conservation can simultaneously help reduce carbon dioxide and other greenhouse gas emissions, enhance carbon sequestration, improve fire safety and water security, protect biodiversity, and position future generations to better survive our changing climate.

(6) California’s budget crisis demands that state agencies better coordinate and align existing grant programs to facilitate achievement of multiple state mandates related to climate adaptation, carbon storage, biodiversity, forest health, water quality, and economic development.

(b) It is the intent of the Legislature to better align ongoing planning and implementation of landscape treatments to address climate change, wildfire, watershed restoration, and biodiversity conservation actions.

SEC. 2. Section 4773 is added to the Public Resources Code, to read:

4773. (a) In developing the comprehensive implementation strategy ~~required in Section 4771, the state shall align watershed restoration plans and initiatives with forest resilience actions and the accompanying expenditure plan required in Section 4771, the task force shall develop, in partnership with the Natural Resources Agency, an interagency funding strategy to help coordinate and~~

1 align implementation of state watershed restoration plans and
2 initiatives, including, but not limited to, the State Water Plan,
3 integrated regional water management plans, associated regional
4 water planning initiatives, and the California Salmon Strategy for
5 a Hotter, Drier Future, with forest resilience planning efforts,
6 including Regional Forest and Fire Capacity Program efforts and
7 the department's unit fire plans, to achieve more integrated and
8 holistic outcomes. ~~The state shall coordinate relevant state boards,~~
9 ~~departments, and other stakeholders to incorporate planning for~~
10 ~~permanent conservation into forest and watershed restoration~~
11 ~~actions to ensure that landscapes are protected and managed for~~
12 ~~climate resilience.~~

13 (b) ~~The~~ (1) To further the goals of the interagency funding
14 strategy described in subdivision (a), the Natural Resources
15 Agency and other relevant state agencies ~~shall align the grant~~
16 ~~guidelines of climate change, forest, entities shall review and~~
17 ~~update grant guidelines for climate change, biodiversity,~~
18 ~~conservation, fire, and watershed restoration programs at state~~
19 ~~boards and departments to promote greater program coordination~~
20 ~~and more integrated planning and outcomes. to encourage projects~~
21 ~~that advance plans and goals in an integrated fashion. If feasible~~
22 ~~and appropriate, similar grant programs shall develop a shared,~~
23 ~~consolidated application process. Grant programs to review~~
24 ~~include, but are not limited to, all of the following:~~

25 (A) The department's forest health grant program, the Fire
26 Prevention Grants Program, and the Wildfire Resilience Program.

27 (B) The Department of Water Resources' integrated regional
28 water management grant program and other grant programs that
29 support watershed restoration planning and implementation.

30 (C) The Department of Conservation's Regional Forest and
31 Fire Capacity Program.

32 (D) The Department of Fish and Wildlife's watershed
33 restoration, planning, and protection programs.

34 (E) The Wildlife Conservation Board, state conservancies, and
35 other relevant conservation funding programs.

36 (2) The programs described in paragraph (1) shall review and
37 revise relevant grant guidelines to reinforce the program alignment
38 required pursuant to subdivision (a) in order to integrate
39 conservation action with landscape restoration actions to ensure

1 *that landscapes are protected and well managed for climate,*
2 *biodiversity, water security, and fire resilience.*

3 *(c) The review required pursuant to paragraph (1) of subdivision*
4 *(b) applies only to grant programs that receive funding through*
5 *the Budget Act of 2024, or later, or a general obligation bond.*

6 *(d) To the extent feasible, the interagency funding strategy shall*
7 *coordinate and align state and federal investments in forest and*
8 *watershed protection programs.*

O

Introduced by Committee on Local Government (Senators Durazo (Chair), Dahle, Glazer, Seyarto, Skinner, Wahab, and Wiener)

February 29, 2024

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1515, as introduced, Committee on Local Government. Validations.

This bill would enact the First Validating Act of 2024, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 First Validating Act of 2024.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Affordable housing authorities.

10 Air pollution control districts of any kind.

11 Air quality management districts.

12 Airport districts.

13 Assessment districts, benefit assessment districts, and special
14 assessment districts of any public body.

15 Bridge and highway districts.

16 California water districts.

17 Citrus pest control districts.

18 City maintenance districts.

19 Climate resilience districts.

20 Community college districts.

21 Community development commissions in their capacity to act
22 as a housing authority for other community development purposes
23 of the jurisdiction in which the commission operates, except for
24 any action taken with respect to the commission’s authority to act
25 as a community redevelopment agency.

26 Community facilities districts.

27 Community rehabilitation districts.

28 Community revitalization and investment authorities.

29 Community services districts.

30 Conservancy districts.

31 Cotton pest abatement districts.

32 County boards of education.

33 County drainage districts.

34 County flood control and water districts.

35 County free library systems.

36 County maintenance districts.

37 County sanitation districts.

38 County service areas.

39 County transportation commissions.

40 County water agencies.

- 1 County water authorities.
- 2 County water districts.
- 3 County waterworks districts.
- 4 Department of Water Resources and other agencies acting
- 5 pursuant to Part 3 (commencing with Section 11100) of Division
- 6 of the Water Code.
- 7 Distribution districts of any public body.
- 8 Districts acting pursuant to Section 53395.82 of the Government
- 9 Code.
- 10 Drainage districts.
- 11 Enhanced infrastructure financing districts.
- 12 Fire protection districts.
- 13 Flood control and water conservation districts.
- 14 Flood control districts.
- 15 Garbage and refuse disposal districts.
- 16 Garbage disposal districts.
- 17 Geologic hazard abatement districts.
- 18 Harbor districts.
- 19 Harbor improvement districts.
- 20 Harbor, recreation, and conservation districts.
- 21 Health care authorities.
- 22 Highway districts.
- 23 Highway interchange districts.
- 24 Highway lighting districts.
- 25 Housing authorities.
- 26 Improvement districts or improvement areas of any public body.
- 27 Industrial development authorities.
- 28 Infrastructure financing districts.
- 29 Integrated financing districts.
- 30 Irrigation districts.
- 31 Joint highway districts.
- 32 Levee districts.
- 33 Library districts.
- 34 Library districts in unincorporated towns and villages.
- 35 Local agency formation commissions.
- 36 Local health care districts.
- 37 Local health districts.
- 38 Local hospital districts.
- 39 Local transportation authorities or commissions.
- 40 Maintenance districts.

- 1 Memorial districts.
- 2 Metropolitan transportation commissions.
- 3 Metropolitan water districts.
- 4 Mosquito abatement and vector control districts.
- 5 Multifamily improvement districts.
- 6 Municipal improvement districts.
- 7 Municipal utility districts.
- 8 Municipal water districts.
- 9 Nonprofit corporations.
- 10 Nonprofit public benefit corporations.
- 11 Open-space maintenance districts.
- 12 Parking and business improvement areas.
- 13 Parking authorities.
- 14 Parking districts.
- 15 Permanent road divisions.
- 16 Pest abatement districts.
- 17 Police protection districts.
- 18 Port districts.
- 19 Property and business improvement areas.
- 20 Protection districts.
- 21 Public cemetery districts.
- 22 Public utility districts.
- 23 Rapid transit districts.
- 24 Reclamation districts.
- 25 Recreation and park districts.
- 26 Regional justice facility financing agencies.
- 27 Regional park and open-space districts.
- 28 Regional planning districts.
- 29 Regional transportation commissions.
- 30 Resort improvement districts.
- 31 Resource conservation districts.
- 32 River port districts.
- 33 Road maintenance districts.
- 34 Sanitary districts.
- 35 School districts of any kind or class.
- 36 School facilities improvement districts.
- 37 Separation of grade districts.
- 38 Service authorities for freeway emergencies.
- 39 Sewer districts.
- 40 Sewer maintenance districts.

- 1 Small craft harbor districts.
- 2 Special municipal tax districts.
- 3 Stone and pome fruit pest control districts.
- 4 Storm drain maintenance districts.
- 5 Storm drainage districts.
- 6 Storm drainage maintenance districts.
- 7 Stormwater districts.
- 8 Toll tunnel authorities.
- 9 Traffic authorities.
- 10 Transit development boards.
- 11 Transit districts.
- 12 Unified and union school districts' public libraries.
- 13 Vehicle parking districts.
- 14 Water agencies.
- 15 Water authorities.
- 16 Water conservation districts.
- 17 Water districts.
- 18 Water replenishment districts.
- 19 Water storage districts.
- 20 Watermaster districts.
- 21 Wine grape pest and disease control districts.
- 22 Zones, improvement zones, or service zones of any public body.
- 23 (2) Notwithstanding paragraph (1), a "public body" does not
- 24 include any of the following:
 - 25 (A) A community redevelopment agency formed pursuant to
 - 26 the Community Redevelopment Law (Part 1 (commencing with
 - 27 Section 33000) of Division 24 of the Health and Safety Code).
 - 28 (B) A community development commission, with respect to its
 - 29 exercise of the powers of a community redevelopment agency.
 - 30 (C) A joint powers authority that includes a community
 - 31 redevelopment agency or a community development commission
 - 32 as a member, with respect to its exercise of the powers of a
 - 33 community redevelopment agency.
- 34 (3) "Public body" includes both of the following:
 - 35 (A) The successor agency to the Redevelopment Agency of the
 - 36 City and County of San Francisco, solely for the purpose of issuing
 - 37 bonds or incurring other indebtedness pursuant to the provisions
 - 38 of Section 34177.7 of the Health and Safety Code.
 - 39 (B) A successor agency, as defined in subdivision (j) of Section
 - 40 34171 of the Health and Safety Code, solely for the purpose of

1 issuing bonds or incurring other indebtedness pursuant to the
2 provisions of Section 34177.5 of the Health and Safety Code.

3 (b) “Bonds” means all instruments evidencing an indebtedness
4 of a public body incurred or to be incurred for any public purpose,
5 all leases, installment purchase agreements, or similar agreements
6 wherein the obligor is one or more public bodies, all instruments
7 evidencing the borrowing of money in anticipation of taxes,
8 revenues, or other income of that body, all instruments payable
9 from revenues or special funds of those public bodies, all
10 certificates of participation evidencing interests in the leases,
11 installment purchase agreements, or similar agreements, and all
12 instruments funding, refunding, replacing, or amending any thereof
13 or any indebtedness.

14 (c) “Hereafter” means any time subsequent to the effective date
15 of this act.

16 (d) “Heretofore” means any time prior to the effective date of
17 this act.

18 (e) “Now” means the effective date of this act.

19 SEC. 3. All public bodies heretofore organized or existing
20 under any law, or under color of any law, are hereby declared to
21 have been legally organized and to be legally functioning as those
22 public bodies. Every public body, heretofore described, shall have
23 all the rights, powers, and privileges, and be subject to all the duties
24 and obligations, of those public bodies regularly formed pursuant
25 to law.

26 SEC. 4. The boundaries of every public body as heretofore
27 established, defined, or recorded, or as heretofore actually shown
28 on maps or plats used by the assessor, are hereby confirmed,
29 validated, and declared legally established.

30 SEC. 5. All acts and proceedings heretofore taken by any public
31 body or bodies under any law, or under color of any law, for the
32 annexation or inclusion of territory into those public bodies or for
33 the annexation of those public bodies to any other public body or
34 for the detachment, withdrawal, or exclusion of territory from any
35 public body or for the consolidation, merger, or dissolution of any
36 public bodies are hereby confirmed, validated, and declared legally
37 effective. This shall include all acts and proceedings of the
38 governing board of any public body and of any person, public
39 officer, board, or agency heretofore done or taken upon the question
40 of the annexation or inclusion or of the withdrawal or exclusion

1 of territory or the consolidation, merger, or dissolution of those
2 public bodies.

3 SEC. 6. (a) All acts and proceedings heretofore taken by or
4 on behalf of any public body under any law, or under color of any
5 law, for, or in connection with, the authorization, issuance, sale,
6 execution, delivery, or exchange of bonds of any public body for
7 any public purpose are hereby authorized, confirmed, validated,
8 and declared legally effective. This shall include all acts and
9 proceedings of the governing board of public bodies and of any
10 person, public officer, board, or agency heretofore done or taken
11 upon the question of the authorization, issuance, sale, execution,
12 delivery, or exchange of bonds.

13 (b) All bonds of, or relating to, any public body heretofore issued
14 shall be, in the form and manner issued and delivered, the legal,
15 valid, and binding obligations of the public body. All bonds of, or
16 relating to, any public body heretofore awarded and sold to a
17 purchaser and hereafter issued and delivered in accordance with
18 the contract of sale and other proceedings for the award and sale
19 shall be the legal, valid, and binding obligations of the public body.
20 All bonds of, or relating to, any public body heretofore authorized
21 to be issued by ordinance, resolution, order, or other action adopted
22 or taken by or on behalf of the public body and hereafter issued
23 and delivered in accordance with that authorization shall be the
24 legal, valid, and binding obligations of the public body. All bonds
25 of, or relating to, any public body heretofore authorized to be issued
26 at an election and hereafter issued and delivered in accordance
27 with that authorization shall be the legal, valid, and binding
28 obligations of the public body. Whenever an election has heretofore
29 been called for the purpose of submitting to the voters of any public
30 body the question of issuing bonds for any public purpose, those
31 bonds, if hereafter authorized by the required vote and in
32 accordance with the proceedings heretofore taken, and issued and
33 delivered in accordance with that authorization, shall be the legal,
34 valid, and binding obligations of the public body.

35 SEC. 7. (a) This act shall operate to supply legislative
36 authorization as may be necessary to authorize, confirm, and
37 validate any acts and proceedings heretofore taken pursuant to
38 authority the Legislature could have supplied or provided for in
39 the law under which those acts or proceedings were taken.

1 (b) This act shall be limited to the validation of acts and
2 proceedings to the extent that the same can be effectuated under
3 the California Constitution and the United States Constitution.

4 (c) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter being legally contested
6 or inquired into in any legal proceeding now pending and
7 undetermined or that is pending and undetermined during the
8 period of 30 days from and after the effective date of this act.

9 (d) This act shall not operate to authorize, confirm, validate, or
10 legalize any act, proceeding, or other matter that has heretofore
11 been determined in any legal proceeding to be illegal, void, or
12 ineffective.

13 (e) This act shall not operate to authorize, confirm, validate, or
14 legalize a contract between any public body and the United States.

15 SEC. 8. Any action or proceeding contesting the validity of
16 any action or proceeding heretofore taken under any law, or under
17 color of any law, for the formation, organization, or incorporation
18 of any public body, or for any annexation thereto, detachment or
19 exclusion therefrom, or other change of boundaries thereof, or for
20 the consolidation, merger, or dissolution of any public bodies, or
21 for, or in connection with, the authorization, issuance, sale,
22 execution, delivery, or exchange of bonds thereof upon any ground
23 involving any alleged defect or illegality not effectively validated
24 by the prior provisions of this act and not otherwise barred by any
25 statute of limitations or by laches shall be commenced within six
26 months of the effective date of this act, otherwise each and all of
27 those matters shall be held to be valid and in every respect legal
28 and incontestable. This act shall not extend the period allowed for
29 legal action beyond the period that it would be barred by any
30 presently existing valid statute of limitations.

31 SEC. 9. Nothing contained in this act shall be construed to
32 render the creation of any public body, or any change in the
33 boundaries of any public body, effective for purposes of assessment
34 or taxation unless the statement, together with the map or plat,
35 required to be filed pursuant to Chapter 8 (commencing with
36 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
37 Code, is filed within the time and substantially in the manner
38 required by those sections.

39 SEC. 10. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to validate the organization, boundaries, acts,
4 proceedings, and bonds of public bodies as soon as possible, it is
5 necessary that this act take immediate effect.

O

Introduced by Committee on Local Government (Senators Durazo (Chair), Dahle, Glazer, Seyarto, Skinner, Wahab, and Wiener)

February 29, 2024

An act relating to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1516, as introduced, Committee on Local Government. Validations.

This bill would enact the Second Validating Act of 2024, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Second Validating Act of 2024.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Affordable housing authorities.

10 Air pollution control districts of any kind.

11 Air quality management districts.

12 Airport districts.

13 Assessment districts, benefit assessment districts, and special
14 assessment districts of any public body.

15 Bridge and highway districts.

16 California water districts.

17 Citrus pest control districts.

18 City maintenance districts.

19 Climate resilience districts.

20 Community college districts.

21 Community development commissions in their capacity to act
22 as a housing authority for other community development purposes
23 of the jurisdiction in which the commission operates, except for
24 any action taken with respect to the commission’s authority to act
25 as a community redevelopment agency.

26 Community facilities districts.

27 Community rehabilitation districts.

28 Community revitalization and investment authorities.

29 Community services districts.

30 Conservancy districts.

31 Cotton pest abatement districts.

32 County boards of education.

33 County drainage districts.

34 County flood control and water districts.

35 County free library systems.

36 County maintenance districts.

37 County sanitation districts.

38 County service areas.

39 County transportation commissions.

40 County water agencies.

- 1 County water authorities.
- 2 County water districts.
- 3 County waterworks districts.
- 4 Department of Water Resources and other agencies acting
- 5 pursuant to Part 3 (commencing with Section 11100) of Division
- 6 of the Water Code.
- 7 Distribution districts of any public body.
- 8 Districts acting pursuant to Section 53395.82 of the Government
- 9 Code.
- 10 Drainage districts.
- 11 Enhanced infrastructure financing districts.
- 12 Fire protection districts.
- 13 Flood control and water conservation districts.
- 14 Flood control districts.
- 15 Garbage and refuse disposal districts.
- 16 Garbage disposal districts.
- 17 Geologic hazard abatement districts.
- 18 Harbor districts.
- 19 Harbor improvement districts.
- 20 Harbor, recreation, and conservation districts.
- 21 Health care authorities.
- 22 Highway districts.
- 23 Highway interchange districts.
- 24 Highway lighting districts.
- 25 Housing authorities.
- 26 Improvement districts or improvement areas of any public body.
- 27 Industrial development authorities.
- 28 Infrastructure financing districts.
- 29 Integrated financing districts.
- 30 Irrigation districts.
- 31 Joint highway districts.
- 32 Levee districts.
- 33 Library districts.
- 34 Library districts in unincorporated towns and villages.
- 35 Local agency formation commissions.
- 36 Local health care districts.
- 37 Local health districts.
- 38 Local hospital districts.
- 39 Local transportation authorities or commissions.
- 40 Maintenance districts.

- 1 Memorial districts.
- 2 Metropolitan transportation commissions.
- 3 Metropolitan water districts.
- 4 Mosquito abatement and vector control districts.
- 5 Multifamily improvement districts.
- 6 Municipal improvement districts.
- 7 Municipal utility districts.
- 8 Municipal water districts.
- 9 Nonprofit corporations.
- 10 Nonprofit public benefit corporations.
- 11 Open-space maintenance districts.
- 12 Parking and business improvement areas.
- 13 Parking authorities.
- 14 Parking districts.
- 15 Permanent road divisions.
- 16 Pest abatement districts.
- 17 Police protection districts.
- 18 Port districts.
- 19 Property and business improvement areas.
- 20 Protection districts.
- 21 Public cemetery districts.
- 22 Public utility districts.
- 23 Rapid transit districts.
- 24 Reclamation districts.
- 25 Recreation and park districts.
- 26 Regional justice facility financing agencies.
- 27 Regional park and open-space districts.
- 28 Regional planning districts.
- 29 Regional transportation commissions.
- 30 Resort improvement districts.
- 31 Resource conservation districts.
- 32 River port districts.
- 33 Road maintenance districts.
- 34 Sanitary districts.
- 35 School districts of any kind or class.
- 36 School facilities improvement districts.
- 37 Separation of grade districts.
- 38 Service authorities for freeway emergencies.
- 39 Sewer districts.
- 40 Sewer maintenance districts.

- 1 Small craft harbor districts.
- 2 Special municipal tax districts.
- 3 Stone and pome fruit pest control districts.
- 4 Storm drain maintenance districts.
- 5 Storm drainage districts.
- 6 Storm drainage maintenance districts.
- 7 Storm water districts.
- 8 Toll tunnel authorities.
- 9 Traffic authorities.
- 10 Transit development boards.
- 11 Transit districts.
- 12 Unified and union school districts' public libraries.
- 13 Vehicle parking districts.
- 14 Water agencies.
- 15 Water authorities.
- 16 Water conservation districts.
- 17 Water districts.
- 18 Water replenishment districts.
- 19 Water storage districts.
- 20 Watermaster districts.
- 21 Wine grape pest and disease control districts.
- 22 Zones, improvement zones, or service zones of any public body.
- 23 (2) Notwithstanding paragraph (1), a "public body" does not
- 24 include any of the following:
 - 25 (A) A community redevelopment agency formed pursuant to
 - 26 the Community Redevelopment Law (Part 1 (commencing with
 - 27 Section 33000) of Division 24 of the Health and Safety Code).
 - 28 (B) A community development commission, with respect to its
 - 29 exercise of the powers of a community redevelopment agency.
 - 30 (C) A joint powers authority that includes a community
 - 31 redevelopment agency or a community development commission
 - 32 as a member, with respect to its exercise of the powers of a
 - 33 community redevelopment agency.
- 34 (3) "Public body" includes both of the following:
 - 35 (A) The successor agency to the Redevelopment Agency of the
 - 36 City and County of San Francisco, solely for the purpose of issuing
 - 37 bonds or incurring other indebtedness pursuant to the provisions
 - 38 of Section 34177.7 of the Health and Safety Code.
 - 39 (B) A successor agency, as defined in subdivision (j) of Section
 - 40 34171 of the Health and Safety Code, solely for the purpose of

1 issuing bonds or incurring other indebtedness pursuant to the
2 provisions of Section 34177.5 of the Health and Safety Code.

3 (b) “Bonds” means all instruments evidencing an indebtedness
4 of a public body incurred or to be incurred for any public purpose,
5 all leases, installment purchase agreements, or similar agreements
6 wherein the obligor is one or more public bodies, all instruments
7 evidencing the borrowing of money in anticipation of taxes,
8 revenues, or other income of that body, all instruments payable
9 from revenues or special funds of those public bodies, all
10 certificates of participation evidencing interests in the leases,
11 installment purchase agreements, or similar agreements, and all
12 instruments funding, refunding, replacing, or amending any thereof
13 or any indebtedness.

14 (c) “Hereafter” means any time subsequent to the effective date
15 of this act.

16 (d) “Heretofore” means any time prior to the effective date of
17 this act.

18 (e) “Now” means the effective date of this act.

19 SEC. 3. All public bodies heretofore organized or existing
20 under any law, or under color of any law, are hereby declared to
21 have been legally organized and to be legally functioning as those
22 public bodies. Every public body, heretofore described, shall have
23 all the rights, powers, and privileges, and be subject to all the duties
24 and obligations, of those public bodies regularly formed pursuant
25 to law.

26 SEC. 4. The boundaries of every public body as heretofore
27 established, defined, or recorded, or as heretofore actually shown
28 on maps or plats used by the assessor, are hereby confirmed,
29 validated, and declared legally established.

30 SEC. 5. All acts and proceedings heretofore taken by any public
31 body or bodies under any law, or under color of any law, for the
32 annexation or inclusion of territory into those public bodies or for
33 the annexation of those public bodies to any other public body or
34 for the detachment, withdrawal, or exclusion of territory from any
35 public body or for the consolidation, merger, or dissolution of any
36 public bodies are hereby confirmed, validated, and declared legally
37 effective. This shall include all acts and proceedings of the
38 governing board of any public body and of any person, public
39 officer, board, or agency heretofore done or taken upon the question
40 of the annexation or inclusion or of the withdrawal or exclusion

1 of territory or the consolidation, merger, or dissolution of those
2 public bodies.

3 SEC. 6. (a) All acts and proceedings heretofore taken by or
4 on behalf of any public body under any law, or under color of any
5 law, for, or in connection with, the authorization, issuance, sale,
6 execution, delivery, or exchange of bonds of any public body for
7 any public purpose are hereby authorized, confirmed, validated,
8 and declared legally effective. This shall include all acts and
9 proceedings of the governing board of public bodies and of any
10 person, public officer, board, or agency heretofore done or taken
11 upon the question of the authorization, issuance, sale, execution,
12 delivery, or exchange of bonds.

13 (b) All bonds of, or relating to, any public body heretofore issued
14 shall be, in the form and manner issued and delivered, the legal,
15 valid, and binding obligations of the public body. All bonds of, or
16 relating to, any public body heretofore awarded and sold to a
17 purchaser and hereafter issued and delivered in accordance with
18 the contract of sale and other proceedings for the award and sale
19 shall be the legal, valid, and binding obligations of the public body.
20 All bonds of, or relating to, any public body heretofore authorized
21 to be issued by ordinance, resolution, order, or other action adopted
22 or taken by or on behalf of the public body and hereafter issued
23 and delivered in accordance with that authorization shall be the
24 legal, valid, and binding obligations of the public body. All bonds
25 of, or relating to, any public body heretofore authorized to be issued
26 at an election and hereafter issued and delivered in accordance
27 with that authorization shall be the legal, valid, and binding
28 obligations of the public body. Whenever an election has heretofore
29 been called for the purpose of submitting to the voters of any public
30 body the question of issuing bonds for any public purpose, those
31 bonds, if hereafter authorized by the required vote and in
32 accordance with the proceedings heretofore taken, and issued and
33 delivered in accordance with that authorization, shall be the legal,
34 valid, and binding obligations of the public body.

35 SEC. 7. (a) This act shall operate to supply legislative
36 authorization as may be necessary to authorize, confirm, and
37 validate any acts and proceedings heretofore taken pursuant to
38 authority the Legislature could have supplied or provided for in
39 the law under which those acts or proceedings were taken.

1 (b) This act shall be limited to the validation of acts and
2 proceedings to the extent that the same can be effectuated under
3 the California Constitution and the United States Constitution.

4 (c) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter being legally contested
6 or inquired into in any legal proceeding now pending and
7 undetermined or that is pending and undetermined during the
8 period of 30 days from and after the effective date of this act.

9 (d) This act shall not operate to authorize, confirm, validate, or
10 legalize any act, proceeding, or other matter that has heretofore
11 been determined in any legal proceeding to be illegal, void, or
12 ineffective.

13 (e) This act shall not operate to authorize, confirm, validate, or
14 legalize a contract between any public body and the United States.

15 SEC. 8. Any action or proceeding contesting the validity of
16 any action or proceeding heretofore taken under any law, or under
17 color of any law, for the formation, organization, or incorporation
18 of any public body, or for any annexation thereto, detachment or
19 exclusion therefrom, or other change of boundaries thereof, or for
20 the consolidation, merger, or dissolution of any public bodies, or
21 for, or in connection with, the authorization, issuance, sale,
22 execution, delivery, or exchange of bonds thereof upon any ground
23 involving any alleged defect or illegality not effectively validated
24 by the prior provisions of this act and not otherwise barred by any
25 statute of limitations or by laches shall be commenced within six
26 months of the effective date of this act, otherwise each and all of
27 those matters shall be held to be valid and in every respect legal
28 and incontestable. This act shall not extend the period allowed for
29 legal action beyond the period that it would be barred by any
30 presently existing valid statute of limitations.

31 SEC. 9. Nothing contained in this act shall be construed to
32 render the creation of any public body, or any change in the
33 boundaries of any public body, effective for purposes of assessment
34 or taxation unless the statement, together with the map or plat,
35 required to be filed pursuant to Chapter 8 (commencing with
36 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
37 Code, is filed within the time and substantially in the manner
38 required by those sections.

39 SEC. 10. This act shall become operative on September 1,
40 2024.

1 SEC. 11. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to validate the organization, boundaries, acts,
6 proceedings, and bonds of public bodies as soon as possible, it is
7 necessary that this act take immediate effect.

O

Introduced by Committee on Local Government (Senators Durazo (Chair), Dahle, Glazer, Seyarto, Skinner, Wahab, and Wiener)

February 29, 2024

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 1517, as introduced, Committee on Local Government. Validations.

This bill would enact the Third Validating Act of 2024, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Third Validating Act of 2024.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in
- 7 paragraph (2), "public body" also means all cities, counties, cities
- 8 and counties, districts, authorities, agencies, boards, commissions,

1 and other entities, whether created by a general statute or a special
2 act, including, but not limited to, the following:
3 Agencies, boards, commissions, or entities constituted or
4 provided for under or pursuant to the Joint Exercise of Powers Act
5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
6 1 of the Government Code).
7 Affordable housing authorities.
8 Air pollution control districts of any kind.
9 Air quality management districts.
10 Airport districts.
11 Assessment districts, benefit assessment districts, and special
12 assessment districts of any public body.
13 Bridge and highway districts.
14 California water districts.
15 Citrus pest control districts.
16 City maintenance districts.
17 Climate resilience districts.
18 Community college districts.
19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission's authority to act
23 as a community redevelopment agency.
24 Community facilities districts.
25 Community rehabilitation districts.
26 Community revitalization and investment authorities.
27 Community services districts.
28 Conservancy districts.
29 Cotton pest abatement districts.
30 County boards of education.
31 County drainage districts.
32 County flood control and water districts.
33 County free library systems.
34 County maintenance districts.
35 County sanitation districts.
36 County service areas.
37 County transportation commissions.
38 County water agencies.
39 County water authorities.
40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Districts acting pursuant to Section 53395.82 of the Government
- 7 Code.
- 8 Drainage districts.
- 9 Enhanced infrastructure financing districts.
- 10 Fire protection districts.
- 11 Flood control and water conservation districts.
- 12 Flood control districts.
- 13 Garbage and refuse disposal districts.
- 14 Garbage disposal districts.
- 15 Geologic hazard abatement districts.
- 16 Harbor districts.
- 17 Harbor improvement districts.
- 18 Harbor, recreation, and conservation districts.
- 19 Health care authorities.
- 20 Highway districts.
- 21 Highway interchange districts.
- 22 Highway lighting districts.
- 23 Housing authorities.
- 24 Improvement districts or improvement areas of any public body.
- 25 Industrial development authorities.
- 26 Infrastructure financing districts.
- 27 Integrated financing districts.
- 28 Irrigation districts.
- 29 Joint highway districts.
- 30 Levee districts.
- 31 Library districts.
- 32 Library districts in unincorporated towns and villages.
- 33 Local agency formation commissions.
- 34 Local health care districts.
- 35 Local health districts.
- 36 Local hospital districts.
- 37 Local transportation authorities or commissions.
- 38 Maintenance districts.
- 39 Memorial districts.
- 40 Metropolitan transportation commissions.

- 1 Metropolitan water districts.
- 2 Mosquito abatement and vector control districts.
- 3 Multifamily improvement districts.
- 4 Municipal improvement districts.
- 5 Municipal utility districts.
- 6 Municipal water districts.
- 7 Nonprofit corporations.
- 8 Nonprofit public benefit corporations.
- 9 Open-space maintenance districts.
- 10 Parking and business improvement areas.
- 11 Parking authorities.
- 12 Parking districts.
- 13 Permanent road divisions.
- 14 Pest abatement districts.
- 15 Police protection districts.
- 16 Port districts.
- 17 Property and business improvement areas.
- 18 Protection districts.
- 19 Public cemetery districts.
- 20 Public utility districts.
- 21 Rapid transit districts.
- 22 Reclamation districts.
- 23 Recreation and park districts.
- 24 Regional justice facility financing agencies.
- 25 Regional park and open-space districts.
- 26 Regional planning districts.
- 27 Regional transportation commissions.
- 28 Resort improvement districts.
- 29 Resource conservation districts.
- 30 River port districts.
- 31 Road maintenance districts.
- 32 Sanitary districts.
- 33 School districts of any kind or class.
- 34 School facilities improvement districts.
- 35 Separation of grade districts.
- 36 Service authorities for freeway emergencies.
- 37 Sewer districts.
- 38 Sewer maintenance districts.
- 39 Small craft harbor districts.
- 40 Special municipal tax districts.

1 Stone and pome fruit pest control districts.
2 Storm drain maintenance districts.
3 Storm drainage districts.
4 Storm drainage maintenance districts.
5 Storm water districts.
6 Toll tunnel authorities.
7 Traffic authorities.
8 Transit development boards.
9 Transit districts.
10 Unified and union school districts' public libraries.
11 Vehicle parking districts.
12 Water agencies.
13 Water authorities.
14 Water conservation districts.
15 Water districts.
16 Water replenishment districts.
17 Water storage districts.
18 Watermaster districts.
19 Wine grape pest and disease control districts.
20 Zones, improvement zones, or service zones of any public body.
21 (2) Notwithstanding paragraph (1), a "public body" does not
22 include any of the following:
23 (A) A community redevelopment agency formed pursuant to
24 the Community Redevelopment Law (Part 1 (commencing with
25 Section 33000) of Division 24 of the Health and Safety Code).
26 (B) A community development commission, with respect to its
27 exercise of the powers of a community redevelopment agency.
28 (C) A joint powers authority that includes a community
29 redevelopment agency or a community development commission
30 as a member, with respect to its exercise of the powers of a
31 community redevelopment agency.
32 (3) "Public body" includes both of the following:
33 (A) The successor agency to the Redevelopment Agency of the
34 City and County of San Francisco, solely for the purpose of issuing
35 bonds or incurring other indebtedness pursuant to the provisions
36 of Section 34177.7 of the Health and Safety Code.
37 (B) A successor agency, as defined in subdivision (j) of Section
38 34171 of the Health and Safety Code, solely for the purpose of
39 issuing bonds or incurring other indebtedness pursuant to the
40 provisions of Section 34177.5 of the Health and Safety Code.

(b) “Bonds” means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) “Hereafter” means any time subsequent to the effective date of this act.

(d) “Heretofore” means any time prior to the effective date of this act.

(e) “Now” means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. (a) All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

(b) All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the California Constitution and the United States Constitution.

1 (c) This act shall not operate to authorize, confirm, validate, or
2 legalize any act, proceeding, or other matter being legally contested
3 or inquired into in any legal proceeding now pending and
4 undetermined or that is pending and undetermined during the
5 period of 30 days from and after the effective date of this act.

6 (d) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter that has heretofore
8 been determined in any legal proceeding to be illegal, void, or
9 ineffective.

10 (e) This act shall not operate to authorize, confirm, validate, or
11 legalize a contract between any public body and the United States.

12 SEC. 8. Any action or proceeding contesting the validity of
13 any action or proceeding heretofore taken under any law, or under
14 color of any law, for the formation, organization, or incorporation
15 of any public body, or for any annexation thereto, detachment or
16 exclusion therefrom, or other change of boundaries thereof, or for
17 the consolidation, merger, or dissolution of any public bodies, or
18 for, or in connection with, the authorization, issuance, sale,
19 execution, delivery, or exchange of bonds thereof upon any ground
20 involving any alleged defect or illegality not effectively validated
21 by the prior provisions of this act and not otherwise barred by any
22 statute of limitations or by laches shall be commenced within six
23 months of the effective date of this act, otherwise each and all of
24 those matters shall be held to be valid and in every respect legal
25 and incontestable. This act shall not extend the period allowed for
26 legal action beyond the period that it would be barred by any
27 presently existing valid statute of limitations.

28 SEC. 9. Nothing contained in this act shall be construed to
29 render the creation of any public body, or any change in the
30 boundaries of any public body, effective for purposes of assessment
31 or taxation unless the statement, together with the map or plat,
32 required to be filed pursuant to Chapter 8 (commencing with
33 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
34 Code, is filed within the time and substantially in the manner
35 required by those sections.

AMENDED IN ASSEMBLY APRIL 29, 2024
AMENDED IN ASSEMBLY APRIL 15, 2024
AMENDED IN ASSEMBLY APRIL 1, 2024
AMENDED IN ASSEMBLY FEBRUARY 20, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1820

**Introduced by Assembly Member Schiavo
(Coauthors: Assembly Members Grayson and Lee)**

January 11, 2024

An act to amend Sections 65940.1 and 65941.1 of, and to add Section 65943.1 to, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1820, as amended, Schiavo. Housing development projects: applications: fees and exactions.

(1) Existing law requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Existing law requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

This bill would authorize a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and would require the local agency to provide the estimate within ~~20~~ 30 business days of the submission of the preliminary application. For development fees

imposed by an agency other than a city or county, the bill would require the development proponent to request the fee schedule from the agency that imposes the fee. *The bill would specify that the preliminary fee and exaction estimate is for informational purposes only and does not affect the scope, amount, or time of payment of any fee or exaction, as specified.*

(2) Existing law requires a public agency that receives an application for a development project to, within 30 calendar days, determine in writing whether the application is complete and immediately transmit its determination to the applicant for the development project, as specified.

This bill would, upon final approval of a housing development project, require a public agency to provide the development proponent with an itemized list and total sum amount of all fees and exactions that will apply to the project within ~~20~~ 30 business days of the above-described determination of completeness transmitted to the applicant. For development fees imposed by an agency other than a city or county, the bill would require the development proponent to request the final sum total amount of all fees and exactions imposed by the agency that will apply to the project, and would require the agency to provide the development proponent with this information within ~~20~~ 30 business days.

(3) Existing law requires a city, county, or special district that has an internet website to make specified information available on its internet website, as applicable, including a current schedule of fees, exactions, affordability requirements it has imposed that are applicable to a proposed housing development project, and an archive of impact fee nexus studies, cost of service studies, or equivalent, conducted by that city, county, or special district on or after January 1, 2018. Existing law requires a city or county to request from a development proponent, upon issuance of a certificate of occupancy or the final inspection, whichever occurs last, the total amount of fees and exactions associated with the project for which the certificate was issued.

This bill would clarify that these provisions may not be construed to impose any obligation on any entity, including a development proponent, other than a city, county, or special district, as specified. The bill would also require the request from the city or county for the total amount of fees and exactions associated with the project to clearly state that the request does not create any obligation to respond and that the

development proponent will not be subjected to any consequences for not responding or for the content of a response.

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

(5) By imposing new duties on local governments when receiving and reviewing certain development project applications, the bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 65940.1 of the Government Code is
2 amended to read:

3 65940.1. (a) (1) A city, county, or special district that has an
4 internet website shall make all of the following available on its
5 internet website, as applicable:

6 (A) (i) A current schedule of fees, exactions, and affordability
7 requirements imposed by that city, county, or special district,
8 including any dependent special districts, as defined in Section
9 56032.5, of the city or county applicable to a proposed housing
10 development project.

11 (ii) The city, county, or special district shall present the
12 information described in clause (i) in a manner that clearly
13 identifies the fees, exactions, and affordability requirements that
14 apply to each parcel and the fees that apply to each new water and
15 sewer utility connection.

16 (iii) The city, county, or special district shall post a written fee
17 schedule or a link directly to the written fee schedule on its internet
18 website.

19 (B) All zoning ordinances and development standards adopted
20 by the city or county presenting the information, which shall
21 specify the zoning, design, and development standards that apply
22 to each parcel.

1 (C) The list required to be compiled pursuant to Section 65940
2 by the city or county presenting the information.

3 (D) The current and five previous annual fee reports or the
4 current and five previous annual financial reports, that were
5 required pursuant to subdivision (b) of Section 66006 and
6 subdivision (d) of Section 66013.

7 (E) An archive of impact fee nexus studies, cost of service
8 studies, or equivalent, conducted by that city, county, or special
9 district on or after January 1, 2018. For purposes of this
10 subparagraph, “cost of service study” means the data provided to
11 the public pursuant to subdivision (a) of Section 66016.

12 (2) A city, county, or special district shall update the information
13 made available under this subdivision within 30 days of any
14 changes.

15 (3) (A) A city or county shall request from a development
16 proponent, upon issuance of a certificate of occupancy or the final
17 inspection, whichever occurs last, the total amount of fees and
18 exactions associated with the project for which the certificate was
19 issued. The request shall clearly state that the development
20 proponent is under no obligation to respond to the request for
21 information and that the development proponent will not be
22 subjected to any consequences for not responding or for the content
23 of a response. The city or county shall post this information on its
24 internet website, and update it at least twice per year.

25 (B) A city or county shall not be responsible for the accuracy
26 for the information received and posted pursuant to subparagraph
27 (A). A city or county may include a disclaimer regarding the
28 accuracy of the information posted on its internet website under
29 this paragraph.

30 (b) For purposes of this section:

31 (1) “Affordability requirement” means a requirement imposed
32 as a condition of a development of residential units, that the
33 development include a certain percentage of the units affordable
34 for rent or sale to households with incomes that do not exceed the
35 limits for moderate-income, lower income, very low income, or
36 extremely low income households specified in Sections 50079.5,
37 50093, 50105, and 50106 of the Health and Safety Code, or an
38 alternative means of compliance with that requirement including,
39 but not limited to, in-lieu fees, land dedication, off-site
40 construction, or acquisition and rehabilitation of existing units.

1 (2) (A) “Exaction” means any of the following:

2 (i) A construction excise tax.

3 (ii) A requirement that the housing development project provide
4 public art or an in-lieu payment.

5 (iii) Dedications of parkland or in-lieu fees imposed pursuant
6 to Section 66477.

7 (iv) A special tax levied on new housing units pursuant to the
8 Mello-Roos Community Facilities Act of 1982 (Chapter 2.5
9 (commencing with Section 53311) of Part 1 of Division 2 of Title
10 5).

11 (B) “Exaction” does not include fees or charges pursuant to
12 Section 66013 that are not imposed (i) in connection with issuing
13 or approving a permit for development or (ii) as a condition of
14 approval of a proposed development, as held in *Capistrano Beach*
15 *Water Dist. v. Taj Development Corp.* (1999) 72 Cal.App.4th 524.

16 (3) “Fee” means a fee or charge described in the Mitigation Fee
17 Act (Chapter 5 (commencing with Section 66000), Chapter 6
18 (commencing with Section 66010), Chapter 7 (commencing with
19 Section 66012), Chapter 8 (commencing with Section 66016), and
20 Chapter 9 (commencing with Section 66020)).

21 (4) “Housing development project” means a use consisting of
22 any of the following:

23 (A) Residential units only.

24 (B) Mixed-use developments consisting of residential and
25 nonresidential uses with at least two-thirds of the square footage
26 designated for residential use.

27 (C) Transitional housing or supportive housing.

28 (c) This section shall not be construed to alter the existing
29 authority of a city, county, or special district to adopt or impose
30 an exaction or fee.

31 (d) This section shall not be construed to impose any obligation
32 on any entity, including a development proponent, other than a
33 city, county, or special district. This subdivision does not constitute
34 a change in, but is declaratory of, existing law.

35 SEC. 2. Section 65941.1 of the Government Code is amended
36 to read:

37 65941.1. (a) An applicant for a housing development project,
38 as defined in paragraph (3) of subdivision (b) of Section 65905.5,
39 shall be deemed to have submitted a preliminary application upon
40 providing all of the following information about the proposed

1 project to the city, county, or city and county from which approval
2 for the project is being sought and upon payment of the permit
3 processing fee:

4 (1) The specific location, including parcel numbers, a legal
5 description, and site address, if applicable.

6 (2) The existing uses on the project site and identification of
7 major physical alterations to the property on which the project is
8 to be located.

9 (3) A site plan showing the location on the property, elevations
10 showing design, color, and material, and the massing, height, and
11 approximate square footage, of each building that is to be occupied.

12 (4) The proposed land uses by number of units and square feet
13 of residential and nonresidential development using the categories
14 in the applicable zoning ordinance.

15 (5) The proposed number of parking spaces.

16 (6) Any proposed point sources of air or water pollutants.

17 (7) Any species of special concern known to occur on the
18 property.

19 (8) Whether a portion of the property is located within any of
20 the following:

21 (A) A very high fire hazard severity zone, as determined by the
22 Department of Forestry and Fire Protection pursuant to Section
23 51178.

24 (B) Wetlands, as defined in the United States Fish and Wildlife
25 Service Manual, Part 660 FW 2 (June 21, 1993).

26 (C) A hazardous waste site that is listed pursuant to Section
27 65962.5 or a hazardous waste site designated by the Department
28 of Toxic Substances Control pursuant to Article 5 (commencing
29 with Section 78760) of Chapter 4 of Part 2 of Division 45 of the
30 Health and Safety Code.

31 (D) A special flood hazard area subject to inundation by the 1
32 percent annual chance flood (100-year flood) as determined by
33 the Federal Emergency Management Agency in any official maps
34 published by the Federal Emergency Management Agency.

35 (E) A delineated earthquake fault zone as determined by the
36 State Geologist in any official maps published by the State
37 Geologist, unless the development complies with applicable seismic
38 protection building code standards adopted by the California
39 Building Standards Commission under the California Building
40 Standards Law (Part 2.5 (commencing with Section 18901) of

1 Division 13 of the Health and Safety Code), and by any local
2 building department under Chapter 12.2 (commencing with Section
3 8875) of Division 1 of Title 2.

4 (F) A stream or other resource that may be subject to a
5 streambed alteration agreement pursuant to Chapter 6 (commencing
6 with Section 1600) of Division 2 of the Fish and Game Code.

7 (9) Any historic or cultural resources known to exist on the
8 property.

9 (10) The number of proposed below market rate units and their
10 affordability levels.

11 (11) The number of bonus units and any incentives, concessions,
12 waivers, or parking reductions requested pursuant to Section 65915.

13 (12) Whether any approvals under the Subdivision Map Act,
14 including, but not limited to, a parcel map, a tentative map, or a
15 condominium map, are being requested.

16 (13) The applicant's contact information and, if the applicant
17 does not own the property, consent from the property owner to
18 submit the application.

19 (14) For a housing development project proposed to be located
20 within the coastal zone, whether any portion of the property
21 contains any of the following:

22 (A) Wetlands, as defined in subdivision (b) of Section 13577
23 of Title 14 of the California Code of Regulations.

24 (B) Environmentally sensitive habitat areas, as defined in
25 Section 30240 of the Public Resources Code.

26 (C) A tsunami run-up zone.

27 (D) Use of the site for public access to or along the coast.

28 (15) The number of existing residential units on the project site
29 that will be demolished and whether each existing unit is occupied
30 or unoccupied.

31 (16) A site map showing a stream or other resource that may
32 be subject to a streambed alteration agreement pursuant to Chapter
33 6 (commencing with Section 1600) of Division 2 of the Fish and
34 Game Code and an aerial site photograph showing existing site
35 conditions of environmental site features that would be subject to
36 regulations by a public agency, including creeks and wetlands.

37 (17) The location of any recorded public easement, such as
38 easements for storm drains, water lines, and other public rights of
39 way.

(b) (1) A development proponent that submits a preliminary application providing the information required by subdivision (a) may include in its preliminary application a request for a preliminary fee and exaction estimate, which the local agency shall provide within 30 business days of the submission of the preliminary application.

(2) For development fees imposed by an agency other than a city or county, including fees levied by a school district or a special district, the development proponent shall request the fee schedule from the agency that imposes the fee.

(3) For purposes of this subdivision:

(A) “Exaction” means the same as defined in Section 65940.1.

(B) “Fee” means a fee or charge described in the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)). For purposes of this section, “fee” does not include the cost of providing electrical or gas service from a local publicly owned utility.

(C) “Fee and exaction estimate” means a good faith estimate of the total amount of fees and exactions expected to be imposed in connection with the project.

(4) Except for the provision of the fee and exaction estimate by the local agency, nothing in this subdivision shall create or affect any rights or obligations with respect to fees or exactions.

(5) The fee and exaction estimate shall be for informational purposes only and shall not be legally binding or otherwise affect the scope, amount, or time of payment of any fee or exaction that is determined by other provisions of law.

~~(5)~~

(6) A development proponent may request a fee schedule from a city, county, or special district for fees described in Chapter 7 (commencing with Section 66012), or for the cost of providing electrical or gas service from a local publicly owned utility. The city, county, special district, or local publicly owned utility shall provide the fee schedule upon request.

(c) (1) Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

1 (2) The Department of Housing and Community Development
2 shall adopt a standardized form that applicants for housing
3 development projects may use for the purpose of satisfying the
4 requirements for submittal of a preliminary application if a local
5 agency has not developed its own application form pursuant to
6 paragraph (1). Adoption of the standardized form shall not be
7 subject to Chapter 3.5 (commencing with Section 11340) of Part
8 1 of Division 3 of Title 2 of the Government Code.

9 (3) A checklist or form shall not require or request any
10 information beyond that expressly identified in subdivision (a).

11 (d) After submittal of all of the information required by
12 subdivision (a), if the development proponent revises the project
13 such that the number of residential units or square footage of
14 construction changes by 20 percent or more, exclusive of any
15 increase resulting from the receipt of a density bonus, incentive,
16 concession, waiver, or similar provision, the housing development
17 project shall not be deemed to have submitted a preliminary
18 application that satisfies this section until the development
19 proponent resubmits the information required by subdivision (a)
20 so that it reflects the revisions. For purposes of this subdivision,
21 “square footage of construction” means the building area, as
22 defined by the California Building Standards Code (Title 24 of the
23 California Code of Regulations).

24 (e) (1) Within 180 calendar days after submitting a preliminary
25 application with all of the information required by subdivision (a)
26 to a city, county, or city and county, the development proponent
27 shall submit an application for a development project that includes
28 all of the information required to process the development
29 application consistent with Sections 65940, 65941, and 65941.5.

30 (2) If the public agency determines that the application for the
31 development project is not complete pursuant to Section 65943,
32 the development proponent shall submit the specific information
33 needed to complete the application within 90 days of receiving the
34 agency’s written identification of the necessary information. If the
35 development proponent does not submit this information within
36 the 90-day period, then the preliminary application shall expire
37 and have no further force or effect.

38 (3) This section shall not require an affirmative determination
39 by a city, county, or city and county regarding the completeness

1 of a preliminary application or a development application for
2 purposes of compliance with this section.

3 (f) Notwithstanding any other law, submission of a preliminary
4 application in accordance with this section shall not preclude the
5 listing of a tribal cultural resource on a national, state, tribal, or
6 local historic register list on or after the date that the preliminary
7 application is submitted. For purposes of Section 65589.5 or any
8 other law, the listing of a tribal cultural site on a national, state,
9 tribal, or local historic register on or after the date the preliminary
10 application was submitted shall not be deemed to be a change to
11 the ordinances, policies, and standards adopted and in effect at the
12 time that the preliminary application was submitted.

13 (g) This section shall remain in effect only until January 1, 2030,
14 and as of that date is repealed.

15 SEC. 3. Section 65943.1 is added to the Government Code, to
16 read:

17 65943.1. (a) (1) Upon final approval of a housing development
18 project, the public agency shall provide the development proponent
19 with an itemized list and total sum amount of all fees and exactions
20 that will apply to the project within ~~20~~ 30 business days.

21 (2) For development fees imposed by an agency other than a
22 city or county, including fees levied by a school district or a special
23 district, the development proponent shall request the final sum
24 total amount of all fees and exactions imposed by the agency that
25 will apply to the project, and the agency shall provide the
26 development proponent with this information within ~~20~~ 30 business
27 days.

28 (b) For purposes of complying with subdivision (a), a public
29 agency that calculates fees using a cost recovery method to cover
30 administrative cost shall provide fee estimates for those cost
31 recovery fees based on the average amount of the fees imposed
32 on similar projects.

33 (c) For purposes of this section:

34 (1) (A) "Exaction" means any of the following:

35 (i) A construction excise tax.

36 (ii) A requirement that the housing development project provide
37 public art or an in-lieu payment.

38 (iii) Dedications of parkland or in-lieu fees imposed pursuant
39 to Section 66477.

1 (iv) A special tax levied on new housing units pursuant to the
2 Mello-Roos Community Facilities Act of 1982 (Chapter 2.5
3 (commencing with Section 53311) of Part 1 of Division 2 of Title
4 5).

5 (B) “Exaction” does not include fees or charges pursuant to
6 Section 66013 that are not imposed (i) in connection with issuing
7 or approving a permit for development or (ii) as a condition of
8 approval of a proposed development, as held in *Capistrano Beach*
9 *Water Dist. v. Taj Development Corp.* (1999) 72 Cal.App.4th 524.

10 (2) “Fee” means a fee or charge described in the Mitigation Fee
11 Act (Chapter 5 (commencing with Section 66000), Chapter 6
12 (commencing with Section 66010), Chapter 8 (commencing with
13 Section 66016), and Chapter 9 (commencing with Section 66020)).
14 “Fee” does not include the cost of providing electrical or gas
15 service from a local publicly owned utility.

16 (3) “Final approval” means that the housing development project
17 has received all necessary approvals to be eligible to apply for,
18 and obtain, a building permit or permits.

19 (4) “Housing development project” means a use consisting of
20 any of the following:

21 (A) Residential units only.

22 (B) Mixed-use developments consisting of residential and
23 nonresidential uses with at least two-thirds of the square footage
24 designated for residential use.

25 (C) Transitional housing or supportive housing.

26 (5) “Public agency” means a city, including a charter city, a
27 county, including a charter county, or special district.

28 SEC. 4. The Legislature finds and declares all of the following:

29 (a) A recent study conducted by the Turner Center for Housing
30 Innovation at the University of California, Berkeley, found that
31 fees and exactions can amount to up to 18 percent of the median
32 home price, that these fees and exactions are extremely difficult
33 to estimate, and that fees and exactions continue to rise in
34 California while decreasing nationally. Further, escalating fee and
35 exaction costs make it more difficult for builders to deliver new
36 housing for sale or rent at affordable prices.

37 (b) Ensuring access to affordable housing is a matter of statewide
38 concern rather than a municipal affair as that term is used in Section
39 5 of Article XI of the California Constitution. Therefore, Section
40 2 of this act amending Section 65941.1 of the Government Code,

1 and Section 3 of this act adding Section 65943.1 to the Government
2 Code apply to all cities, including charter cities.
3 SEC. 5. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

O

AMENDED IN ASSEMBLY APRIL 25, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2729

**Introduced by Assembly Member Joe Patterson
(Coauthors: Assembly Members Megan Dahle, Hoover, and
Jim Patterson)**

February 15, 2024

An act to amend Section 66007 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2729, as amended, Joe Patterson. Residential fees and charges.

Existing law prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except that the payment may be required first. *However, under existing law, a local agency is authorized to collect utility service fees at the time an application for utility service is received, and a local agency is authorized to require payment sooner if the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy, or if the fees or charges are to reimburse the local agency for expenditures previously made.*

This bill would *limit the utility service fees authorized to be collected at the time an application for utility service is received to utility service*

fees related to capacity charge connections. The bill would delete the above-described authorization for a local agency to require payment of fees or charges prior to the date of final inspection or issuance of the certificate of occupancy, whichever occurs first, first, and would instead authorize a local agency to require payment of fees or charges at earlier times if any of certain circumstances are satisfied, including authorizing the local agency to require the payment of those fees and charges at the time the local agency issues a permit if the local agency determines, and provides supporting documentation to the applicant establishing, that construction for the public improvement or facility for which the fee or charge is required has commenced or will commence within 24 months of the issuance of the permit, as specified.

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

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

1 SECTION 1. Section 66007 of the Government Code is
2 amended to read:
3 66007. (a) Except as otherwise provided in subdivision ~~(e)~~,
4 (b), any local agency that imposes any fees or charges on a
5 residential development for the construction of public
6 improvements or facilities shall not require the payment of those
7 fees or charges, notwithstanding any other provision of law, until
8 the date of the final inspection, or the date the certificate of
9 occupancy is issued, whichever occurs first. However, utility
10 service fees *related to capacity charge connections* may be
11 collected at the time an application for utility service is received.
12 If the residential development contains more than one dwelling,
13 the local agency may determine whether the fees or charges shall
14 be paid on a pro rata basis for each dwelling when it receives its
15 final inspection or certificate of occupancy, whichever occurs first;
16 on a pro rata basis when a certain percentage of the dwellings have
17 received their final inspection or certificate of occupancy,
18 whichever occurs first; or on a lump-sum basis when the first
19 dwelling in the development receives its final inspection or
20 certificate of occupancy, whichever occurs first. *The amount of*
21 *fees and charges shall be the same amount as would have been*
22 *paid had the fees and charges been paid prior to the issuance of*

1 *building permits and the local agency shall not charge interest or*
2 *other fees on any amount deferred pursuant to this section.*

3 *(b) Except as provided in subdivision (c), a local agency may*
4 *do any of the following:*

5 *(1) (A) Defer the collection of one or more fees up to the close*
6 *of escrow.*

7 *(B) This paragraph does not apply to fees and charges levied*
8 *pursuant to Chapter 6 (commencing with Section 17620) of Part*
9 *10.5 of Division 1 of Title 1 of the Education Code.*

10 *(2) (A) Require the payment of fees or charges described in*
11 *subdivision (a) at the time the local agency issues a permit if the*
12 *local agency determines, and provides supporting documentation*
13 *to the applicant establishing, that construction for the public*
14 *improvement or facility for which the fee or charge is required*
15 *has commenced or will commence within 24 months of the issuance*
16 *of the permit.*

17 *(B) If the construction does not commence within the timeframe*
18 *described in subparagraph (A) and the local agency has collected*
19 *moneys pursuant to subparagraph (A), the local government shall*
20 *return the moneys to the applicant and the fees or charges shall*
21 *be due at the time of the final inspection, or the date the certificate*
22 *of occupancy is issued, whichever occurs first.*

23 *(3) Require the payment of fees or charges described in*
24 *subdivision (a) at the time the local agency issues a building permit*
25 *to reimburse the local agency for planning fees or charges that*
26 *the local agency has already expended related to the public*
27 *improvements or facilities.*

28 *(4) Require the payment of bond or other interest-bearing*
29 *instrument fees or costs that are related to the development of*
30 *public improvements or facilities at the time the local agency issues*
31 *a building permit if the local agency provides evidence to the entity*
32 *charged of the costs associated with the bond or other*
33 *interest-bearing instrument at the time the local agency requires*
34 *the payment.*

35 *(c) (1) Subdivision (b) does not apply to units reserved for*
36 *occupancy by lower income households included in a residential*
37 *development proposed by a nonprofit housing developer in which*
38 *at least 49 percent of the total units are reserved for occupancy*
39 *by lower income households, as defined in Section 50079.5 of the*
40 *Health and Safety Code, at an affordable rent, as defined in Section*

1 50053 of the Health and Safety Code, unless the fees and charges
2 are levied pursuant to Chapter 6 (commencing with Section 17620)
3 of Part 10.5 of Division 1 of Title 1 of the Education Code.

4 (2) In addition to the contract that may be required under
5 subdivision (d), a city, county, or city and county may require the
6 posting of a performance bond or a letter of credit from a federally
7 insured, recognized depository institution to guarantee payment
8 of any fees or charges that are subject to this paragraph.

9 (3) Fees and charges described in paragraph (1) shall become
10 immediately due and payable when the residential development
11 no longer meets the requirements of that paragraph.

12 ~~(b)~~

13 (d) (1) If any fee or charge specified in subdivision (a) is not
14 fully paid prior to issuance of a building permit for construction
15 of any portion of the residential development encumbered thereby,
16 the local agency issuing the building permit may require the
17 property owner, or lessee if the lessee's interest appears of record,
18 as a condition of issuance of the building permit, to execute a
19 contract to pay the fee or charge, or applicable portion thereof,
20 within the time specified in subdivision (a). If the fee or charge is
21 prorated pursuant to subdivision (a), the obligation under the
22 contract shall be similarly prorated.

23 (2) The obligation to pay the fee or charge shall inure to the
24 benefit of, and be enforceable by, the local agency that imposed
25 the fee or charge, regardless of whether it is a party to the contract.
26 The contract shall contain a legal description of the property
27 affected, shall be recorded in the office of the county recorder of
28 the county and, from the date of recordation, shall constitute a lien
29 for the payment of the fee or charge, which shall be enforceable
30 against successors in interest to the property owner or lessee at the
31 time of issuance of the building permit. The contract shall be
32 recorded in the grantor-grantee index in the name of the public
33 agency issuing the building permit as grantee and in the name of
34 the property owner or lessee as grantor. The local agency shall
35 record a release of the obligation, containing a legal description
36 of the property, in the event the obligation is paid in full, or a partial
37 release in the event the fee or charge is prorated pursuant to
38 subdivision (a).

39 (3) The contract may require the property owner or lessee to
40 provide appropriate notification of the opening of any escrow for

1 the sale of the property for which the building permit was issued
2 and to provide in the escrow instructions that the fee or charge be
3 paid to the local agency imposing the same from the sale proceeds
4 in escrow prior to disbursing proceeds to the seller.

5 (e)

6 (e) This section applies only to fees collected by a local agency
7 to fund the construction of public improvements or facilities. It
8 does not apply to fees collected to cover the cost of code
9 enforcement or inspection services, or to other fees collected to
10 pay for the cost of enforcement of local ordinances or state law.

11 (d)

12 (f) “Final inspection” or “certificate of occupancy,” as used in
13 this section, have the same meaning as described in Sections 305
14 and 307 of the Uniform Building Code, International Conference
15 of Building Officials, 1985 edition.

16 ~~(e) A local agency may defer the collection of one or more fees~~
17 ~~up to the close of escrow. This subdivision shall not apply to fees~~
18 ~~and charges levied pursuant to Chapter 6 (commencing with~~
19 ~~Section 17620) of Part 10.5 of Division 1 of Title 1 of the~~
20 ~~Education Code.~~

AMENDED IN SENATE APRIL 8, 2024

AMENDED IN SENATE APRIL 1, 2024

SENATE BILL

No. 937

Introduced by Senator Wiener
(Coauthor: Assembly Member Grayson)

January 17, 2024

An act to amend Section 66007 of, and to add Section 65914.6 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 937, as amended, Wiener. Development projects: permits and other entitlements: fees and charges.

The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for its physical development, and the development of specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law, the Permit Streamlining Act, among other things, requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Existing law extended by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that would expire before December 31, 2021, except as specified. Existing law provides that if the state or a local agency extended the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months, as specified, that housing entitlement would not be extended an additional 18 months pursuant to these provisions.

This bill would extend by 24 months the period for the expiration, effectuation, or utilization of a housing ~~entitlement~~, *entitlement for a priority residential development project*, as *those terms are defined*, that was issued before January 1, 2024, and that will expire before December 31, 2025, except as specified. The bill would toll this 24-month extension during any time that the housing entitlement is the subject of a legal challenge. By adding to the duties of local officials with respect to housing entitlements, this bill would impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The Mitigation Fee Act regulates fees for development projects, fees for specific purposes, including water and sewer connection fees, and fees for solar energy systems, among others. The act, among other things, requires local agencies to comply with various conditions when imposing fees, extractions, or charges as a condition of approval of a proposed development or development project.

The act prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs ~~first~~. *The first, except for utility service fees, which the local agency is authorized to collect at the time an application for utility service is received.*

This bill would limit the utility service fees exception described above to utility service fees related to connections, and cap those fees at the costs incurred by the utility provider resulting from the connection activities.

The act authorizes a local agency to require the payment sooner than the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, if specified conditions are met, including if the fees or charges are to reimburse the local agency for expenditures previously made. The act exempts units reserved for occupancy by lower income households included in a residential development proposed by a nonprofit housing developer, as specified, from the authorization to require an earlier payment, but authorizes a city or county to require for those exempt units the posting of a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or

charges. The act, if a fee or charge is not fully paid prior to issuance of a building permit for construction, authorizes the local agency to require the property owner to execute a contract to pay the fee or charge, as specified.

~~This bill would instead prohibit a local agency from requiring the payment of those fees or charges until the date the certificate of occupancy is issued, and would prohibit the local agency from charging interest or other fees on any amount deferred. The bill would remove the authorization for a local agency to require the payment sooner if the fees or charges are to reimburse the local agency for expenditures previously made. The bill would revise the exemption from earlier payment for units reserved for occupancy by lower income households by a nonprofit housing developer to be those by an affordable housing developer, as specified, and would repeal the authorization for a city or county to require the posting of a performance bond or a letter of credit for those exempt units. The bill would repeal the authorization of the local agency to require the property owner to execute a contract to pay the fee or charge, and would instead authorize the local agency to withhold the certificate of occupancy until the fees and charges are paid.~~ *would, for priority residential development projects, as defined, prohibit a local agency from requiring payment of fees or charges on the residential development for the construction of public improvements or facilities until the date the certificate of occupancy is issued, as specified. The bill would authorize the local agency to require the payment of those fees or charges at an earlier time if certain conditions are met, except as specified.*

If any fee or charge described above is not fully paid prior to issuance of a building permit, the act authorizes the local agency issuing the building permit to require the property owner to execute a contract to pay the fee or charge as a condition of issuance of the building permit, as specified.

This bill would authorize the governing body of a local agency to authorize an officer or employee of the local agency to approve and execute contracts described above, and would require the local agency to post a model form of contract on its internet website prior to requiring execution of a contract under the provisions described above.

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

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

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

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

1 SECTION 1. Section 65914.6 is added to the Government
2 Code, to read:

3 65914.6. (a) Except as provided in subdivision (b),
4 notwithstanding any law, including any inconsistent provision of
5 a local agency's general plan, ordinances, or regulations, the
6 otherwise applicable time for the expiration, effectuation, or
7 utilization of a housing entitlement *for a priority residential*
8 *development project* that is within the scope of the timeframes
9 specified in paragraphs (1) and (2) is extended by 24 months. For
10 the purposes of this section, housing entitlements that are extended
11 are entitlements where both of the following apply:

12 (1) It was issued prior to and was in effect on January 1, 2024.

13 (2) It will expire prior to December 31, 2025.

14 The otherwise applicable time for the utilization of a housing
15 entitlement provided by this section includes any requirement to
16 request the issuance of a building permit within a specified period
17 of time.

18 (b) If the state or a local agency extends, on or after January 1,
19 2024, but before the effective date of the act adding this section,
20 the otherwise applicable time for the expiration, effectuation, or
21 utilization of a housing entitlement for not less than 24 months
22 and pursuant to the same conditions provided in subdivision (a),
23 that housing entitlement shall not be extended for an additional 24
24 months by operation of subdivision (a).

25 (c) For purposes of this section, the following definitions apply:

26 (1) "Housing entitlement" means any of the following:

27 (A) A legislative, adjudicative, administrative, or any other kind
28 of approval, permit, or other entitlement necessary for, or pertaining
29 to, a housing development project issued by a state agency.

30 (B) An approval, permit, or other entitlement issued by a local
31 agency for a housing development project that is subject to Chapter
32 4.5 (commencing with Section 65920).

1 (C) A ministerial approval, permit, or entitlement by a local
2 agency required as a prerequisite to issuance of a building permit
3 for a housing development project.

4 (D) A requirement to submit an application for a building permit
5 within a specified period of time after the effective date of a
6 housing entitlement described in subparagraph (B) or (C).

7 (E) A vested right associated with an approval, permit, or other
8 entitlement described in subparagraphs (A) to (D), inclusive.

9 (2) For the purposes of this section, a housing entitlement does
10 not include any of the following:

11 (A) A development agreement issued pursuant to Article 2.5
12 (commencing with Section 65864).

13 (B) An approved or conditionally approved tentative map that
14 is extended for a minimum of 24 months pursuant to Section
15 66452.6 on or after January 1, 2024.

16 (C) A preliminary application as defined in Section 65941.1.

17 (3) “Housing development project” means a residential
18 development or mixed-use development in which at least two-thirds
19 of the square footage of the development is designated for
20 residential use. Both of the following apply for the purposes of
21 calculating the square footage usage of a development for purposes
22 of this section:

23 (A) The square footage of a development shall include any
24 additional density, floor area, and units, and any other concession,
25 incentive, or waiver of development standards pursuant to Section
26 65915.

27 (B) The square footage of a development shall not include any
28 underground space, including, but not limited to, a basement or
29 underground parking garage.

30 (4) “Local agency” means a county, city, whether general law
31 or chartered, city and county, school district, special district,
32 authority, agency, any other municipal public corporation or
33 district, or other political subdivision of the state.

34 (5) “*Priority residential development project*” means a
35 residential development project that meets any of the following
36 conditions:

37 (A) *The project dedicates 100 percent of units, exclusive of a*
38 *manager’s unit or units, to lower income households, as defined*
39 *by Section 50079.5 of the Health and Safety Code.*

1 (B) *The project meets the requirements described in Section*
2 *65662.*

3 (C) *The project is approved by a local government pursuant to*
4 *Article 2 (commencing with Section 65912.110) or Article 3*
5 *(commencing with Section 65912.120) of Chapter 4.1.*

6 (D) *The project meets the requirements described in subdivision*
7 *(a) of Section 65913.4.*

8 (E) *The project meets the criteria described in subdivision (c)*
9 *of Section 65913.16.*

10 (F) *The project is entitled to a density bonus pursuant to*
11 *subdivision (b) of Section 65915.*

12 (G) *The project includes 10 or fewer units.*

13 (d) The extension granted pursuant to subdivision (a) shall be
14 tolled during any time that the housing entitlement is the subject
15 of a legal challenge.

16 (e) Nothing in this section is intended to preclude a local
17 government from exercising its existing authority to provide an
18 extension to an entitlement identified in this section.

19 (f) The Legislature finds and declares that ~~this section addresses~~
20 *ensuring planned housing projects can continue without delays*
21 *due to expiring entitlements is a matter of statewide concern rather*
22 ~~than~~ *and is not a municipal affair as that term is used in Section 5*
23 *of Article XI of the California Constitution. Therefore, this section*
24 *applies to all cities, including charter cities.*

25 ~~SEC. 2. Section 66007 of the Government Code is amended~~
26 ~~to read:~~

27 ~~66007. (a) Except as otherwise provided in subdivisions (b)~~
28 ~~and (g), any local agency that imposes any fees or charges on a~~
29 ~~residential development for the construction of public~~
30 ~~improvements or facilities shall not require the payment of those~~
31 ~~fees or charges, notwithstanding any other provision of law, until~~
32 ~~the date the certificate of occupancy is issued. If the residential~~
33 ~~development contains more than one dwelling, the local agency~~
34 ~~may determine whether the fees or charges shall be paid on a pro~~
35 ~~rata basis for each dwelling when it receives its certificate of~~
36 ~~occupancy, on a pro rata basis when a certain percentage of the~~
37 ~~dwellings have received their certificate of occupancy, or on a~~
38 ~~lump-sum basis when all the dwellings in the development receive~~
39 ~~their certificate of occupancy. For development projects that meet~~
40 ~~the conditions in subparagraph (A) of paragraph (2) of subdivision~~

1 (b), the amount due and payable for the fees and charges when the
2 development receives its certificate of occupancy shall be the same
3 amount as would have been paid had the fees and charges been
4 paid prior to the issuance of building permits. The local agency
5 shall not charge interest or other fees on any amount deferred.

6 (b) (1) Notwithstanding subdivision (a), the local agency may
7 require the payment of those fees or charges at an earlier time if
8 the local agency determines that the fees or charges will be
9 collected for public improvements or facilities for which an account
10 has been established and funds appropriated and for which the
11 local agency has adopted a proposed construction schedule and
12 commenced or will commence construction prior to final inspection
13 or issuance of the certificate of occupancy of the development
14 project. “Appropriated,” as used in this subdivision, means
15 authorization by the governing body of the local agency for which
16 the fee is collected to make expenditures and incur obligations for
17 specific purposes.

18 (2) (A) Paragraph (1) does not apply to units reserved for
19 occupancy by lower income households included in a residential
20 development proposed by an affordable housing developer in which
21 at least 49 percent of the total units are reserved for occupancy by
22 lower income households, as defined in Section 50079.5 of the
23 Health and Safety Code, at an affordable rent, as defined in Section
24 50053 of the Health and Safety Code. Fees and charges exempted
25 from paragraph (1) under this paragraph shall become immediately
26 due and payable when the residential development no longer meets
27 the requirements of this paragraph.

28 (B) The exception provided in subparagraph (A) does not apply
29 to fees and charges levied pursuant to Chapter 6 (commencing
30 with Section 17620) of Part 10.5 of Division 1 of Title 1 of the
31 Education Code.

32 (c) If any fee or charge specified in subdivision (a) is not fully
33 paid prior to issuance of a building permit for construction of any
34 portion of the residential development encumbered thereby, the
35 local agency issuing the building permit may withhold certificate
36 of occupancy for the development project until such fees and
37 charges specified in subdivision (a) are fully paid.

38 (d) This section applies only to fees collected by a local agency
39 to fund the construction of public improvements or facilities. It
40 does not apply to fees collected to cover the cost of code

1 enforcement or inspection services, or to other fees collected to
2 pay for the cost of enforcement of local ordinances or state law.

3 (e) ~~“Final inspection” or “certificate of occupancy,” as used in~~
4 ~~this section, have the same meaning as described in Sections 305~~
5 ~~and 307 of the Uniform Building Code, International Conference~~
6 ~~of Building Officials, 1985 edition.~~

7 (f) ~~Methods of complying with the requirement in subdivision~~
8 ~~(b) that a proposed construction schedule or plan be adopted;~~
9 ~~include, but are not limited to, (1) the adoption of the capital~~
10 ~~improvement plan described in Section 66002, or (2) the submittal~~
11 ~~of a five-year plan for construction and rehabilitation of school~~
12 ~~facilities pursuant to subdivision (c) of Section 17017.5 of the~~
13 ~~Education Code.~~

14 (g) ~~A local agency may defer the collection of one or more fees~~
15 ~~up to the close of escrow. This subdivision shall not apply to fees~~
16 ~~and charges levied pursuant to Chapter 6 (commencing with~~
17 ~~Section 17620) of Part 10.5 of Division 1 of Title 1 of the~~
18 ~~Education Code.~~

19 *SEC. 2. Section 66007 of the Government Code is amended to*
20 *read:*

21 66007. (a) Except as otherwise provided in subdivisions (b)
22 and ~~(g); (h)~~, any local agency that imposes any fees or charges on
23 a residential development for the construction of public
24 improvements or facilities shall not require the payment of those
25 fees or charges, notwithstanding any other provision of law, until
26 the date of the final inspection, or the date the certificate of
27 occupancy is issued, whichever occurs first. However, utility
28 service fees *related to connections* may be collected at the time
29 an application for utility service is ~~received~~; *received, provided*
30 *that those fees do not exceed the costs incurred by the utility*
31 *provider resulting from the connection activities.* If the residential
32 development contains more than one dwelling, the local agency
33 may determine whether the fees or charges shall be paid on a pro
34 rata basis for each dwelling when it receives its final inspection
35 or certificate of occupancy, whichever occurs first; on a pro rata
36 basis when a certain percentage of the dwellings have received
37 their final inspection or certificate of occupancy, whichever occurs
38 first; or on a lump-sum basis when the first dwelling in the
39 development receives its final inspection or certificate of
40 occupancy, whichever occurs first.

(b) (1) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (A) the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy or (B) the fees or charges are to reimburse the local agency for expenditures previously made. “Appropriated,” as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(2) (A) Paragraph (1) does not apply to units reserved for occupancy by lower income households included in a residential development proposed by a nonprofit housing developer in which at least 49 percent of the total units are reserved for occupancy by lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable rent, as defined in Section 50053 of the Health and Safety Code. In addition to the contract that may be required under subdivision ~~(e)~~, (d), a city, county, or city and county may require the posting of a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or charges that are subject to this paragraph. Fees and charges exempted from paragraph (1) under this paragraph shall become immediately due and payable when the residential development no longer meets the requirements of this paragraph.

(B) The exception provided in subparagraph (A) does not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.

(c) *All of the following apply to priority residential development projects:*

(1) *If a local agency imposes any fees or charges on the residential development for the construction of public improvements or facilities, then all of the following conditions apply:*

(A) *Notwithstanding any other law, the local agency shall not require the payment of those fees or charges until the date the certificate of occupancy is issued. However, utility service fees*

1 *related to connections may be collected at the time an application*
2 *for service is received, provided that those fees do not exceed the*
3 *costs incurred by the utility provider resulting from the connection*
4 *activities*

5 *(B) The amount of the fees and charges shall be the same amount*
6 *as would have been paid had the fees and charges been paid prior*
7 *to the issuance of building permits, and the local agency shall not*
8 *charge interest or other fees on any amount deferred pursuant to*
9 *this paragraph.*

10 *(C) If the development contains more than one dwelling, the*
11 *local agency may determine whether the fees or charges described*
12 *shall be paid on a pro rata basis for each dwelling when it receives*
13 *its certificate of occupancy, on a pro rata basis when a certain*
14 *percentage of the dwellings have received their certificate of*
15 *occupancy, or on a lump-sum basis when all the dwellings in the*
16 *development receive their certificate of occupancy.*

17 *(2) (A) Notwithstanding paragraph (1), the local agency may*
18 *require the payment of those fees or charges at an earlier time if*
19 *(i) the local agency determines that the fees or charges will be*
20 *collected for public improvements or facilities for which an account*
21 *has been established and funds appropriated and for which the*
22 *local agency has adopted a proposed construction schedule or*
23 *plan prior to final inspection or issuance of the certificate of*
24 *occupancy or (ii) the fees or charges are to reimburse the local*
25 *agency for expenditures previously made. "Appropriated," as used*
26 *in this paragraph, means authorization by the governing body of*
27 *the local agency for which the fee is collected to make expenditures*
28 *and incur obligations for specific purposes.*

29 *(B) (i) Subparagraph (A) does not apply to units reserved for*
30 *occupancy by lower income households included in a residential*
31 *development proposed by a nonprofit housing developer in which*
32 *at least 49 percent of the total units are reserved for occupancy*
33 *by lower income households, as defined in Section 50079.5 of the*
34 *Health and Safety Code, at an affordable rent, as defined in Section*
35 *50053 of the Health and Safety Code. In addition to the contract*
36 *that may be required under subdivision (d), a city, county, or city*
37 *and county may require the posting of a performance bond or a*
38 *letter of credit from a federally insured, recognized depository*
39 *institution to guarantee payment of any fees or charges that are*
40 *subject to this paragraph. Fees and charges exempted from*

1 *subparagraph (A) under this subparagraph shall become*
2 *immediately due and payable when the residential development*
3 *no longer meets the requirements of this subparagraph.*

4 *(ii) The exception provided in clause (i) does not apply to fees*
5 *and charges levied pursuant to Chapter 6 (commencing with*
6 *Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education*
7 *Code.*

8 *(3) If the local agency does not issue certificates of occupancy*
9 *for the type of residential developments described in this*
10 *subdivision, the final inspection shall serve as the certificate of*
11 *occupancy.*

12 *(4) For purposes of this subdivision, “priority residential*
13 *development project” means a residential development project*
14 *that meets any of the following conditions:*

15 *(A) The project dedicates 100 percent of units, exclusive of a*
16 *manager’s unit or units, to lower income households, as defined*
17 *by Section 50079.5 of the Health and Safety Code.*

18 *(B) The project meets the requirements described in Section*
19 *65662.*

20 *(C) The project is approved by a local government pursuant to*
21 *Article 2 (commencing with Section 65912.110) or Article 3*
22 *(commencing with Section 65912.120) of Chapter 4.1.*

23 *(D) The project meets the requirements described in subdivision*
24 *(a) of Section 65913.4.*

25 *(E) The project meets the criteria described in subdivision (c)*
26 *of Section 65913.16.*

27 *(F) The project is entitled to a density bonus pursuant to*
28 *subdivision (b) of Section 65915.*

29 *(G) The project includes 10 or fewer units.*

30 ~~*(e)*~~

31 *(d) (1) If any fee or charge specified in subdivision (a) or (c)*
32 *is not fully paid prior to issuance of a building permit for*
33 *construction of any portion of the residential development*
34 *encumbered thereby, the local agency issuing the building permit*
35 *may require the property owner, or lessee if the lessee’s interest*
36 *appears of record, as a condition of issuance of the building permit,*
37 *to execute a contract to pay the fee or charge, or applicable portion*
38 *thereof, within the time specified in subdivision ~~(a)~~; (a) or (c). If*
39 *the fee or charge is prorated pursuant to subdivision ~~(a)~~; (a) or (c),*
40 *the obligation under the contract shall be similarly prorated.*

(2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision ~~(a)~~. *(a) or (c).*

(3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(4) The governing body of a local agency may authorize an officer or employee of the local agency to approve and execute contracts under this subdivision on behalf of the local agency.

(5) Prior to requiring execution of a contract under this subdivision, the local agency shall post a model form of contract on its internet website.

~~(d)~~

(e) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.

~~(e)~~

(f) “Final inspection” or “certificate of occupancy,” as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.

~~(f)~~

1 (g) Methods of complying with the requirement in subdivision
2 (b) that a proposed construction schedule or plan be adopted,
3 include, but are not limited to, (1) the adoption of the capital
4 improvement plan described in Section 66002, or (2) the submittal
5 of a five-year plan for construction and rehabilitation of school
6 facilities pursuant to subdivision (c) of Section 17017.5 of the
7 Education Code.

8 ~~(g)~~

9 (h) A local agency may defer the collection of one or more fees
10 up to the close of escrow. This subdivision shall not apply to fees
11 and charges levied pursuant to Chapter 6 (commencing with
12 Section 17620) of Part 10.5 of Division 1 of Title 1 of the
13 Education Code.

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of Section
19 17556 of the Government Code.

AMENDED IN SENATE APRIL 22, 2024
AMENDED IN SENATE APRIL 10, 2024
AMENDED IN SENATE APRIL 9, 2024
AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1210

Introduced by Senator Skinner

February 15, 2024

An act to add Chapter 9 (commencing with Section 8400) to Division 4.1 of the Public Utilities Code, relating to utility service.

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Skinner. New housing construction: electrical, gas, sewer, and water service: service connection information.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, gas corporations, sewer system corporations, and water corporations, while local publicly owned utilities, including municipal utility districts, public utility districts, and irrigation districts, are under the direction of their governing boards.

This bill would, for new housing construction, require the above-described ~~utilities~~ *utilities, on or before January 1, 2026*, to publicly post on their internet websites (1) ~~the amount of any charge issued for a service connection, capacity, or other point of connection charge by the housing unit's address, and~~ (2) the schedule of fees for a service connection, capacity, or other point of connection ~~charge, as specified. The bill would, for new housing construction, require each utility to ensure that its internet website allows an applicant for a service connection to, among other things, receive a reasonable estimate~~

~~regarding when the utility will complete the applicant's service connection; charge for each housing development type, including, but not limited to, accessory dwelling unit, mixed-use, multifamily, and single-family developments, except as specified, and (2) the estimated timeframes for completing typical service connections needed for each housing development type, as specified. The bill would exempt from its provisions an independent special district that does not maintain an internet website due to a hardship, as provided.~~ To the extent that this bill imposes new requirements on certain local agencies, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Chapter 9 (commencing with Section 8400) is
2 added to Division 4.1 of the Public Utilities Code, to read:

3
4 CHAPTER 9. ELECTRICAL, GAS, SEWER, AND WATER SERVICE
5 FOR NEW HOUSING CONSTRUCTION
6

7 8400. As used in this chapter, "utility" means any of the
8 following that furnish electrical, gas, water, or sewer service, or
9 any combination thereof, where the service is performed for, or
10 the commodity is delivered to, the public or any portion thereof:

- 11 (a) An electrical corporation, as defined in Section 218.
- 12 (b) A gas corporation, as defined in Section 222.
- 13 (c) A sewer system corporation, as defined in Section 230.6.
- 14 (d) A water corporation, as defined in Section 241.
- 15 (e) A municipality or municipal corporation operating as a public
- 16 utility pursuant to Division 5 (commencing with Section 10001).
- 17 (f) A municipal utility district formed pursuant to the Municipal
- 18 Utility District Act (Division 6 (commencing with Section 11501)).
- 19 (g) A public utility district formed pursuant to The Public Utility
- 20 District Act (Division 7 (commencing with Section 15501)).

(h) An irrigation district formed pursuant to the Irrigation District Law (Division 11 (commencing with Section 20500) of the Water Code).

(i) A joint powers authority that includes one or more of the entities described in subdivisions (e) to (h), inclusive, and that owns electrical, gas, water, or sewer facilities, or furnishes electrical, gas, water, or sewer service over its own or its member's system.

8401. ~~For~~ (a) *On or before January 1, 2026, for new housing construction, each utility shall publicly post both of the following on its internet website:*

~~(a) The amount of any charge issued for a service connection, capacity, or other point of connection charge by the housing unit's address.~~

~~(b)~~

~~(1) The schedule of fees for a service connection, capacity, or other point of connection charge. charge for each housing development type, including, but not limited to, accessory dwelling unit, multifamily, mixed-use, and single-family developments. This paragraph does not apply to a utility that continues to post a schedule of their fees with this information pursuant to Section 65940.1 of the Government Code.~~

~~(2) The estimated timeframes for completing typical service connections needed for each housing development type, including, but not limited to, accessory dwelling unit, mixed-use, multifamily, and single-family developments.~~

~~(b) This section does not apply to an independent special district that does not maintain an internet website due to a hardship pursuant to Section 53087.8 of the Government Code if the independent special district complies with paragraph (3) of subdivision (b) of that section.~~

8402. ~~For new housing construction, each utility shall ensure that its internet website allows an applicant for a service connection to do both of the following:~~

~~(a) Track where the applicant is at in the queue for service connection.~~

~~(b) Receive a reasonable estimate regarding when the utility will complete the applicant's service connection.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

O



BOARD ACTION

Agenda Number:	12.1.-12.2.	Meeting Date:	May 14, 2024
----------------	-------------	---------------	--------------

TITLE **AMENDMENTS TO RETIREMENT ORDINANCE NO. 40 PERTAINING TO PENSION BENEFITS OF FUTURE BOARD MEMBERS (FIRST READING)**

ACTION ☐ Motion: ☐ Resolution: ☒ Ordinance:

RECOMMENDED ACTION

- Vote on an option to amend the Retirement Ordinance as to Pension Benefits Conferred on future Board Members; and
- Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 reflecting the selected option to amend the ordinance.


SUMMARY At the May 14, 2024 regular Board meeting, the Board will:

1. Consider and vote on an option to amend the Retirement Ordinance with respect to pension benefits conferred on future elected or appointed members of the Board of Directors (Board). The options are to: (1) exclude all future members of the Board from participation in the Retirement System; (2) prorate the accrual of service or; (3) limit the terminal compensation that may be applied to the Retirement Allowance of a future Board member to the amount earned as a Board member; and
2. Consider and vote on changes to the Retirement Ordinance to exclude EBMUD retirees elected or appointed to the Board from continuing to receive retirement benefits as a Board member; and
3. Conduct a first reading of an ordinance to amend Retirement Ordinance No. 40 to reflect: (a) the amendment reflecting the option chosen; and/or (b) the amendment to exclude EBMUD retirees who are elected or appointed to the Board from the Retirement System during their service on the Board.

DISCUSSION

At the April 9, 2024 regular Board meeting, the Board was presented with options for amending the Retirement Ordinance with respect to the pension benefits conferred on members of the Board. Staff presented two options; however, the Board directed staff to explore a third alternative, which would model existing provisions for members of the California Public Employees' Retirement System (CalPERS) who are appointed or elected officials, with respect to the final compensation that may be considered for purposes of calculating the pension for service as an elected or appointed member of a governing body.

Accordingly, the Board will be presented with three options for amending the Retirement Ordinance with respect to pension benefits for Board members who are elected or appointed to the Board after the effective date of the amended Retirement Ordinance:

Originating Department: Office of General Counsel	Department Director or Manager: Derek McDonald	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Options re Proposed Amendments to Retirement Ordinance			

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

Option 1 – Exclude all future Board members from participation in the Retirement System

Currently, Board members are allowed to be members of the Retirement System. As members of the Retirement System, Board members are entitled to receive a Retirement Allowance upon retirement from the District, as well as Health Insurance Benefits (HIB) of up to \$450 per month for non-married members and \$550 per month for married members.

If the Board elects to exclude future Board members from participating in the Retirement System, future Board members would not be entitled to receive either a Retirement Allowance or HIB upon retirement from the District.

Option 2 – Prorate the accrual of service by future Board Members

Currently, a Board member accrues one year of service for each year they serve on the Board. For example, after one four-year term, a current Board member accrues four years of service. The amount of service factors into the calculation of a Retirement Allowance upon retirement, as well as the amount of HIB a Board member may receive.

Prorating the rate of accrual of service would mean that a future Board member would accrue 25% of one year for each year they serve on the Board. Thus, one year on the Board would earn the Board member three months of service for purposes of determining their Retirement Allowance and HIB. The result would be that a Board member would earn one year of service (for purposes of retirement) for four years serving on the Board. A Board member would have to serve at least 20 years on the Board to be eligible for an HIB under this option.

Option 3 – Limit the terminal compensation that may be applied to a future Board Member's pension

Option 3 would limit the terminal compensation that may be applied to the Retirement Allowance of a Board member to the Board member's compensation earned from the District. A higher terminal compensation that may have been earned at another agency would not be applicable even if the Board member is entitled to reciprocity. This is structured in the same manner as applies under CalPERS terms. A future Board member would be eligible for HIB under this option.

Exclude Future District Retiree Board Members and Define "Director"

In addition, staff advised the Board of provisions under the California Public Employees' Pension Reform Act (PEPRA) that would require an EBMUD retiree, who is elected or appointed as a member of the Board, to cease receiving their District pension benefits for the duration of their service on the Board. To allow an EBMUD retiree to serve on the Board without ceasing pension payments, the Retirement Ordinance must be amended to exclude EBMUD retirees who serve on the Board from participating in the Retirement System as a Board member. It is advisable that the Retirement Ordinance be amended to include a definition of "Director," referencing those individuals who are elected or appointed to serve on the District's Board of Directors.

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

Amendments to the Retirement Ordinance Reflecting Each Option

Four alternative drafts of an ordinance to amend Retirement Ordinance No. 40, reflecting each of the options above have been pre-prepared by staff. Upon the Board's vote on any of the options above, the ordinance amending Retirement Ordinance No. 40 reflecting the selected option will be presented to the Board for its first reading.

The proposed amendments are as follows:

Amendment Reflecting Option 1: Exclude Future Board members from the Retirement System:

1. Section 5(k) of the Retirement Ordinance titled "Membership in Retirement System" shall be amended as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **A Director who assumes office on or after July 1, 2024 shall not become a Member of the Retirement System.**

2. Section 26 of the Retirement Ordinance titled "Service After Retirement" shall be amended as follows:

No person who has been retired for service and who receives a Retirement Allowance under the Retirement System shall be paid for any service rendered by him or her after the effective date of retirement; provided, however, the Board of Directors may adopt a policy authorizing payment of any person after the effective date of retirement when it is in the best interest of the District to do so, and payment of compensation for such services shall not prejudice the retirement rights or benefits of the person; provided further that this Section shall not prohibit payment for services rendered as a Director of the District, **who first became a Member of the Retirement System before July 1, 2024,** or for services rendered as an Independent Contractor.

Amendment Reflecting Option 2: Prorate accrual of service

1. Section 2 of the Retirement Ordinance titled "Definitions" shall be amended as follows:

a. Amend subsection 2(g) of the Retirement Ordinance as follows:

(g) "District Service" shall mean service rendered to the District as an Employee for Compensation, and for the purposes of this Ordinance, a Member shall be considered as being in the District Service only while he or she is receiving Compensation from the District for such service or is on uncompensated sick leave or job injury leave subsequent to October 1, 1937, or has been granted Service Extension Credit as of

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

April 30, 1965 or subsequent thereto; provided, however, that with respect to any Member hired (or rehired in the case of former Employees) as an Employee on or after January 21, 2004, District Service credited to such Member for any continuous uninterrupted period of uncompensated sick leave and/or uncompensated job injury leave commencing on or after January 21, 2004 shall be limited to a maximum of 18 months. The period during which an Employee is absent from District Service by reason of unpaid Military Leave shall also be included in his or her District Service if the Member elects and makes payment of the amount equal to the contributions which the Employee would have made had there been no absence from District Service, as provided in Section 7(b).

For purposes of this Ordinance, a Director, **who first became a Member of the Retirement System before July 1, 2024,** shall be considered as being in the District Service at all times during which the office of Director is held.

For the purpose of determining the Retirement Allowance pursuant to Section 15 or Section 42, a Director, who first becomes a Member of the Retirement System on or after July 1, 2024, shall accrue District Service at a rate of ¼ or 25% of each year of service on the Board of Directors, such that a Director who serves a four-year term as an elected or appointed Director shall accrue one year of District Service.

b. Amend Section 2(jj) as follows:

- i. "Continuous Employment" shall mean the period of time that a Member maintains continuous and unbroken employment with the District, uninterrupted by voluntary or involuntary separation of employment, calculated on the basis of anniversary date to anniversary date. For example, a Member who is employed by the District for five continuous years will have five years of Continuous Employment for purposes of vesting under Section 14 and Section 16 of this Ordinance, regardless of whether the Member worked during that period in a full-time status, or in a Job Share or Intermittent Position, or a combination thereof, provided, however, that District Service rendered by an Employee on a part-time basis shall not be included as Continuous Employment, and further provided that District Service rendered by an Employee in a temporary, intermittent, limited term or temporary construction position prior to the date upon which he or she first became a Member shall not be included as Continuous Employment. However, the repurchase of service credit for prior District Service in a temporary, intermittent, limited term or temporary construction position as provided in this Ordinance, reciprocal service under Section 34(d), and leaves of absence are included as Continuous Employment and are not intended to be a separation of employment.

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

For purposes of Section 12(a) only “Continuous Employment” for a Director, who becomes a Member of the Retirement System on or after July 1, 2024, shall mean the period of time that a Director maintains continuous and unbroken service on the Board of Directors calculated on the basis of the anniversary date the Director took office on the Board of Directors and every year thereafter the Director holds such office.

Amendment Reflecting Option 3: Limit Terminal Compensation

1. Section 2 of the Retirement Ordinance titled “Definitions” shall be amended as follows:
 - a. Amend subsection 2(m) defining “Terminal Compensation” of the Retirement Ordinance as follows:

(m) "Terminal Compensation" for all Members, except those electing to remain Members pursuant to Section 12(b)(2) prior to March 1, 1973, shall mean the average monthly Compensation Earnable by a Member during the period of the two consecutive years of highest Compensation, but such Terminal Compensation shall not exceed four hundred sixteen and 66/100 dollars per month for the period of Prior Service, and of Current Service from October 1, 1937 to and including March 31, 1952, unless the Member shall elect to pay into the Retirement Fund such additional amount as he or she would have contributed during the period October 1, 1937 to and including March 31, 1952, assuming the entire Compensation Earnable by him or her during such period was subject to contributions. The entire Compensation Earnable by a Member shall be included in any computation of his or her Terminal Compensation applicable to the period commencing on and subsequent to April 1, 1952, and if a Member makes the election and payment as provided in this Subsection, his or her entire Compensation Earnable shall be included in any computation of Terminal Compensation applicable to the entire period of Prior Service and of his or her Current Service. For purposes of determining the “Terminal Compensation” of members in Job Sharing Positions, “Compensation Earnable” shall be the full base salary rate for the position.

If a Member has not received any Compensation from the District for more than one consecutive year during such two-year period, the computation of the Terminal Compensation shall be determined in accordance with rules established by the Retirement Board.

Terminal compensation for all Members electing to remain Members pursuant to Section 12(b)(2) prior to March 1, 1973, shall be determined as hereinabove provided except that the period of the three consecutive years of highest Compensation shall be used in lieu of two years.

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

Notwithstanding any other provision of this Ordinance, including but not limited to Section 34, Terminal Compensation for a Director who is elected or appointed a Director on or after July 1, 2024, shall be based on the highest average annual compensation earnable by the Director during the period of service as a Director and shall be applied to any portion of the Retirement Allowance provided for under Sections 15, 34 or 42 of this Retirement Ordinance resulting from service as a Director.

Amendment to Exclude Future EBMUD Retirees Who Serve on the Board of Directors:

Whether the District elects one of the three options listed above or none of the options, the Board must nonetheless adopt amendments to the Retirement Ordinance to exclude District retirees who are elected or appointed to the Board of Directors from membership in the Retirement System during their term as Director in order for the retiree to continue to receive pension benefits. For clarity, it is also recommended that the Board include a definition of “Director” in the Retirement Ordinance. These amendments to the Retirement Ordinance are as follows:

1. Amend Section 5(k) of the Retirement Ordinance titled “Membership in Retirement System” to exclude District retirees who are appointed or elected to the Board of Directors from Membership in the Retirement System during their service as an appointed or elected member of the Board of Directors as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **Effective on or after July 1, 2024, any person who has been retired for service from the Retirement System and who receives a Retirement Allowance pursuant to Section 15 or Section 42 and who is elected or appointed to serve as a Director on the Board of Directors shall not become a Member of the Retirement System nor accrue any pension or Health Insurance Benefit with respect to service as a Director.**

Amendment to Define “Director:”

- a. Add subsection (kk) to Section 2 of the Retirement Ordinance:

(kk) “Director” shall mean an individual elected or appointed to serve on the East Bay Municipal Utility District Board of Directors.

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

SUSTAINABILITY

Economic

The options to be discussed are intended to minimize the economic impact of providing pension benefits to Board members.

Social

The intent of the amendments is to align pension benefits conferred on elected or appointed members of the Board with the public policy limiting the compensation of members of the Board.

Environmental

There are no anticipated environmental impacts.

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\OGC - BD-1 re Amendments to Retirement Ordinance.DOCX

This page is intentionally left blank.

**Amendments with No Option
Selected – Exclude District
Retirees from the Retirement
System**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EAST BAY MUNICIPAL UTILITY DISTRICT
RETIREMENT ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT
SYSTEM ORDINANCE, TO EXCLUDE DISTRICT RETIREES WHO BECOME
DIRECTORS FROM THE RETIREMENT SYSTEM BY AMENDING SECTION 5,
"MEMBERSHIP IN RETIREMENT SYSTEM"

Introduced by Director

; Seconded by Director

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

1. Section 2 of the Retirement Ordinance titled "Definitions" shall be amended as follows:

a. Add subsection (kk) to Section 2:

(kk) "Director" shall mean an individual elected or appointed to serve on the East Bay Municipal Utility District Board of Directors.

2. Amend Section 5(k) of the Retirement Ordinance titled "Membership in Retirement System" to exclude District retirees who are appointed or elected to the Board of Directors from Membership in the Retirement System during their service as an appointed or elected member of the Board of Directors as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **Effective on or after July 1, 2024, any person who has been retired for service from the Retirement System and who**

receives a Retirement Allowance pursuant to Section 15 and 42 and who is elected or appointed to serve as a Director shall not become a Member of the Retirement System nor accrue any pension or Health Insurance Benefit with respect to service as a Director.

This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 14, 2024, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on May 28, 2024, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

This page is intentionally left blank.

**Option 1 Amendments –
Exclude Board Members from
Participation in the Retirement
System**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EAST BAY MUNICIPAL UTILITY DISTRICT RETIREMENT ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE, TO EXCLUDE DIRECTORS FROM THE RETIREMENT SYSTEM BY AMENDING: (1) SECTION 2 "DEFINITIONS"; (2) SECTION 5 "MEMBERSHIP IN RETIREMENT SYSTEM"; AND (3) SECTION 26 "SERVICE AFTER RETIREMENT"

Introduced by Director

; Seconded by Director

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

1. Section 2 of the Retirement Ordinance titled "Definitions" shall be amended by adding the following subsection:

(kk) "Director" shall mean an individual elected or appointed to serve on the East Bay Municipal Utility District Board of Directors.

2. Section 5(k) of the Retirement Ordinance titled "Membership in Retirement System" shall be amended as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **A Director who assumes office on or after July 1, 2024 shall not become a Member of the Retirement System.**

3. Section 26 of the Retirement Ordinance titled "Service After Retirement" shall be amended as follows:

No person who has been retired for service and who receives a Retirement Allowance under the Retirement System shall be paid for any service rendered by him or her after the effective date of retirement; provided, however, the Board of Directors may adopt a policy authorizing

payment of any person after the effective date of retirement when it is in the best interest of the District to do so, and payment of compensation for such services shall not prejudice the retirement rights or benefits of the person; provided further that this Section shall not prohibit payment for services rendered as a Director of the District, **who first became a Member before July 1, 2024,** or for services rendered as an Independent Contractor.

4. This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 14, 2024, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on May 28, 2024, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

This page is intentionally left blank.

**Option 2 Amendments – Pro-
rate Accrual of Service and
Exclude District Retirees from
the Retirement System**

ORDINANCE NO. _____

AN ORDINANCE TO EXCLUDE RETIREES WHO BECOME DIRECTORS FROM THE RETIREMENT SYSTEM AND PRO-RATE ACCRUAL OF SERVICE FOR DIRECTORS WHO ARE NOT RETIREES BY AMENDING: (1) SECTION 2 "DEFINITIONS"; AND (2) SECTION 5 "MEMBERSHIP IN RETIREMENT SYSTEM" OF ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Introduced by Director

; Seconded by Director

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

1. Section 2 of the Retirement Ordinance titled "Definitions" shall be amended as follows:

a. Amend subsection 2(g) of the Retirement Ordinance as follows:

(g) "District Service" shall mean service rendered to the District as an Employee for Compensation, and for the purposes of this Ordinance, a Member shall be considered as being in the District Service only while he or she is receiving Compensation from the District for such service or is on uncompensated sick leave or job injury leave subsequent to October 1, 1937, or has been granted Service Extension Credit as of April 30, 1965 or subsequent thereto; provided, however, that with respect to any Member hired (or rehired in the case of former Employees) as an Employee on or after January 21, 2004, District Service credited to such Member for any continuous uninterrupted period of uncompensated sick leave and/or uncompensated job injury leave commencing on or after January 21, 2004 shall be limited to a maximum of 18 months. The period during which an Employee is absent from District Service by reason of unpaid Military Leave shall also be included in his or her District Service if the Member elects and makes payment of the amount equal to the contributions which the Employee would have made had there been no absence from District Service, as provided in Section 7(b).

For purposes of this Ordinance, a Director, who first became a Member before July 1, 2024, shall be considered as being in the District Service at all times during which the office of Director is held.

For the purpose of determining the Retirement Allowance pursuant to Section 15 or Section 42, a Director, who first becomes a Member of the Retirement System on or after July 1, 2024, shall accrue District Service at a rate of 1/4 or 25% of each year of service on the Board of Directors, such that a Director who serves a four-year term as an elected or appointed Director shall accrue one year of District Service.

b. Amend Section 2(jj) as follows:

(jj) “Continuous Employment” shall mean the period of time that a Member maintains continuous and unbroken employment with the District, uninterrupted by voluntary or involuntary separation of employment, calculated on the basis of anniversary date to anniversary date. For example, a Member who is employed by the District for five continuous years will have five years of Continuous Employment for purposes of vesting under Section 14 and Section 16 of this Ordinance, regardless of whether the Member worked during that period in a full-time status, or in a Job Share or Intermittent Position, or a combination thereof, provided, however, that District Service rendered by an Employee on a part-time basis shall not be included as Continuous Employment, and further provided that District Service rendered by an Employee in a temporary, intermittent, limited term or temporary construction position prior to the date upon which he or she first became a Member shall not be included as Continuous Employment. However, the repurchase of service credit for prior District Service in a temporary, intermittent, limited term or temporary construction position as provided in this Ordinance, reciprocal service under Section 34(d), and leaves of absence are included as Continuous Employment and are not intended to be a separation of employment.

For purposes of Section 12(a) only “Continuous Employment” for a Director, who becomes a Member of the Retirement System on or after July 1, 2024, shall mean the period of time that a Director maintains continuous and unbroken service on the Board of Directors calculated on the basis of the anniversary date the Director took office on the Board of Directors and every year thereafter the Director holds such office.

c. Add subsection (kk) to Section 2:

(kk) “Director” shall mean an individual elected or appointed to serve on the East Bay Municipal Utility District Board of Directors.

2. Amend Section 5(k) of the Retirement Ordinance titled “Membership in Retirement System” to exclude District retirees who are appointed or elected to the Board of Directors from Membership in the Retirement System during their service as an appointed or elected member of the Board of Directors as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **Effective on or after July 1, 2024,**

any person who has been retired for service from the Retirement System and who receives a Retirement Allowance pursuant to Section 15 and 42 and who is elected or appointed to serve as a Director shall not become a Member of the Retirement System nor accrue any pension or Health Insurance Benefit with respect to service as a Director.

This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 14, 2024, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on May 28, 2024, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

**Option 3 Amendments – Limit
Terminal Compensation for
Board Members and Exclude
District Retirees from the
Retirement System**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EAST BAY MUNICIPAL UTILITY DISTRICT RETIREMENT ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE, TO EXCLUDE RETIREES WHO BECOME DIRECTORS FROM THE RETIREMENT SYSTEM AND LIMIT THE TERMINAL COMPENSATION FOR DIRECTORS WHO ARE NOT RETIREES BY AMENDING: (1) SECTION 2, "DEFINITIONS"; AND (2) SECTION 5, "MEMBERSHIP IN RETIREMENT SYSTEM"

Introduced by Director _____

; Seconded by Director _____

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

1. Section 2 of the Retirement Ordinance titled "Definitions" shall be amended as follows:

a. Amend subsection 2(m) defining "Terminal Compensation" of the Retirement Ordinance as follows:

(m) "Terminal Compensation" for all Members, except those electing to remain Members pursuant to Section 12(b)(2) prior to March 1, 1973, shall mean the average monthly Compensation Earnable by a Member during the period of the two consecutive years of highest Compensation, but such Terminal Compensation shall not exceed four hundred sixteen and 66/100 dollars per month for the period of Prior Service, and of Current Service from October 1, 1937 to and including March 31, 1952, unless the Member shall elect to pay into the Retirement Fund such additional amount as he or she would have contributed during the period October 1, 1937 to and including March 31, 1952, assuming the entire Compensation Earnable by him or her during such period was subject to contributions. The entire Compensation Earnable by a Member shall be included in any computation of his or her Terminal Compensation applicable to the period commencing on and subsequent to April 1, 1952, and if a Member makes the election and payment as provided in this Subsection, his or her entire Compensation Earnable shall be included in any computation of Terminal Compensation applicable to the entire period of Prior Service and of his or her Current Service. For purposes of determining the "Terminal

Compensation” of members in Job Sharing Positions, “Compensation Earnable” shall be the full base salary rate for the position.

If a Member has not received any Compensation from the District for more than one consecutive year during such two-year period, the computation of the Terminal Compensation shall be determined in accordance with rules established by the Retirement Board.

Terminal compensation for all Members electing to remain Members pursuant to Section 12(b)(2) prior to March 1, 1973, shall be determined as hereinabove provided except that the period of the three consecutive years of highest Compensation shall be used in lieu of two years.

Notwithstanding any other provision of this Ordinance, including but not limited to Section 34, Terminal Compensation for a Director who is elected or appointed a Director on or after July 1, 2024, shall be based on the highest average annual compensation earnable by the Director during the period of service as a Director and shall be applied to any portion of the Retirement Allowance provided for under Sections 15, 34 or 42 of this Retirement Ordinance resulting from service as a Director.

b. Add subsection (kk) to Section 2:

(kk) “Director” shall mean an individual elected or appointed to serve on the East Bay Municipal Utility District Board of Directors.

2. Amend Section 5(k) of the Retirement Ordinance titled “Membership in Retirement System” to exclude District retirees who are appointed or elected to the Board of Directors from Membership in the Retirement System during their service as an appointed or elected member of the Board of Directors as follows:

(k) Every Director in office on January 1, 1987 shall become a Member of the Retirement System on that date. All persons thereafter assuming the office of Director shall become Members on the date of assumption of office. **Effective on or after July 1, 2024, any person who has been retired for service from the Retirement System and who receives a Retirement Allowance pursuant to Section 15 and 42 and who is elected or**

appointed to serve as a Director shall not become a Member of the Retirement System nor accrue any pension or Health Insurance Benefit with respect to service as a Director.

This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on May 14, 2024, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on May 28, 2024, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



BOARD ACTION

Agenda Number:	13.1.-13.2.	Meeting Date:	May 14, 2024
----------------	-------------	---------------	--------------

TITLE	REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FOR REVISIONS TO THE WATER AND WASTEWATER SYSTEM SCHEDULE OF RATES AND CHARGES, CAPACITY CHARGES, AND OTHER FEES NOT SUBJECT TO PROPOSITION 218, AND REGULATIONS FOR FISCAL YEAR 2025
-------	---

ACTION	<input checked="" type="checkbox"/> Motion:	<input type="checkbox"/> Resolution:	<input type="checkbox"/> Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	<ul style="list-style-type: none">File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations.Set a Public Hearing for Tuesday, June 11, 2024, during the Board's regular meeting, to consider the Report and Recommendation.
--------------------	---

SUMMARY	<p>Proposed revisions to rates, charges and fees (charges) not subject to Proposition 218 and proposed revisions to Regulations Governing Water Service (regulations) will be reviewed as a part of the Mid-Cycle Budget workshop scheduled for May 28, 2024. Adoption of the FY 2025 charges and regulations is scheduled for Board consideration at its June 11, 2024 meeting.</p>
---------	--


The Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations includes the changes to the following schedules and regulations:

Water System Charges

- Schedule B – Account Establishment Charge
- Schedule C – Charges for Special Services
- Schedule D – Water Service Installation Charges
- Schedule E – Private Fire Service Installation Charges
- Schedule F – Public Fire Hydrant Installation Charges
- Schedule G – Water Main Extension Charges
- Schedule H – Standard Participation Charge (SPC)
- Schedule J – System Capacity Charge (SCC)
- Schedule N – Water Demand Mitigation Fees

Wastewater System Charges

- Schedule C – Industrial Permit Fees

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): Report and Recommendation of the General Manager Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2025			

Title:	Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2025	Meeting Date:	May 14, 2024
--------	--	---------------	--------------

- Schedule D – Other Fees (Monitoring, Violation Follow-up, and Private Sewer Lateral Compliance)
- Schedule E – Testing Fees
- Schedule F – Rates for Resource Recovery Material Treatment
- Schedule G – Wastewater Capacity Fees
- Schedule H – Wastewater Interceptor Connection Review, Coordination, and Inspection Fee

Other District Fees

- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

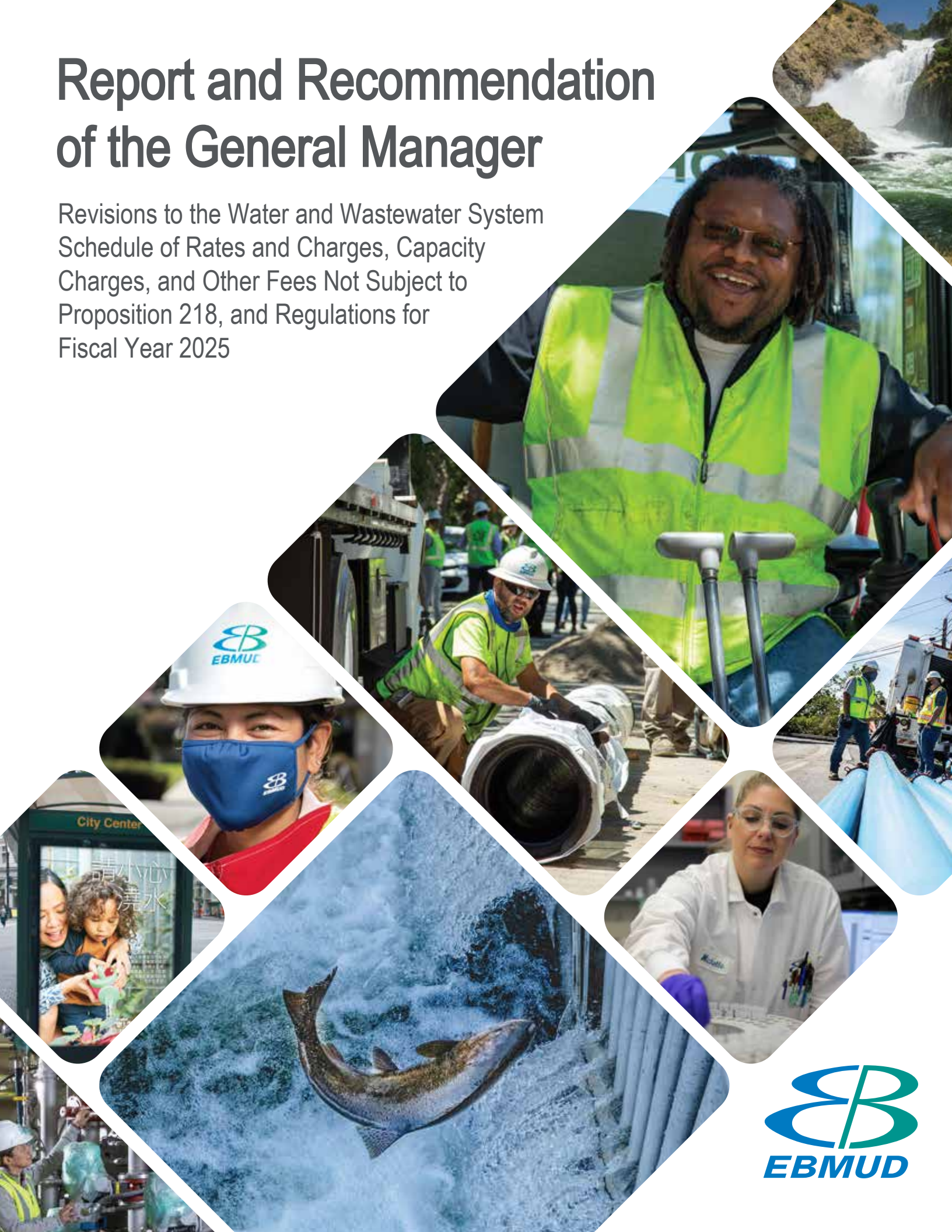
Water Service Regulations

- Section 1 – Explanation of Terms Used in these Regulations
- Section 29 – Water Use Restrictions

I:\Sec\2024 Board Related Items\051424 Board Agenda Items\FIN -Rates Report FY 2025.docx

Report and Recommendation of the General Manager

Revisions to the Water and Wastewater System
Schedule of Rates and Charges, Capacity
Charges, and Other Fees Not Subject to
Proposition 218, and Regulations for
Fiscal Year 2025



East Bay Municipal Utility District

Report and Recommendation of the General Manager

Revisions to the Water and Wastewater System
Schedule of Rates and Charges, Capacity Charges,
and Other Fees Not Subject to Proposition 218, and
Regulations for Fiscal Year 2025

*Submitted to the Board of Directors
by Clifford C. Chan, General Manager
May 14, 2024*

TABLE OF CONTENTS

Chapter-Page

GENERAL MANAGER'S MEMORANDUM

CHAPTER 1 – WATER SYSTEM RATES, CHARGES AND FEES

Introduction.....	1-1
Recommendations	1-1
Discussion	1-1
Schedule B – Account Establishment Charge	1-2
Schedule C – Charges for Special Services	1-2
Schedule D – Water Service Installation Charges	1-5
Schedule E – Private Fire Service Installation Charges	1-5
Schedule F – Public Fire Hydrant Installation Charges	1-5
Schedule G – Water Main Extension Charges	1-6
Public Records Act Fee Schedule	1-6
Real Property Use Application Fees	1-6
Recreation Use Fees	1-6
Water Service Regulations Section 1 – Explanation of Terms Used in these Regulations.....	1-8
Water Service Regulations Section 29 – Water Use Restrictions	1-8

CHAPTER 2 – WATER SYSTEM CAPACITY CHARGES

Introduction.....	2-1
Recommendations	2-2
Schedule H – Standard Participation Charge (SPC)	2-2
Schedule J – System Capacity Charge (SCC)	2-2
Schedule N – Water Demand Mitigation Fees	2-2
Discussion	2-2
Exhibit 1 – Update of 2021 SCC Study Calculations for Proposed FY 2025 SCC	2-7

CHAPTER 3 – WASTEWATER SYSTEM RATES, CHARGES AND FEES

Introduction.....	3-1
Recommendations	3-1
Discussion	3-1
Schedule C – Wastewater Department Industrial Permit Fees	3-1
Schedule D – Wastewater Department Other Fees.....	3-2
Schedule E – Wastewater Department Testing Fees	3-4
Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment	3-4
Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee	3-5

TABLE OF CONTENTS

Chapter-Page

CHAPTER 4 – WASTEWATER CAPACITY FEES

Introduction.....	4-1
Recommendations	4-1
Schedule G – Wastewater Department Capacity Fees	4-1
Discussion	4-1
Exhibit 2 – Update of 2019 SCC Study Calculations for Proposed FY 2025 SCC	4-4

CHAPTER 5 – SCHEDULES OF RATES AND CHARGES, CAPACITY CHARGES, AND OTHER FEES NOT SUBJECT TO PROPOSITION 218, AND REGULATIONS FOR FISCAL YEAR 2025

Water System

Schedule B – Account Establishment Charge
Schedule C – Charges for Special Services
Schedule D – Water Service Installation Charges
Schedule E – Private Fire Service Installation Charges
Schedule F – Public Fire Hydrant Installation Charges
Schedule G – Water Main Extension Charges
Schedule H – Standard Participation Charge (SPC)
Schedule J – System Capacity Charge (SCC)
Schedule N – Water Demand Mitigation Fees
Public Records Act Fee Schedule
Real Property Use Application Fees
Recreation Use Fees for Calendar Year 2025
Regulations Section 1 – Explanation of Terms Used in these Regulations
Regulations Section 29 – Water Use Restrictions


Wastewater System

Schedule C – Wastewater Department Industrial Permit Fees
Schedule D – Wastewater Department Other Fees
Schedule E – Wastewater Department Testing Fees
Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment
Schedule G – Wastewater Department Capacity Fees
Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 9, 2024

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Revisions to the Water and Wastewater System Schedule of Rates, Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2025

Every two years as part of the biennial budget process, the Board considers and adopts the District's budget and rates and charges for the Water and Wastewater systems that are subject to Proposition 218 for two consecutive years. On June 13, 2023, the Board adopted the FY 2024 and FY 2025 budget and fees and charges subject to Proposition 218.

In addition to the biennial budget process, some rates, charges, or fees (charges), including system capacity charges, are updated and approved as part of a mid-cycle budget update in even-numbered calendar years. These charges are not subject to Proposition 218. However, to the extent these charges are governed by other legal requirements, such as Proposition 26 or Government Code section 66013, they are in full compliance. This year, as part of this mid-cycle budget process, staff is proposing to update the FY 2025 Water System Capacity Charge (SCC), Wastewater Capacity Fee (WCF), and several other fees and charges.

This report contains the FY 2025 proposed changes to the SCC, WCF and other rates, fees, and charges that were not part of the biennial budget and rate approval in June 2023. The following is a summary of the proposed changes.

Water System

- Implement proposed changes to Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule H – Standard Participation Charge (SPC), Schedule J – System Capacity Charge (SCC), and Schedule N – Water Demand Mitigation Fees to update the cost calculations using the methodology from the 2021 SCC study.
- Implement proposed changes to the Real Property Use Application Fees, Recreation Use Fees, and Public Records Act Fee Schedules to reflect current costs.

- Modify Water Service Regulations Section 1 – Explanation of Terms Used in these Regulations to add a definition for “renovation”.
- Modify Water Service Regulations Section 29 – Water Use Restrictions to prohibit the use of potable water for irrigating nonfunctional turf (ornamental lawns) on commercial, industrial, and institutional properties per Assembly Bill 1572.

Note, the Water Service Regulations Sections 1, 2, 3, 18, 23, and 31 were approved by the Board on April 23, 2024 with the recommended addition of the above definition to Section 1.

Wastewater System

- Implement proposed changes to Schedule C – Wastewater Department Industrial Permit Fees. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule D – Wastewater Department Other Fees. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule E – Wastewater Department Testing Fees. The charges were increased to reflect current costs and include two new testing fees.
- Implement proposed changes to Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment. The charges were increased to reflect current costs.
- Implement proposed changes to Schedule G – Wastewater Department Capacity Fees (WCF) to update cost calculations using the methodology from the 2019 WCF study.
- Implement proposed changes to the fee for review, coordination and construction inspection for connections made to the interceptors in Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee to reflect current costs.

A Board workshop on the changes to the rates and charges and review of the mid-cycle budget will be held on May 28, 2024. A public hearing on the recommendations contained in this report is scheduled for June 11, 2024, and the Board will consider adoption of the recommendations at the same meeting.

With the exception of the Recreation Use Fees for 2025, which are recommended to go into effect on January 1, 2025, the proposed changes to the Water Service Regulations and the water and wastewater system charges are all recommended to be effective as of July 1, 2024.

Chapter 1 – Water System Rates, Charges and Fees

INTRODUCTION

The District periodically reviews the rates, fees, and charges (charges) in the Schedules of Water System Charges to ensure the charges reflect the District's cost of service. On June 13, 2023 the Board of Directors adopted the FY 2024 and FY 2025 Biennial Report and Recommendation of the General Manager. This report recommends revisions to the FY 2024 and FY 2025 Biennial Report and Recommendation of the General Manager. These charges are not subject to the requirements of Proposition 218. Proposition 26 provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval unless it fits within its seven stated exceptions. To the extent the charges are subject to Proposition 26, they fit within the stated exceptions.

All proposed schedules can be found in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations of this report.

RECOMMENDATIONS

Water Charges and Service Regulations Not Subject to Proposition 218:

- Implement proposed changes to Water System Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The changes would increase the charges in these schedules to reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The changes would increase the charges in these schedules to reflect current costs.
- Update specified components of the Public Records Act Fee Schedules, Real Property Use Application Fees, and Recreation Use Fees and to reflect current costs.
- Modify Water Service Regulations Section 1 – Explanation of Terms Used in these Regulations to add a definition for "renovation".
- Modify Water Service Regulations Section 29 – Water Use Restrictions to prohibit the use of potable water for irrigating nonfunctional turf (ornamental lawns) on commercial, industrial, and institutional properties per Assembly Bill 1572.

DISCUSSION

The District periodically reviews the charges in the Schedules of Water System Charges to ensure that the charges are consistent with legal requirements and reflect updated costs. The charges recommended for revisions are in this report (see Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations). For FY 2025,

the following schedules of charges are recommended to be updated to reflect the District's increased costs, including those related to labor costs:

- Schedule B – Account Establishment Charge
- Schedule C – Charges for Special Services
- Schedule D – Water Service Installation Charges
- Schedule E – Private Fire Service Installation Charges
- Schedule F – Public Fire Hydrant Installation Charges
- Schedule G – Water Main Extension Charges
- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

Schedule B – Account Establishment Charge

The Account Establishment Charge recovers the District's costs for establishing a new customer account or transferring a customer's existing account from one address to another when a customer moves within the District's service area. For FY 2025, the Account Establishment Charge is proposed to increase from \$67 to \$71 based on the analysis of the District's current labor cost. Customers who set up a new account online generate lower labor costs than those who call the District for the same service. Accordingly, the Account Establishment Charge is lower for customers who set up an account online, reflecting the District's labor cost savings. For FY 2025, the Account Establishment Charge for online customers is proposed to increase from \$51 to \$55 to reflect the District's updated labor costs.

Schedule C – Charges for Special Services

Schedule C contains the charges for special customer services such as the meter testing program, backflow prevention program, lien program, public hydrant meters, and service interruptions. After a detailed review of the District's costs to provide each of these services, the following changes are proposed for FY 2025.

Meter Testing Charges

The District is responsible for the maintenance and replacement of all water meters and recovers those costs through the monthly Water Service Charge. When the District suspects or determines a water meter is not functioning properly, the District tests and/or replaces the malfunctioning meter. When a meter is tested at the sole request of the customer, the District bills the customer a Meter Testing Charge based on the size of the meter to recover the cost of performing this work. If the meter is found to be over-registering water consumption, the Meter Testing Charge is refunded to the customer. For FY 2025, the Meter Testing Charges are proposed to increase between 2.8 percent and 3.8 percent depending on the meter size to reflect the District's current costs for providing this service.

Service Trip Charge

For FY 2025, the Service Trip Charge will remain at \$50, and staff recommends increasing the after-hours Service Trip Charge from \$79 to \$83 to reflect the increased cost for overtime.

Service Interruption Charges

When a customer's bills remain unpaid, the District has an extensive process to work with the customer to collect the unpaid bills, including offering payment plan options and/or the Customer Assistance Program to qualifying low-income customers. To ensure single-family residential customers have access to water to meet basic needs, the District has implemented the Alternative to Shutoff Policy for single-family residential customers due to non-payment. For instances when the unpaid bills remain outstanding after continual efforts by the District to work out payment arrangements, the District has adopted a flow restrictor program as an alternative to shutoff for single-family residential accounts where the customer of record is not the owner of the single-family residential property. For instances where the customer of record with outstanding unpaid bills is the owner of the single-family residential property, instead of installing a flow restrictor, a lien will be placed on the property.

For non-residential customers with delinquent bills, the District discontinues water service after an extensive notification process and works with the customer to make payment arrangements. To begin the water service discontinuation process, District staff visits the service address to notify the customer of the shutoff unless a payment is made within seven business days of the mailed 48-hour notice. This field visit triggers a Service Interruption Charge, which is \$50 and which reflects District costs. If the customer pays the outstanding water charges including the Service Interruption Charge or makes a payment plan within three business days, their water service will not be shut off. If no payment or payment plan is made within three business days, the water service is shut off at the meter, and this field visit triggers a Service Interruption Charge, which is \$50. After the customer pays the delinquent charges owed to the District, another Service Interruption Charge of \$50 for service restoration is assessed to restore the service. If the customer requests service be restored after normal business hours, a higher after-hours Service Interruption Charge is assessed instead of the normal Service Interruption Charge to reflect the District's increased costs for providing this service after hours. For FY 2025, staff is recommends increasing the after-hours Service Interruption Charge from \$79 to \$83 to reflect increased labor costs.

If it is determined that the customer tampered with the water meter after the District has shut off water service, District staff will turn off and lock the meter. If the service is restored by the customer and the bills remain unpaid, an S-Lock will be placed over the meter at an additional charge. For FY 2025 the S-Lock charge is proposed to increase from \$71 to \$75 to reflect increased labor costs. If the customer is determined to have tampered with the S-Lock, the meter will be plugged and the customer will incur Plug Service Interruption Charge. For FY 2025, staff recommends increasing the Plug Service Interruption charge from \$479 to \$502 to reflect updated labor charges¹.

Returned Payment Charge

The Returned Payment Charge is proposed to decrease from \$29 to \$27 in FY 2025 to reflect the District's updated labor costs to process returned payments.

¹ In addition to these charges, customers engaging in acts of meter tampering could be subject to potential penalties for water theft in accordance with the District's Water Theft Penalty Ordinance.

Prohibited Water Use Charge and Flow-Restrictor Installation Charges

If the District suspects that a customer is using water in an excessive or prohibited manner, District staff contacts the customer and investigates the customer's water use. If it is determined that the customer is violating the District's Water Service Regulations on water waste (Section 29), a Prohibited Water Use Charge will be charged to recover the cost of monitoring the customer's ongoing water use. The Prohibited Water Use Charge for FY 2025 will remain at \$50. If the customer continues to violate the Water Service Regulation Section 29, a flow restrictor may be installed at the customer's expense. For FY 2025, staff recommends increasing the Flow-Restrictor Installation Charge from \$141 to \$149 for small meters under 1-1/2 inches and from \$284 to \$320 for 1-1/2 and 2-inch meters to reflect increased labor costs.

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

Backflow Device Annual Certification and Violation Charges

To ensure that the water system is not compromised by contaminants, pollutants, or plumbing hazards, the District requires a backflow prevention device on some water service connections. A Backflow Device Annual Certification Charge is assessed to cover the administrative costs related to inspection and verification, and for FY 2025 is proposed to increase from \$62 to \$68. In addition, the charge for labor to complete any necessary surveys and inspections is proposed to increase from \$142 to \$160 per hour to reflect increased labor costs. The District maintains a list of certified private companies that can perform the required backflow test. For a company to be included on the list of certified backflow testers, the District charges a Certified Tester Listing Charge. For FY 2025, the Certified Tester Listing Charge is proposed to increase from \$177 to \$195 to reflect increased labor costs. In FY 2025, if it is determined that a customer has violated the District's backflow prevention requirements, the District charges a Backflow Device Violation Charge, which is proposed to increase from \$619 to \$683 to recover the District's costs to shut off the water service and to restore the service once the District verifies that the backflow requirements have been met.

Intervening Water Service Agreement Fee

The District has a program that automatically transfers a property's water service account to the landlord when a tenant who is the account holder terminates service. This program allows for water service to continue uninterrupted while the property is vacant without the landlord having to open a new account and pay an Account Establishment Charge for that property. There is a one-time processing fee for the Intervening Water Service Agreement, to recover the administrative costs to set up the agreement. For FY 2025, the Processing Fee for Intervening Water Service Agreement is proposed to increase from \$76 to \$81 to reflect increased labor costs.

Public Hydrant Meter Account Establishment and Site Visit Charges

The hydrant meter program provides customers with a 3-inch hydrant meter that can be hooked up to a public fire hydrant to meter water use when temporary water service has been approved by the District. For FY 2025, the Public Hydrant Meter Account Establishment and Renewal Charge to establish and annually renew the hydrant meter account is proposed to increase from \$137 to \$145

to reflect increased labor costs. The hydrant meter program requires customers to enter into an agreement through which customers agree to regularly self-report meter readings and periodically exchange their meters. When a customer does not follow terms of the agreement, a Public Hydrant Meter Account Site Visit Charge is charged to recover the cost of investigation and site visits by District staff. For FY 2025, the Public Hydrant Meter Account Site Visit Charge is proposed to increase from \$273 to \$289 to reflect increased labor costs.

For FY 2025, the security deposit for the hydrant meter is proposed to increase from \$1,350 to \$1,490 to reflect the current replacement cost of the hydrant meter. The hydrant meter security deposit is collected upfront when the customer is issued the hydrant meter. Security deposits are held for the duration of the account. When a hydrant meter is returned, it is inspected by the meter shop to determine if there are any damages. If the hydrant meter is damaged or not returned, the account is charged for any damages or for replacement. When the account is closed, the deposit is applied towards the final bill, which may include damage and replacement charges. The remaining balance if any, will be refunded to the customer.

Schedule D – Water Service Installation Charges

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

Service installation charges for FY 2025 are proposed to change by zero percent to 6.8 percent depending on the specific installation as shown in the proposed Schedule D – Water Service Installation Charges. The proposed FY 2025 installation charges include increases for labor, materials, and equipment costs.

Schedule E – Private Fire Service Installation Charges

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

Private Fire Service Installation Charges for FY 2025 are proposed to increase by 3.6 percent to 4.4 percent as shown in the proposed Schedule E – Private Fire Service Installation Charges. The proposed FY 2025 installation charges include increases for labor, materials, and equipment costs.

Schedule F – Public Fire Hydrant Installation Charges

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

Public Fire Hydrant Installation Charges for FY 2025 are proposed to change by -0.7 percent to 4.9 percent as shown in the proposed Schedule F – Public Fire Hydrant Installation Charges. For FY

2025, the charge for the hydrant materials for applicant install hydrants is proposed to decrease from \$4,920 to \$4,884 to reflect decreased material costs.

Schedule G – Water Main Extension Charges

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

Water Main Extension Charges for FY 2025 are proposed to increase by 5.2 percent to 5.6 percent as shown in the Schedule G – Water Main Extension. The proposed FY 2025 charges include increases for labor, materials, and equipment costs.

Public Records Act Fee Schedule

The recommended revisions to the Public Records Act Fee Schedule cover the costs of duplication of District records in accordance with the Public Records Act. The recommended changes to the fee schedule include updating the cost of duplication and programming labor charges to reflect updated labor costs for the job classifications involved in providing the records. The labor costs for providing existing paper and electronic records are proposed to increase from \$0.68 per minute to \$0.72 per minute, and for records on tape, CDs, or DVDs from \$0.68 per minute to \$0.72 per minute. Additionally, the labor costs associated with work necessary to provide records that are not readily available is proposed to increase from \$1.30 per minute to \$1.37 per minute. Also, clarifying updates were made regarding bid documents for publicly bid projects, digital versatile discs (DVDs), and to the Municipal Utility District Act publication.

Real Property Use Application Fees

The District may allow for use of its property by other public agencies or private entities after evaluating if the proposed use adversely impacts District operations, is compatible with District land management policies and practices, and if there are measurable benefits to the District. The Real Property Use Application Fees schedule recovers the District's costs of evaluating the applications based on the type of use being requested. For FY 2025, Real Property Use Application Fees are proposed to increase by 3.4 percent to 11.8 percent reflecting the increased labor costs.

Recreation Use Fees

The District operates three upcountry recreation areas (Camanche Hills Hunting Preserve, Camanche North and South Shore, and Pardee) and two local watershed recreation areas (Lafayette and San Pablo). These recreation areas provide public access to the District's watershed while maintaining the integrity of the water supply. The District also permits public access to extensive trail networks in the East Bay and Mokelumne watersheds. The District uses several concessionaires to assist with the upcountry and the San Pablo recreation areas; Lafayette recreation area is operated by District staff. For recreation area visitors, the District has established a schedule of fees that generate revenue to support the operation of the recreation areas. The

schedule of Recreation Use Fees is proposed to and approved by the Board of Directors as part of the biennial rate setting process. Discounts are available to seniors, distinguished veterans, active and retired military personnel, low-income, and disabled visitors on select recreation use fees, consistent with long-standing Board policy objectives.

The Camanche Regional Park Advisory Board (CRPAB) was established by EBMUD's Board of Directors with Resolution 31778 in December 1986 to review and advise the District and the local counties on matters including operations, rules, and fees at Camanche Recreation Area. The CRPAB replaced the former Joint Powers Authority (JPA) Park Board and is comprised of two county board appointed representatives each from Amador, Calaveras, and San Joaquin Counties. The CRPAB meets in March, July, and November of each year, and typically reviews and advises on the proposed recreation rates and charges at the November and March meetings preceding EBMUD's rates and charges process. The CRPAB met on March 21, 2024, and approved the changes to the Recreation Use Fees proposed for calendar year 2025 with the exception of mobilehome fees for Camanche Reservoir – North Shore and South Shore Recreation Areas.

Camanche Hills Hunting Preserve

The proposed changes for calendar year 2025 includes the elimination of bird processing, dog rental, and sporting clay fees. Fees for services, rentals, and consumables are determined by the concessionaire, and fees for recreational access are determined by the District. Other than the removal of the fees described above, no changes are proposed for Camanche Hills Hunting Preserve fees.

Camanche Reservoir – North Shore and South Shore Recreation Areas

There are proposed increases for calendar year 2025 to fees related to vehicle entry, dog, boat launch, boat mooring, boat slip open and covered, RV/trailer/boat storage, fishing access permit, regular and premium campsite, tent structures, group camp, equestrian, RV site, towing, decontamination, cottage, resort rental, mobilehome, and facility rentals. A new fee was proposed for the Camanche Amphitheater facility rental in South Shore. For all but the mobilehome space fees², the proposed increases range between 1.6 percent and 20 percent to reflect current costs.

Lafayette Recreation Area

There are proposed increases for calendar year 2025 to fees related to parking meters, entry and parking for large vans and buses, commercial use, annual boat launch, and fishing access. Staff has also proposed a security deposit for group picnics. The proposed increase for these fees ranges between 12.5 percent and 33.3 percent, excluding the annual boat launch fee. These fee increases

² Per the Mobilehome Park Management Plan, mobilehome space fees change annually based on the change in the U.S. Department of Housing and Urban Development (HUD) Fair Market Rents (FMR) which is published by October 1 of each year for Amador and Calaveras counties. The average change in the HUD FMR is applied to the previous year's rent to determine rent for the next calendar year. This formula was established by the District with input from the mobilehome park residents and the CRPAB during the development of the Mobilehome Park Management Plan. In addition to use of the mobilehome space, residents are provided with potable water service, wastewater service, and garbage service for no charge other than the mobilehome space fee. Residents are also given discounts on boat rentals, marina slip rentals, houseboat mooring anchors, dry storage, and select retail purchases at the marina store.

are to reflect current costs and are comparable to the fees for similar services in the area. The annual boat launch fee is proposed to increase from \$50 to \$100 to reflect current costs.

Pardee Recreation Area

There are proposed increases for calendar year 2025 to fees related to vehicle entry and parking for cars and motorcycles, dogs, standard boat launch, season pass for cartop boat launch, boat slip, standard campsite nightly and second vehicle parking, nightly premium campsite, nightly double campsite, RV site, and RV/trailer/boat storage. Staff has also proposed a fee for a pool use access wristband, along with a discounted fee for seniors. The proposed increase for these fees ranges between 10 percent and 20 percent. These fee increases are to reflect current costs and are comparable to the fees for similar services in the area.

San Pablo Recreation Area

There are proposed increases for calendar year 2025 to fees related to boat inspection, fishing access, and daily gazebo rentals. Staff has also recommended to remove the fee for dogs. The proposed increase ranges between 11.1 percent and 66.7 percent to reflect current costs.

Water Service Regulations

In support of the District's efforts to provide and maintain water service to its customers, the District is proposing updates to Sections 1 and 29 of its Regulations Governing Water Service. These proposed changes define "renovation" and clarify water use restrictions of potable water.

Staff recommends that the water service regulations be amended as follows:

Section 1 – Explanation of Terms Used in these Regulations

This regulation has been revised to add a definition for "renovation".

Section 29 – Water Use Restrictions

This regulation has been revised to prohibit the use of potable water for irrigating nonfunctional turf (ornamental lawns) on commercial, industrial, and institutional properties per Assembly Bill 1572.

Chapter 2 – Water System Capacity Charges

INTRODUCTION

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

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

The SCC consists of three components:

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

The District also has a Standard Participation Charge (SPC), a District-wide connection charge that is applicable to only a few remaining contracts for service entered into prior to 1983 that was first established in 1978. The SPC was designed to recover the District-wide average cost of distribution facilities constructed to serve new connections and was superseded by the SCC in 1983. A FWS Component was added to the SPC in 1986. The SPC is calculated to recover the latest Water Supply Management Plan costs and will continue to be less than the SCC charge in most regions and has been updated for FY 2025 using the results of the 2021 SCC study. Customers eligible for service under the SPC regulations can pay for service under the more favorable of either of the SPC or SCC terms and conditions.

RECOMMENDATIONS

1. Adopt the FY 2025 Schedule H for the SPC that reflects the allowable cost for facilities necessary to serve applicants who had separate facility agreements with the District prior to July 1, 1983.
2. Adopt the FY 2025 Schedule J for charges that have been updated from the calculations and methodology from the 2021 Water SCC Study.
3. Adopt the FY 2025 Schedule N for Water Demand Mitigation Fees for “The Wendt Ranch,” “The Meadows,” “The Wiedemann Ranch Development,” the “Camino Tassajara Integrated Project” and the “Gale Ranch Phase II” projects, which reflect the latest proposed costs for the FWS Component of the SCC. In addition, the Water Use Offset Fees and Additional Water Use Offset Fees for “The Wiedemann Ranch Development” have been updated to reflect the latest U.S. City Average of the Consumer Price Index.

The changes and updates recommended for the SCC, SPC and Water Demand Mitigation Fees will be effective on July 1, 2024. These charges and fees are not subject to the requirements of California Constitution Article XIII D, section 6 (i.e., Proposition 218). However, to the extent they are subject to California Constitution Article XIII C, Section 1(e) (i.e., Proposition 26), and California Government Code Section 66013, they are in full compliance.

DISCUSSION

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

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

Pursuant to the methodology outlined in the 2021 SCC Study, the proposed SCC for FY 2025 has been updated for the Engineering News Record Construction Cost Index (ENR CCI) escalation to reflect increasing costs to reproduce existing plant assets, depreciation calculations, outstanding debt and capital funding cash balances. The updated calculations to the 2021 SCC Study for the proposed FY 2025 SCC are shown in Exhibit 1.

SCC Unit Costs

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

Figure 1: SCC Formula

Unit Cost (\$/100 gpd)	X	Estimated Customer Use (100 gpd)	=	System Capacity Charge (\$)
---------------------------	---	-------------------------------------	---	--------------------------------

SCC unit costs were evaluated based on the existing system systemwide, regional, and future water supply assets and their respective capacity to provide service to the District's customers. The following updates to the 2021 SCC Study were made in the determination of the unit cost for FY 2025.

- Confirmed the future water supply cost component of the SCC unit cost calculations for recent cost estimates.
- Updated the outstanding principal on current debt and cash balances reserved for capital projects.

Table 1 summarizes the updated FY 2025 unit costs for each of the individual SCC component. Details of the unit costs calculations are shown in Exhibit 1. The FY 2024 total unit costs are provided for comparison purposes. Due to a relatively low ENR CCI offset by depreciation of system assets, the updated the total system value for this FY 2025 update is lower than the total system value was for the FY 2024 update. As such, the SCC values for FY 2025 are slightly lower than they were in FY 2024.

Table 1: Updated SCC Unit Costs for FY 2025

Region	Unit Costs \$/100 gpd			FY 2025 Total	Current FY 2024 Total
	System- Wide Buy-In	Regional Buy-In	Future Water Supply		
Region 1	\$4,039	\$1,932	\$1,017	\$6,988	\$6,991
Region 2	\$4,039	\$4,866	\$1,017	\$9,922	\$9,972
Region 3	\$4,039	\$2,915	\$1,017	\$7,971	\$7,988

SCC Calculations

The proposed FY 2025 SCCs are shown in Table 2 for a 3/4-inch meter for SFR applicants. These meter connections account for the majority of all future water service connections. Larger meters

pay proportionately more based on the estimated usage of the new connections. See Schedule J – System Capacity Charge in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for a complete list of the proposed FY 2025 SCC.

Table 2: SFR SCC for 3/4" Meter

Region	Water Consumption	Unit Costs	Capacity Charge		
	Residential 3/4" (gpd)	\$/100 gpd	Current	FY 2025	Change
Region 1	190	\$6,988	\$13,280	\$13,277	0.0%
Region 2	210	\$9,922	\$20,940	\$20,836	-0.5%
Region 3	490	\$7,971	\$39,140	\$39,058	-0.2%
Region 3C	775	\$15,124	\$114,980	\$117,214	1.9%
Region 3D	775	\$15,380	\$117,130	\$119,192	1.8%

The proposed FY 2025 SCC rates are shown in Table 3 for MFR applicants on a per dwelling unit basis. Following the recommendations of the 2021 SCC Study, the SCC has two categories for MFR dwelling units: (i) an over 500 square foot category and (ii) a 500 square foot and under category. These categories reflect differences in water use per dwelling unit.

Table 3: MFR per Dwelling Unit SCC

MFR Category Dwelling Size	Region	Water Consumption	Unit Costs	Capacity Charge		
		Per Dwelling Unit (gpd)	\$/100 gpd	Current	FY 2025	Change
Over 500 Square Feet	Region 1	120	\$6,988	\$8,390	\$8,386	-0.1%
	Region 2	120	\$9,922	\$11,970	\$11,906	-0.5%
	Region 3	120	\$7,971	\$9,590	\$9,565	-0.3%
500 Square Feet and Under	Region 1	95	\$6,988	\$6,640	\$6,639	0.0%
	Region 2	95	\$9,922	\$9,470	\$9,426	-0.5%
	Region 3	95	\$7,971	\$7,590	\$7,572	-0.2%

The proposed FY 2025 SCC rates are shown in Table 4 for a 5/8-inch meter for non-residential applicants. Larger meters pay proportionately more based on the estimated usage of the new connections. See Schedule J – System Capacity Charge in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for the complete list of the proposed FY 2025 SCCs.

Table 4: Non-Residential SCC for 5/8" Meter

Region	Water Consumption	Unit Costs	Capacity Charge		
	Non-Residential 5/8" (gpd)	\$/100 gpd	Current	FY 2025	Change
Region 1	246	\$6,438	\$17,200	\$17,190	-0.1%
Region 2	334	\$9,240	\$33,310	\$33,139	-0.5%
Region 3	460	\$7,367	\$36,740	\$36,667	-0.2%

Applicants for nonpotable/recycled water service have their SCC calculated based solely on the FWS Component. These customers are not served by the potable water system; they are served by dedicated nonpotable/recycled water facilities. The proposed FY 2025 SCC rates are shown in Table 5 for a 5/8-inch meter for nonpotable/recycled water. Larger meters pay proportionately more based on the estimated usage of the new connections. See Schedule J – System Capacity Charge in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for the complete list of the proposed FY 2025 SCCs.

Table 5: Nonpotable/Recycled Water SCC for 5/8" Meter

Region	Water Consumption	Unit Costs	Capacity Charge		
	Nonpotable 5/8" (gpd)	\$/100 gpd	Current	FY 2025	Change
Region 1	246	\$1,017	\$2,500	\$2,502	0.1%
Region 2	334	\$1,017	\$3,400	\$3,397	-0.1%
Region 3	460	\$1,017	\$4,680	\$4,678	0.0%

East Bay Municipal Utility District Distribution System SCC Regions

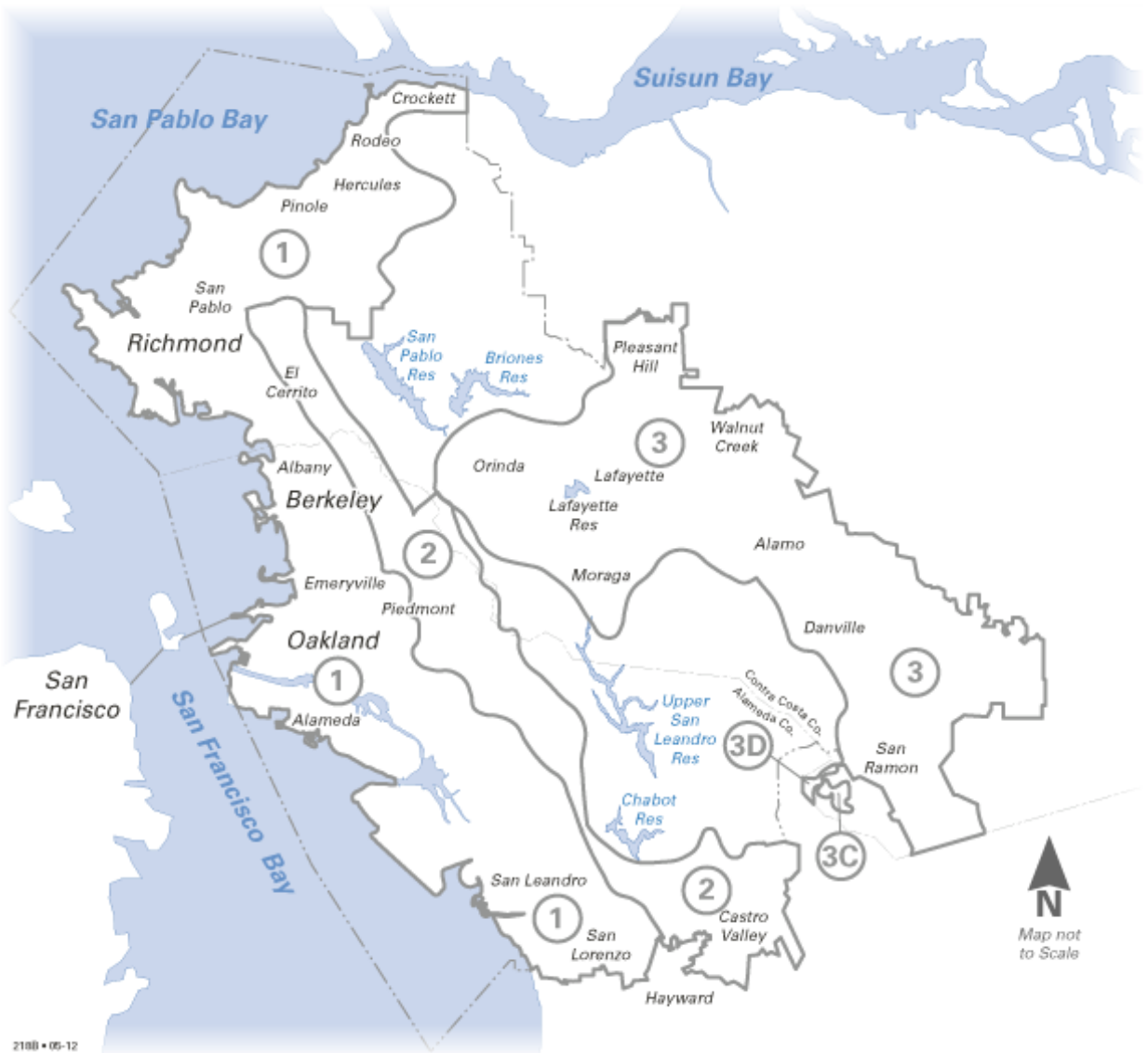


Exhibit 1 – Update of 2021 SCC Study Calculations for Proposed FY 2025 SCC

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

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

Account	Description	Original Cost	Valuation Approach	Systemwide or Regional	Asset Value in Analysis
1001	Auto Control System	\$81,648,191	RCN	Systemwide	\$180,453,049
1005	Hydroelectric Power Gen.	56,772,898	RCN	Systemwide	\$191,427,932
1007	General Facilities & Equip.	3,002,422	RCN	Systemwide	\$4,620,842
1015	Source of Water Supply	123,081,736	RCN	Systemwide	\$1,028,688,152
1025	Raw Water Transmission	561,984,497	RCN	Systemwide	\$3,146,203,912
1060	Raw Water Trans Pump	211,775,800	RCN	Systemwide	\$402,848,223
1080	Terminal Reservoirs	238,718,428	RCN	Systemwide	\$1,211,209,062
1090	Reclamation Facilities	111,457,846	RCN	Systemwide	\$215,305,925
1100	Water Treatment	539,894,743	RCN	Regional	\$1,334,850,139
1130	Distribution Pumping	266,899,454	RCNLD	Regional	\$215,043,787
1140	Distribution Reservoirs	445,046,095	RCNLD	Regional	\$520,716,292
1166	Distribution Mains	1,670,335,062	RCNLD	Regional	\$3,084,862,104
1170	Distribution Aqueducts	90,921,572	RCNLD	Regional	\$169,446,854
1175	Pressure Regulators	49,386,792	RCN	Regional	\$104,444,587
1180	Venturi Meters	10,350,836	RCN	Regional	\$21,821,068
1185	Distribution Hydrants	70,208,451	RCN	Regional	\$271,775,510
1200	General Plant Structures	246,981,204	RCN	Systemwide	\$547,623,947
1205	Equipment-Trans & Constr.	84,153,036	RCNLD	Systemwide	\$31,399,194
1210	Equipment-Office	25,530,952	RCNLD	Systemwide	\$462,680
1215	Equipment- Eng. & Labor	4,130,190	RCNLD	Systemwide	\$194,197
1220	Equipment-Tools & Work	5,579,112	RCNLD	Systemwide	\$451,619
1225	Equipment- Stores	17,208	RCNLD	Systemwide	\$6,547
1230	Equipment- Shop	2,881,072	RCNLD	Systemwide	\$344,262
1240	Non-Operative Property	1,397,142	RCN	Systemwide	\$6,807,383
1245	Recreational Facilities	86,607,722	RCN	Systemwide	\$130,348,142
1300	Land Source of Supply	7,832,091	RCN	Systemwide	\$132,147,392
1310	Land Raw Water Trans	3,952,008	RCN	Systemwide	\$62,908,076
1315	ROW Raw Water Trans	1,269,406	RCN	Systemwide	\$4,307,818
1320	Land Terminal Reservoirs	24,383,749	RCN	Systemwide	\$265,395,581
1330	Land Water Treatment	3,439,560	RCN	Systemwide	\$26,013,674
1340	Land Reclamation	2,174,793	RCN	Systemwide	\$5,335,634
1350	Land Distribution	7,799,925	RCN	Systemwide	\$77,161,806
1355	Land	1,775,115	RCN	Systemwide	\$5,552,412
1360	Land General Plan	17,164,349	RCN	Systemwide	\$38,646,177
1370	Land	990,966	RCN	Systemwide	\$26,090,500
1910	Unallocated As-Built Costs	10,304,085	RCN	Systemwide	\$24,131,117
1911	Deferred Software Costs	80,892,824	RCN	Systemwide	\$135,412,411
1981	Watershed Master Plan	7,620,641	RCN	Systemwide	\$13,434,487
1985	Lab Expansion Costs	8,874,204	RCN	Systemwide	\$20,929,451
1988	Engineering & Env. Studies	116,452,637	RCN	Systemwide	\$230,173,125
	DERWA	84,784,101	RCN	Systemwide	\$70,529,676
	Freeport	410,009,849	RCN	Systemwide	\$322,103,344
	CWIP	522,919,362	RCN	Systemwide	\$522,919,362
TOTAL		\$6,301,402,127			\$14,804,547,454

Table 2-2: Regional Asset Value Allocation Factors

Account	Description	Region 1	Region 2	Region 3
1100	Water Treatment	49.5%	16.3%	34.2%
1130	Distribution Pumping	19.6%	34.1%	46.4%
1140	Distribution Reservoirs	27.4%	36.7%	35.9%
1166	Distribution Main	48.6%	21.3%	30.1%
1170	Distribution Aqueducts	79.4%	20.6%	0.0%
1175	Pressure Regulator	26.2%	60.9%	12.8%
1180	Venturi & Cathodic	62.3%	5.4%	32.2%
1185	Distribution Hydrants	47.8%	17.1%	35.1%

Table 2-3: Net System Value Calculation

Buy-In Component	Value
System Assets	\$14,804,547,454
Capital Reserve Cash Balance	\$109,571,000
Outstanding Principal on Debt	-\$2,601,236,000
Net System Value	\$12,312,882,454
Net System Value as a Percentage of System Assets	83.2%

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

Service Area	Replacement Value	Net Value %	Net Value
System Wide Replacement Value	\$9,081,587,112	83.2%	\$7,553,119,402
Region 1 Replacement Value	\$2,648,201,798	83.2%	2,202,498,763
Region 2 Replacement Value	\$1,287,284,077	83.2%	1,070,628,979
Region 3 Replacement Value	\$1,787,474,467	83.2%	1,486,635,311
Total Value	\$14,804,547,454		\$12,312,882,454

Table 2-5: Unit Cost Calculation by Service Area

Service Area	Net Value	Potable Consumption Estimate (MGD)	Unit Cost (\$/100 gpd)
System Wide Replacement Value	\$7,553,119,402	187	\$4,039
Region 1 Replacement Value	\$2,202,498,763	114	\$1,932
Region 2 Replacement Value	\$1,070,628,979	22	\$4,866
Region 3 Replacement Value	\$1,486,635,311	51	\$2,915

Table 2-6: Future Water Supply Capital Projects

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

Table 2-7: Updated SCC Unit Costs for FY 2025

Region	System-Wide Buy-In	Regional Buy-In	Future Water Supply	Total
Region 1	\$4,039	\$1,932	\$1,017	\$6,988
Region 2	\$4,039	\$4,866	\$1,017	\$9,922
Region 3	\$4,039	\$2,915	\$1,017	\$7,971

Figure 2-3: Future Water Supply Unit Cost Determination

Value of Future Water Supply Projects (\$558.3 M)	=	Future Water Supply Unit Cost (\$1,017 per 100/gpd)
New Demand (55 MGD)		

Chapter 3 – Wastewater System Rates, Charges and Fees

INTRODUCTION

The District periodically reviews the rates, charges and fees (charges) in the Schedule of Wastewater System Charges to ensure the charges reflect the District's cost of service. On June 13, 2023 the Board of Directors adopted the FY 2024 and FY 2025 Biennial Report and Recommendation of the General Manager. This report recommends revisions to the FY 2024 and FY 2025 Biennial Report and Recommendation of the General Manager. These revised charges are not subject to the requirements of Proposition 218. Proposition 26 provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval unless it fits within its seven stated exceptions. To the extent the revised charges are subject to Proposition 26, they fit within the stated exceptions.

All proposed schedules are in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations.

RECOMMENDATIONS

Wastewater Charges Not Subject to Proposition 218:

- Implement proposed changes to the Wastewater Discharge Permit, Estimation Permit, and Limited Term Discharge Permit Fees in Schedule C – Wastewater Department Industrial Permit Fees.
- Implement proposed changes to the Inspection and Monitoring Fee and Violation Follow-Up Fees and the Private Sewer Lateral Compliance Fees in Schedule D – Wastewater Department Other Fees.
- Implement proposed changes to Laboratory Test Fees as shown Schedule E – Wastewater Department Testing Fees and create two new Laboratory Test Fees for Acrolein & Acrylonitrile and Organochlorine PCB & Pesticides.
- Implement proposed changes to the Account Fee as shown in Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment and create a new Expedited Permit Fee.
- Implement proposed changes to the Plan Review, Project Coordination and Construction Inspection Fees and Each Additional Connection Fee as shown in Schedule H – Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee.

DISCUSSION

Wastewater System Schedule C – Industrial Permit Fees

There are three types of Wastewater Permits: 1) Wastewater Discharge Permit, 2) Estimation Permit, and 3) Limited Term Discharge Permit. Each has a fee to recover reasonable costs.

1. The Wastewater Discharge Permit establishes compliance reporting requirements, site-specific discharge limitations, industry self-monitoring requirements, and may include billing conditions for unique wastewater strength and flow. Wastewater Discharge Permits are extremely detailed and include specific provisions required by the EPA and the State. Staff must review permit application documents, develop permit requirements, review compliance reports, perform onsite inspections, collect, and review results from wastewater samples, revise permit conditions, update billing to incorporate rate or regulatory changes, provide information to industrial users, and maintain electronic and hard copy files and analytical data. The renewal frequency of the Wastewater Discharge Permits is typically five years with an annual permit fee. The proposed increase reflects reasonable District staff costs. For FY 2025, the Wastewater Discharge permit fee is recommended to increase from \$3,320 to \$3,410.
2. The Estimation Permit establishes billing conditions when wastewater volumes cannot be determined by District water meters due to significant non-sewer use, such as irrigation. Estimation Permits are optional and issued at the request of a discharger when wastewater flow is significantly less than metered water consumption. In issuing these permits, staff must review permit application documents, develop permit requirements, review compliance reports, revise permits to incorporate rate or regulatory changes, provide information to industrial users, and maintain electronic and hard copy data files. The proposed increase reflects reasonable District staff costs. For FY 2025, the Estimation Permit fee is recommended to increase from \$1,290 to \$1,320.
3. Limited Term Discharge Permits are issued for special wastewater discharge conditions not included in the District's permit and fee structure. Typical uses of the limited term permit would be for construction dewatering or remediation projects. The permit fee covers the District staff cost required to review the application, issue the permit, including establishing pretreatment conditions, and monitoring discharge conditions. The treatment cost is not included in the permit fee and is charged from Schedule A – Wastewater Department Rates for Treatment Service based on the type of discharge. For example, construction dewatering discharges would be charged under Groundwater Remediation. The proposed increase to Limited Term Discharge Permits reflects reasonable District staff costs. For FY 2025, the Limited Term Discharge Permit fee is recommended to increase from \$3,050 to \$3,130.

Wastewater System Schedule D – Other Fees

Inspection and Monitoring Fees

For some Wastewater Discharge Permits issued to industrial users, the District requires inspection, monitoring, and testing of the discharge. The Inspection and Monitoring Fees recover the District staff cost and equipment to perform field inspections, collect and coordinate samples for lab testing, install and maintain field monitoring equipment, and prepare inspection reports. For FY 2025, staff recommends increasing the fee from \$1,820 to \$1,920. These increases reflect the reasonable staff costs to perform the monitoring activities.

Violation Follow-Up Fees

Wastewater permit holders are required to follow the conditions listed in their permits. If the District determines that the permit holder has violated the conditions of their permit, a series of violation actions are taken with accompanying fees.

A stage 1 violation follow-up fee consists of follow-up actions in response to reporting or required action violations that do not include a discharge violation. These violations can usually be resolved without sampling. A stage 1 violation follow-up fee is charged to conduct this follow-up activity. Staff must identify or review the violation, provide formal notification to the violator, determine compliance status, prepare billing documentation, and monitor and evaluate corrective actions. The proposed increase reflects reasonable District staff costs. For FY 2025, staff recommends increasing the fee from \$820 to \$840.

A stage 2 violation follow-up fee is required for wastewater discharge violations or any violation follow-up that requires sampling. Staff must identify or review the violation, provide formal notification to the violator, prepare billing documentation, conduct a follow-up inspection, sample the wastewater discharge, and determine ongoing compliance status. The proposed increase reflects reasonable District staff costs. For FY 2025, staff recommends increasing the fee from \$1,820 to \$1,920.

A stage 3 violation follow-up fee is required when enforcement orders are issued. Staff must identify or review the violation, provide formal notification to the violator, prepare billing documentation, conduct a follow-up inspection, sample the wastewater discharge, prepare, and administer enforcement orders, review corrective measures, and determine ongoing compliance status. The proposed increase reflects reasonable District staff costs. For FY 2025 staff recommends increasing the fee from \$3,680 to \$3,770.

Private Sewer Lateral Compliance Fees

The District has been operating under a Consent Decree with the EPA, State Water Resources Control Board, the RWQCB, and the District's satellite collection system agencies since September 2014. As part of the Consent Decree, the District is required to implement a regional Private Sewer Lateral (PSL) Ordinance. The ordinance requires property owners to obtain a compliance certificate from the District when they hit one of three triggers: transferring title of property (e.g., buying/selling a home), performing remodeling or construction work valued at greater than \$100,000, or increasing or decreasing water meter size. The District has been implementing this program since August 2011, having been under a prior regulatory order.

For FY 2025, to recover the District's costs for the administrative and field inspection work to witness the verification test, ensure compliance with the Ordinance, and issue and track the compliance certificate, the compliance certificate fee is proposed to increase from \$360 to \$370. For FY 2025, staff recommends increasing the Inspection Reschedule fee from \$110 to \$120 to reflect reasonable District staff costs. For FY 2025, staff recommends increasing the Off-Hours Verification from \$270 to \$280 to reflect reasonable District staff costs and clarify that the 2.5 hours includes only 1.5 hours onsite. For FY 2025, staff recommends increasing the Specific Appointment Time charge from \$330 to \$340 to reflect reasonable District staff costs. Staff recommended minor revisions to footnote number five to clarify fees for off-hours verification and an additional footnote number six to clarify that two Inspection Reschedule fees will be assessed for Specific Appointment time cancellations.

The District also charges several PSL Violation Follow-Up fees to recover the cost of enforcement of the Regional PSL Ordinance. For FY 2025, staff recommends increasing the PSL Violation Follow-up – Initial Fee from \$510 to \$530 to reflect reasonable District staff costs.

The Homeowners Association (HOA)/Greater than 1,000 Oversight fee was added in FY 2021 to account for the additional costs associated with managing the special provisions for properties that are managed by homeowners' associations or that have greater than 1,000 feet of PSLs under their responsibility. For FY 2025, based on the reasonable District staff costs to administer this aspect of the program, staff has recommended to increase the HOA/Greater than 1,000' Oversight fee from \$500 to \$520.

The Compliance Agreement fee recovers the costs associated with negotiating and managing a Compliance Agreement with a property owner that has requested additional time to comply. Compliance Agreements were first issued in FY 2020 and the fee was developed shortly thereafter and adopted effective FY 2021. For FY 2025, a review of reasonable District staff costs resulted in the proposed increase from \$320 to \$330.

Wastewater System Schedule E – Testing Fees

The District may require laboratory testing and analysis of samples as part of a discharge permit or other action. The FY 2025 laboratory testing fees listed below recover District staff costs and material to perform the laboratory testing and analysis. Staff also recommends creating two new testing fees for "Acrolein & Acrylonitrile" and "Organochlorine PCB & Pesticides" for FY 2025.

For FY 2025, staff proposed to increase the following laboratory test fees to reflect reasonable costs for material and District staff time:

- Chemical Oxygen Demand from \$65 to \$67
- Cyanide from \$137 to \$141
- Metals (Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Nickel, Silver, and Zinc) from \$244 to \$251
- Metals (Mercury) from \$154 to \$158
- Oil & Grease: SGT-HEM from \$215 to \$221
- pH Field Analysis from \$30 to \$31
- Phenols: Total from \$151 to \$155
- PCB Congeners from \$838 to \$861
- Semi-volatile Organics from \$568 to \$584
- Total Suspended Solids from \$44 to \$45
- Volatile Organics from \$238 to \$245

Wastewater System Schedule F – Rates for Resource Recovery Material Treatment

The Resource Recovery (R2) program accepts delivery of trucked wastes to use excess treatment capacity at the MWWTP and generate tip fee revenue for the District. This program provides an environmentally sound disposal alternative for the community while maintaining fiscal responsibility to the ratepayers by fully utilizing treatment assets. For FY 2025, based on the District's experience in operating the Resource Recovery program and the recent increase in some cost centers including chemicals and biosolids management, the District proposes to increase the Account Fees (previously Permit Fee)¹ from \$400 to \$450 and create a new Expedited Permit Fee at \$2,500 per request. The Expedited Permit Fee allows for faster permit processing under an existing account.

¹ Each customer has one account and pays one annual Account Fee. Customers may have one or more permits under one account.

Wastewater System Schedule H – Interceptor Connection Review, Coordination and Inspection Fee

This fee was established in 2005 to recover the District's staff time required for plan review, project coordination and construction inspection of requests made by cities to modify their interceptor connections. Only cities and the Stege Sanitary District can apply for either new connections or larger connections to the District's interceptors. These projects are designed, constructed, and funded by the applicants. When an applicant makes a request for a new or modified interceptor connection, District staff must review the engineering design and evaluate any potential operational or maintenance impacts of the work. Once approved, the District must coordinate and inspect the construction work of the applicant.

For FY 2025, based on an analysis of the District's reasonable costs to perform this work, the fee is proposed to increase from \$12,600 to \$13,100 for review, coordination, and inspection, and the fee for each additional connection submitted under the same project with the same design and pipe sizes is proposed to increase from \$10,300 to \$10,700.

Chapter 4 – Wastewater Capacity Fees

INTRODUCTION

The Wastewater Capacity Fee (WCF) was implemented to recover costs of providing wastewater treatment capacity for new or expanded system use. The WCF is based on a “buy-in” or an equity approach, whereby new users buy-in to a wastewater system that has adequate capacity to serve both existing demands and new growth. The wastewater system capacity is expressed in terms of wastewater flow volume (flow) and strength factors including Chemical Oxygen Demand (COD) and Total Suspended Solids (TSS).

The WCF applies to all dischargers who increase wastewater volume or strength. For example, an additional capacity fee may be required to be paid if a property is developed and connects to the wastewater system, changes use or is redeveloped and increases the volume or strength of the wastewater it discharges, or a flow review has been completed by the District that demonstrates that the volume and/or strength of the wastewater discharged from a non-residential property has significantly increased or is greater than anticipated at the time a WCF was first paid.

The WCF is calculated based on the anticipated flow contributions multiplied by the wastewater strength measured or assigned for each classification of customer and the unit capacity rates for flow and strength factors. For non-residential customers, the District may conduct a review of the actual flow and strength within 24 months of the business being fully established and discharged, to verify the estimated demand for wastewater capacity. The review may result in additional capacity fees if the actual flow and strength exceeds the original estimate.

These fees are not subject to the requirements of California Constitution article XIII D, section 6 (i.e., Proposition 218). However, to the extent they are subject to California Constitution article XIII C, section 1(e) (i.e., Proposition 26), and California Government Code section 66013, they are in full compliance.

RECOMMENDATIONS

- Adopt Schedule G for the Wastewater Department Capacity Fees based on the update of the 2019 WCF study for FY 2025.

If adopted, the changes and updates recommended for the WCF will be effective on July 1, 2024.

DISCUSSION

In May 2019, the District finalized two comprehensive wastewater studies conducted by an independent financial rate consultant: a cost of service (COS) study of wastewater treatment service and a capacity fee study on the WCF. These studies resulted in recommendations to update the District’s wastewater treatment service charges and the WCF to reflect current costs. The equity buy-in methodology was used in determining the updated WCF. This methodology is appropriate in instances where there is excess capacity available to serve new connections, as is the case with the District. The concept of the equity buy-in methodology is that new connections to the system pay the same amount as existing connections have already contributed to the system. The total system value is then calculated and divided by the current loadings at the treatment plant to determine unit rates for flow (\$ per hundred cubic feet (CCF)), COD (\$ per pound (lb.)), and TSS

(\$ per lb.). As part of the 2021 SCC Study, MFR water consumption was established by dwelling unit size, over 500 square feet (sq ft) and 500 sq ft and under. The MFR WCF for the dwelling unit size categories of over 500 sq ft and 500 sq ft and under were established in the FY 2022 WCF update.

For FY 2025, staff has updated the WCF calculations from the 2019 WCF study to reflect construction cost escalations, the cost of additional facilities, depreciation and balances of outstanding debt and reserves for capital. Due to a relatively low escalation factor¹ offset by depreciation of system assets, the updated the total system value for this FY 2025 update is lower than the total system value was for the FY 2024 update. As such, the WCF values for FY 2025 are slightly lower than they were in FY 2024.

These updated calculations are shown in Exhibit 2 and are summarized below in Tables 1 through 4. Table 1 shows the proposed unit capacity rates for FY 2025. The entire list of proposed capacity fees for FY 2025 is contained in Schedule G – Wastewater Department Capacity Fees in Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations of this report.

Table 1 – Proposed FY 2025 Wastewater Capacity Fee Unit Rates

Unit Capacity Rate	Current	FY 2025	% Change
Annual Flow – per centum cubic feet (CCF)	\$15.94	\$15.78	-1.0%
Annual COD – per pound	\$1.67	\$1.65	-1.2%
Annual TSS – per pound	\$7.66	\$7.58	-1.0%

Single-Family Residential Wastewater Capacity Fee

The proposed FY 2025 WCF is calculated using the District's baseline residential indoor water use of 84 CCF per year (7 CCF per month) and COD loadings of 374 pounds per year and TSS loadings of 157 pounds per year and reflects the findings and recommendations of the recent wastewater COS Study.

Table 2 – Proposed FY 2025 WCF for SFR

	Current	FY 2025	% Change
SFR WCF	\$3,170	\$3,133	-1.2%

Multi-Family Residential Wastewater Capacity Fee

The WCF is assessed on a per dwelling unit basis for all MFR connections. The proposed FY 2025 WCF is calculated using the MFR indoor water use from the 2021 SCC Study of water consumption by dwelling unit for MFR over 500 sq ft of 59 CCF per year and corresponding COD loadings of 262 pounds per year, and TSS loadings of 110 pounds per year. Water consumption for MFR dwelling

¹ Engineering News Record (ENR) 20-City Construction Cost Index History.

units 500 sq ft and under is 46 CCF per year with corresponding COD loadings of 205 pounds per year sq ft and under dwelling units) and TSS loadings of 86 pounds per year.

Table 3 – Proposed FY 2025 WCF for MFR

	Current	FY 2025	% Change
MFR Standard Dwelling Unit WCF	\$2,220	\$2,197	-1%
MFR 500 sq ft and under Dwelling Unit WCF	\$1,730	\$1,716	-0.8%

Non-Residential Wastewater Capacity Fee

For non-residential applications, the WCF is based on meter size and on a strength category of low, medium, or high as assigned by the District for meter sizes up to 1-1/2 inches. (see Table 4). For non-residential applicants using meters sized greater than 1-1/2 inches, staff completes an analysis of the estimated annual wastewater flow for the proposed facilities and operations (see Table 5). Consistent with the May 2019 Wastewater Cost of Service & Capacity Fee Study, the “Rate Stabilization Factor” formerly shown in a footnote to Schedule G was removed.

Table 4 – Proposed FY 2025 WCF for Non-Residential up to 1-1/2 Inch Meter Size

Meter Size	Low Strength		Medium Strength		High Strength	
	Current	FY 2025	Current	FY 2025	Current	FY 2025
5/8 inch	\$4,710	\$4,660	\$9,530	\$9,420	\$18,640	\$18,430
3/4 & 1 inch	\$12,370	\$12,240	\$25,040	\$24,770	\$49,010	\$48,460
1-1/2 inch	\$24,110	\$23,850	\$48,780	\$48,260	\$95,480	\$94,400

Table 5 – Proposed FY 2025 WCF Rates for Non-Residential greater than 1-1/2 Inch Meter Size

WCF Rate \$ per annual CCF					
Low Strength		Medium Strength		High Strength	
Current	FY 2025	Current	FY 2025	Current	FY 2025
\$35.66	\$35.28	\$72.17	\$71.39	\$141.25	\$139.65

Exhibit 2 – Update of 2019 SCC Study Calculations for Proposed FY 2025 SCC

Table 6-1: Wastewater Assets

Asset Class	Original Cost + New Assets	Replacement Cost (A)	RC Depreciation (B)	Total Assets (RCLD) (A - B)
Chlorination	\$4,446,780	\$19,830,742	\$7,736,522	\$12,094,219
Effluent	\$65,663,726	\$227,563,543	\$176,784,520	\$50,779,023
General	\$152,303,507	\$368,633,403	\$222,663,389	\$145,970,014
Grit	\$19,834,612	\$64,944,448	\$39,035,344	\$25,909,105
Influent	\$44,958,489	\$109,767,704	\$76,622,065	\$33,145,639
Interceptor	\$239,044,419	\$818,228,750	\$498,831,658	\$319,397,092
Secondary	\$91,249,788	\$279,209,182	\$196,291,726	\$82,917,456
PGS	\$94,548,798	\$176,784,426	\$109,529,837	\$67,254,589
Primary	\$11,143,586	\$37,790,908	\$10,825,840	\$26,965,068
Sludge	\$203,239,002	\$375,985,959	\$196,952,945	\$179,033,014
Wet Weather	\$182,998,207	\$489,804,932	\$309,867,344	\$179,937,588
Total Assets	\$1,109,430,914	\$2,968,543,996	\$1,845,141,190	\$1,123,402,807

Table 6-2: Total System Value

Total System Value	
Wastewater System Value (RCLD)	\$1,123,402,807
Reserve Balance	\$38,640,000
Less Total Outstanding Principal	\$338,300,000
Total System Value	\$823,742,807

Table 6-3: Wastewater System Value Allocation

	I&I	Flow	COD	TSS	Total
% Allocation	44.46%	22.32%	11.85%	21.36%	100.00%
Wastewater System Value (RCLD)	\$499,482,832	\$250,758,775	\$133,178,423	\$239,982,776	\$1,123,402,807
Reallocate I&I	(\$499,482,832)	\$200,746,423	\$106,616,776	\$192,119,633	\$0
Wastewater System Value	\$0	\$451,505,198	\$239,795,199	\$432,102,409	\$1,123,402,807
% Allocated	0%	40%	21%	38%	100%

Table 6-4: Total System Value Allocation

% Allocation		Cost Allocation
Flow	40%	\$331,069,281
COD	21%	\$175,831,473
TSS	38%	\$316,842,053
Total	100%	\$823,742,807

Table 6-6: WCF Updated FY 2025 Unit Costs

	System Value (A)	Net Plant Influent (B)	Updated FY 2025 Unit Cost (C) = (A ÷ B)	Current FY 2024 Unit Cost
Flow	\$331,069,281	20,983,276	\$ 15.7778	\$ 15.78
COD	\$175,831,473	106,264,585	\$ 1.6547	\$ 1.65
TSS	\$316,842,053	41,790,303	\$ 7.5817	\$ 7.58

Table 6-7: Updated FY 2025 SFR WCF

Updated FY 2025 Capacity Fee Calculation			Current FY 2024 Capacity Fee
Flow (ccf/year)	84	\$1,326	
COD (lbs/year)	374	\$617	
TSS (lbs/year)	157	\$1,190	
Total SFR WCF		\$3,133	\$3,170

Table 6-7a: Updated FY 2025 MFR over 500 sq ft WCF

Updated FY 2025 Capacity Fee Calculation			Current FY 2024 Capacity Fee
Flow (ccf/year)	59	\$931	
COD (lbs/year)	262	\$432	
TSS (lbs/year)	110	\$834	
Total SFR WCF		\$2,197	\$2,220

Table 6-7b: Updated FY 2025 MFR 500 sq ft and under WCF

Updated FY 2025 Capacity Fee Calculation			Current FY 2024 Capacity Fee
Flow (ccf/year)	46	\$726	
COD (lbs/year)	205	\$338	
TSS (lbs/year)	86	\$652	
Total SFR WCF		\$1,716	\$1,730

Table 6-11: Non-Residential Updated FY 2025 Flow Charge

Meter Size	Yearly Average Use (ccf) [A]	Flow Unit Cost from Table 6-6 [B]	Flow Charge [C] = [A x B]
5/8 inch	132	\$15.78 per ccf	\$2,083
3/4 & 1 inch	347	\$15.78 per ccf	\$5,476
1 ½ inch	676	\$15.78 per ccf	\$10,667

Table 6-12: Non-Residential Updated FY 2025 COD Charge

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$938	\$2,662	\$11,229
3/4 & 1 inch	\$2,466	\$6,998	\$29,518
1 ½ inch	\$4,804	\$13,633	\$57,505

Table 6-13: Non-Residential Updated FY 2025 TSS Charge

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$1,636	\$4,678	\$5,122
3/4 & 1 inch	\$4,302	\$12,298	\$13,464
1 ½ inch	\$8,380	\$23,958	\$26,229

Table 6-14: Non-Residential Updated FY 2025 WCF

Meter Size	Strength Category		
	Low	Medium	High
5/8 inch	\$4,657	\$9,423	\$18,433
3/4 & 1 inch	\$12,244	\$24,772	\$48,457
1 ½ inch	\$23,852	\$48,258	\$94,401

Chapter 5 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations

FY 2025

Water System

Schedule B – Account Establishment Charge

Schedule C – Charges for Special Services

Schedule D – Water Service Installation Charges

Schedule E – Private Fire Service Installation Charges

Schedule F – Public Fire Hydrant Installation Charges

Schedule G – Water Main Extension Charges

Schedule H – Standard Participation Charge (SPC)

Schedule J – System Capacity Charge (SCC)

Schedule N – Water Demand Mitigation Fees

Public Records Act Fee Schedule

Real Property Use Application Fees

Recreation Use Fees for Calendar Year 2025

Regulations Section 1 – Explanation of Terms Used in these Regulations

Regulations Section 29 – Water Use Restrictions

Wastewater System

Schedule C – Wastewater Department Industrial Permit Fees

Schedule D – Wastewater Department Other Fees

Schedule E – Wastewater Department Testing Fees

Schedule F – Wastewater Department Rates for Resource Recovery Material Treatment

Schedule G – Wastewater Department Capacity Fees

Schedule H – Wastewater Department Wastewater Interceptor Connection Review, -
Coordination, and Inspection Fee

Schedule B

Account Establishment Charge



SCHEDULE B – ACCOUNT ESTABLISHMENT CHARGE

EFFECTIVE 07/01/~~2024~~²³

The charge for establishing a new account or the transfer of an account for a customer moving from one address to another within the District's service area is \$~~67~~³⁴71 with the following exceptions:

- Customers in the Customer Assistance Program shall be charged \$~~34~~³⁴36.
- Landlords requiring temporary water service for a period not to exceed 60 days shall be charged \$~~34~~³⁴36, with the balance of the Account Establishment Charge billed for water service that exceeds 60 days.
- There will be no transfer fee to change the name of an account when the responsible party is a landlord who has signed an intervening water service agreement.
- There will be no transfer fee to change the name of an account when the same person or entity is to remain responsible.
- Customers may use the EBMUD website and use the online process to electronically set up a new account or transfer an existing account from one address to another when they move. The charge for electronically establishing a new account or electronically transferring an existing account for a single-family residence customer is \$~~54~~⁵⁴55.

Schedule C

Charges for Special Services



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/~~2024~~²³

A. METER TESTING

Charges for meter testing will be in accordance with the following schedule:

<u>SIZE OF METER</u>	<u>TESTING CHARGES</u>
5/8", 3/4", and 1"	\$74 ⁷³
1-1/2" and 2"	\$74 ⁷³ On Site \$459 ¹⁶⁵ Pull/Test
3" and larger	\$348 ³²⁹ On Site Actual Cost Pull and Test

B. SERVICE INTERRUPTION

The charge for shutting off water service due to non-payment of a water bill is \$50

The charge for restoring service after payment has been received during regular office hours is \$50

The charge for restoring service between 5 p.m. and 8 a.m. or on Saturday, Sunday, or on a holiday is ~~\$79~~⁸³

An additional charge to lock or plug the meter due to non-payment or unauthorized water use is

S-Lock ~~\$74~~⁷⁵
Plug ~~\$479~~⁵⁰²

A service interruption charge of \$50 may be charged in the event of any additional field stops to shut off service beyond the initial service interruption, including EBMUD locking the meter if the customer self-restores water service prior to making payment. (See Section M.)

C. RETURNED PAYMENT CHARGE

A charge of ~~\$29~~²⁷ shall be paid for each check or electronic transaction received as payment to the District that is returned unpaid from a financial institution.

D. PROCESSING FEES FOR DELINQUENT CHARGE COLLECTION THROUGH LIENS AND PROPERTY TAX BILLS ON MULTI-FAMILY RESIDENTIAL ACCOUNTS

For multi-family residential accounts, the District may place liens on parcels with unpaid charges and collect unpaid amounts on parcels' property tax bills. Multi-family residential accounts are any residential accounts where a water meter serves two or more dwelling units.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/~~2024~~²³

- | | |
|--|---|
| 1. Lien Filing Fee | \$169 per lien (in Alameda County)
\$145 per lien (in Contra Costa County) |
| 2. Lien Removal Fee | \$123 (in Alameda County) and
\$119 (in Contra Costa County) for first
lien removed

\$56 (in Alameda County) and \$52 (in
Contra Costa County) for each additional
lien removed at the same time |
| 3. Property Tax Transfer Fee Unpaid
Charges with Liens Recorded | \$24 +1.7% (in Alameda County)

\$24 +\$3 per parcel (in Contra Costa
County) |

E. PROHIBITED WATER USE CHARGE

A charge of \$50 shall be paid to cover the monitoring costs incurred by the District if, after written notification, excessive or prohibited water use is not curtailed.

F. FLOW-RESTRICTOR INSTALLATION

The charge for District installation of a flow-restricting device on any service that continues excessive water use, after written notification, will be in accordance with the following schedule:

1. On services two-inches and smaller –

5/8" and 3/4"	\$141 <u>149</u>
1"	\$141 <u>149</u>
1-1/2"	\$284 <u>320</u>
2"	\$284 <u>320</u>

2. All others –

The charges for installing flow-restricting devices on water services, other than those in the above schedule, shall be the reasonable estimated~~actual~~ cost for the work including~~of~~ installing the device, as determined by the District, including engineering, equipment, material, consumables, labor, and related ~~overhead~~-expenses.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/~~2024~~²³

G. NOTICE OF PROHIBITED WATER USE AND FLOW-RESTRICTOR CHARGES

For the purposes of Sections E and F above, written notification shall:

1. Specify the date by which excessive or prohibited water use must be curtailed to avoid further enforcement action; and
2. Be sent by certified mail (return receipt requested) or by other written means which would be sufficient for obtaining personal service in a legal proceeding.

H. RESCINDED 12/10/96

I. BACKFLOW DEVICE ANNUAL CERTIFICATION CHARGE

Where it is probable that a pollutant, contaminant, system, or plumbing hazard may be created by a water user, or where the water system is unstable and cross-connections may be installed or reinstalled, an approved backflow prevention device of the proper type is required for all premises except for conforming single-family premises at the customer's expense. See Section 26 of the District's Regulations Governing Water Service.

1. The charge for administering the Backflow Program Certification for all specified accounts (annually) \$~~62~~⁶⁸
2. The charge for District staff to conduct a *Change of Responsible Party* or *Change of Use Survey* or to respond to a commercial customer's request for a backflow/cross connection survey, an initial or follow-up backflow inspection \$~~142~~¹⁶⁰/hr.
3. The charge for backflow testers to be placed on the District's list of certified testers \$~~177~~¹⁹⁵

J. BACKFLOW DEVICE VIOLATION

For those customers where the service has been terminated for failure to meet the District's Backflow Program requirements, a charge will be made pursuant to the termination and restoration of service \$~~649~~⁶⁸³

K. LATE PAYMENT PENALTY AND INTEREST

For those customers with outstanding overdue balances exceeding \$10 at billing, a charge equivalent to 1.5 percent of the overdue balance (minimum charge \$1) will be made to recover foregone interest on District money, and the District's costs to process overdue accounts. Customers in the Customer Assistance Program shall be exempt from the late payment penalty and interest.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/~~2024~~²³

L. PROCESSING FEE FOR INTERVENING WATER SERVICE AGREEMENT

The charge for the District to process an intervening water service agreement for a participating landlord in the District's automated landlord sign-on service is ~~\$768~~¹

Requests to modify intervening water service agreement property account information must be submitted in writing and can be dropped off, mailed, or faxed to a District business office.

The charge for each written request to modify the original intervening water service agreement by adding to or deleting property account information from the original agreement is ~~\$768~~¹

M. SERVICE TRIP CHARGE

The charge for District staff to perform special services for customers is \$50

The charge may be applied for, but is not limited to the following:

1. Additional field stops beyond the initial service interruption to shut off service due to non-payment, including a field stop to lock the meter if the customer self-restores water service prior to making payment;
2. Follow-up site visits to customers who have not complied after the District's notification to correct an obstructed meter condition or to remove unauthorized devices or equipment attached to District property in the meter box; and
3. Field inspections conducted at the customer's request.

N. PUBLIC HYDRANT METER ACCOUNT ESTABLISHMENT CHARGES

Customers can request a 3-inch hydrant meter that can be hooked up to a public fire hydrant to measure water use at a property site. Customers are required to: 1) provide hydrant meter readings every two months, within two weeks of the meter read due date; 2) return hydrant meter equipment within one month following a meter use period; and 3) renew the hydrant meter permit and exchange the hydrant meter equipment within 11 months from the date of issuance, if continued use is desired.

The charge to establish water service for a hydrant meter is ~~\$137~~¹⁴⁵

The charge to renew a hydrant meter account at the end of a 12-month period is ~~\$137~~¹⁴⁵

Hydrant meter security deposit ~~\$1,350~~^{1,490}

If a field stop is required to establish a new account, a ~~\$273~~²⁸⁹ site visit charge shall be paid in addition to the ~~\$137~~¹⁴⁵ account establishment charge. (See Section O.)



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE 07/01/~~2024~~²³

O. PUBLIC HYDRANT METER ACCOUNT SITE VISIT CHARGE

The charge for a Field Services Representative to conduct a hydrant meter site visit to perform special services for customers is

\$~~273~~²⁸⁹

The charge shall be applied for, but is not limited to the following:

1. Reading hydrant meters for which the two-month reading was not submitted by the customer;
2. Retrieving hydrant meter equipment from a customer site;
3. Delivering hydrant meter equipment to a customer; and
4. Establishing or renewing a hydrant meter account in the field.

Schedule D

Water Service Installation Charges



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

Requests for the installation of a water service or changes to a water service must comply with all applicable District Regulations Governing Water Service

A. INSTALLING A SERVICE

The charge for installing water service (meter, lateral, and appurtenances), including a private fire service requiring a meter that is smaller than 4 inches, will be in accordance with the following schedule. The charge for installing a private fire service meter that is 4 inches or larger is set forth in Schedule E – Private Fire Service Installation Charges.

1. METERS SMALLER THAN FOUR INCHES

a. Regular Services (1 meter per lateral)

LATERAL AND METER SIZE	INSTALLED IN PAVED CONDITIONS ¹		INSTALLED IN UNPAVED CONDITIONS ²	
1" and smaller Lateral with 1" and under meter	\$10,483	<u>\$11,010</u>	\$5,681	<u>\$6,068</u>
1-1/2" Lateral with 1- 1/2" and under meter	17,317	<u>18,076</u>	10,635	<u>11,153</u>
2" Lateral with 2" and under meter	17,317	<u>18,076</u>	10,635	<u>11,153</u>
3" ³ Lateral with 3" and under meter	37,365	<u>38,706</u>	25,868	<u>26,713</u>
4" ³ Lateral with 4" and under meter	37,365	<u>38,706</u>	25,868	<u>26,713</u>

Cost to install services with 6" laterals and larger will be calculated on a ~~reasonable~~^{actual} cost basis.

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

³ Requires steel pipes.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

b. Branch Services (2 or more meters per lateral)

METER SIZE	# OF METERS	INSTALLED IN PAVED CONDITIONS ⁴	INSTALLED IN UNPAVED CONDITIONS ⁵
5/8" Meters	2	\$11,141	\$6,339
	3	17,700	11,049
	4	18,357	11,676
	5	19,015	12,334
	6	19,672	12,991
	7	20,330	13,649
	8	20,988	14,307
1" Meters	2	17,042	10,361
	3	17,700	11,049
	4	18,357	11,676

c. Adjustment for Applicant Assisted Service Installations

Applicants requesting installation of at least 15 service laterals may choose to provide their own trenching and backfilling and be eligible to receive a refund of up to ~~\$583614~~ per service lateral installed provided that the applicant:

- (i) pays the appropriate charges for each service as specified in sections (a) or (b) above.
- (ii) clears the construction site of obstructing materials and equipment.
- (iii) excavates a minimum of 15 service laterals ahead of District crews.
- (iv) hauls sand and select backfill to the construction site for use by District crews in supporting the service lateral and for applicant backfilling of trenches.
- (v) backfills and compacts the trenches after District crews have installed and properly secured the service lateral.
- (vi) reimburses the District for (1) unproductive crew standby due to applicant's failure to prepare the site or excavate trenches in advance; (2) District costs to repair damage done by applicant's trenching operation.

⁴ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

⁵ Unpaved conditions are limited to conditions where paving has not previously existed, and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

2. ALL OTHERS

The charge or credits for installing all water services other than those specified in Section (A)(1) of this schedule shall be the ~~reasonable estimated~~^{actual} cost ~~for the work including~~^{of} installing the service, as determined by the District, including engineering, equipment, material, consumables, labor, and related ~~overhead~~ expenses. The charge for installing private fire service requiring a meter that is 4 inches or larger is stated in Schedule E.

B. COST OF INCREASING METER SIZE (Up to available capacity on existing lateral)

<u>1" and smaller Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
	\$1,291 <u>1,358</u>

<u>1-1/2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 1-1/2"	\$1,380 <u>1,449</u>

<u>2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 2"	\$1,380 <u>1,449</u>

<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 2"	\$1,380 <u>1,449</u>

<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 4"	\$7,389 <u>7,598</u>

C. COST OF REDUCING METER SIZE (Additional charge of \$600 if concrete replacement required)

1", 1-1/2" and 2" Laterals	to smaller meter	\$1,272 <u>1,339</u>
----------------------------	------------------	---------------------------------

3" and 4" Laterals	to smaller meter	\$3,448 <u>3,602</u>
--------------------	------------------	---------------------------------

D. RELOCATING AN EXISTING SERVICE

1. To relocate an existing service perpendicular to the curb line or a distance not exceeding five feet parallel to the curb line, a charge will be ~~\$2,710~~ 2,860.
2. To transfer service or to relocate an existing service a distance exceeding five feet parallel to the curb line, a charge will be made in accordance with Section A – Installing a Service plus the cost of eliminating old service connection.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

E. RESETTling OR REPLACING A METER

There will be a charge equivalent to 5.0 percent of the water service installation charge for resetting a meter on an existing service connection.

There will be a charge equivalent to 5.0 percent of the water service installation charge for replacing a meter when applicants lose or damage meters when constructing new developments.

F. CONVERSION OF INDIVIDUAL SERVICE TO BRANCH SERVICE AND CONVERSION OF BRANCH SERVICE TO INDIVIDUAL SERVICE

(Multi-metering, when feasible)

Branch Conversion \$~~2,492~~^{2,617} for two meter conversion, \$~~658~~⁶⁷⁴ for each additional meter
(Additional charge of \$600 if concrete replacement is required)

G. SERVICE ELIMINATIONS

3/4" to 2" \$~~2,492~~^{2,695} (Additional charge of \$600 if concrete replacement required)

3" to 12" \$~~4,354~~^{4,568} (Additional charge of \$600 if concrete replacement required)

H. INSTALLATION OR OTHER WORK UNDER UNUSUAL CONDITIONS

The above charges apply to installation charges for water services four inches and smaller except where there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestions, known potential for archeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, and/or clean soil utility corridor establishment, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's reasonable estimated~~actual~~ cost for the work including ~~of~~ all engineering, material, equipment, labor, consumables, and related ~~overhead~~ expenses incidental to the installation.

Schedule E

Private Fire Service Installation Charges



SCHEDULE E – PRIVATE FIRE SERVICE INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

Requests for the installation of a private fire service must comply with all applicable District Regulations Governing Water Service.

A. INSTALLING A PRIVATE FIRE SERVICE

The charge for installing a private fire service (fire service meter, lateral, and other appurtenances necessary to support a property's fire sprinkler system) will be in accordance with the following schedule:

METER SIZE	INSTALLED IN PAVED CONDITIONS ¹	INSTALLED IN UNPAVED CONDITIONS ²
4"	\$30,496 <u>\$31,838</u>	\$19,000 <u>\$19,844</u>
6"	33,162 <u>34,443</u>	21,666 <u>22,450</u>
8"	33,162 <u>34,443</u>	21,666 <u>22,450</u>

The typical private fire service installation will require a meter that is 4" or larger. Cost to install a meter smaller than 4" is shown in Schedule D – Water Service Installation Charges, Section A.1 – Installing a Service, Meters Smaller Than Four Inches.

Cost to install a meter 10" and larger will be determined by the District based on a ~~reasonable~~actual cost basis.

B. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for private fire services except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and/or clean soil utility corridor establishment, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's reasonable estimated~~actual~~ cost for the work including~~of~~ all engineering, material, equipment, consumables, labor, and related ~~overhead~~ expenses incidental to the installation.

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

Schedule F

Public Fire Hydrant Installation Charges



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

Requests for the installation, removal, or relocation of a fire hydrant must comply with all applicable District Regulations Governing Water Service.

The following charges will be made for the installation, removal, or relocation of a fire hydrant.

A. HYDRANT INSTALLATION BY THE DISTRICT

The charge for installation of a fire hydrant by the District on an existing main or on/with new mains is \$~~32,517~~^{33,790} in paved¹ and \$~~21,021~~^{21,796} unpaved² conditions.

For hydrants installed by applicant on/with new mains installed by the Applicant see Section B below.

B. HYDRANT INSTALLATIONS BY APPLICANT ON APPLICANT-INSTALLED MAIN EXTENSIONS

1. Basic charge for materials and handling for 6-inch fire hydrant \$~~4,920~~^{4,884}
2. Material charge for services laterals \$21 per foot

NOTE: Applicants will not be permitted to install a fire hydrant on an existing main.

C. HYDRANT REMOVAL

1. The charge to remove a hydrant located in paved¹ sidewalk \$~~4,354~~^{4,568}
2. The charge to remove a hydrant located in unpaved² surface \$~~2,690~~^{2,823}

D. RELOCATION OF A FIRE HYDRANT

The charge for the relocation of a hydrant will be the charge for the hydrant removal (Section C) plus the charge for the installation of a new hydrant (Section A).

E. SETBACK/OFFSET OF A FIRE HYDRANT

Where the relocation of a fire hydrant does not require a new connection to the main, the charge is \$~~10,874~~^{11,192}. There is an additional charge of \$600 for concrete replacement.

F. REPLACEMENT OF A HYDRANT BODY

To replace an existing hydrant with a MODEL-64 hydrant body or equivalent on a wet barrel, above ground shutoff type hydrant, the replacement charge is \$~~1,858~~^{1,894}.

¹ Paved conditions are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist.

² Unpaved conditions are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final list.



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE 07/01/~~2024~~²³

G. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for fire hydrant installations except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to added testing and inspection, changes due to project revisions, property rights evaluation, and/or clean soil utility corridor establishment, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the charge or credit will be based on the District's reasonable estimated~~actual~~ cost for the work including~~of~~ all engineering, material, equipment, consumables, labor, and related expenses incidental to the installation.

Schedule G

Water Main Extension Charges



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/~~2024~~²³

Requests for the installation of a water main extension must comply with all applicable District Regulations Governing Water Service.

A. DISTRICT-INSTALLED MAINS

The charge for District-installed main extensions up to 1,000 feet shall be based on the standard charges as specified below.

1. Charge for engineering, inspection, pipeline materials and appurtenances, and installation of the required mains by the District in unpaved streets and in paved streets, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:

- a. Basic installation charge of ~~\$4,654~~^{\$4,912}
plus,

Linear foot charge, for combined length of main extension of 0 to 1,000 feet:

In unpaved streets¹

2-inch PVC pipe	\$245 ^{\$258} per foot
2-inch Copper pipe	286 ³⁰¹ per foot
6-inch/8-inch PVC or HDPE pipe	388 ⁴⁰⁸ per foot
6-inch/8-inch Ductile Iron pipe	422 ⁴⁴⁴ per foot
6-inch/8-inch Steel pipe	443 ⁴⁶⁶ per foot
12-inch HDPE pipe	545 ⁵⁷³ per foot
12-inch Steel pipe	600 ⁶³¹ per foot

In paved streets²

2-inch PVC pipe	\$402 ^{\$423} per foot
2-inch Copper pipe	442 ⁴⁶⁵ per foot
6-inch/8-inch PVC or HDPE pipe	532 ⁵⁶⁰ per foot
6-inch/8-inch Ductile Iron pipe	567 ⁵⁹⁶ per foot
6-inch/8-inch Steel pipe	588 ⁶¹⁸ per foot
12-inch HDPE pipe	692 ⁷²⁸ per foot
12-inch Steel pipe	747 ⁷⁸⁶ per foot

- b. The above charges apply to all District-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, known potential for archaeological or paleontological resources, contaminated soils, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including but not limited to hydraulic analysis, property rights

¹ Unpaved streets are limited to conditions where paving has not previously existed and the only existing utilities are sanitary sewer and storm drain. The conditions of the site must not include asphalt, curb, gutter, paving, or first or final lift.

² Paved streets are areas already paved and with existing utilities, curb, gutter, and asphalt in place. Paved conditions also include areas where more utilities than sanitary sewer or storm drain exist



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/~~2024~~²³

evaluation, and/or clean soil utility corridor establishment. In such cases, the ~~additional~~ charge will be based on the District's reasonable estimated~~actual~~ cost for the work including~~of~~ all engineering, material, equipment, consumables, labor, and related ~~overhead~~ expenses incidental to the installation.

2. Charges for Pipe Greater than 12-Inches

Charges for District-installed mains greater than 12-inches will be based on a District engineering cost estimate.

B. APPLICANT-INSTALLED MAINS

The charge for Applicant-installed main extensions over 1,000 feet shall be based on the following standard charges:

1. Charge for engineering, inspection, and certain pipeline materials, designated below for the installation of the required water mains by the applicant, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:
 - a. Basic installation charge of ~~\$4,654~~4,912 plus

Linear foot charge of:

6-inch/8-inch diameter pipe	\$6569 per foot
12-inch diameter pipe	\$7781 per foot
16-inch and larger diameter pipe	See B, 3 below
 - b. The charge to the applicant for District-supplied pipe and fittings (which include valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications) will be the District's cost for these materials including tax and shipping.
 - c. The above charges apply to all Applicant-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the ~~additional~~ charge will be based on the District's reasonable estimated~~actual~~ cost for the work including~~of~~ all engineering, material, equipment, consumables, labor, and related ~~overhead~~ expenses incidental to the installation.

In all cases the District will supply valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications.



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE 07/01/~~2024~~²³

2. Credits (where applicable) when pipe to be installed by the applicant is required by the District to be larger than the pipe size needed to serve the applicant or when applicant installs District improvements in conjunction with applicant-installed main extensions will be based on a District engineering cost estimate.

3. Charges for Pipe Greater than 12-Inches

Charges for Applicant-installed mains greater than 12-inches will be based on a District engineering cost estimate.

Schedule H

Standard Participation Charge (SPC)



SCHEDULE H – STANDARD PARTICIPATION CHARGE (SPC)

EFFECTIVE 07/01/~~23~~2024

A. The Standard Participation Charge for each standard service installed shall be:

Meter Size	Gravity Zone ¹	Pumped Zone ²
5/8" and 3/4"	\$4,549 <u>\$4,540</u>	\$7,192 <u>\$7,110</u>
1"	11,372 <u>11,340</u>	17,980 <u>17,780</u>
1-1/2"	22,743 <u>22,700</u>	35,960 <u>35,600</u>
2"	36,389 <u>36,300</u>	57,536 <u>56,900</u>
3"	72,778 <u>72,600</u>	115,072 <u>113,800</u>
4"	113,715 <u>113,400</u>	179,801 <u>177,800</u>

The Standard Participation Charge for each meter larger than four inches shall be determined on a case-by-case basis by the District, considering such factors as the projected demand which the service would impose on the District system, the maximum intermittent flow rate of the meter compared to a 5/8" meter, and whether the service is solely domestic or is combined with a fire service. In no event shall the standard participation charge for a meter larger than four inches be less than \$~~113,400~~113,715 in gravity zones or \$~~177,800~~179,801 in pumped zones.

¹ This charge covers general water main oversizing and future water supply.

² This charge covers major facilities capacity, water main oversizing and future water supply.

Schedule J

System Capacity Charge (SCC)



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

A. SCC FOR STANDARD SERVICE¹

The SCC is calculated based on the applicant's projected average annual demand.

1. Non-Residential Service Connections SCC² for meters up to 1-1/2 inches (dollars per connection)

METER SIZE (INCHES)	REGION ³		
	1	2	3
5/8	\$17,190 ^{\$17,200}	\$33,139 ^{\$33,310}	\$36,667 ^{\$36,740}
3/4	28,092 ^{28,100}	47,427 ^{47,670}	56,116 ^{56,240}
1	53,458 ^{53,480}	84,932 ^{85,360}	99,956 ^{100,170}
1-1/2	139,411 ^{139,470}	241,105 ^{242,320}	246,224 ^{246,750}

The District reserves the right to request additional information, including specific water use information from the applicant. The District reserves the right to determine the appropriate meter size to serve the applicant's projected demand needs and assess the SCC using this Section (A)(1). If the District determines that the applicant's projected average annual demand exceeds 3,200 gallons per day (gpd) for non-residential service connections or that a meter larger than 1-1/2 inches is required to meet the applicant's projected demand needs, this Section (A)(1) no longer applies. For projected average annual demand exceeding 3,200 gpd for non-residential service connections and/or meters larger than 1-1/2 inches, Section(A)(3) shall be used to determine the SCC based on the applicant's projected average annual demand and the unit charges set forth therein. The District's decision regarding the applicable SCC shall be final.

For service connections with meters larger than 1-1/2 inch see Section 3.

¹ This charge covers the cost of System-wide Facilities Buy-in, Regional Facilities Buy-in and Future Water Supply.

² The SCC charged to the applicant will be based on the water meter size required to meet the indoor needs (excluding private fire service needs) and outdoor watering needs of the premises as determined solely by the District based on the plumbing code, the District's review, and water industry standards. The meter(s) that is installed may be larger than the meter size that is used to determine the applicable SCC fee if the service is combined with a private fire service or if a separate irrigation meter is required (See Sections D – Combined Standard and Fire Service and I – Required Separate Irrigation Meter for Single Family Premises.)

³ REGION	GENERAL DESCRIPTION
1	Central Area (gravity zones West-of-Hills) El Sobrante and North (pumped zones)
2	South of El Sobrante to vicinity of Highway 24 (pumped zone) South from vicinity of Highway 24 (pumped zones) Castro Valley Area (pumped zones) North Oakland Hill Area (pumped zones, formerly 4A)
3	Orinda-Moraga-Lafayette Area (pumped zones) San Ramon Valley and Walnut Creek (pumped and gravity zones)



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

2. Single Family Service Connections SCC² with typical use demand patterns that can be served by meters up to 1-1/2 inches (dollars per connection)

METER SIZE (INCHES)	REGION ³		
	1	2	3
3/4	\$13,277 ^{\$13,280}	\$20,836 ^{\$20,940}	\$39,058 ^{\$39,140}
1	18,868 ^{18,880}	44,649 ^{44,870}	59,783 ^{59,910}
1-1/2	24,109 ^{24,120}	57,548 ^{57,840}	76,920 ^{77,080}

The District reserves the right to request additional information, including specific water use information, from the applicant. The District reserves the right to determine the appropriate meter size to serve the applicants projected demand needs and assess the SCC using this Section (A)(2).

Where two or more single family dwelling units are located on one premises the District shall determine the appropriate meter size for each single-family dwelling individually and determine the SCC in for each dwelling in accordance with Section (A)(2).

For service connections with larger meters or greater than 1,940 gpd projected average annual demand for single family residential service, Section(A)(3) shall be used to determine the SCC based on the applicant's projected average annual demand and the unit charges set forth therein. The District's decision regarding the applicable SCC shall be final.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by [Chapter 13 of Division 1 of Title 7 of the Government Code](#)~~Government Code Sections 65852.2 and 65852.22.~~



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

3. SCC for Larger Meters

The SCC for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same unit charge and criteria as apply to the SCC for smaller meters. The SCC will be calculated based on the unit charges for each of the four components listed below:

Component	Unit Charge (\$/100 gpd)
Post-2000 (Add'l Regions 3C & 3D only)	SCC Region Specific
Regional Facilities Buy-in	SCC Region Specific
System-wide Facilities Buy-in	\$4,025 ^{4,039}
Future Water Supply ⁴	1,017

The unit charges for the components that are specific to a SCC Region are:

Region	Post-2000 Component	Regional Facilities Buy-In Component
1	n/a	\$1,949 ^{\$1,932}
2	n/a	4,930 ^{4,866}
3	n/a	2,946 ^{2,915}
3C	\$7,610 ^{\$7,876}	2,462 ^{2,448}
3D	7,610 ^{7,876}	2,462 ^{2,448}

In no instance will the SCC for a meter larger than 1-1/2 inches be less than the 1-1/2 inch ~~charge price~~ from the appropriate Section 1 or 2, above.

The SCC ~~rounded to the nearest hundred dollars~~ will be determined by multiplying the sum of the unit charge of the four components by the water use information furnished by the applicant, ~~rounded to three significant places~~.

If the District has determined, based on water use information furnished by the applicant, that a meter size larger than 1-1/2 inches is required to meet the applicant's projected demand needs or if the projected average annual demand exceeds 3,200 gpd (non-residential) or 1,940 gpd (single family residential), the SCC shall be calculated pursuant to this subdivision irrespective of the arrangement of water metering or meter size at the premises.

⁴ The Future Water Supply component for Region 3C is based on 1993 agreement (see Section B1).



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

4. SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for water service at multi-family premises shall be as listed below. ~~For purposes of this Schedule J, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.~~

Multi-Family Premises			
Dollars per Dwelling Unit (DU)			
REGION ⁵			
	1	2	3
For Dwelling Units Over 500 square feet	\$8,386 ^{\$8,390}	\$11,906 ^{\$11,970}	\$9,565 ^{\$9,590}
For Dwelling Units 500 square feet and under ⁶	6,639 ^{6,640}	9,426 ^{9,470}	7,572 ^{7,590}

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable to provide irrigation for landscaping on the premises for landscape areas up to 5,000 square feet. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve landscape areas greater than 5,000 square feet and for other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. ~~(collectively, “common-area”).~~ The SCC shall be based on meter size as provided under A.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by [Chapter 13 of Division 1 of Title 7 of the Government Code](#) ~~Government Code Sections 65852.2 and 65852.22.~~

⁵ Same regions as described in A.2.

⁶ The applicant must submit sufficient documentation, as determined by the District, from the local building department that shows the dwelling unit living space square footage is 500 square feet or less for any dwelling unit to qualify for the 500 and under square foot MFR SCC. Documentation can be approved architectural drawings or other approved records of the dwelling unit living space.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS⁷

The System Capacity Charge for non-residential and for single-family residential water service at premises other than multi-family premises shall be as follows (dollars per connection):

1. Non-residential water service at premises other than multi-family premises shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION ⁸			
	3C ⁹		3-D	
5/8	n/a		\$117,130	\$119,192
3/4	n/a		175,700	178,788
1	n/a		293,420	298,575
1-1/2	n/a		586,840	597,151

For service connections with larger meters see Section 3 below.

2. Single-family service connections shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION ^{8,9}			
	3C ⁹		3-D	
3/4	\$114,980		\$117,130	\$119,192
1	192,020		195,610	199,050
1-1/2	384,040		391,220	398,101

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by Chapter 13 of Division 1 of Title 7 of the Government Code ~~Government Code Sections 65852.2 and 65852.22~~.
For service connections with larger meters see Section 3.

⁷ This charge covers the cost of System-wide Facilities Buy-In, Regional Facilities Buy-In and Future Water Supply. The Additional Regions are low-density, residential in nature. It is not anticipated that meters larger than 3/4-inch (excluding fire flow requirements) will be installed in these Regions.

⁸ ADDITIONAL REGION	GENERAL DESCRIPTION
3-C	South of Norris Canyon Road (pumped zones)
3-D	South of Norris Canyon Road outside Wiedemann Ranch (pumped zone)

⁹ The Future Water Supply component of the SCC for Region 3C is set by the July 20, 1993 Wiedemann Agreement, indexed to the U.S. City Average of the Consumer Price Index and used by EBMUD to fund conservation programs. The total Future Water Supply component of the SCC for the common areas in Region 3C shall be paid as a condition for the issuance of the first water meter for the common area. The SCC for non-residential services (e.g., common area irrigation) shall be uniquely calculated in accordance with the Wiedemann Agreement.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

3. SCC for Larger Meters

The SCC for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same cost components and criteria as apply to the SCC for smaller meters. (See Section A.3)

4. Separate SCC for Standard Service to Multi-Family Premises

The SCC for water service at multi-family premises shall be as listed below. ~~For purposes of this Schedule J, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.~~

Multi-Family Premises Dollars per Dwelling Unit		
ADDITIONAL REGIONS ¹⁰		
	3-C	3-D
For each Dwelling Unit	\$45,222 ^{\$44,360}	\$41,832 ^{\$41,110}

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises for landscape areas up to 5,000 square feet. All other ~~rates and~~ charges shall be based on actual number and size of meters and do not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve landscape areas greater than 5,000 square feet and for other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under B.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, installation fees and capacity charges will be imposed only as authorized by [Chapter 13 of Division 1 of Title 7 of the Government Code](#) ~~Government Code Sections 65852.2 and 65852.22~~

¹⁰ Same regions as described in B.1.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

C. LOW-PRESSURE SERVICE

Where a larger meter is installed because of low-pressure conditions, the applicable System Capacity Charge shall be determined on the basis of the size of the meter which would be required for a standard service as determined by the District based on plumbing code and water industry standards. All other rates and charges shall be based on actual meter size.

D. COMBINATION STANDARD AND FIRE SERVICE

Where a meter is installed to provide both standard service and a supply to a private fire protection system, at other than multi-family premises, the applicable System Capacity Charge shall be based on the meter size required for standard service exclusive of the capacity for supplying the fire protection system as determined by the District based on plumbing code, fire protection code and water industry standards. The installation charges shown in Schedule D and all other rates and charges pertaining to the service shall be based on the actual size of the meter that is installed.

E. FIRE SERVICES AND STANDBY SERVICES

For fire services and standby services (additional service connections for security of supply), there shall be no System Capacity Charges.

F. ADDITIONAL WATER USE ON PREMISES RECEIVING SERVICE

The System Capacity Charge applicable to enlargement of an existing service at other than multi-family premises shall be based on the difference in SCC for the new service size and the existing service size.

The District may assess additional System Capacity Charges to an existing service at other than multi-family premises with services larger than 1 ½" in accordance with section A.3.

If additional dwelling units are constructed on premises subsequent to the installation of service and payment of an SCC under A or B-4, then the SCC applicable to each additional dwelling unit shall be immediately due and payable.

G. CREDIT FOR EXISTING SERVICES

Where one or more new services will replace one or more existing or prior services or will expansion of an existing service to a premises where an SCC was paid to initiate the water service, a credit will be given toward the new SCC based on the customer classification, meter size or water use information that was used to calculate the initial SCC payment (see Section A – SCC for Standard Service). For instances where the existing or prior services were installed prior to 1983 and no SCC was paid, the SCC credit for meter sizes under 2" will be based on Sections ~~A-1 and A-2~~ – SCC for Standard Service. For existing or prior services with meter sizes 2" and greater where no SCC was paid, the annual average of the past ten years of water consumption will be used to determine the SCC credit, but in no instance will the credit be less than that of a 1.5" meter size for the customer classification listed in Sections A.1 and A.2 – SCC for Standard Service. No SCC credit will be given



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

unless prior service to the premises is verified. If the SCC is paid with the service connection to be completed by meter installation at a later date, and existing service(s) are to remain in service until that time, the applicable credit for the existing service(s) will be in the form of a refund when the existing services are removed. The SCC credit cannot be applied to a standby meter, fire service meter, or in the case of a ~~combination standard and fire~~ dual service meter, the portion of the meter oversized for the private fire protection system. Where the initial SCC payment was made under Schedule J Section I – Required Separate Irrigation Meter for Single Family Premises, the SCC credit cannot be applied to the separate irrigation meter without a SCC credit on the residential meter. The SCC credit for an existing service can only be applied to the premises where the existing service is located. “Premises” is defined in Section 1 of the District’s Regulations Governing Water Service.

For a common area meters installed under the July 20, 1993 Wiedemann Agreement, credit toward a new SCC for these meters will be based on the actual SCC payment for each meter installed, not based on the size of the existing meter.

No credit will be provided for Accessory Dwelling Units that did not pay an initial SCC regardless of metering arrangements.

H. TEMPORARY CONSTRUCTION SERVICE

A System Capacity Charge paid on a temporary construction service will be refunded if said service is removed within a 1-year period after installation.

I. REQUIRED SEPARATE IRRIGATION METER FOR SINGLE FAMILY PREMISES

If an irrigation meter is required for a single-family premises because the irrigable landscape area meets or exceeds the applicable threshold ~~for a dedicated irrigation meter~~ in Section 31 of the Regulations, two meters will be installed – one for the indoor and private fire service (if applicable) needs of the building and a separate meter dedicated for irrigation. One single-family premises SCC shall be applicable based on the hydraulic capacity needed to serve the irrigation and indoor needs. The hydraulic capacity of the installed meter or meters will be equal to or exceed the hydraulic capacity of the meter size that was charged in the SCC fee. The installation charges shown in Schedule D and all other rates and charges pertaining to the service(s) based on the actual size of the meter(s) that are installed shall apply.



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

J. NONPOTABLE WATER SERVICE

1. Nonpotable Water Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION		
	1	2	3
5/8	\$2,502 ^{\$2,500}	\$3,397 ^{\$3,400}	\$4,678 ^{\$4,680}
3/4	4,088 ^{4,090}	4,861 ^{4,860}	7,160 ^{7,160}
1	7,780 ^{7,780}	8,706 ^{8,710}	12,753 ^{12,750}
1-1/2	20,289 ^{20,290}	24,713 ^{24,710}	31,415 ^{31,420}

All SCCs for nonpotable water service connections with meters larger than 1-1/2 inches shall be determined by applying the Future Water Supply Component unit charge to the defined projected water demand approved by the District. The SCC will not be less than the 1-1/2 inch meter charge ~~from Section J.1~~ ^{by region noted} above.

K. ~~DUAL STANDARD~~ ^{POTABLE AND NONPOTABLE} SERVICES

An SCC shall be applicable for separate meters installed to provide ~~dual~~ (potable and nonpotable) standard service, based on the meter size(s) for each service.

L. ADJUSTMENT OF SCC FOR WATER-CONSERVING LANDSCAPING ON PUBLICLY OWNED PROPERTY

To further encourage water conservation, the SCC for a water service connection exclusively for irrigation of landscaping on property owned by a public agency may be reduced or not required based on long-term water service needs after an initial planting establishment period of not more than three years (the "initial period"); provided that (1) the landscape plan incorporates drought-tolerant and other low-water-use planting materials on a major part of the landscaped area, and (2) the long-term water need would result in replacement of the initial water meter with a smaller meter or water service would be discontinued and removed at the end of the initial period, as solely determined by the District.

A public agency applying for water service under such conditions shall submit a written request to the District prior to the time of payment of the SCC. The request shall set forth in detail the facts supporting an adjustment of the SCC, shall include information and plans clearly describing the planting materials and irrigation system, and shall include data and calculations clearly demonstrating the estimated initial and long-term water needs.

If the District determines that the SCC can be based on a smaller meter or discontinuation of service after the initial period, the public agency shall enter into a water service agreement which provided for (1) payment of the reduced SCC prior to installation of service; (2) verification of the long-term need at the end of the period; and (3) payment of the additional SCC required if the initial meter is not to be replaced, ~~if~~ ^{if} the replacement meter is larger



SCHEDULE J – SYSTEM CAPACITY CHARGE (SCC)

EFFECTIVE 07/01/~~2024~~²³

than initially determined, or if water service is not discontinued and removed. If additional SCC payment is required, it shall be based on the charges in effect at the time of initial SCC payment, and shall be due and payable within 30 days of written notice from the District. The agreement shall be binding upon all subsequent owners of the property and shall be recorded.

Installation charges for the service connection shall be based on the meter size initially installed.

The above-mentioned SCC adjustments do not apply to nonpotable water service accounts.

Schedule N

Water Demand Mitigation Fees



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

The Water Demand Mitigation Fee funds District conservation programs that are intended to achieve water savings that offset water demand from development within the territory or development where the fees are collected. The Water Demand Mitigation Fee is payable at the time application for service is made or prior to release of the distribution system pipelines and related appurtenances when the installation of water main extensions are required.

A. WATER DEMAND MITIGATION FEES FOR “THE MEADOWS” TERRITORY

For service connections within “The Meadows” territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY
5/8	\$6,928 \$6,930
3/4	9,977 9,980
1	15,519 15,520
1-1/2	29,930 29,930

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY
5/8	\$6,784 \$6,780
3/4	9,977 9,980
1	15,519 15,520
1-1/2	29,930 29,930

3. The Water Demand Mitigation Fee for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.09) established by the Board of Directors for smaller meters.

¹ As defined in Contra Costa Local Agency Formation Commission Resolution No. 96-33, adopted August 13, 1997.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

- For phased developments within The Meadows territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

B. WATER DEMAND MITIGATION FEES FOR “THE WENDT RANCH” TERRITORY

For service connections within “The Wendt Ranch” territory² payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

- Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY
5/8	\$8,899 \$8,900
3/4	12,814 12,810
1	19,933 19,930
1-1/2	38,443 38,440

- Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY
5/8	\$8,714 \$8,710
3/4	12,814 12,810
1	19,933 19,930
1-1/2	38,443 38,440

- The Water Demand Mitigation Fee for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.40) established by the Board of Directors for smaller meters.
- For phased developments within The Wendt Ranch territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

² As defined in Contra Costa Local Agency Formation Commission Resolution 97-5, adopted March 12, 1997.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

C. WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT³

For service connections within “The Wiedemann Ranch Development”, payment of a Water Use Offset Fee shall be required in addition to all other applicable fees and charges, including the System Capacity Charge (SCC).⁴

1. Common Area Offset Fee

The total Water Use Offset Fee for common areas in The Wiedemann Ranch Development is \$~~85,583~~88,228, and payable as a condition of issuance of the first meter for the common area.⁵

2. Single Family Service Connections

The Water Use Offset Fee for each residential lot in The Wiedemann Ranch Development is \$~~8,542~~8,806, which amount shall be indexed using the same index as for the common area offset fee.

D. ADDITIONAL WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT³

For water service within the Wiedemann Ranch Development, payment of Additional Water Use Offset Fees shall be required in the event the annual water budget⁶ is exceeded.

1. The Additional Water Use Offset Fee shall be determined by the number of gallons of water used during the average of the two consecutive years in excess of the annual water budget times the per gallon fee of \$19.01~~18.44~~.⁷

³ The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen (“Wiedemann Agreement”).

⁴ The Wiedemann Agreement specifies the amount and other terms related to the Future Water Supply Component of the SCC for the Wiedemann Ranch Development.

⁵ The Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the offset fee.

⁶ The Wiedemann Agreement specifies the formula for calculating the annual water budget and the specific methodology for calculating and collecting the additional water use offset fee.

⁷ The Wiedemann Agreement specifies the terms related to the Additional Water Use Offset Fee. The Additional Water Use Offset Fee shall be indexed to the U.S. City Average of the consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the additional water use offset fee.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

E. WATER DEMAND MITIGATION FEES FOR CAMINO TASSAJARA INTEGRATED PROJECT⁸

For service connections within the Camino Tassajara Integrated Project⁹, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC). The Board of Directors adopted Section 3D to the Water Service Regulations in January 2003 to codify the WDMF and other conservation requirements imposed on the project territory by the County and Local Agency Formation Commission.

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT
5/8	\$8,580 <u>\$8,578</u>
3/4	12,360 <u>12,359</u>
1	19,220 <u>19,218</u>
1-1/2	37,060 <u>37,061</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT
5/8	\$5,890 <u>\$5,893</u>
3/4	8,660 <u>8,660</u>
1	13,490 <u>13,489</u>
1-1/2	26,000 <u>25,995</u>

3. The WDMF for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.61) established by the Board of Directors for smaller meters.

⁸ The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

⁹ As generally described in the October 9, 2002 Miscellaneous Work Agreement between the District, Shapell Industries, Ponderosa Homes II, and Braddock and Logan Group II.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

The WDMF for new water service at multi-family premises shall be as listed below. For purposes of this Schedule N, “multi-family premises” shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered as specified in Sections 2 and 3 of the District’s Regulations Governing Water Service.

Multi-Family Premises – Dollars Per Dwelling Unit (DU)

Each of the first 10 DU in a single structure	\$3,536 \$3,530
Each additional DU in same structure	2,829 2,830

The above WDMF shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under E.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

4. The WDMF is payable for all connections within phased developments prior to release for construction, the distribution system pipelines and related appurtenances.
5. Water use in excess of 120 percent of the annual water budget¹⁰ shall be subject to an Additional WDMF (on a per-occurrence basis). The Additional WDMF shall be determined by multiplying the amount of water used in excess of 100 percent of the annual water budget times the per gallon fee of \$0.55 per gpd.

¹⁰ The water budget shall be established pursuant to the October 9, 2002 Miscellaneous Work Agreement referenced in Footnote 2.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

F. WATER DEMAND MITIGATION FEES FOR GALE RANCH PHASE 2, SUBDIVISION 9134¹¹

For service connections within Gale Ranch Phase 2, Subdivision 9134, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134
5/8	\$8,218 \$8,220
3/4	11,837 11,840
1	18,401 18,400
1-1/2	35,510 35,510

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134
5/8 ¹²	\$5,642 \$5,640
3/4	8,300 8,300
1	12,901 12,900
1-1/2	24,885 24,880

3. The WDMF for service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit

¹¹ The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

¹² 5/8" fee based on 32,594 gpd land use unit demands (LUDS) minus 10,884 gpd middle school demand credit divided by 63 residential units resulting in 345 gpd/residential unit.



SCHEDULE N – WATER DEMAND MITIGATION FEES

EFFECTIVE 07/01/~~23~~2024

structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under F.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

Public Records Act Fee Schedule and District Publications Fees



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/~~2024~~²³

INTRODUCTION

The following fee schedule has been established by the District to cover the costs for duplicating District documents, drawings, maps, recordings, and other records, as required by the Public Records Act.

The District offers access to its records upon receipt of a request that reasonably describes an identifiable record. Any questions or requests concerning District documents should be addressed to the Secretary of the District, East Bay Municipal Utility District, P.O. Box 24055, Oakland, California 94623-1055, [emailed to SecOffice@ebmud.com](mailto:SecOffice@ebmud.com), or by calling (510) 287-0404.

CHARGES

Pursuant to the Public Records Act, the District may recover the “direct costs of duplication” for disclosable public records, unless a different charge is provided by statute. The direct cost of duplication generally covers two types of expenses – materials & equipment costs and labor costs.

- Materials & Equipment costs generally include the capital cost of the equipment, the maintenance contract, paper supplies, and other necessary expenses that must be incurred ~~in-order~~ to make the equipment operational.
- Labor costs ordinarily include the pro rata salary of the clerical or technical employee operating the equipment.

The total cost for providing copies is a combination of materials, labor for actual duplication time, equipment usage, and postage, if applicable. The direct cost of duplication may vary depending on the size and type of media requested and the kind of reproduction equipment required.

Photocopies of non-District materials are charged at the same rate as District materials.

Prices quoted in this fee schedule are subject to change. An estimate of cost will be provided upon request.

Any records sent outside for duplication will be billed as the actual cost of duplication by the outside vendor.

PAYMENT

For requests estimated to cost over \$100 in duplication [or query and compilation](#) fees, a deposit in the amount of the estimated fee will be required before duplication.

For all requests, payment in advance is required before release of records. Acceptable methods of payment include cash or check (payable to East Bay Municipal Utility District). The District does not currently accept electronic payments.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/2024~~23~~

INSPECTION/DELIVERY/PICK UP

The requestor is entitled to inspect records and/or obtain copies of records during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday).

If the requestor wishes records to be delivered, copies will be sent first class mail unless the requestor makes other arrangements for pick up or delivery with the Secretary's Office. Postage will be charged for copies mailed to the requestor.

Federal Express service is available if the requestor supplies a Federal Express account number.

LEGAL COMPLIANCE OBLIGATIONS

Responsibility for adherence to copyright law rests with the individual requesting copies.

CATEGORIES

This fee schedule covers the following categories of document types or formats:

- I. Paper Based Records
 - A. General Business Documents & Engineering Drawings
 - B. Printed Maps
 - C. Bid Documents for Publicly Bid Projects
- II. Electronically Stored or Generated Records
 - A. Records that already exist
 - B. Records that do not already exist
 - C. Compact Disks (CDs)
 - D. Digital Versatile Disks (DVDs)

Fees for document types/requests not covered herein will be provided upon request.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/2024~~23~~

I. PAPER BASED RECORDS

A. GENERAL BUSINESS DOCUMENTS & ENGINEERING DRAWINGS

The fees charged for reproducing general business documents and engineering drawings, and printed maps photocopied onto regular paper in the sizes indicated below are based on the actual cost of duplication by the District.

Fee = Labor Cost (\$0.~~68~~⁷² per minute duplicating time)
+ **Materials & Equipment Cost** (e.g., cost per sheet or media)
+ **Postage** (if applicable)

- **Labor Costs:** Labor costs for duplication time is charge at the rate of \$0.~~68~~⁷² per minute. Labor costs are based on the labor rate of a clerical employee and is charged only for the actual time spent on duplication.
- **Materials & Equipment:** The duplicating cost per sheet or media type is based on the actual cost of materials and equipment needed to reproduce documents. As detailed below, fees will vary depending on the type and size of documents and the method used for duplication.

1) Regular copies

8-1/2 x 11	\$0.09/page
11 x 17	0.17/page

2) Color copies

Requests for color copies may be sent to an outside vendor and charged back to the requestor.

3) Facsimile copies within the continental U.S.

8-1/2 x 11	\$0.50/page
------------	-------------



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/~~2024~~²³

4) Engineering drawings

Size	Bond	Vellum
8-1/2 x 11	\$0.09	N/A
11 x 17	0.17	N/A
17 width	0.33	N/A
22 width	0.66	\$1.77
28 x 38	0.96	N/A

For sizes larger than those indicated in this chart, Engineering Records will determine the cost.

Drawings having a width greater than 36 inches cannot be reproduced on District equipment and must be sent out for commercial copying. These charges will be billed to the requestor.

B. PRINTED MAPS

The fees in this section apply to the duplication of existing hard copy B-maps. The fee listed is the cost per map for duplication by the District's print shop. All other pre-printed map sizes require special formatting and the cost for duplication by an outside vendor will be determined upon request.

B-maps 250' scale (11 x 17) includes Map View prints	\$0.99/map
Map Book Covers	\$38.64/cover

C. BID DOCUMENTS FOR PUBLICLY BID PROJECTS

Copies of plans ~~and specifications~~ for publicly bid construction projects are available through the District's Specifications, ~~Cost Estimating~~, and Engineering ~~Standard Records (ESR)~~^{Support} Section at a per set cost established as each project is issued for bid. The fee will be based on the cost for duplication at the District's print shop or an outside copy service and postage, if applicable.

Pre-paid documents will be sent first class mail unless the requestor makes other arrangements for document pickup or delivery with the Specifications Clerk. Federal Express service is available if the requestor supplies a Federal Express account number. [The Specifications and Engineering Support Section can be reached at specs@ebmud.com or \(510\) 287-1040.](mailto:specs@ebmud.com)



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/~~2024~~²³

Contract documents ([specifications, plans, and addenda](#)) are also available for viewing and downloading from EBMUD's public website: www.ebmud.com via the "Business Center" link.

~~Copies of CD-ROM versions of contract documents in Adobe Acrobat format are available free of charge from the Specifications Clerk at 510-287-1040.~~

Copies of historic contract documents can be provided in accordance with the provisions of item 1: General Business Documents.

II. ELECTRONICALLY STORED OR GENERATED DATA

The fees in this section apply to records stored electronically.

In general, there are two types of electronic records: (a) records that already exist on a system and merely require printing; and (b) records that do not currently exist and require data compilation, extraction, or programming to produce. A different fee rate applies to each of these types of records.

A. RECORDS THAT ALREADY EXIST

When a requestor seeks a record that already exists on a system (i.e., a record merely needs to be retrieved and printed, and does not require data compilation, extraction, or programming to produce), the following fee applies:

Fee = Labor Cost (\$0.~~68~~⁷² per minute duplicating time)
+ Materials & Equipment Cost
+ Postage (if applicable)

Materials & Equipment costs vary with the types/formats of records requested as specified below:

1) Digital copies – PDF Files (including B-maps)

Cost of Media	
CD	\$3.05
DVD	6.35
Electronic Transfer	N/C



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/2024~~23~~

2) Maps on Demand

Size	Bond	Vellum*	Bond Color
8-1/2 x 11	\$0.10	\$0.19	\$0.38
11 x 17	0.19	0.36	0.73
17 x 22	0.33	0.60	2.05
22 x 34	0.49	0.84	3.38
28 x 38	0.66	1.10	5.02

*Costs reflect color plots produced only from existing files.

3) Other Electronic Records

Description	Charge per Unit
8-1/2 x 11 (PC Printer)	\$0.09/page
CD	3.05 each
DVD	6.35 each
Electronic Transfer	N/C

B. RECORDS THAT DO NOT ALREADY EXIST

When a requestor seeks records that do not currently exist on ~~the~~ a system and require data compilation, extraction, or programming to produce, the requestor shall pay the cost to construct a new record, and the cost of programming and computer services necessary to produce a copy of the record. However, the District is under no obligation to provide records that do not already exist. Accordingly, the applicable fee is:

Fee = Labor Cost (~~\$1.30~~ \$1.37 per minute production time)
+ Materials & Equipment Cost (rates specified in Section II.A)
+ Postage (if applicable)

Labor cost is based on the "average technical labor" rate and is charged only for the actual time spent producing the record.

This fee also applies when the request requires producing a record outside of the regularly scheduled interval.

C. COMPACT DISCS (CDs)

Fee = Labor Cost (~~\$0.68~~ \$0.72 per minute duplicating time)
Cost per disc (CD-R Disc, Write-Once, 700 MB, 80 Minute, 52X = \$3.05/disc)
+ Postage (if applicable)



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE 07/01/~~2024~~²³

D. DIGITAL VERSATILE DISCS (DVDs)

Fee = Labor Cost (\$0.~~68~~⁷² per minute duplicating time)
Cost per disc (DVD+R, 16X, Single Sided, 4.7 GB/120 Minutes = \$6.35/disc)
+ Postage (if applicable)

E. DIGITAL VERSATILE DISCS (DVDs)

Recordings of regular meetings of the Board of Directors are available on www.ebmud.com. Copies of archived recordings of regular meetings of the Board of Directors [prior to May 2019](#) are available upon request and can be provided on compact disc or digital versatile disc. [Recordings after May 2019 are available for review on EBMUD's YouTube channel.](#)

NOTE – we no longer use cassette tapes.

DISTRICT PUBLICATION FEES

Fee = Cost of publication (see below)
+ Sales tax
+ Postage (if applicable)

Municipal Utility District Act (printed and comb-bound)	\$5.15
Electronic Transfer	N/C

Its Name Was MUD	\$18.00
------------------	---------

Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region

Hardcover	\$49.95 each
For EBMUD customers	\$29.95 each

Vendors and Retailers	up to 50% discount
-----------------------	--------------------

Real Property Use Application Fees



REAL PROPERTY USE APPLICATION FEES

EFFECTIVE 07/01/~~2024~~²³

TYPE OF USE	APPLICATION FEE
Fee Title (<i>Outright purchase of District property</i>)	
Properties for Sale	\$2,600 <u>2,700</u>
Unsolicited	45,400 <u>16,000</u>
Easement (<i>Rights for permanent use of District property, such as access, utilities, etc.</i>)	
Utility Type	2,600 <u>2,700</u>
Other	7,000 <u>7,500</u>
Quitclaim (<i>Removal of District's right, title and interest to property</i>)	
Pipe Abandonment	1,300 <u>1,400</u>
Other	2,900 <u>3,000</u>
Revocable License (<i>Permission to use District property for periods exceeding one year, subject to revocation. For such uses as utility road crossings of aqueduct properties</i>)	2,400 <u>2,200</u>
Lease (<i>The right to occupy and use District land for a specified time period</i>)	2,600 <u>2,700</u>
Telecommunication Lease (<i>Long-term lease for PCS, cellular and/or radio uses</i>)	4,300 <u>4,600</u>
Information-Only (<i>Request for information requiring research of District records. Information-only applicants will be charged a fee only if the estimated research time exceeds one hour</i>)	460 <u>170</u> /hr
Processing and Review of Watershed Land Use Proposals (<i>Request for District to perform a formal evaluation of watershed land use proposal</i>)	460 <u>170</u> /hr (plus all other District costs)
Property Entry Permits, Rights of Entry Permits (<i>Permission for temporary access onto District</i>)	390 <u>410</u>
Limited Land Use Permit (<i>Allows landscaping, gardening or other minor surface use of District property, subject to annual renewal</i>)	140 <u>150</u>
Temporary Construction Easement/Encroachment Permit (<i>Permission for temporary access onto District</i>)	
Open Land, No District Facilities	770 <u>820</u>
With District Facilities	2,700 <u>2,900</u>
Survey Costs if needed (<i>Application use fees listed above do not include survey costs if needed</i>)	170 <u>190</u> /hr
Long Term Encroachment Permit	25,700 <u>27,300</u>

Recreation Use Fees



RECREATION USE FEES FOR 2025⁴
January – December 2025⁴
EFFECTIVE 01/01/2025²⁴

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/202~~5~~⁴

CAMANCHE HILLS HUNTING PRESERVE¹

PRESERVE LICENSE:

Initiation Fee (Family)	\$3,495.00
Initiation Fee (Corporate)	3,495.00
Annual Maintenance (Family)	300.00
Annual Maintenance (Corporate)	600.00

LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00
---	--------

~~BIRD PROCESSING: (PRICE PER EACH)~~

Pheasant	5.00
Chukar	5.00
20-bird card (pheasant and chukar) for 20	70.00
Duck	5.50
Goose	10.00
Smoking (all birds)	7.50

~~DOG RENTAL~~

Half Day	100.00
Full Day	175.00
Special Hunt	175.00

~~SPORTING CLAYS~~

Full Round Course (100 targets)	42.00
Half Round Course (50 targets)	23.00
25 targets (5 Stand/Grouse bunker)	9.00
5 targets (Skeet/trap)	6.00

ARCHERY RANGE AND COURSE

7 Station 3-D Target Course Per person	12.00
---	-------

FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA

Public Fishing Access	10.00
CHHP Members Access	5.00

FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE

Public Fishing Access: Bow for Carp	10.00
-------------------------------------	-------

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2025⁴
January – December 2025⁴
EFFECTIVE 01/01/2025²⁴

CAMANCHE HILLS HUNTING PRESERVE
(continued)

RV PARKING AREA

Nightly	\$10.00
Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00

Camanche Hills Hunting Preserve Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily (Peak Season: May 1-September 30, weekends and holidays)	\$19.75 <u>20.50</u>
Daily (Off-season, Peak Season weekdays)	12.00 <u>12.50</u>
Nightly (non-camping)	12.00 <u>12.50</u>
Annual (12 consecutive months)	225.00 <u>235.00</u>
Annual Senior/Disabled/Former POW/Disabled Veteran (12 Consecutive Months)	112.50 <u>117.50</u>
Combined Car/Boat Daily (Peak Season: May 1-September 30, weekends and holidays)	23.00 <u>24.00</u>
Combined Car/Boat Daily (Off-season, weekdays)	17.50 <u>18.00</u>
Annual Marina Overnight/Day Use (12 consecutive months)	245.00 <u>255.00</u>

VEHICLE ENTRY/PARKING LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	23.00
Buses – 21+ Passengers	44.00

DOG

Daily (Fee charged each day in park)	6.50 <u>6.75</u>
Annual (12 consecutive months concurrent with Annual Parking Pass)	55.00 <u>60.00</u>

BOAT LAUNCH

Daily Peak Season (May 1- Sept 30), weekends and holidays. (Fee charged each day in park.)	17.00 <u>17.75</u>
Daily Off-season; Peak Season weekdays. (Fee charged each day in park.)	12.00 <u>12.50</u>
Night (Fee charged each day in park)	14.00 <u>14.50</u>
Annual (12 consecutive months)	190.00 <u>200.00</u>
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	95.00 <u>100.00</u>

BOAT MOORING (Buoy)

Monthly: under 30 feet	320.00 <u>330.00</u>
30 feet & larger	385.00 <u>400.00</u>
Annual (12 consecutive months, any length)	2,900.00 <u>3,000.00</u>



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/202~~5~~⁴

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

BOAT SLIP OPEN (Excluding park entry)

Daily	\$40.00 <u>42.00</u>
Weekly	190.00 <u>195.00</u>
Monthly	430.00 <u>440.00</u>
8 Months	1,595.00 <u>1,625.00</u>
Key Security Deposit	15.00

BOAT SLIP COVERED – 24' Length Maximum (Excluding park entry)

Daily	55.00 <u>57.00</u>
Weekly	225.00 <u>235.00</u>
Monthly	600.00 <u>625.00</u>
Annual (12 consecutive months)	2,500.00 <u>2,600.00</u>
Key Security Deposit	55.00

BOAT SLIP COVERED – Over 24' Length (Excluding park entry)

Daily	60.00 <u>62.00</u>
Weekly	300.00 <u>310.00</u>
Monthly	725.00 <u>750.00</u>
Annual (12 consecutive months)	3,100.00 <u>3,250.00</u>
Key Security Deposit	55.00

RV/TRAILER/BOAT STORAGE (Excluding park entry)

Monthly	170.00 <u>175.00</u>
12 Months, consecutive	895.00 <u>925.00</u>
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	76.00 <u>80.00</u>
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	110.00 <u>115.00</u>
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	380.00 <u>400.00</u>
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	520.00 <u>535.00</u>
Annual – concurrent with Mobilehome Space rent (12 consecutive months)	450.00 <u>462.00</u>
Annual – concurrent with Mobilehome Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	190.00 <u>200.00</u>



RECREATION USE FEES FOR 202~~5~~⁴
January – December 202~~5~~⁴
EFFECTIVE 01/01/20~~25~~²⁴

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

FISHING ACCESS PERMIT

Daily	\$7.75 <u>8.00</u>
Annual	160.00 <u>165.00</u>

CAMPSITE (w/vehicle parking)

Nightly (Peak Season: May 1 – September 30)	41.75 <u>43.00</u>
Nightly (Off-season)	25.00 <u>26.00</u>
Second Car Parking	18.00
Weekly (Peak Season: May 1 – September 30)	185.00 <u>190.00</u>
Weekly (Off-season)	122.00 <u>125.00</u>
Second Car Weekly	85.00
14 nights (Peak Season: May 1 – September 30)	370.00 <u>380.00</u>
14 nights (Off-season)	245.00 <u>255.00</u>
Camping Reservation Fee	13.00

PREMIUM CAMPSITES

Nightly (Peak Season: May 1 – September 30)	50.00 <u>52.00</u>
Nightly (Off-season)	27.00 <u>28.00</u>
Second Car Parking	18.00
Weekly (Peak Season: May 1 – September 30)	225.00 <u>235.00</u>
Second Car Weekly	85.00
14 nights (Peak Season: May 1 – September 30)	450.00 <u>470.00</u>
14 nights (Off-season)	264.00 <u>275.00</u>

CAMPSITES WITH TENT STRUCTURES

8 person nightly	85.50 <u>90.00</u>
8 person weekly	428.50 <u>450.00</u>
16 person nightly	151.00
16 person weekly	662.00

**CAMPSITE (WALK-IN/BICYCLE PARKING – 8
PERSON/BIKE MAX)**

Nightly	25.50
Weekly	138.50
14 nights	262.00



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

GROUP CAMP (Nightly)

12-Person Limit	\$133.00 140.00
16-Person Limit	161.00 169.00
24-Person Limit	189.00 198.00
32-Person Limit	250.00 263.00
64-Person Limit	474.00 498.00
72-Person Limit	525.00 551.00

GROUP CAMP (Nightly, off-season)

12-Person Limit	66.00 69.00
16-Person Limit	71.00 75.00
24-Person Limit	76.50 80.00
32-Person Limit	82.00 86.00
64-Person Limit	159.00 167.00
72-Person Limit	205.00 215.00

EQUESTRIAN – TURKEY HILL – 2 HORSES PER SINGLE SITE – “NO OFF-SEASON DISCOUNTS”

General Assembly Area	100.00 105.00
Turkey Hill Single	65.50 69.00
Turkey Hill Double	126.00 132.00
Turkey Hill Triple	151.50 160.00
Turkey Hill Quad	202.00 212.00
Entire Turkey Hill (includes assembly area)	730.00 766.00

RV SITE

Nightly	64.00 65.00
Weekly	333.50 350.00
Monthly	685.00 725.00
Season (6-Month Max)	2,175.00
Premium Sites <u>Nightly</u> (Peak Season)	70.00 73.00
Premium Sites Weekly (Peak Season)	360.50 375.00

TOWING

Camanche Recreation Area per hour	165.00 170.00
-----------------------------------	--------------------------

MISCELLANEOUS

Camanche Recreation Area Lake Tours	15.00
-------------------------------------	-------



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$35.00 <u>40.00</u>
Vessels over 30' in length	35.00 <u>40.00</u> + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00
Tank, bilge, live well decontamination only	25.00 <u>30.00</u>
PWC storage area decontamination only	25.00 <u>30.00</u>
Kayaks and Canoes decontamination	25.00 <u>30.00</u>

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	20.00

COTTAGE (4-Person Base)

May – Sept: Night	200.00 <u>210.00</u>
Week	1,050.00 <u>1,075.00</u>
Oct – April: Night	135.00 <u>140.00</u>
Week	710.00 <u>725.00</u>
Month	1,900.00 <u>1,975.00</u>

COTTAGE (6-Person Base)

May – Sept: Night	260.00 <u>270.00</u>
Week	1,365.00 <u>1,400.00</u>
Oct – April: Night	170.00 <u>175.00</u>
Week	892.50 <u>910.00</u>
Month	2,100.00 <u>2,150.00</u>

PARK MODEL (4-Person)

May – Sept: Night	300.00
Week	1,575.00
Oct – April: Night	225.00
Week	1,181.00
Month	3,000.00

RESORT RENTAL (4 BEDROOM, 14 PERSON MAX)

May – Sept: Night	445.00 <u>460.00</u>
Week	2,340.00 <u>2,400.00</u>
Oct – April: Night	235.00 <u>245.00</u>
Week	1,235.00 <u>1,275.00</u>



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

CAMANCHE RESERVOIR – NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

MOBILEHOME (MONTHLY)

3 bedroom

CY2~~4~~³ Rate +
HUD FMR²

MOBILEHOME SPACES (MONTHLY)

North Shore 1A

CY2~~4~~³ Rate +
HUD FMR²

North Shore 1B

CY2~~4~~³ Rate +
HUD FMR²

North Shore 2

CY2~~4~~³ Rate +
HUD FMR²

South Shore

CY2~~4~~³ Rate +
HUD FMR²

*Mobilehomes registered through Amador County receive a \$2.50 credit on their monthly rent to reflect their payment of fire-related fees.

OTHER MOBILEHOME FEES (Per Space – Monthly)

Guest Fee

\$75.00

Late Rent/Returned Check Fee

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

~~825.00~~ 850.00

Lakeside Hall Daily (kitchen & service-ware
included)

~~1,200.00~~ 1,250.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

Camanche Clubhouse Rental (North Shore)

~~195.00~~ 205.00

Camanche Clubhouse Rental (South Shore)

~~140.00~~ 145.00

Camanche Amphitheatre (South Shore)

500.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobilehome rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



RECREATION USE FEES FOR 2025⁴
January – December 2025⁴
EFFECTIVE 01/01/2025²⁴

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on ~~off-season-monthly-open slip,~~ covered slip and mooring buoy fees [\(when available\)](#); and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2025⁴
January – December 2025⁴
EFFECTIVE 01/01/2025²⁴

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

LAFAYETTE RECREATION AREA

ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN

Daily	\$7.00
Annual (new or renewal)	120.00 140.00
Annual (new or renewal) 2 years	240.00 280.00
Replacement hang-tag (Replacement limited to 1 hang-tag per year)	25.00
Parking Meters 1/2 hour Senior/Disabled	0.75 1.00
Season (new or renewal)	80.00 90.00
Season (new or renewal) 2 years	160.00 180.00

ENTRY AND PARKING – LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	18.00 22.00
Buses – 21+ Passengers	33.00 40.00

~~DOG~~ (no charge)

COMMERCIAL USES (in addition to the base fee noted below, the
Director of Water and Natural Resources may set an additional
fee to recover the District's direct costs plus overhead)

Commercial Use	
Small (up to 10 people)	100.00 120.00
Medium (from 11 to 50 people)	500.00 600.00
Large (from 51 to 150 people)	1,000.00 1,200.00

BOAT LAUNCH

Daily	4.00
Annual	50.00 100.00
Boat Inspection Fee	6.00

FISHING ACCESS

Daily	5.00 6.00
-------	----------------------

GROUP PICNIC

Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00 + \$1/participant
<u>Security Deposit</u>	<u>100.00</u>



RECREATION USE FEES FOR 202~~5~~⁴
January – December 202~~5~~⁴
EFFECTIVE 01/01/20~~25~~²⁴

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

PARDEE RECREATION AREA

VEHICLE ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN

Daily/Nightly (Non-Camping)	\$10.00 12.00
Season	118.00 136.00
Combined Car/Boat Daily	16.00 18.00

VEHICLE ENTRY AND PARKING – LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00

DOG

Daily (Fee charged each day in park)	5.00 6.00
Season (Concurrent with Season Parking Pass)	50.00 55.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	10.00 12.00
Season	110.00 127.00

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	5.00
Season	44.00 50.00

BOAT SLIP (excluding park entry)

Daily	10.00 12.00
Weekly	50.00 58.00
Monthly	120.00 132.00
Season	690.00 759.00
Season (concurrent with season RV)	640.00 704.00

FISHING ACCESS

Daily	7.25
Annual	200.00

POOL USE

<u>Pool Access Wristband</u>	<u>3.00</u>
<u>Pool Access Wristband - Senior</u>	<u>2.00</u>

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00
-----------------------------	-------



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

STANDARD CAMPSITE (w/vehicle parking)

Nightly	\$25.00 30.00
Second Car Parking	10.00 12.00
Weekly	150.00
Second Car Parking	60.00

PARDEE RECREATION AREA (continued)

PREMIUM CAMPSITE (w/vehicle parking)

Nightly	30.00 35.00
Weekly	180.00

CAMPSITE (walk-in/bicycle parking)

(8 person/8 bike maximum)

Nightly	23.00
Weekly	138.00

DOUBLE CAMPSITE (16 people/2 vehicles)

Nightly	50.00 56.00
Third or Fourth Vehicle	10.00

RV SITE

Nightly	40.00 46.00
Weekly	240.00 264.00
Monthly	520.00 572.00
Season	4,095.00 4,505.00
Season – Premium Site	4,225.00 4,648.00

RV/TRAILER/BOAT STORAGE (excluding park entry)

Weekly	30.00 35.00
Monthly	70.00 84.00
Season	510.00 561.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	670.00 737.00

TOWING

~~80.00~~92.00

RESERVABLE SITE/FACILITY (charges in addition to above fees)

Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



RECREATION USE FEES FOR 2025⁴
January – December 2025⁴
EFFECTIVE 01/01/2025²⁴

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.



RECREATION USE FEES FOR 202~~5~~⁴
January – December 202~~5~~⁴
EFFECTIVE 01/01/20~~25~~²⁴

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS (continued)

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 202~~5~~⁴

January – December 202~~5~~⁴

EFFECTIVE 01/01/20~~25~~²⁴

SAN PABLO RECREATION AREA

ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN

Daily	\$7.00
Daily (Special Events)	5.00
Season	120.00
Replacement Pass (limited to 1 pass per year)	25.00

ENTRY AND PARKING – LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

~~DOG~~ ~~3.00~~

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00
Season (Entry & Boat Launch)	170.00
Boat Inspection Fee	6.00 <u>10.00</u>

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	4.00
Season (Entry and Cartop Launch)	124.00

FISHING ACCESS

Daily	6.00 <u>7.00</u>
-------	-----------------------------

GROUP PICNIC

Large Sites (Oaks) daily	300.00
Large Sites (Pines) daily	200.00
Security Deposit	100.00

GAZEBO, Daily Rental

Security Deposit	90.00 <u>100.00</u>
	100.00

TOWING

40.00



RECREATION USE FEES FOR 202~~5~~⁴
January – December 202~~5~~⁴
EFFECTIVE 01/01/20~~25~~²⁴

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on season passes and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 202~~5~~⁴
January – December 202~~5~~⁴
EFFECTIVE 01/01/~~2025~~²⁴

WATERSHED TRAIL SYSTEM

WATERSHED TRAILS

Daily Permit	\$3.00
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00
Low-income Annual Permit	0.00

Section 1

Explanation of Terms Used in these Regulations



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

PAGE NUMBER: 01-A

SECTION 1 EXPLANATION OF TERMS USED IN THESE REGULATIONS

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.



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

PAGE NUMBER: 01-B

SECTION 1 EXPLANATION OF TERMS USED IN THESE REGULATIONS

MAJOR FACILITIES shall mean storage reservoirs, pumping plants, transmission mains, 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.

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



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-C

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

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.

RENOVATION shall mean any improvements to existing structure(s) that would change the Business Classification of the existing structure(s) and/or increase the average annual water use.

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 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.



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-D

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

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.

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 a 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



REGULATIONS GOVERNING WATER SERVICE

TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 01-E

SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

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

Section 29

Water Use Restrictions



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

PAGE NUMBER: 29-A

SECTION 29 WATER USE RESTRICTIONS

A. REGULATIONS AND RESTRICTIONS ON WATER USE

The Board of Directors declares that in order to conserve the District's water supply for the greatest public benefit and to reduce the quantity of water used District customers shall observe the following regulations and restrictions on water use except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.

1. The following potable water uses are prohibited:

- a. The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, or hardscapes (private and public walkways, roadways, parking lots, or structures);
- b. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
- c. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with the irrigation requirements set forth in Section 31 of these Regulations Governing Water Service to Customers or other requirements established by local ordinances and/or state regulations;
- d. The application of potable water to sidewalks and driveways; or applying potable water to other hard surfaces or materials that results in excessive use and runoff;
- e. The use of a hose that dispenses potable water to wash a motor vehicle, boat, trailer, aircraft or other vehicles except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- f. The use of potable water in an ornamental fountain or other decorative water feature, except where the water is part of a recirculating system; ~~and~~
- g. Use of potable water for construction, street cleaning, soil compaction and dust control is prohibited if a feasible alternative source of water is available. All water use for construction, soil compaction and dust control will require a permit issued by EBMUD; ~~and~~ and;
- h. Using potable water for irrigating nonfunctional turf (ornamental lawns) on commercial, industrial, and institutional properties is prohibited per Assembly Bill 1572.

2. All Customers shall:

- a. Reduce other interior or exterior uses of water to minimize or eliminate excessive runoff; and



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

PAGE NUMBER: 29-B

SECTION 29 WATER USE RESTRICTIONS

- b. Repair leaks wherever feasible. Irrigation or plumbing with measurable leaks such that water flows onto adjacent property, non-irrigated areas, or hardscapes (private and public walkways, roadways, parking lots, or structures) shall not be turned on or restored to service until repairs have been completed.
- 3. Nonresidential Customers shall:
 - a. Use systems that recycle water where feasible; single pass cooling systems in new connections, and non-recirculating systems in all new conveyer car wash and commercial laundry systems shall be prohibited;
 - b. Limit sewer flushing or street washing with potable water as much as possible, consistent with public health and safety needs; and
 - c. Operators of hotels and motels are required to offer patrons the option of not having their towels and linens washed daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- 4. Water Savings Guidelines
 - a. Conserve water indoors. Efficient indoor water use is approximately 45 gallons and super-efficient indoor use is approximately 35 gallons per person daily. Most customers can achieve this by shortening showers and using less bath water, running only full loads of laundry and dishes, and keeping a close eye on faucet use. Additionally, customers are encouraged to reduce the use of kitchen garbage disposals through composting or curbside green waste collection and not to use toilets as wastebaskets. Customers may also consider upgrading to more water-efficient plumbing fixtures and appliances. Customers are also encouraged to check and watch for potential indoor and outdoor leaks.
 - b. Use covers on swimming pools and home spas (hot tubs) and avoid frequent draining, refilling and topping off.
 - c. Irrigate less outdoors. Most customers can cut outdoor watering without affecting long-term plant health by irrigating before dawn or at dusk, and not on consecutive days. Customers also may want to consider upgrading to more water-efficient irrigation methods and low-water use plants more appropriate and adaptable to the local summer-dry climate.
 - d. Gyms, spas and similar facilities should request patrons to conserve water while showering and using wash basins.
 - e. All food preparation and eating establishments, including restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased



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

PAGE NUMBER: 29-C

SECTION 29 WATER USE RESTRICTIONS

are encouraged to install and use high-efficiency pre-rinse spray nozzles in their kitchens where applicable.

- f. Ensure existing trees remain healthy and do not present a public safety hazard. Trees and other non-turf vegetation within street medians may continue to be watered efficiently.

B. EXCEPTIONS

Consideration of written applications for exceptions regarding the regulations and restrictions on water use set forth in this Section shall be as follows:

1. Written applications for exceptions shall be accepted, and may be granted, by the Manager of Water Conservation.
2. Denials of applications may be appealed in writing to the Manager of the Customer and Community Services Department.
3. Grounds for granting such applications are:
 - a. Failure to do so would cause an unnecessary and undue hardship to the applicant, including, but not limited to, adverse economic impacts, such as loss of production or jobs; or
 - b. Failure to do so would cause a condition affecting the health, sanitation, fire protection or safety of the applicant or the public.

C. ENFORCEMENT

1. The District may, after one written warning, order that a special meter reading or readings be made in order to ascertain whether use of water in violation of these regulations is occurring. Charges for such a meter reading or readings or for follow-up visits by District staff shall be fixed by the Board from time to time and shall be paid by the customer.
2. In the event that the District observes that water use in violation of these regulations is occurring at a customer's premises, the General Manager or the Manager of Customer and Community Services Department may, after a written warning to the customer, authorize installation of a flow-restricting device on the service line for any customer observed by District personnel to be willfully violating any of the regulations and restrictions on water use set forth in this section.
3. In the event that a further willful violation is observed by District personnel, the District may discontinue service. Charges for the installation of flow-restricting devices or restoring service may be fixed by the Board from time to time.

Schedule C

Wastewater Department Industrial Permit Fees



SCHEDULE C – WASTEWATER DEPARTMENT INDUSTRIAL PERMIT FEES

EFFECTIVE 07/01/~~2023~~2024

PERMIT TYPE	ANNUAL FEE
Wastewater Discharge Permit	\$ 3,320 <u>3,410</u>
Estimation Permit	\$ 1,290 <u>1,320</u>
Limited Term Discharge Permit	\$ 3,050 <u>3,130</u>

Schedule D

**Wastewater Department
Other Fees**



SCHEDULE D – WASTEWATER DEPARTMENT OTHER FEES

EFFECTIVE 07/01/~~2024~~²³

TYPE	RATE
SF Bay Commercial Pollution Prevention Fee	\$5.48/month ¹
SF Bay Residential Pollution Prevention Fee	\$0.20/month per dwelling unit ²
<u>Inspection and</u> Monitoring Fees	\$1,820 <u>1,920</u>
Violation Follow-Up Fees	
Stage 1	\$820 <u>840</u>
Stage 2	\$1,820 <u>1,920</u> + Testing Fees ³
Stage 3	\$3,680 <u>3,770</u> + Testing Fees ³
Private Sewer Lateral Compliance Fees	
Compliance Certificate ⁴	\$360 <u>370</u>
Time Extension Certificate	\$130
Inspection Reschedule	\$140 <u>120</u>
Extra Lateral or Additional Verification Test	\$120 <u>130</u> per lateral
Off-Hours Verification ⁵	\$270 <u>280</u> for 2.5 <u>1.5</u> hours <u>onsite</u>
Specific Appointment Time ⁵⁶	\$330 <u>340</u> for <u>1.5 hours onsite</u>
HOA/Greater than 1,000 Oversight Fee	\$500 <u>520</u>
PSL Violation Follow-Up – Initial Fee	\$540 <u>530</u>
PSL Violation Follow-Up – Continuing Noncompliance Fee	\$130
Compliance Agreement	\$320 <u>330</u>

¹SF Bay Commercial Pollution Prevention Fee applicable to all non-residential accounts.

²SF Bay Residential Pollution Prevention Fee applicable to all residential accounts. Fee will be charge per dwelling unit up to five dwelling units.

³Violation follow-up fees do not include required testing. Testing fees will be charged in accordance with Schedule E Wastewater Department Testing Fees.

⁴Compliance Certificate Fee may be assessed for performance of a Verification Test that results in issuance of a new Compliance Certificate, annotation of an existing Compliance Certificate, or issuance of one or more new Compliance Certificates due to a parcel split or merger.

⁵The fees for off-hours verification is assessed once scheduled and specific appointment time will not only be refunded if cancelled or rescheduled ~~more than one business day prior to the scheduled appointment.~~

⁶Two Inspection Reschedule fees will be assessed for Specific Appointment time cancellations.

Schedule E

Wastewater Department Testing Fees



SCHEDULE E – WASTEWATER DEPARTMENT TESTING FEES

EFFECTIVE 07/01/~~2024~~2023

LABORATORY TEST	FEE	METHOD*
Acrolein & Acrylonitrile	\$169	EPA 624.1
Chemical Oxygen Demand	\$6567	SM 5220 D
Cyanide	\$137141	SM 4500 CN
Metals (Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Nickel, Silver, and Zinc)	\$244251	EPA 200.7
Metals (Mercury)	\$154158	EPA 245.1
Oil & Grease: SGT-HEM	\$215221	EPA 1664B
Organochlorine PCB & Pesticides	\$60	EPA 608
pH Field Analysis	\$3031	
Phenols: Total	\$151155	EPA 420. 41
PCB Congeners	\$838861	EPA 1668C
Semi-volatile Organics	\$568584	EPA 625.1
Total Suspended Solids	\$4445	SM 2540 D
Volatile Organics	\$238245	EPA 624.1

* Or equivalent certified method

Schedule F

Wastewater Department Rates for Resource Recovery Material Treatment



SCHEDULE F¹ – WASTEWATER DEPARTMENT RATES FOR RESOURCE RECOVERY MATERIAL TREATMENT

EFFECTIVE 07/01/~~2024~~²³

MATERIAL TYPE	RATE ²
Permit <u>Account</u> Fee	<u>Up to \$400</u> 450 (per year)
Septage	Up to \$0.12/gal
Fats, Oil and Grease	Up to \$0.13/gal
Process Water	Up to \$0.10/gal
Brine	<u>Variable with Total Dissolved Solid (TDS)</u> Up to \$0.10/gal ≤ 50,000 mg/l TDS Up to \$0.11/gal 50,001 – 100,000 mg/l TDS Up to \$0.13/gal > 100,000 mg/l TDS
Sludge	<u>Variable with % Total Solids (TS)</u> Up to \$0.11/gal up to 3% TS Plus \$0.005/gal per %TS for TS between 3% to 20%
Clean Liquid Food Waste Slurry ³	<u>Variable with % Total Solids (TS)</u> Up to \$0.07/gal up to 3% TS Plus \$0.005/gal per % TS for TS between 3% to 20%
Liquid Organic Material	Up to \$0.09/gal
Protein Material	Up to \$0.15/gal
Solid Organic Material	\$30/ton – \$120/ton ⁴
<u>Expedited Permit Fee</u>	<u>\$2,500 per request</u>

¹Payment collection for all Resource Recovery accounts shall follow the payment collection provisions contained in Section 13, Payment of Bills in the Regulations Governing Water Service to the Customers of EBMUD and Items C and K, Returned Payment Charge and Late Payment Penalty and Interest, of Schedule C of the Water System Rates and Charges.

²For special accommodations, additional charges for actual personnel costs, equipment costs, and lab costs associated with the special accommodation will apply. Special accommodations include services provided by the District above and beyond what is typical, such as evaluation and testing of a unique material stream, special equipment to receive and process material, accommodations for large volumes, special off-hour deliveries that require additional staff support, or special treatment requirements.

³Clean liquid food waste slurry must behave as a liquid and contain minimal amounts of contamination. Food waste slurries that require additional contamination removal do not qualify for this rate.

⁴Based on treatment costs (residual solids dewatering and disposal), gas production, volumes and other costs or benefits to the District.

Schedule G

Wastewater Department Capacity Fees



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/~~2024~~²³

A. Wastewater Capacity Fee for Non-Permit Applicants

For applicants who are not required to obtain a Wastewater Discharge Permit the Wastewater Capacity Fee (WCF) is based on the applicant's estimated annual wastewater discharge flow and strength.

For an increase or change in water use caused by the creation of an accessory dwelling unit or junior accessory dwelling unit on a premises, ~~capacity charges~~ WCF will be imposed only as authorized by Chapter 13 of Division 1 of Title 7 of the Government Code ~~Government Code Sections 65852.2 and 65852.22.~~

1. Single Family Residential WCF ^{1,2}

~~\$3,170~~ \$3,130

2. Multi-Family Residential WCF ^{2, 3}

Residential	WCF (\$ Per Dwelling Unit)
Multi-Family Standard (> 500 sq. ft.)	\$2,220 <u>\$2,200</u>
Multi-Family Small (≤ 500 sq. ft.)	1,730 <u>1,720</u>

3. Non-Residential WCF for meters 1-1/2 inches and smaller (dollars per connection)²

For service connections with meters 1-1/2 inches and smaller, the District reserves the right to request specific water use information from the applicant to determine applicant's estimated annual wastewater discharge flow and strength. The District reserves the right to determine the appropriate meter size and wastewater strength category to meet the applicant's estimated annual wastewater discharge flow and strength and assess the WCF using this Section (A)(3). If the District determines that the applicant's estimated annual wastewater discharge flow exceeds 1,390 gallons per day (gpd) or that a meter larger than 1-1/2 inches is required to meet the applicant's needs, this Section (A)(3) no longer applies. For estimated annual wastewater discharge flows that exceed 1,390 gpd and meters larger than 1-1/2 inches, Section (A)(4) shall be used to determine the WCF based on the applicant's estimated annual wastewater discharge flow and strength category. The District's decision shall be final.

Strength Category	Meter Size		
	5/8 inch	3/4 & 1 inch	1-1/2 inch
Low	\$4,710 <u>\$4,660</u>	\$12,370 <u>\$12,240</u>	\$24,110 <u>\$23,850</u>
Medium	9,530 <u>9,420</u>	25,040 <u>24,770</u>	48,780 <u>48,260</u>
High	18,640 <u>18,430</u>	49,010 <u>48,460</u>	95,480 <u>94,400</u>



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/~~2024~~²³

4. Non-Residential (meter size over 1-1/2 inch) ^{2, 4, 5}

The WCF for service connections with meters larger than 1-1/2 inch shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the per CCF WCF charge to the annual wastewater discharge flow calculated by the District for the appropriate strength category for the service connection.

Strength Category	\$/Ccf/year
Low	\$35.66 ^{35.28}
Medium	72.17 ^{71.39}
High	141.25 ^{139.65}

In no instance will the WCF for a meter larger than 1-1/2 inches be less than the 1-1/2 inch price for a given strength category.



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/2024~~23~~

If the District has determined based on the water use information furnished that a meter larger than 1-1/2 inches is appropriate or if the estimated annual wastewater discharge exceeds 1,390 gpd, the WCF calculated from the District's estimate of annual wastewater discharge flow shall apply irrespective of the arrangement of the water metering or meter size at the premises.

Business Classification Code (BCC) Category: Low Strength

Code	Description
4500	Air Transportation
7542	Automobile Washing and Polishing
7215	Coin Operated Laundromats
3200	Earthenware Manufacturing
8060	Hospitals
7000	Hotels, Motels with Food Service
7300	Laboratories
3470	Metal Coating
3400	Metal Products Fabricating
3300	Primary Metals Manufacturing
8200	Schools
2820	Synthetic Material Manufacturing
	All Other Business Classification Codes (includes dischargers of only segregated domestic wastes from sanitary conveniences)

BCC Category: Medium Strength

Code	Description
2080	Beverage Manufacturing & Bottling
2840	Cleaning and Sanitation Products
7210	Commercial Laundries
2830	Drug Manufacturing
5812	Food Service Establishments
2030	Fruit and Vegetable Canning
2040	Grain Mills
2893	Ink and Pigment Manufacturing
2810	Inorganic Chemicals Manufacturing
2600	Pulp and Paper Products
2011	Slaughterhouses



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/~~2024~~²³

BCC Category: High Strength

Code	Description
2050	Bakeries (including Pastries)
2020	Dairy Product Processing
3410	Drum and Barrel Manufacturing
7218	Industrial Laundries
3110	Leather Tanning and Finishing
2010	Meat Products
2850	Paint Manufacturing
2077	Rendering Tallow
2090	Specialty Foods Manufacturing
2060	Sugar Processing

B. WCF for Permit Applicants

For applicants who are required to obtain a Wastewater Discharge Permit, the ~~Wastewater Capacity Fee (WCF)~~ is based on the applicant's estimated annual wastewater discharge flow and strength concentrations listed on the applicant's discharge permit at the time of application.

Permit Accounts ^{2, 4, 5-}~~6~~

Flow (\$/ccf/year)	\$15.94	<u>15.78</u>
Chemical Oxygen Demand (COD) (\$/lb/year)	1.67	<u>1.65</u>
Total Suspended Solids (TSS) (\$/lb/year)	7.66	<u>7.58</u>

¹ Single Family is BCC 8800 Single Family.

² A credit may be provided for existing services. Where a new service will replace one or more existing or prior services to a premises that previously paid a WCF, a credit will be applied to the new WCF. For existing meters 1-1/2 inches and smaller, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and based on the current WCF schedule (for flow and strength), or based on the existing strength and meter size if the information from the original WCF is not available. For existing meters over 1-1/2 inches, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and based on the current WCF schedule (for flow and strength). If the flow and strength information is not available from the original WCF, the strength and flow from the most recent 10 years of usage and strength will be used to determine the WCF credit, provided that this value is not less than the value indicated in the schedule for the 1-1/2 inch meter.

For premises on which no WCF was paid, customers will be granted a credit for the existing use. For existing meters 1-1/2 inches and smaller, the WCF credit will be calculated based on the current WCF schedule for the existing meter size and strength. For existing meters over 1-1/2 inches, the WCF credit will be calculated based on the most recent 10 years of usage and strength for the existing meter, provided that this value is not less than the value indicated in the schedule for the 1-1/2 inch meter.

If the account is subject to an Estimation Permit, the usage credit will consider diversion. The WCF credit cannot be applied to a dedicated irrigation meter, standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE 07/01/2024~~23~~

³Multi-family includes BCC 6513 Apartment Buildings and 6514 Multi-Family.

⁴ ~~Capacity Fee~~WCF is based on the anticipated annual flow contributions and the average wastewater strength measured or assigned for each classification of customer. The District may review the actual flow and strength within 24 months, once the business is fully established to verify the estimated demand for wastewater capacity. The review may result in the assessment of additional capacity fees if the actual flow and strength exceeds the original estimate.

⁵ ~~For non-residential customers with projected treatment revenues equal to or greater than 0.1% of the total District treatment revenue, the calculated capacity fee will be reduced by a Rate Stabilization Factor of 25%. Projected treatment revenue will be based on permit conditions at the time of application or on average wastewater strength measured for each classification of customer if a permit is not required for discharge. Total District treatment revenue will be based on the budgeted fiscal year amount at the time of application.~~

⁶ Total fee is a summation of the unit rates for flow, COD, and TSS applied to the permit conditions at the time of application.

Schedule H

**Wastewater Department Wastewater
Interceptor Connection Review,
Coordination, and Inspection Fee**



**SCHEDULE H – WASTEWATER DEPARTMENT
WASTEWATER INTERCEPTOR CONNECTION REVIEW,
COORDINATION, AND INSPECTION FEE**

EFFECTIVE 07/01/~~23~~2024

TYPE	RATE
Plan Review, Project Coordination and Construction Inspection	\$ 12,600 13,100
Each Additional Connection ¹	\$ 10,300 10,700


¹ For additional connections submitted and constructed under the same project with the same design and pipe sizes

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 14, 2024

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Monthly Report – April 2024

HIGHLIGHTS

Staff conducted seven tours of the Main Wastewater Treatment Plant. The tours featured explanations of the treatment process and tips for preventing pollution from home. Attendees included 5th graders from Sonoma’s Flowery Elementary School, Hayward’s Leadership Public Schools, Laney College, U.C. San Francisco graduate nursing students, U.C. Berkeley graduate environmental engineering students, U.C. Berkeley Bakar Lab, Amyris Biotechnology Company, and Young Professionals in Energy. Approximately 200 people attended.

Two security presentations were provided to District employees. On April 9, the BART Police Department presented security tips to staff at the Administration Building. The discussion focused on increasing security throughout the BART system and providing valuable safety tips and considerations for all riders. On April 10, the Oakland Police Department presented safety tips for employees at the Adeline Maintenance Center. The discussion focused on the latest crime trends in the area and safety tips.

Demonstration Recharge, Extraction, and Aquifer Management Project update. On April 30, staff completed extraction operations. The extraction period started on January 10, 2024 and approximately 220 acre-feet of banked groundwater was extracted and injected into the Mokelumne Aqueducts. Staff will review extraction operations and groundwater monitoring results and prepare lessons learned to incorporate into development of a long-term groundwater banking project in San Joaquin County.

WATER SUPPLY

East Bayshore Recycled Water Project (EBRWP) update. In April, staff prepared a draft scope for additional work related to the EBRWP that needs to be completed, including evaluation and recommendations for corrosion control of the distribution system and chlorine tracer study at the tertiary treatment plant now required by regulations. Staff is preparing an amendment to the agreement for the EBRWP improvements scope to complete the additional work and provide technical support for the inspection of the EBRWP Oakland-Alameda Estuary recycled water pipeline. This amendment is currently scheduled for Board consideration at its May 28 meeting.

Los Vaqueros Reservoir (LVR) Expansion Project update. On April 9, staff met with the LVR Joint Powers Authority (JPA) to discuss the EBMUD Facilities Usage Agreement (FUA). The LVR JPA will meet with member agencies to determine if they would still like to enter into the EBMUD FUA as a backup option to using Contra Costa Water District's intakes.

On April 11, staff met with Central Contra Costa Sanitary District and Dublin San Ramon Services District to discuss the next steps of conducting technical and institutional studies to support extension of the Central San wastewater diversion project to provide more supply for recycled water deliveries to San Ramon Valley.

On April 12, the District submitted the Proposition 1 Grant Completion Report to the Department of Water Resources. The report summarized work done to develop the Groundwater Sustainability Plan for the East Bay Plain Subbasin. Included in this report was a letter requesting the release of \$100,000 retention from the Proposition 1 Grant.

On April 17, the District submitted a comment letter to the Federal Energy Regulatory Commission (FERC) in response to GreenGen's recent technical study on water quality modeling results. The letter requested FERC to consider asking GreenGen to modify their approach to climate change, conduct additional checks of their water temperature model, and expand their next steps to also include temperature modeling downstream of Salt Springs Reservoir.

On April 19, staff met with U.S. Bureau of Reclamation (USBR) to discuss the Central Valley Project (CVP) contract compliance. The agencies discussed advancing EBMUD's place of use changes to its Central Valley Project (CVP) contract service area boundary and reconciling EBMUD's payments and charges for water delivered from Freeport in 2022. During the meeting, USBR provided a status report of their review process and discussed next steps. Staff is scheduled to meet with USBR on May 17, 2024 to get another status report on the approval of EBMUD requested changes.

On April 23, staff attended San Joaquin County's (SJC) Mokelumne Integrated Water Storage and Conjunctive Use Project (MICUP) meeting. During the meeting, SJC discussed stakeholder outreach and schedules.

On April 24-26, staff presented at the State Water Resources Control Board's workshops on voluntary agreements in Sacramento. The presentation highlighted governance, enforcement, and the importance of a rigorous science program for a successful outcome.

Precipitation. The East Bay precipitation for April was 1.21 inches (61 percent of average) and the season total was 18.89 inches (73 percent of average). The Mokelumne precipitation for April was 1.87 inches (45 percent of average) and the season total was 40.43 inches (89 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche releases for April was 541 cfs (477 cfs generation, 15 cfs sluice, and 49 cfs through the hatchery), and the average flow below Woodbridge Dam was 389 cfs, both in accordance with the Joint Settlement Agreement “Below Normal” water year criteria.

East Bay Reservoirs. There were no East Bay reservoir releases in April.

Water Storage

Mokelumne reservoirs storage is 112 percent of average. As of April 30, 2024, Pardee was at 555.7 feet or 94 percent of average, and Camanche was at 230.1 feet or 124 percent of average. Combined Pardee and Camanche reservoir storage was 556,000 acre-feet compared to 424,000 acre-feet last year.

East Bay reservoirs storage is 100 percent of average. As of April 30, 2024, Upper San Leandro was at 458.4 feet or 107 percent of average, San Pablo was at 304.4 feet or 90 percent of average, and Briones was at 575.2 feet or 101 percent of average. Total terminal reservoir storage was 139,000 acre-feet compared to 144,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for April 2024 was 117 MGD. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for April:

	April 2024	April 2023	April 2020	Average of FY 2005-2007
East of Hills	31 MGD	31 MGD	39 MGD	42 MGD
West of Hills	100 MGD	103 MGD	109 MGD	136 MGD
Total	131 MGD	134 MGD	148 MGD	178 MGD
Max Day Production	159 MGD (4/30/2024)	164 MGD (4/26/2023)	179 MGD (4/27/2020)	

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In April, seasonal salmonid field monitoring was conducted in the Mokelumne River. On April 2, the Woodbridge bypass trap was installed. This bypass trap will be used in conjunction with the Golf rotary screw trap to determine downstream juvenile Chinook salmon abundance. Through April 11, 75,911 and 8,707 naturally produced juvenile Chinook salmon were counted in the upstream and downstream traps, respectively (including weekend estimates). In addition to trap checks, rotary screw trap calibrations were conducted to help provide an estimate of the proportion of natural-origin juvenile Chinook salmon captured. As a result, the current

production estimate of juvenile Chinook salmon at the upstream trap to date is 1,668,230, while the outmigration estimate of juvenile Chinook salmon at the downstream traps is 318,368.

In April, staff launched the 2024 Juvenile Chinook Salmon Acoustic Telemetry Study.

Juvenile salmon were surgically implanted with acoustic transmitters in hatchery reared smolts, released and tracked as they migrate the lower Mokelumne River (LMR) to the Pacific Ocean. To increase the resolution of migration timing and survival, biologist have added nine new acoustic telemetry receivers to better understand survival both spatially and temporally throughout the LMR. A total of 56 receivers have been deployed throughout the LMR as part of the 2024 study with the goal of assessing the outmigration survival of Chinook salmon smolts. This study is further designed to enable biologists to identify actionable management alternatives that may increase survival and subsequent escapement of Chinook salmon within the Mokelumne River.

In April, the San Francisco Regional Water Quality Control Board (SFRWQCB) issued the District a Tentative Order for what will become the third regional Nutrients Watershed Permit. This Tentative Order requires significant reductions in effluent nitrogen both at EBMUD and within the entire San Francisco Bay Watershed. The Tentative Order contains a seasonal final effluent limit for Total Inorganic Nitrogen (TIN) of 3,300 kg/day for EBMUD which would apply between May 1 and September 30. This final effluent limit would go into effect October 1, 2034 and represents about a 65 percent reduction from past dry season TIN discharges from the Main Wastewater Treatment Plant. Achieving this effluent TIN level will require extensive effort and may include process optimization as well as construction of new treatment processes. Staff is reviewing the Tentative Order to determine what, if any, comments will be made. This Tentative Order, as written, requires extensive reporting on the capital planning and other methods to achieve compliance with the new TIN limit. Costs for the District to comply with this order could reach hundreds of millions of dollars. Comments are due to the SFRWQCB by May 6, 2024, and the permit will go into effect on October 1, 2024. Staff will bring this item for discussion to the Planning Committee in November 2024.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of April. This is the 296th consecutive month that the MWWTP experienced no exceedances.

The District received two odor reports from the public in April. Both reports occurred on April 8 during a period when temperatures had increased, a clarifier was being drained for a maintenance inspection, and the pre-chlorination dose controller was set to accommodate a small overflow from one of the hypochlorite storage tanks. Staff investigated both complaints and identified higher than normal hydrogen sulfide in the vicinity of the second complaint but did not identify any unusual odors or potential sources of odors within a few blocks of the first complaint. Both reports were verified based on the conditions at the Main Wastewater Treatment Plant and the prevailing wind direction at the time of the complaints. In response to the complaints, staff returned the pre-chlorination dose controller to its default settings and are reviewing hypochlorite dosing and hydrogen sulfide data to optimize the pre-chlorination dose controller settings.

INFRASTRUCTURE INVESTMENT

Walnut Creek Water Treatment Plant Pretreatment Project (Project) update. On April 2, staff met with the Quail Ridge Homeowners Association (HOA) to discuss the Project. The Quail Ridge residential neighborhood is located adjacent to the northern boundary of the project site. In response to comments received from the HOA during the Draft Environmental Impact Report (EIR) comment period and in follow-up meetings with the HOA in November 2023 and March 2024, staff met with the HOA to review and clarify their comments for the Draft EIR. The HOA's primary comments were related to visibility of the new project facilities and preservation of existing distant views from the Briones-to-Mount-Diablo Regional Trail and the Quail Ridge neighborhood.

On April 26, Director Gómez and staff met with neighbors adjacent to the entrance of the Water Treatment Plant to discuss the Project. The meeting was requested by the neighbors and held at the City of Walnut Creek Main Library. Neighbors expressed concerns about operational chemical safety; construction and operational safety, traffic, and pavement conditions along Larkey Lane; construction-related air quality; construction work hours; and property values during construction. The neighbors asked the District to pursue the Bixler alternative site and staff explained why it was not selected. A follow-up meeting will be scheduled with the neighbors. All comments will be addressed in the Final EIR, scheduled for completion in late May 2024 and Board consideration in June 2024. Approximately 20 people attended.

In April, staff completed a pipeline replacement project in the 71st Avenue area in Oakland. This project replaced cast iron pipe with approximately 1,120 feet of 6-inch structurally enhanced polyvinyl chloride pipe.

In April, staff began a pipeline replacement project in the Halcyon Drive area in San Leandro. This project will install approximately 720 feet of 6-inch mortar-lined zinc coated ductile iron pipe and 2-inch copper pipe. This project is expected to be completed in May.

In April, staff began a pipeline replacement project in the East 16th Street area in Oakland. This project will replace cast iron pipe with 5,245 feet of 4- and 6-inch structurally enhanced polyvinyl chloride pipe and 6-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in December.

On April 3, the City of Oakland's Planning Commission approved the major conditional use permit and three minor variance requests for the District's proposed New Central Area Service Center project. This 1.7-acre project is located in West Oakland at the intersection of Mandela Parkway and 26th Street. It will provide a new service yard facility to accommodate the growth of the District's pipeline construction and maintenance activities. Staff will now proceed with detailed design for the project. The facility is expected to be operational in fall 2027.

On April 12, the District submitted the Dam Safety Surveillance and Monitoring Reports (DSSMRs) for the Pardee and Camanche facilities to the Federal Energy Regulatory Commission (FERC). The annual DSSMRs summarizes the District's dam safety monitoring, which includes field observations, instrumentation evaluations and engineering assessments. The reports concluded the dams are considered safe for continued operation. This finding will be reviewed and approved by FERC.

Design of the Lafayette Reservoir Recreation Area Wastewater Collection System Improvements was completed under Specification 2166. This \$2.1 million construction project will replace the sanitary sewer lift station and collection system at the Lafayette Reservoir Recreation Area, along with other site improvements including a radio tower for Supervisory Control and Data Acquisition connectivity, a backup generator, and a retaining wall. This project will provide timely remediation to avoid regulatory, health and maintenance issues. The construction is expected to be completed in October 2025.

Construction of the Oakland Inner Harbor Pipeline Crossing was completed under Specification 2155. The \$25.1 million project constructed approximately 3,000 feet of 32-inch high-density polyethylene pipe under the Oakland Inner Harbor by horizontal directional drilling, approximately 10,325 feet of 24-inch steel pipe in Oakland and Alameda, and a flow meter in Alameda. The project was completed eight months ahead of schedule and approximately \$2 million under budget.

Mains repaired in April totaled 48. The attached table lists the mains repaired by staff in April, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

In April, staff conducted three environmental education field trips. On April 9, a total of 30 fourth graders from Sutter Creek Elementary School learned about the history of Wildermuth House near Pardee Reservoir and how people lived during the era it was constructed. Students also planted willow cuttings in the area as part of a service work project. On April 10, a total of 16 advanced placement biology students from Amador High School in Pleasanton learned natural history and hydrology of the Mokelumne Watershed at Camanche South Shore. On April 30, a total of 35 students from Brookfield Village Elementary School in Oakland took a field trip to San Pablo Reservoir and Sobrante Water Treatment Plant and learned about the water system, stewardship, water treatment, and District careers.

In April, the District sponsored the San Francisco Baykeeper Clean Bay Challenge. Volunteers protected the San Francisco Bay by cleaning up trash during Earth Month. The District's logo is displayed on the event website. Over 75 people volunteered and cleaned up over 900 pounds of trash.

In April, the District received third place for the California Water Environment Association's statewide Engineering Achievement Award for the Large Diameter Interceptor Rehabilitation, Special Structures project.

On April 4, staff presented at the Contra Costa Mayors Conference in Danville. Staff announced the appointment of Ward 2 Director Luz Gómez. Approximately 70 people attended.

On April 6, staff participated in the Native American Health Clinic's Indigenous Red Market event in Oakland. Staff provided information on the Customer Assistance Program. Approximately 1,000 people attended.

On April 8, staff participated in the City of San Pablo's Stakeholder Economic Task Force meeting. Staff provided feedback on the City's economic development plan. Approximately 30 people attended.

On April 8, staff attended the Bay Front Chamber of Commerce's Spring Mega Mixer in Hercules to network and provide community updates.

On April 10, staff met with Alameda County/Castro Valley Sanitation District to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 11, staff presented at the American Fisheries Society California-Nevada Chapter 58th Conference in Redding. The presentation highlighted the existing Mokelumne River science program and how the program will be leveraged for Voluntary Agreement monitoring and assessment. The conference theme was "Breaching the Dam: Building Partnerships." The meeting brought together people of diverse backgrounds and expertise to tell stories about the resilience of Native American tribes, competing interests in a water-limited environment, and of native ecosystems and fishes in the face of significant hydrologic perturbations and uncertainty. Approximately 85 people attended.

On April 11, staff met with the City of Pinole to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 11, staff participated in the West County Forum in San Pablo to network and provide community updates.

On April 11, staff participated in the Lao Family Community Development's Open House event in Oakland. Staff provided information on the Customer Assistance Program. Approximately 70 people attended.

On April 13, staff participated in the City of Orinda Parks and Recreation Department's first annual Touch-A-Truck event at Wilder Fields. A backhoe was provided for attendees to explore. Staff also provided information on District careers. Approximately 200 people attended.

On April 19, staff conducted a Water Walk tour of Adeline Maintenance Center for students in the RichmondBUILD Academy. RichmondBUILD Academy is a public-private partnership focused on developing talent and skill in the high growth, high wage construction and renewable energy fields for underrepresented young adults. Approximately 30 people attended.

On April 20, the District hosted the Kid's Fishing Day at Camanche South Shore. California Fish and Wildlife wardens also attended the event and shared information on hunter safety with visitors and the Calaveras County Fish and Game Commission hosted a youth archery course. The event included table displays from the Calaveras Sheriff's Office, Calaveras Consolidated Fire Department, and local fishing and food vendors. Approximately 100 people attended.

On April 20, staff conducted a tour along the upper Pardee Reservoir section of the Mokelumne Coast to Crest Trail to Patti's Point for the annual Longest Mile Wildflower hike. Approximately 25 people attended.

On April 22, staff presented to Danville's Los Cerros Middle School middle school teachers. Topics included EBMUD infrastructure, water system, careers, and education programs. Approximately 15 people attended.

On April 22, staff attended the Castro Valley Municipal Advisory Council Land Use Commission meeting to learn more about community issues.

On April 22-25, staff attended the U.S. Society on Dams' 2024 Annual Conference and Exhibition in Seattle, Washington. More than 800 dam and levee professionals attended the conference, which featured more than 130 technical sessions, a plenary session, a Legacy lecture, and a variety of workshops.

On April 23, staff attended the San Leandro State of the City to network and receive updates on community issues, including infrastructure, housing, and public safety.

On April 23, the District hosted the Joint Settlement Agreement Partnership Coordinating Committee meeting in Lodi. Topics included water supply and reservoir operations, temperature management, 2023 fall operations, hatchery coordination, status of Partnership fund, and Water Quality Control Plan update. Representatives from the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service, National Marine Fisheries Service, Department of Water Resources, and State Water Resources Control Board participated.

On April 24, staff presented to all students at Oakland's Brookfield Elementary School. The assembly was led by Zun Zun, an organization that leads musical assemblies on water systems, climate change, and pollution prevention. Approximately 450 people attended.

On April 24, staff participated in the Alameda County Emergency Management Association's meeting to coordinate emergency response between county agencies. Approximately 75 people attended.

On April 24, the District hosted a Water Wednesday Webinar. The presentation provided an update on the District’s current water supply, California water supply, and water supply projections. Approximately 100 people attended.

On April 25, staff met with the City of Richmond to coordinate construction activities. The two agencies shared information on current and upcoming work.

On April 27, staff participated in the Berkeley Bay Festival. Staff provided pollution prevention tools including grease scrapers and brochures to encourage the proper disposal of fats, oils, and grease. Approximately 4,000 people attended.

On April 29, staff participated in San Joaquin County’s (SJC) virtual Green Career Fair. Staff provided information on environmental and biological career paths, key challenges and opportunities in these field, advice for individuals aspiring to work in sustainable practices, and insights into the future of green careers. Approximately 95 people attended.

On April 30, staff met with the City of Oakland to coordinate construction activities. The two agencies shared information on current and upcoming work.

Media. A press release was issued on April 10 announcing the appointment of Ward 2 Director Luz Gómez. EBMUD was included in stories about U.S. EPA fines for wastewater overflows (KNTV11, KTVU2, U.S. EPA press release, Public Now, SFGate, SF Chronicle, A Better Bay Area, Berkeleyside, The Oaklandside, and The Business Journals). New U.S. EPA PFAS regulations were in the news all over the country, and locally covered (KTVU2). In contrast to EBMUD’s record salmon returns on the Mokelumne River, the commercial salmon fishery is closed for the season (Local News Matters, CDFW News, SF Chronicle, Mercury News, USA today.) In addition, EBMUD was mentioned on a hit hydrant in Castro Valley (KPIX5). EBMUD employee Diego Aguilar was featured in a Jewish Vocational Services video on skilled trades (NPR). On April 23, EBMUD attended a media event held at the Hydrogen Fuel Station (the event was organized by FirstElement Fuel).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
Twitter	Water Conservation showcase	212	3,962	291
Facebook	Virtual laborer info session	7,966	2,055	21
Instagram	Public Affairs intern recruitment	352	703	35
LinkedIn	Eagles on the watershed	1,808	9,633	158
Nextdoor	New Board Director	49,440		

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

- Augusta Drive, Moraga Country Club (Moraga)
- Briones Reservoir Soils Off-Haul (Orinda)
- Dingee Reservoir (Piedmont/Oakland)
- Happy Valley Pumping Plant and Pipeline Replacement (Orinda)
- Lafayette Reservoir Tower Retrofit (Lafayette)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Spec 2183: Ridgewood Road Pipeline Replacement and Facility Demo (Alamo)
- St. Mary's Pipeline Replacement (Lafayette)
- Walnut Creek Water Treatment Plant Pretreatment Project (Walnut Creek)

Contract Equity

- **On April 4, staff participated in California Public Utilities Commission's Small Diverse Business Expo in San Francisco.** Staff provided information on conducting business with the District and upcoming contracting opportunities. Approximately 450 people attended.
- **On April 9, staff participated in Construction Resource Center's virtual 10-Week Project Management Course Graduation.** Staff provided information on upcoming contracting and employment opportunities and the Contract Equity Program. Approximately 25 people attended.
- **On April 10, staff participated in Women's Business Enterprise Council Pacific's virtual Industry Event/Matchmaking Series.** Staff provided information on doing business with the District and upcoming contracting opportunities. Approximately 25 people attended.
- **On April 30, staff participated in Women's Business Enterprise Council Pacific's virtual HR Staffing Agency/Matchmaking Series.** Staff participated in 10 matchmaking sessions and provided information about doing business with the District and upcoming contracting opportunities. Approximately 20 people attended.

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

- April 4 – Bay Area Supplier Diversity Professional Mixer – 60 attendees
- April 16 – American Indian Advisory Council Meeting – 25 attendees
- April 18 – Women's Business Enterprise Council Pacific's Board Meeting – 18 attendees

Water Conservation

On April 4, the District sponsored the 21st Annual Water Conservation Showcase in San Ramon. Topics covered included stormwater management, transforming urban landscapes, California's push for increased water efficiency, lessons learned on laundry to landscape, and the

new non-functional turf irrigation ban. The staff presentation highlighted the cost and water savings potential for detecting irrigation leaks. Approximately 500 people attended.

On April 8, staff presented at the Rossmoor Mutual Treasurers meeting in Walnut Creek. The presentation highlighted District water rates, water supply, and indoor and outdoor water conservation rebates and opportunities. Approximately 45 people attended.

On April 9, the District, Ruth Bancroft Garden, and Contra Costa Water District held a webinar on low-water gardening basics. Approximately 25 people attended.

On April 12, staff participated in the Castro Valley High School's Environmental Career Fair. Staff provided educational materials (in English, Spanish, and Chinese), free toilet leak dye tabs and job information. Approximately 1,500 people attended.

On April 20, staff participated in the Berkeley Unified School District's Middle School Climate Fair. Staff provided educational materials (in English, Spanish, and Chinese), toilet leak dye tabs, and Where Our Water Comes From posters. Approximately 400 people attended.

On April 27, staff participated in the Ruth Bancroft Garden's self-guided Water-Wise Garden Tour. Staff provided information on District programs and services to help lower outdoor water use. Approximately 750 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

Staff Rotation Program update. In April 2024, two employees completed their six-month rotation assignment, and two employees will commence their six-month rotations where they will broaden their experience and enhance their skills by working in a new work unit. These rotations will continue to provide staff with a better understanding of how their regular work assignments complement and connect with other District work groups.

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

- **On April 10, staff participated in Rising Sun's Opportunity Fair in Oakland.** Staff provided information on District career pathways, as well as current and upcoming recruitments. Approximately 100 people attended.
- **On April 16, staff participated in Oakland Unified School District's Skilled Trades Fair in Oakland.** Staff provided information on District careers, internships, current and upcoming recruitments, and the application process. Staff also conducted live demonstrations of a water main break simulation for students. Approximately 350 people attended.

- **On April 18, staff participated in Building Opportunity for Self-Sufficiency Job Fair in Oakland.** Staff provided information on District careers, current and upcoming recruitments, and the application process. Approximately 200 people attended.
- **On April 23, staff participated in San Jose State University Career Center’s information session.** Staff provided information on District careers and the application and recruiting process. Approximately 15 people attended.
- **On April 25, staff participated in Alameda County’s Fair Chance Job Fair in Oakland.** Staff provided information on District careers, recruitments, and the application process with an emphasis on the Janitor and Meter Reader/Mechanic openings. Approximately 2,000 people attended.

Tuition Reimbursement

	April 2024	FY 2024 Total
# of Employees	11	125
# of Classes	12	178
Total Reimbursed	\$5,320.08	\$102,777.07

Employment Information

	April 2024	FY 2024 Total
Retirements – Regular	5	56
Retirements – Vested	0	7
Hires/Rehires	13	162
Other Separations	5	74

FINANCIAL STABILITY

Capital Budget Transfers. In April 2024, there were two capital transfers for a total of \$19.98 million. There was one capital transfer greater than \$2.5 million. The transfer in the Water System was for \$19 million, which was an addition to the Pipeline Rebuild award (7000003) to support ongoing efforts through the end of FY 2024. Pipeline replacement efforts are on track to replace 25 miles of pipe in FY 2024. The additional miles, as well as increases to labor and material costs, caused the project to exceed the planned budget. Materials costs increased primarily due to the transition from PVC to ductile iron, and labor costs increased at a higher rate than originally projected. Funds are available from the West of Hills Master Plan (7000224) and Rate Control Station Rehabilitation (7000089) awards, due to re-prioritization of projects in previous budget cycles. Current planned spending in these two awards within the next five years will be less than the remaining appropriations after the transfer.

Through April 30, 2024, there have been 12 capital transfers for a total of \$53.3 million in the Water System and \$5.2 million in the Wastewater System.

An amendment to the agreement with Salas O'Brien Engineers, Inc., (SOBE) previously authorized under Board Motion No. 126-19, will be requested to increase the agreement amount by \$653,897 to a total amount not to exceed \$1,543,250 for additional mechanical, electrical, structural, and architectural services. This amendment will provide additional services to complete design for three specific occupied facility projects located at Fleet Maintenance East (FME) and the East Area Service Center (EASC), both in Walnut Creek, and the Adeline Maintenance Center Administration Building in Oakland. These projects were part of the original agreement with SOBE. For the Fleet Maintenance East Facility Improvements project, significant scope changes include: design of a new administration building in lieu of renovating the existing one based on a life cycle cost analysis performed by District staff; design of the new fleet bays in lieu of using a prefabricated building to allow the District to obtain building permits prior to construction and minimize bid risk for the low-bid construction contract; design of structural retrofits on the existing fleet bays; and preparation of four independent drawing packages (one for each structure plus the sitework) to comply with the City of Walnut Creek's permitting requirements. The EASC Electrical and Heating, Air Conditioning, and Ventilation (HVAC) Improvements and AMC Administration Building HVAC Improvements projects have been on hold at about the 90% design milestone since 2020. The EASC project was delayed and will be bid as a package with the Fleet Maintenance East project. The AMC Administration Building HVAC project was deferred in the CIP due to staff resource limitations. Additional design support is required to revise and update the original 2019 designs to reflect building code changes that have occurred over the past 5 years. The Board will be asked to consider the amendment at its May 28, 2024 meeting.

An amendment to the agreement with Info-Tech Research Group, Inc (Info-Tech) previously authorized under the General Manager's authority will be requested to increase the agreement amount by \$162,424 to a total amount not to exceed \$296,142 for additional Information Technology (IT) research and advisory services to support District IT Strategy, governance, innovation, planning, change management and continuous improvement. The District started efforts in 2023 to modernize its IT processes, structures, and infrastructure, and update its IT strategic plan. Staff engaged with Info-Tech to provide advisory services to inform the process changes, benchmarking services to support feedback and continuous process improvement, and other IT research and advisory services. Completing the IT Strategic Plan and implementing these new processes and structures will help the District's IT organization grow as technologies evolve. The Board will be asked to consider the amendment at its May 28, 2024 meeting.

Customer Assistance Program update. The Federal Low Income Household Water Assistance Program (LIHWAP) ended on March 31. However, District customers will continue to receive LIHWAP benefits throughout April, as applications submitted prior to the deadline are still being processed by the local service providers. While all LIHWAP recipients are income eligible for the District's CAP, the District identified approximately 854 LIHWAP recipients that are not currently enrolled in CAP. Staff will reach out to those customers. The finalized payments applied to accounts will be included in the May Monthly Report.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station’s surplus power sales for April is \$84,584. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$21,984 from the Port of Oakland. Earned revenue for FY 2024 to date is estimated at \$474,856 or 119 percent of the total FY 2024 budget of \$400,000.

The estimated earned revenue from Mokelumne power sales for April is \$1,013,500. The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$140,007 from MCE. Resource Adequacy (RA) capacity sales to NRG Business Marketing LLC and Ava Community Energy earned \$141,600 and \$8,955, respectively. Estimated earned revenue to date through April is \$12,894,000 or 161 percent of the planned revenue FY 2024, \$8 million. The forecasted revenue for FY 2024 is \$15.4 million.

There were no material, supply, or construction contracts from \$80,001 to \$100,000 and two general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in April 2024.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Westpac Architectural Glass	4/24/24	White Men	Furnish and install replacement glass in the Administration Building for windows damaged by stray bullets	N/A	N/A	\$72,977
Cameron-Cole, LLC	4/30/24	White Men	Greenhouse gas verification services	N/A	Two years, with four options to renew for additional one-year periods	\$51,240

As of April 30, 2024, the District received benefit payments from the Low-Income Household Water Assistance Program (LIHWAP) for \$2,580,534.86 for Alameda County customers and \$304,990.59 for Contra Costa County customers. LIHWAP benefit payments are processed through designated local service provider for each county. The total amount received to date is \$2,885,525.45.

Low-Income Household Water Assistance Program as of April 30, 2024		
County	Total Count	Total Payment Amount
Alameda County	1939	\$2,580,534.86
Contra Costa County	322	\$304,990.59
Grand Total	2261	\$2,885,525.45

Board of Directors
Monthly Report – April 2024
Page 15

Low-Income Household Water Assistance Program July 2022 - April 2024												
Month	July 2022		August 2022		September 2022		October 2022		November 2022		December 2022	
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received
Alameda	17	\$14,105.43	78	\$70,570.04	92	\$85,690.99	78	\$67,563.45	49	\$48,161.64	81	\$87,880.54
Contra Costa	0	\$0.00	10	\$5,707.69	12	\$6,295.35	10	\$7,408.44	13	\$8,318.57	14	\$15,972.87
Totals	17	\$14,105.43	88	\$76,277.73	104	\$91,986.34	88	\$74,971.89	62	\$56,480.21	95	\$103,853.41

Month	January 2023		February 2023		March 2023		April 2023		May 2023		June 2023	
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received
Alameda	62	\$64,521.24	68	\$73,704.39	45	\$51,726.67	72	\$77,037.41	66	\$82,589.30	35	\$58,917.54
Contra Costa	26	\$21,385.89	18	\$11,357.19	16	\$11,931.92	17	\$11,661.52	17	\$17,770.47	15	\$12,855.72
Totals	88	\$85,907.13	86	\$85,061.58	61	\$63,658.59	89	\$88,698.93	83	\$100,359.77	50	\$71,773.26

Month	July 2023		August 2023		September 2023		October 2023		November 2023		December 2023	
County	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payment Received	Accounts	Payments	Accounts	Payments	Accounts	Payments
Alameda	67	\$105,425.64	95	\$164,667.46	111	\$188,740.64	69	\$104,089.80	270	\$351,349.23	50	\$68,202.17
Contra Costa	24	\$32,716.76	35	\$44,897.64	21	\$17,586.18	10	\$11,639.79	17	\$14,413.75	10	\$12,839.85
Totals	91	\$138,142.40	130	\$209,565.10	132	\$206,326.82	79	\$115,729.59	287	\$365,762.98	60	\$81,042.02

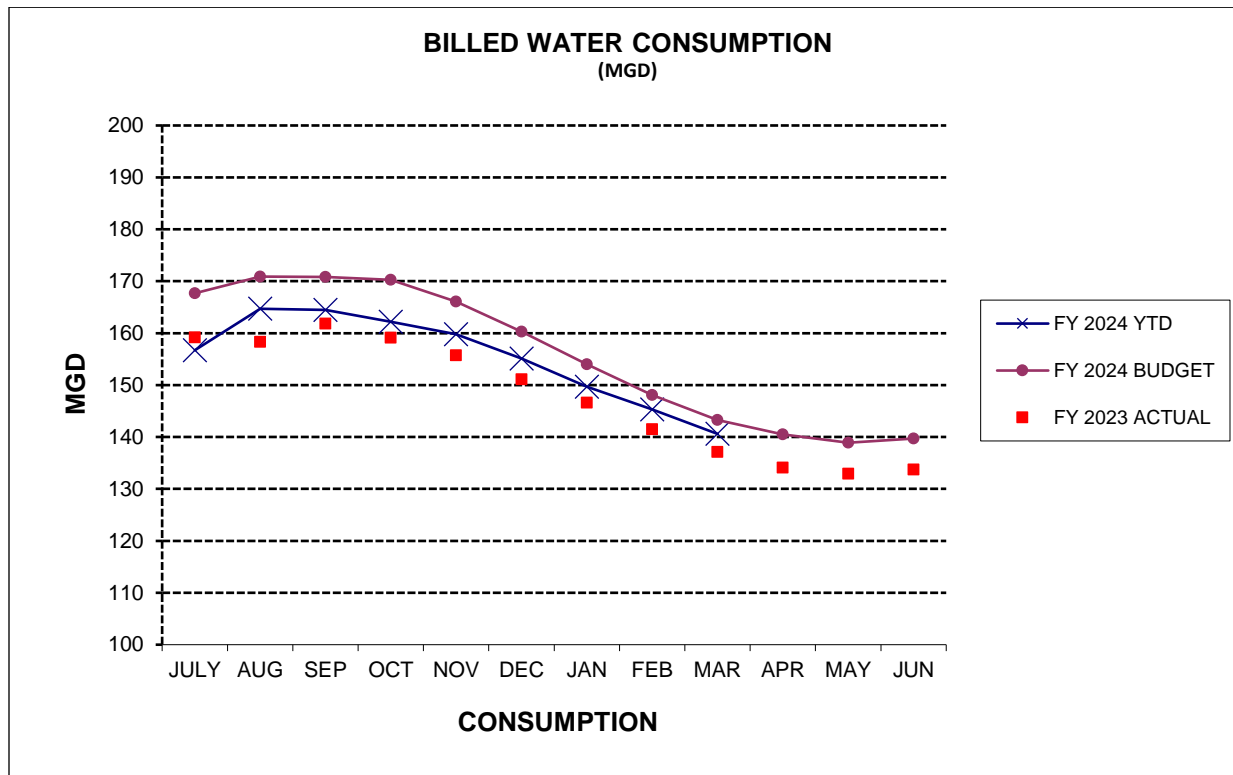
Month	January 2024		February 2024		March 2024		April		Total to Date	
County	Accounts	Payments	Accounts	Payments	Accounts	Payments	Accounts	Payments	Accounts	Payment Received
Alameda	170	\$221,996.41	105	\$166,298.88	131	\$214,152.10	129.00	\$214,684.73	1810	\$2,580,534.86
Contra Costa	24	\$26,301.27	7	\$7,138.70	6	\$6,791.02	0.00	\$0.00	322	\$304,990.59
Totals	194	\$248,297.68	112	\$173,437.58	137	\$220,943.12	129.00	\$214,684.73	2132	\$2,885,525.45

Water Sales (Consumption)

The following consumption information is the average billed water consumption in millions of gallons per day (MGD) for the first nine months of FY 2024.¹ Budgeted average daily water consumption for FY 2024 is 139.7 MGD, and summer month consumption is generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2023 data for the same period of time.

Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY 2023 (MGD)	FY 2022 (MGD)	Year-over-Year (% change)
Residential	69.2	67.9	1.9%
Commercial	46.2	45.0	2.7%
Industrial	18.9	17.9	5.6%
Public Authority	6.3	6.3	0.0%
Total Billed Water Consumption	140.6	137.1	2.6%

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

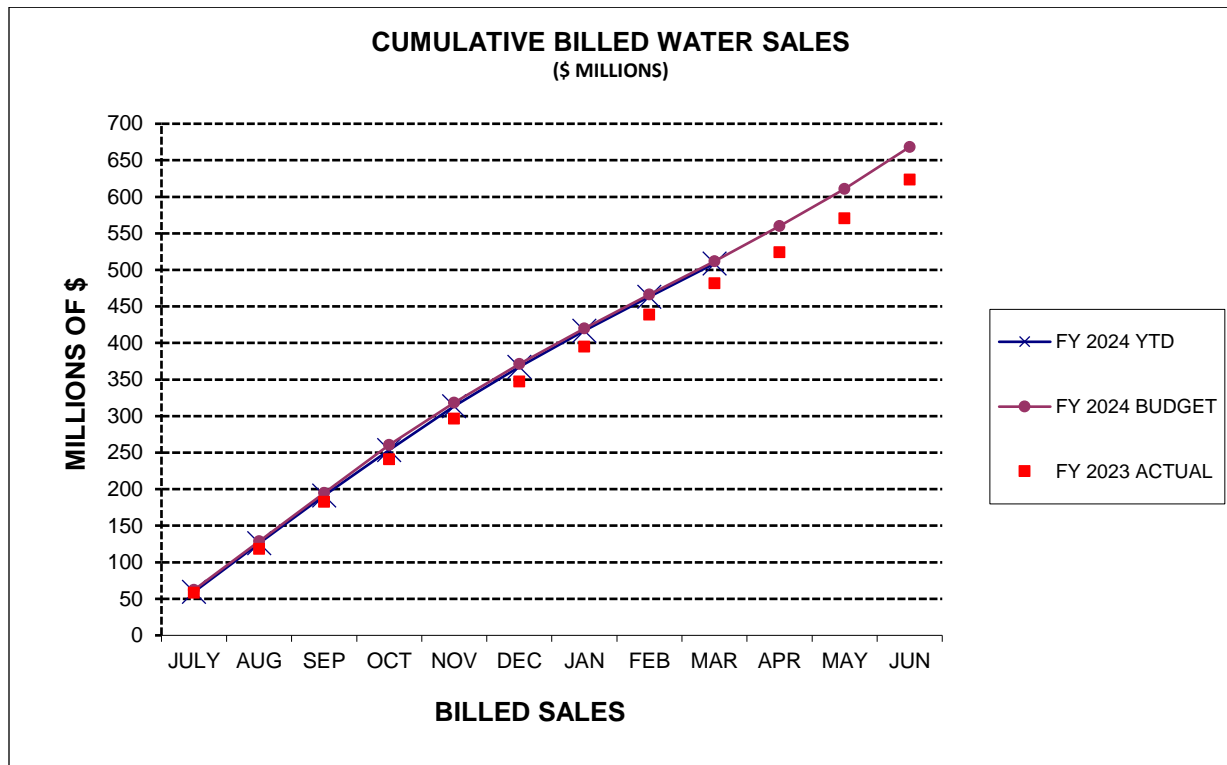


Source: Customer Information System

Water Sales (Revenue)

FY 2024 water revenues billed through the end of March were \$508.8 million or 5.6% more than the FY 2023 revenue for the same period of \$481.7 million.² This increase in water revenues is a result of higher March 2024 consumption year-over-year and an 8.5% rate increase (effective July 1), partially offset by the removal of drought surcharges prior to the start of FY 2024. FY 2024 water revenues through March are \$2.9 million less (or 0.6% less) than the budgeted water revenue of \$511.7 million due to lower-than-projected consumption.

² Water sales includes potable and non-potable water sales. FY 2023 water sales shown in this report include drought revenue (\$19.9M through March 2023).



Source: Customer Information System

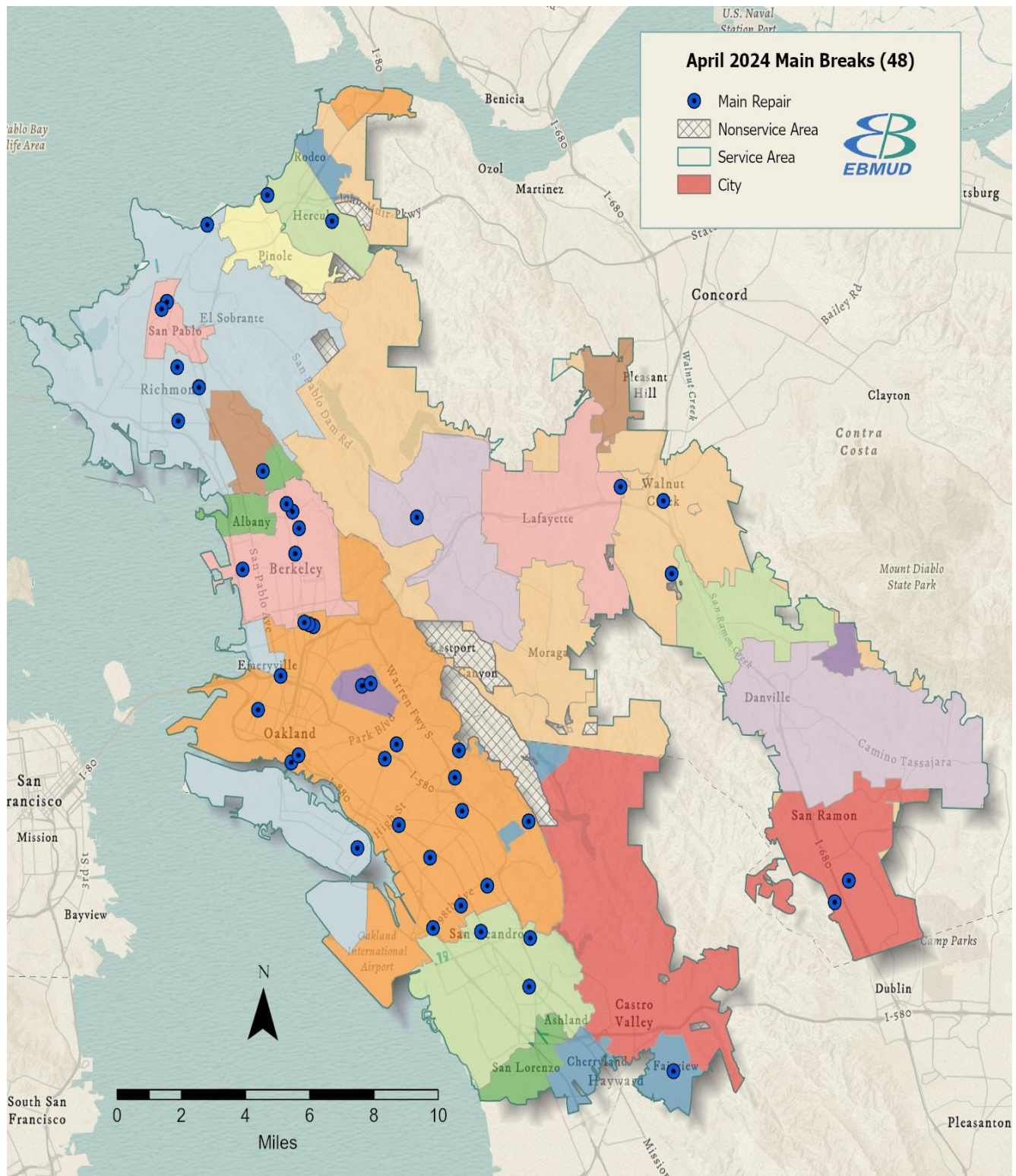
April 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		JOHNSON	AVE	CAST IRON	2	1928	14,400	4/15/2024	4/16/2024	Y
BERKELEY		CONTRA COSTA	AVE	CAST IRON	10	1937	0	4/16/2024	4/23/2024	Y
BERKELEY		FRANCISCO	ST	CAST IRON	6	1905	2,250	4/29/2024	4/29/2024	Y
BERKELEY		HEARST	AVE	STEEL	8	1939	17,280	4/11/2024	4/16/2024	Y
BERKELEY		INDIAN ROCK PATH		NON METALLIC / PLASTIC	2	1983	1,800	4/13/2024	4/14/2024	Y
BERKELEY		WALNUT	ST	STEEL	2	1923	0	4/3/2024	4/9/2024	Y
EL CERRITO		VILLAGE	DR	ASBESTOS CEMENT	6	1948	0	4/25/2024	4/30/2024	Y
HAYWARD		RAFAHI	WAY	ASBESTOS CEMENT	6	1954	4,500	4/5/2024	4/6/2024	Y
HERCULES		PINOLE	ST	ASBESTOS CEMENT	6	1983	2,700	4/20/2024	4/20/2024	Y
HERCULES		SEQUOIA	RD	ASBESTOS CEMENT	8	1976	8,640	4/24/2024	4/29/2024	Y
LAFAYETTE		BACON	WAY	STEEL	16	1954	0	4/10/2024	4/16/2024	Y
OAKLAND		2ND	ST	CAST IRON	10	1908	25,920	4/18/2024	4/23/2024	Y
OAKLAND		37TH	ST	CAST IRON	6	1927	7,200	4/19/2024	4/19/2024	Y
OAKLAND		48TH	AVE	ASBESTOS CEMENT	6	1961	0	4/3/2024	4/4/2024	Y
OAKLAND		63RD	ST	ASBESTOS CEMENT	8	1961	0	4/10/2024	4/15/2024	Y
OAKLAND		71ST	AVE	CAST IRON	4	1924	10,080	4/11/2024	4/17/2024	Y
OAKLAND		101ST	AVE	CAST IRON	6	1942	45,000	4/7/2024	4/7/2024	Y
OAKLAND		BERMUDA	AVE	ASBESTOS CEMENT	6	1948	9,000	4/26/2024	4/26/2024	Y
OAKLAND		CANNING	ST	NON METALLIC / PLASTIC	6	2022	8,640	4/1/2024	4/3/2024	Y
OAKLAND		CORDOVA	ST	CAST IRON	4	1935	0	4/17/2024	4/24/2024	Y
OAKLAND		ELMAR	AVE	CAST IRON	6	1929	18,000	4/12/2024	4/13/2024	Y
OAKLAND		HESKET	RD	CAST IRON	4	1944	0	4/9/2024	4/15/2024	Y
OAKLAND		KIMBERLIN HEIGHTS	DR	STEEL	6	1957	450	4/18/2024	4/18/2024	Y
OAKLAND		MADISON	ST	ASBESTOS CEMENT	8	1971	17,280	4/25/2024	4/30/2024	Y
OAKLAND		MANDELA	PKY	CAST IRON	8	1955	0	3/19/2024	4/2/2024	Y
OAKLAND		MOKELUMNE	AVE	CAST IRON	6	1949	18,000	4/6/2024	4/7/2024	Y
OAKLAND		RACINE	ST	CAST IRON	6	1932	18,000	4/10/2024	4/10/2024	Y
OAKLAND		SCENIC	AVE	CAST IRON	6	1939	8,640	4/3/2024	4/5/2024	Y
OAKLAND		SURREY	LN	STEEL	12	1965	18,720	3/28/2024	4/9/2024	Y

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

April 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ORINDA		NORTH	LN	CAST IRON	8	1934	2,700	4/28/2024	4/28/2024	Y
PIEDMONT		HAGAR	AVE	CAST IRON	6	1926	900	4/29/2024	4/29/2024	Y
PIEDMONT		HIGHLAND	AVE	STEEL	6	1927	0	4/18/2024	4/25/2024	Y
PIEDMONT		PACIFIC	AVE	CAST IRON	6	1926	900	4/29/2024	4/29/2024	Y
RICHMOND		CARLSON	BL	CAST IRON	8	1925	31,500	4/8/2024	4/9/2024	Y
RICHMOND		MCBRYDE	AVE	CAST IRON	6	1942	8,640	4/17/2024	4/22/2024	Y
RICHMOND		SAN PABLO	AVE	CAST IRON	4	1946	0	3/29/2024	4/4/2024	Y
RICHMOND		SAN PABLO	AVE	ASBESTOS CEMENT	8	1962	0	4/10/2024	4/17/2024	Y
RICHMOND		SOUTHWOOD	DR	ASBESTOS CEMENT	6	1967	900	4/12/2024	4/12/2024	Y
SAN LEANDRO		148TH	AVE	CAST IRON	6	1939	450	4/25/2024	4/25/2024	Y
SAN LEANDRO		BEST	AVE	CAST IRON	4	1926	9,000	4/7/2024	4/7/2024	Y
SAN LEANDRO		VIEW	DR	CAST IRON	6	1956	18,720	4/11/2024	4/23/2024	Y
SAN PABLO		18TH	ST	CAST IRON	4	1944	0	4/10/2024	4/16/2024	Y
SAN PABLO		18TH	ST	CAST IRON	4	1944	0	4/16/2024	4/23/2024	Y
SAN PABLO		MACARTHUR	AVE	CAST IRON	4	1942	17,280	4/23/2024	4/26/2024	Y
SAN RAMON		CENTURY OAKS	CT	STEEL	12	1996	28,800	4/3/2024	4/7/2024	Y
SAN RAMON		SALEM	CT	ASBESTOS CEMENT	6	1975	22,500	4/3/2024	4/3/2024	Y
WALNUT CREEK		CYPRESS	ST	ASBESTOS CEMENT	6	1953	4,500	4/1/2024	4/1/2024	Y
WALNUT CREEK		SADDLE	RD	STEEL	8	1975	0	4/18/2024	4/18/2024	Y
							403,290			

Non-surfacing leaks discovered by leak detection technologies	5
Breaks caused by contractors or other agencies	0
Other main breaks	43
Total water main repairs	48

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



Board of Directors
Monthly Report – April 2024
Page 21

Customer Account Delinquency Information													
April 2024													
(Data collection began September 1, 2017 - CAP applications processed through Apr 23 24)													
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24 ⁴³	Apr 24 ⁴⁴	Totals (since 9/1/2017)						
New CAP Participants	142	102	164	174	207	189	13,750						
CAP Renewals	161	183	252	243	267	211	14,514						
CAP Departures	348	336	417	323	540	425	19,716						
Total Active CAP Participants w/Active Accounts	9,344	9,366	9,327	9,365	9,265	9,474	-						
PAYMENT PLANS	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	Totals (since 9/1/2017)						
Approved Payment Plans	1,913	1,937	2,103	1,881	1,867	1,927	228,357						
Payment Plans Established After Service Interruptions	-	-	-	-	-	-	1,320						
SERVICE INTERRUPTIONS - RESIDENTIAL	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	Totals (since 9/1/2017)						
15-day Final Collection Notices	14,282	16,780	16,481	17,033	16,980	18,321	1,272,160						
48-hr Service Interruptions Notices ³	10,658	11,241	11,125	11,313	10,391	12,867	755,385						
Service Interruption Orders Created	*	*	*	*	*	*	82,689						
Service Interruptions Completed (Actual)	*	*	*	*	*	*	22,712						
CAP Enrolled Service Interruptions	*	*	*	*	*	*	802						
WATER THEFT	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	Totals (since 9/1/2017)						
No. of Incidents	3	2	6	7	8	10	520						
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	41						
No. Water Theft Penalties Issued	-	-	-	-	-	-	228						
No. of Appeals Received	-	-	-	-	-	-	10						
No. of 1st Appeals Approved	-	-	-	-	-	-	5						
No. of 1st Appeals Denied	-	-	-	-	-	-	8						
Multi-Family Liens ¹	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	Totals (since 9/1/2017)						
Liens Filed	109	10	106	98	-	58	6,498						
Released	284	143	20	44	-	23	5,487						
Transferred to Alameda Cty.	-	-	-	-	-	-	2,194						
Transferred to Contra Costa Cty.	-	-	-	-	-	-	400						
Total/Month	393	153	126	142	-	81	14,579						
BAD DEBT - WRITE OFFS ²	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	Totals (since 9/1/2017)						
Total Referred to Collection Agency	\$ 493,499	\$ 356,253	\$ 395,990	\$ 314,164	\$356,030	TBD	17,106,930						
Write-Off % to Billed Revenue	0.72%	0.58%	0.69%	0.59%	TBD	TBD							
¹ Liens filed monthly represent delinquent accounts 4-6 months in arrears.													
² 48-hour notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.													
^{43b} Mar 2024 collection agency will be updated in Apr 2024. Write-off revenue for Mar 2024 will be finalized when the final revenue reports are posted by Accounting. No Liens processed in Mar 2024.													
^{44a} CAP applications processed through 4/23/24. CAP tasks and responsibilities, including application processing, have transitioned from Contact Center to CAP Admin Team on 3/25/24. Contact Center processed applications through 3/1/24.													
^{44b} Apr 2024 collection agency totals will be updated in May 2024. Write-off revenue for Mar and Apr 2024 will be finalized when the final revenue reports are posted by Accounting.													
<i>*Notes: Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.</i>													
Water Theft													
Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Lafayette
Meter	5	1	2	19	4	3	1	2	3	1	8	6	1
Illegal Connection	0	1	0	1	0	0	0	0	0	0	0	0	0
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	5	2	2	20	4	3	1	2	3	1	8	6	1
Water Theft Type/City	Oakland	Orinda	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Total as of 9/1/2017	
Meter	327	1	1	6	92	7	2	11	5	2	1	511	
Illegal Connection	4	1	0	0	0	1	0	0	0	0	1	9	
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	
Total	331	2	1	6	92	8	2	11	5	2	2	520	

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 9, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Finance/Administration Committee Minutes – April 23, 2024

Director April Chan called to order the Finance/Administration Committee meeting at 9:20 a.m. in the Administration Building Boardroom. Chair Andy Katz arrived at 9:22 a.m. Director William B. Patterson was absent (excused). Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Treasury Manager Robert L. Hannay, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on documents she provided to Committee members.

Presentations/Documentation. 1) Document entitled 2023 Performance Pay Program - Management Salary Plan; 2) Document entitled EBMUD Pensions – 2022; 3) Document (untitled) related to employee Health Insurance Benefits; and 4) Document entitled Case 3_21-cv-04325-ACT Document 303 Filed April 17, 2024.

Monthly Investment Transactions Report. Treasury Manager Robert L. Hannay reviewed the March 2024 report noting 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. The report will be submitted to the Board for consideration at its meeting in the afternoon. The Committee raised no questions. It was moved by Director Chan, seconded by Kaz, and carried (2-0) by voice vote to accept the report. Director Patterson was absent (excused).

Quarterly Investment, Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended March 31, 2024. Treasury Manager Robert L. Hannay reviewed the reports which were filed in compliance with government statutes and covered the period January 1, 2024 through March 31, 2024. He explained the increase in payroll for March 2024 compared to January 2024 and February 2024 was due to three pay periods in March. The Committee raised no questions. It was moved by Director Chan, seconded by Director Katz, and carried (2-0) by voice vote to accept the reports. Director Patterson was absent (excused).

Adjournment. Chair Katz adjourned the meeting at 9:29 a.m.

CCC/RSC

This page is intentionally left blank.