



**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 28, 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 Keith Fleming and Stacey Cue from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; Lisa A. Sorani, Manager of Employee Services, 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. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with David A. Briggs, Director of Operations & Maintenance; Cindy R. Charan, Director of Human Resources; Olujimi O. Yoloye, Director of Engineering & Construction; and David M. Cook, Manager of Security & Emergency Preparedness.

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

REGULAR BUSINESS MEETING
1:15 p.m.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- Recognizing Pride Month and EBMUD's Raining Pride Affinity Group

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 14 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of May 14, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$18,216,035 for the construction of the East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1) Project, under Specification 2179.
4. Award a sole source contract beginning on or after May 28, 2024 to Shape, Inc. for supplying one Flygt pump as a spare for the existing submersible wastewater pumps at the Main Wastewater Treatment Plant Wet Weather Storage Basin for a total cost, after the addition of taxes, not to exceed \$350,000.
5. Authorize an agreement beginning on or after May 28, 2024 with Intake Screens, Inc. in an amount not to exceed \$1,248,750 for the fabrication and installation of fish screens for three surface water diversions on the lower Mokelumne River.
6. Authorize an agreement beginning on or after May 28, 2024 with Jacobs Associates, Inc. dba Delve Underground in an amount not to exceed \$1,034,000 for engineering services for the Lafayette Aqueduct No. 1 Tunnel Repairs.
7. Authorize an agreement beginning on or after May 28, 2024 with PSI Water Technologies, Inc. in an amount not to exceed \$786,535 for providing and installing a chloramine boosting station at Welle Reservoir including five years of maintenance services.

CONSENT CALENDAR: (Continued)

8. Authorize an agreement beginning on or after May 28, 2024 with Schweitzer Engineering Laboratories Engineering Services Inc. in an amount not to exceed \$1,320,400 for Protection Automation Control System engineering services and commissioning support.
9. Authorize an agreement beginning on or after May 28, 2024, with Window Film Depot, Inc., in an amount not to exceed \$680,510 for fabrication and installation of a new ballistics-resistant window system on the first floor of the District's Administration Building located at 375 11th Street in Oakland, CA.
10. Authorize an amendment to the agreement previously authorized under Board Motion No. 120-21 with Woodard & Curran, Inc. to increase the agreement amount by \$47,334 to a total amount not to exceed \$300,042 and extend the agreement term to June 30, 2026 for hosting and maintaining the East Bay Plain Subbasin Data Management System.
11. Authorize an amendment to the agreement previously authorized under Board Motion No. 126-19 with Salas O'Brien Engineers, Inc., to increase the agreement amount by \$653,896 to a total amount not to exceed \$1,543,249 for additional mechanical, electrical, structural, and architectural services for three District facilities.
12. Approve the April 2024 Monthly Investment Transactions Report.
13. Approve revisions to Policy 4.07 – Investments and renew existing delegation of authority for the management of investments on behalf of the District and Joint Powers Authorities to the Director of Finance, as the Treasurer of the District. (Resolution)
14. Adopt a resolution to appoint Standby Officer No. 3 in Ward No. 7 for the East Bay Municipal Utility District Board of Directors. (Resolution)

DETERMINATION AND DISCUSSION:

15. Appoint the Director of Engineering and Construction. (Resolution)
16. Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 to limit the pension benefits of future members of the Board of Directors. (Introduction and First Reading – Ordinance No. 376-24)
17. General Manager's Report.

REPORTS AND DIRECTOR COMMENTS:

18. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Finance/Administration

REPORTS AND DIRECTOR COMMENTS: (Continued)

19. Other Items for Future Consideration.

20. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 11, 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.

W:\Board of Directors - Meeting Related Docs\Agendas 2024\05282024_regular agenda.docx

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, May 28	Finance/Administration Committee	9:00 a.m. Boardroom	- Monthly Investment Transactions Report - Revisions to Annual Investment Policy
	Mid-Cycle Budget Update Workshop	9:30 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Tuesday, June 11	Planning Committee	TBD Boardroom	- Closed Session - Regular Meeting
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
2024 Board Committee Members			
	Finance/Administration	Katz {Chair}, Chan, Patterson	
	Legislative/Human Resources	Patterson {Chair}, Gómez, McIntosh	
	Planning	Young {Chair}, Chan, Linney	
	Sustainability	Linney {Chair}, Katz, Young	

APPENDIX

**Closed Session and Regular Business Meetings
11:00 a.m. and 1:15 p.m.**

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

Online*

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPP>

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

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

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

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
- If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject line of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

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

MINUTES

**Tuesday, May 14, 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 11:01 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:15 a.m.

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

PUBLIC COMMENT

- Addressing the Board were the following: 1) Ivette Rivera commented on correcting the title for Closed Session Agenda Item 2a and on the Pierce/Bland case; and 2) Eric Larsen, President, AFSCME Local 444, commented on Closed Session Agenda Item 1, previous union negotiations, and being encouraged by early engagement with management on upcoming negotiations.

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 1:21 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.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PRESENTATION

Director Gómez announced for the past eleven years, EBMUD has co-sponsored the “Excellence in Water and Wastewater Research Awards” in Alameda and Contra Costa Counties to recognize outstanding student science and engineering projects. Sakina Ahmad and Sophie Jackman, 8th graders in EBMUD Ward No. 2 won the Contra Costa County Engineering and Science Fair Award of Excellence for their project “Hydrated Heroes,” which tested different types of water and how they might naturally speed up the growth of plants, specifically crops, to help people that are suffering from food shortages around the world. Sakina and Sophie responded to questions about their project and Director Gómez presented each student with a check and certificate of accomplishment on behalf of EBMUD and the sponsors of the Contra Costa County Engineering and Science Fair. The Board congratulated and thanked the students for their work.

Next, General Manager Clifford C. Chan announced the District received awards for its Fiscal Years (FY) 2024 and FY 2025 budget documents from the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO). For the past 18 consecutive budget cycles in the last 30 years, the GFOA of the United States and Canada has presented a Distinguished Budget Presentation Award to the District for its published budget document. To receive this award, the District’s FY 2024 and FY 2025 budget document had to meet rigorous guidelines and program criteria as a policy document, operations guide, financial plan, and communication device. For the seventh time, the CSMFO awarded the District with the Operating Excellence Award in Budgeting. This is the highest level of award offered by CSMFO. The program is designed to recognize those agencies that have prepared a budget document that meets the highest standards. Mr. Chan acknowledged the team that developed the budget documents including Management Analyst II Bernadette de Leon; Manager of Budget Sam Feldman; Principal Management Analyst Nathan Hood; Management Analyst II Stacey Johnson; Director of Finance Sophia Skoda, Management Analyst II Jenny Tam, and Management Analyst II Theresa Won. He also acknowledged retired Rates Administrator Richard Lou for his many years of dedicated service and support on the District budget. Finance/Administration Chair Andy Katz presented the awards to the team members in attendance and thanked them for their work.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on correcting the title for Closed Session Agenda Item 2a, documents she provided to the Planning Committee earlier, and the Pierce/Bland case.

CONSENT CALENDAR

- Item 8 was removed from the Consent Calendar for separate discussion.
 - Motion by Director Linney, seconded by Director Young to approve the recommended actions for Items 1-7, and 9-10 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. 079-24** – Approved the Regular Meeting and Special Meeting Minutes of April 23, 2024.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Amending the Retirement Ordinance Pertaining to Board Members’ Pension Benefits,” dated May 14, 2024; **2)** Presentation entitled, “Fiscal Year 2025 Proposed Non-Proposition 218 Rates, Charges, and Regulations,” dated May 14, 2024; **3)** Handout entitled, “Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading),” dated May 14, 2024; **4)** Speakers’ Bureau and Outreach Record CY24, dated May 14, 2024; **5)** Email dated April 27, 2024 from Ivette Rivera to Rischa Cole et. al regarding EBMUD & AFSCME 444/Council 57, RE: April 5, 2024 (bad-faith) “finalized” Grounds Foreman classification description (with attachment); and **6)** Document titled Case 3:24-cv-02491-AGT Document 1, filed April 25, 2024.
3. **Motion No. 080-24** – Awarded 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.
- 4a - **Motion No. 081-24** – Awarded 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; and authorized the award of 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.
- 4b.
5. **Motion No. 082-24** – Authorized an agreement beginning on or after May 14, 2024 with Diede Construction, Inc. in an amount not to exceed \$576,000 for materials and labor for landscaping and site improvements at Pardee Center.
6. **Motion No. 083-24** – Authorized 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.
- 7.1. **Motion No. 084-24** – Authorized 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. **Motion No. 085-24** – Authorized 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.

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; and 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.**

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented on this expense being consolidated under one agreement for better tracking and cost control and noted while there is special work in the agreement, some of the tasks are normally performed by District forces. Local 444 does not object to the agreement but would like to see vacancies filled to reduce contracting out.

- Motion by Director Gómez, seconded by Director Linney to approve the recommended actions for Items 8a-8b carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 087-24 – Authorized 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; and authorized 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. **Motion No. 086-24** – Authorized 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. **Resolution No. 35397-24** – Designating The East Bay Municipal Utility District Ward Of Which Newly-Annexed Territory Will Be A Part In Anticipation Of Electing Directors.

DETERMINATION AND DISCUSSION

11. Legislative Update.

General Manager Clifford C. Chan stated the Legislative/Human Resources Committee met earlier and supported the staff recommendations for the bills in Legislative Report No. 03-24. Manager of Legislative Affairs Kathy Viatella asked if the Board had questions about the list of committee memberships for the District's state delegation that was included in their agenda materials and hearing none, provided a brief overview of Assembly member Diane Papan's background. Next, she reviewed the following bills in Legislative Report No. 03-24: 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, and SB 1517 (Committee on Local Government) Validations. She responded to questions on a potential climate bond and discussed the status of the State budget; the legislative calendar; water rights legislation specifically AB 1337 (Wicks) and AB 460 (Khan); AB 2614 (Ramos) which seeks to define tribal beneficial uses; and the Taxpayer Protection Act initiative. The California Supreme Court is expected to reach a decision in June on Governor Newsom's motion to remove the initiative from the November ballot. SB 1255 (Durazo) proposes a low-income rate assistance program that would add a charge to combined water and wastewater bills. Customers could opt-out of this charge, like community choice aggregation programs. Staff has been providing technical input to ensure the proposed program does not negatively impact the District's existing Customer Assistance Program (CAP). There was considerable Board discussion on the proposed low-income rate assistance program, the potential for local government implementation without state legislation, ensuring District CAP customers are not charged, programming and data-sharing requirements, and considering the bill's logistics, such as opt-out procedures. The Board asked staff to track the climate bond and identify projects in the bond that would benefit the District; explore if local governments can implement an opt-out program to fund their customer assistance programs absent any additional legislation; and information on the cost to customers for an opt-out program to fund the District's CAP if the program is expanded by auto-enrolling new customers.

– Director Chan left the meeting at 2:25 p.m. and returned at 2:28 p.m.

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

Motion No. 088-24 – Received Legislative Report No. 03-24 and approved 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; and 5) SUPPORT SB 1515, SB 1516, and SB 1517 (Committee on Local Government) Validations; and received information on connection fee and capacity charge legislation.

12.1. Vote on an option to amend the Retirement Ordinance as to pension benefits conferred on future Board members.

Assistant General Counsel Lourdes M. Matthew provided the presentation. At the April 9, 2024 Regular Board meeting, staff presented two options for amending the Retirement Ordinance with respect to the pension benefits conferred on Board members. These options included either excluding all future Board members from participation in the Retirement System or prorating the accrual of service by future Board members. 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. Ms. Matthew reviewed the proposed amendments' purpose and policy and explained how a Board member's retirement allowance is currently calculated and how a Board member with reciprocity could receive a windfall in their retirement allowance. She then discussed the third option requested by the Board to prevent a windfall - limit terminal compensation for future Board members to the highest average compensation received from the District as a Board member. She reviewed the proposed amendment language for the third option, noting it would apply to Board members elected or appointed on or after July 1, 2024. There was considerable discussion by the Board on the information presented and how option three would apply to an employee who leaves the District without retiring and is later elected or appointed to the Board; adding language to the Retirement Ordinance to ensure the Health Insurance Benefit is not impacted by the proposed amendments; ensuring benefits for an employee who separated but did not retire from the District are calculated separately from those earned as a director; and on the need to consult with the unions about potential impacts to employees who may return to serve on the Board. Next, Ms. Matthew highlighted the second policy arising from California Public Employees' Pension Reform Act (PEPRA) considerations for District retirees who may be elected or appointed to the EBMUD Board. If a District retiree is elected or appointed to serve on the Board, the retiree would be required to be reinstated to the Retirement System and the Retirement System would be required to stop payment of retirement benefits for the time the retiree serves on the Board. Reciprocal benefits of a District retiree could also be affected if a retiree reinstates from retirement to serve on the Board. The California Public Employees' Retirement System (CalPERS) considers reinstatement from retirement as breaking concurrent retirement. Retirement benefits after reinstatement would be based only on the final compensation from each agency where the retiree worked, rather than on the highest compensation across all agencies. The loss of reciprocity specifically affects District retirees who return to serve on the Board. However, this does not affect Directors who are not retirees of the District. To address these issues, the EBMUD Board could amend the Retirement Ordinance to exclude District retirees from being members of the

Retirement System if they are elected or appointed to serve on the Board. This would allow a retiree to continue receiving their pension, retain reciprocity, and receive compensation as Board members. She reviewed the proposed language to amend the Retirement Ordinance. The Board discussed the proposed amendment.

- Addressing the Board was Eric Larsen, President AFSCME Local 444, who commented on protecting the pensions being accrued by District employees, and asked for clarification on whether the options presented impact the pension and benefits of an employee that separates from the District before retirement age and is later elected to a position.

There was considerable discussion on bifurcating the service of a future Board member from service earned as a District employee to calculate terminal compensation and benefits; developing separate formulas to calculate terminal compensation for elected service and pension benefits for career service; and the potential effects bifurcating the periods of service would have on any Health Insurance Benefit provided under the Retirement System.

- Addressing the Board was Tim McGowan, EBMUD Retirement Board Employee representative who expressed support for option three and bifurcating the periods of service in relationship to compensation. He asked the Board to consider both periods of service together when considering Health Insurance Benefit vesting.

There was additional discussion and Director Young put forth a motion to consider amending the Retirement Ordinance as to pension benefits conferred on future Board members to limit the terminal compensation for future Board members to the highest average compensation received from the District as a Director; clarify how years of service in various capacities is used to calculate compensation to prevent windfall pensions; and exclude District retirees from the Retirement System if they are elected or appointed to serve on the Board. Staff will prepare revisions to the Retirement Ordinance based on the Board's feedback and present an ordinance to amend the Retirement Ordinance for a first reading at the May 28 Regular Board meeting.

- Motion by Director Young, seconded by Director Katz to approve the recommended actions for Item 12.1 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 089-24 – Voted to amend the Retirement Ordinance as to pension benefits conferred on future Board members.

- 12.2. The Board did not conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40.

- 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; and Set a Public Hearing for Tuesday, June 11, 2024, during the Board’s regular meeting, to consider the Report and Recommendation.**
- 13.2.

Principal Management Analyst Phoebe A. Grow presented an overview of prior actions taken by the Board regarding the Fiscal Year (FY) 2024/2025 rates and charges. As part of the District’s biennial budget process, the General Manager files a report and recommendation on proposed 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 FY 2025 in May. Ms. Grow highlighted the proposed revisions to non-Proposition 218 water and wastewater rates and charges and water service regulations which will be reviewed as part of the Mid-Cycle Budget workshop scheduled for May 28, 2024. The Board will conduct a public hearing to consider the General Manager’s report and recommendation at its June 11, 2024 meeting.

- Motion by Director Chan, seconded by Director Patterson to approve the recommended actions for Item 13.1 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
- Motion by Director Chan, seconded by Director Gómez to approve the recommended actions for Item 13.2 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 090 – Filed 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; and set a public hearing for Tuesday, June 11, 2024, during the Board’s regular meeting, to consider the Report and Recommendation of the General Manager.

14. **General Manager’s Report.**

General Manager Clifford C. Chan announced the Speakers’ Bureau and Outreach Record CY24 had been provided at Board places. He noted one correction to page 7 in the Monthly Report. The report stated the District announced the appointment of Ward 2 Director Luz Gómez at the Contra Costa Mayors conference in Danville on April 4. The report should have stated the District announced there were five applicants for the vacant Ward 2 position and that the Board would be making an appointment to fill the vacancy.

REPORTS AND DIRECTOR COMMENTS

15. **Committee Reports.**

- Filed with the Board were the Minutes for the April 23, 2024 Finance/Administration Committee.
- Chair Marguerite Young reported the Planning Committee met earlier and received reports on the New Central Area Service Center Project and Board of Directors Standby Officers.

- Chair William B. Patterson reported the Legislative/Human Resources Committee met earlier and received updates on the Diversity, Equity, and Inclusion Strategic Plan and the Legislative Update.
- Director April Chan reported the DERWA Board met on April 22 and approved the meeting minutes; Treasurer's reports; investment reports; a proclamation for John Coleman's service on the DERWA Board; the FY 2024-2025 operating capital budget; and the first amendment for the consulting agreement with the DERWA Interim Authority Manager.
- Director William B. Patterson reported the UMRWA Board met on April 26 and selected the Board Chair and Vice Chair and approved a proclamation for John Coleman's service to UMRWA; Board meeting minutes of January 26, 2024; Treasurer's report; FPP – Phase 1 Implementation Report; FPP – Phase 2 Planning Report; Little Indian Valley Meadow Restoration Project; Proposed FY 2025 Budget and FY 2024 Amendment; and re-setting the Regular Board meeting schedule. The Board also accepted the audited Financials for FY 2023 and FY 2022 and received updates on legislative issues and the Biomass JPA Initiative.
- Director Chan left the meeting at 3:36 p.m. and returned at 3:37 p.m.

16. Other Items for Future Consideration.

None.

17. Director Comments.

- Director Chan reported participating in the EBMUD Water Walk at Lake Chabot on May 11 where General Manager Clifford C. Chan spoke on the history of AAPI contributions to Lake Chabot. Mr. Chan thanked Public Information Office staff for their support during the event.
- Director Gómez reported attending the ACWA Spring Conference in Sacramento on May 8 and participating in a session on the importance of policies on artificial intelligence. General Manager Clifford C. Chan stated an internal workgroup is reviewing artificial intelligence at the District and is developing a policy.
- Director Linney reported attending the NorCAL ZERO dedication event and hydrogen station tour at the Main Wastewater Treatment Plant along with Directors Katz and Young on May 2.
- Director Patterson reported attending the California African American Water Education Foundation meeting at the ACWA Spring Conference in Sacramento on May 7 and a presentation at Acts Full Gospel Church for their 40th anniversary in Oakland on May 9.
- Directors Katz, Young and President McIntosh had no reports.

ADJOURNMENT

President McIntosh announced today's meeting will be closed in honor of Reverend Cecil Williams of Glide Memorial Church who passed away on April 22. She recounted Reverend Williams' life history, and contributions to the community as a fierce advocate for social justice and civil rights. In addition to his many accomplishments, Reverend Williams worked with elected officials and community leaders to combat issues such as racism, nuclear weapons, and apartheid. She announced a letter of condolence would be sent to the Williams family.

President McIntosh adjourned the meeting in honor of Reverend Cecil Williams at 3:52 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 28, 2024

Lesa R. McIntosh, President of the Board



BOARD ACTION

Agenda Number:	3.	Meeting Date:	May 28, 2024
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TITLE	EAST OF HILLS FACILITIES DEMOLITIONS AND IMPROVEMENTS (GRIZZLY NO. 1 & NO. 2 RESERVOIRS, CASTLE HILL RESERVOIR, CASTLE HILL REGULATOR, CREST RADIO SITE, CASTLE CREST ROAD & SYDNEY DRIVE, CREST PUMPING PLANT, DANVILLE RESERVOIR, KNIFE RESERVOIR NO. 1 & WIEDEMANN RESERVOIR NO. 1)
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$18,216,035 for the construction of the East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1) Project, under Specification 2179.
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SUMMARY	This contract includes construction of various water distribution system improvements at existing facilities, including Grizzly No. 1 and No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site (includes demolition of Crest Reservoir, Hill Mutual Pressure Tank, and Hill Mutual Pumping Plant), Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1, and Wiedemann Reservoir No. 1. These projects were discussed at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
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DISCUSSION	This project is part of the Reservoir Rehabilitation Program which includes rehabilitation, replacement, or demolition of the District's steel, concrete, redwood, and pressure reservoirs to extend reservoir service life, improve reservoir safety for staff, improve water distribution resiliency, and improve water quality. Grizzly Reservoir was built in 1965 and has been out of service since 2015 due to water quality issues caused by excess storage in the pressure zone. Replacing the reservoir with twin tanks will allow the District to operate the Bryant pressure zone with greater flexibility to meet seasonal demand changes and water quality standards, as well as incorporate improved fall protection and safety measures to meet current District standards. Castle Hill Reservoir will be demolished because it is no longer needed to meet current and future storage demands. The new Castle Hill regulator will be installed on the reservoir site to provide fire flow availability in the Bryant pressure zone from the higher Holly pressure zone during high-demand periods.
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Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yolo	CEP Forms? Yes	Board Action Type: Construction
Funds Available: FY2024/2025, Award #7000031, Page #76	Budget Coding: 11-570-2014733-2014737:25-7000031	Approved: 	
Attachment(s): Bid Summary; Location Map; P-035; P-061			

Title:	East Of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1) Project	Meeting Date:	May 28, 2024
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Knife and Wiedemann Reservoirs were installed in 2004 and will be recoated to replace failed interior coating.

The Crest and Hill Mutual Reservoirs and Pumping Plants were installed in the 1960s by the Hill Mutual Water Company and were decommissioned in November 2023 because their services were reconnected to the Holly pressure zone. These facilities will be demolished and the redwood boards from Crest Reservoir will be salvaged. Sections of Castle Crest Road and Sydney Drive where services were reconnected will be slurry sealed.

Danville Reservoir was constructed in 1959 and the roof beams contain creosote, a type of preservative common for the era. Water quality in the reservoir is monitored and meets drinking water quality standards. However, the creosote treated wood emits odors which has resulted in complaints from one neighbor adjacent to the reservoir. A carbon adsorption air filtration system will be installed to address odor complaints. The carbon adsorption filtration system was procured under a separate contract, awarded in January 2024 under Board Motion No. 008-24 and will be installed under this contract.

This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

BID RESULTS

Bid documents were posted on the District's website and issued to 22 resource organizations and 16 prospective bidders. Seven bids were received, ranging from \$18,216,035 to \$24,566,900. The bid summary is attached. The engineer's estimate for this work is \$21,666,530.

The lowest responsive/responsible bidder, Mountain Cascade Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Mountain Cascade Inc. and its listed subcontractors are properly registered with the State DIR.

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

SUSTAINABILITY**Economic**

Funding for this work is available in the FY 2024 / FY 2025 adopted capital budget for Reservoir Rehabilitation/Maintenance.

Social

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

Local 444 was notified of this contract on December 14, 2021 and January 26, 2023 and did not raise any specific issues related to this contract.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the Contra Costa County Clerk on January 4, 2023.

Title:	East Of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoirs, Castle Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1) Project	Meeting Date:	May 28, 2024
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ALTERNATIVES

Do not complete the project. This alternative is not recommended because this work is required to address aging infrastructure and meet current and future water demands.

Perform the work with District forces. This alternative is not recommended because the scope and complexity of the required work is beyond District in-house capabilities, and District forces are fully committed to other capital and maintenance work and cannot support the project in the required timeframe.

I:\Sec\2024 Board Related Items\052824 Board Agenda Items\ECD - East of Hills Facilities Demolitions and Improvements.docx

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EAST BAY MUNICIPAL UTILITY DISTRICT**SPECIFICATION 2179**

**East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir,
Castle Hill Reservoirs, Castle Hill Regulator, Crest Radio Site, Castle Crest Road &
Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1,
Wiedemann Reservoir No. 1)**

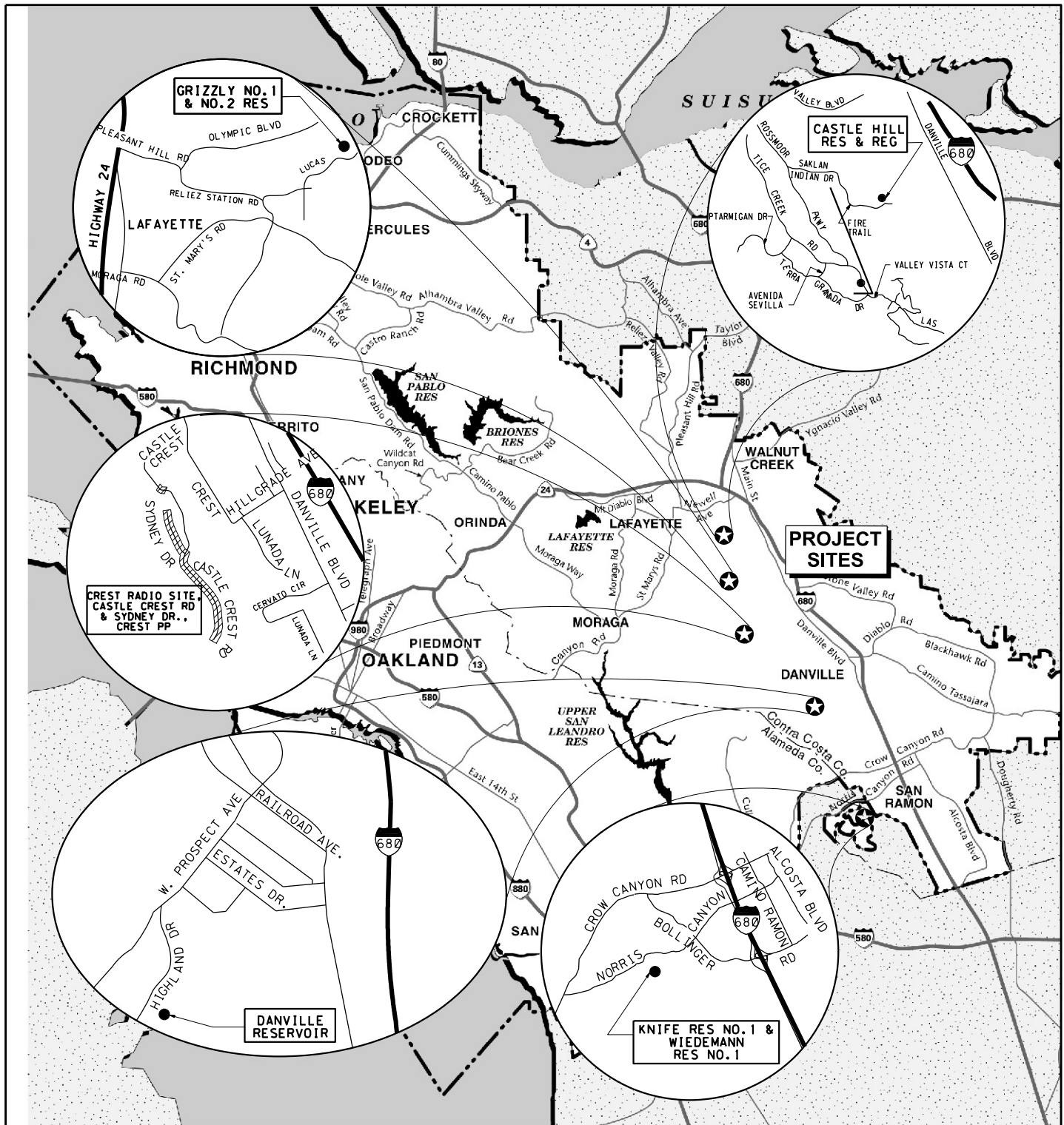
Bids Opened April 24, 2024

	BIDDER	TOTAL AMOUNT BID
1.	Mountain Cascade 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$18,216,034.82
2.	Steve P. Rados 2002 E. McFadden Ave., Ste. 200 Santa Ana, CA 92705 (916) 475-1654	\$19,042,000
3.	Disney Construction (SBE/DVBE) 533 Airport Blvd., #120 Burlingame, CA 94010 (650) 259-9545	\$19,270,000 / \$19,120,000*
4.	Garney Pacific, Inc. 17510 W. Bethany Road Tracy, CA 95391 (925) 800-1848	\$20,210,000
5.	Ranger Pipelines Incorporated 1790 Yosemite Ave. San Francisco, CA 94124 (415) 822-3700	\$20,450,000
6.	NTK Construction, Inc. 501 Cesar Chavez St., Ste. 115 San Francisco, CA 94124 (415) 643-1900	\$22,015,000
7.	Anvil Builders Inc. 1550 Park Ave. Emeryville, CA 94607 (415) 285-5000	\$24,566,900

SBE/DVBE – Small Business Enterprise or Disabled Veteran Business Enterprise

*Effective Bid Amount due to SBE/DVBE discount (7% of the low bid amount, not to exceed \$150,000)

Engineer's Estimate: \$21,666,530



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**EAST OF HILLS FACILITIES
DEMOLITIONS AND IMPROVEMENTS**

SPECIFICATION 2179



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2179 East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		DATE: May 13, 2024									
CONTRACTOR: Mountain Cascade, Inc. Local Business Livermore, CA		PERCENTAGE OF CONTRACT DOLLARS									
BID/PROPOSER'S PRICE: \$18,216,035 *	FIRM'S OWNERSHIP		White Men	25%	98.2%						
	Ethnicity	Gender	White Women	9%	0.0%						
	White	Men	Ethnic Minorities	25%	1.8%						
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: Mountain Cascade, Inc.	\$7,953,909	White	X		43.7%						
SUBS: R&W Concrete Contractors	\$661,800	White	X		3.6%						
James Long Construction Services	\$115,100	White	X		0.6%						
FD Thomas, Inc.	\$2,215,829	White	X		12.2%						
Paso Robles Tank, Inc.	\$3,100,000	White	x		17.0%						
Linden Steel & Construction, Inc.	\$18,900	White	x		0.1%						
Golden Bay Fence plus Iron Works, Inc.	\$167,084	Hispanic	x				0.9%				
Farwest Corrosion Control Company	\$78,760	Black	x				0.4%				
Coombs Hopkins/CST Covers	\$998,000	White	x		5.5%						
TOTAL	\$18,216,035				82.7%	0.0%	1.3%	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:	123	14	138	275							
Percent of Total Employees:	44.7%	5.1%	50.2%								
MSA Labor Market %:	24.5%	21.6%	53.9%								
MSA Labor Market Location:	Alameda										
COMMENTS											
Contract Equity Participation: 98.2% White Men and 1.8% Ethnic minority participation. Contract Duration: NA *Total not to exceed: \$18,216,035											
Workforce Profile & Statement of Nondiscrimination Submitted		Good Faith Outreach Efforts Requirement Satisfied		Award Approval Recommended							
NA		YES									



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2179 East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		DATE: May 13, 2024									
CONTRACTOR: Mountain Cascade, Inc. Local Business Livermore, CA		PERCENTAGE OF CONTRACT DOLLARS									
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	98.2%						
	Ethnicity	Gender	White Women	9%	0.0%						
\$18,216,035 *	White	Men	Ethnic Minorities	25%	1.8%						
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
Con J Franke Electric, Inc.	\$1,237,737	White	x		6.8%						
Ferma Corporation	\$300,000	White	x		1.6%						
PTS Masonry, Inc.	\$50,916	Hispanic	x					0.3%			
C&C Metals, Inc.	\$571,000	White	x		3.1%						
United Pipe & Steel Fabrication	\$133,000	White	x		0.7%						
Ferguson Enterprises	\$400,000	White	x		2.2%						
BK Valves & Equipment Inc.	\$180,000	White	x		1.0%						
Acero Industries	\$34,000	Hispanic	x					0.2%			
TOTAL	\$18,216,035				15.5%	0.0%	0.5%	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:	123	14	138	275							
Percent of Total Employees:	44.7%	5.1%	50.2%								
MSA Labor Market %:	24.5%	21.6%	53.9%								
MSA Labor Market Location:	Alameda										
COMMENTS											
Contract Equity Participation: 98.2% White Men and 1.8% Ethnic minority participation. Contract Duration: NA *Total not to exceed: \$18,216,035											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2179		DATE: 5/13/2024	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	3	131	1	-	135	49.1%	48.4%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	7	0	0	7	16.7%	
		Technical/Sales	0	2	0	0	2	22.2%	
		Clerical/Skilled	3	5	1	0	9	60.0%	
		Semi/Unskilled	0	117	0	0	117	56.0%	
		Bay Area	3	131	1	0	135	49.1%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/4/2021		
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		275	Bay Area:	0
S	EMM-H	Company Wide	-	27	6	-	33	82.5%	48.4%
R&W Concrete Contractors Brian Rodrigues 1015 Terminal Way San Carlos, CA 94070 650-832-1067		Manager/Prof	0	1	1	0	2	50.0%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	0	15	5	0	20	80.0%	
		Semi/Unskilled	0	10	0	0	10	100.0%	
		Bay Area	-	27	6	-	33	82.5%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		40	Bay Area:	40
S	WM: LBE	Company Wide	-	1	-	-	1	7.7%	31.6%
James Long Construction Services Matt Tucker 8560 Younger Creek Dr. Sacramento, CA 95828 916-379-9524		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		13	Bay Area:	0
S	WM	Company Wide	2	21	1	1	25	55.6%	15.0%
FD Thomas, Inc. Mike Kostenko 217 Bateman Drive Central Point, OR 97502 541-664-3010		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	2	20	1	1	24	57.1%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Oregon		# Employees-Co. Wide:		45	Bay Area:	0
S	WM	Company Wide	5	25	1	1	32	24.2%	48.4%
Paso Robles Tank, Inc. Vanessa Huskey 3883 Wentworth Drive Hemet, CA 95245 805-227-1641		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	1	1	0	0	2	28.6%	
		Clerical/Skilled	4	22	1	1	28	28.0%	
		Semi/Unskilled	0	2	0	0	2	28.6%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		132	Bay Area:	0
S	WM	Company Wide	-	10	-	-	10	41.7%	47.4%
Linden Steel & Construction, Inc. Jess Smith 17893 Ideal Parkway Manteca, CA 95336 209-239-2160		Manager/Prof	0	2	0	0	2	28.6%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	8	0	0	8	50.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		24	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: East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2179		DATE: 5/13/2024	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	EMM-H: LBE	Company Wide	-	33	1	-	34	94.4%	47.4%
Golden Bay Fence plus Iron Works, Inc. David Carr 4104 South B Street Stockton, CA 95206 209-944-9764		Manager/Prof	0	3	0	0	3	150.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	10	1	0	11	137.5%	
		Semi/Unskilled	0	20	0	0	20	76.9%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		36	Bay Area:	0
S	WM	Company Wide	4	79	6	1	90	51.7%	48.4%
Farwest Corrosion Control Company Barbara Booth 12029 Regentview Ave Downey, CA 90241 310-532-9524		Manager/Prof	0	9	1	0	10	26.3%	
		Technical/Sales	0	15	0	0	15	30.0%	
		Clerical/Skilled	1	36	5	1	43	76.8%	
		Semi/Unskilled	3	19	0	0	22	73.3%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		174	Bay Area:	0
S	WM	Company Wide	4	58	3	6	71	12.1%	27.2%
Coombs Hopkins/CST Covers Bailee Billymer 498 N. Loop 336 East Conroe, TX 77301 936-539-1747		Manager/Prof	2	10	3	1	16	12.6%	
		Technical/Sales	0	7	0	1	8	9.8%	
		Clerical/Skilled	2	31	0	1	34	21.8%	
		Semi/Unskilled	0	10	0	3	13	5.9%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		587	Bay Area:	0
S	WM	Company Wide	5	31	8	1	45	41.7%	47.4%
Con J Franke Electric, Inc. Shannon Martin 317 N. Grant Street Stockton, CA 95202 209-462-0717		Manager/Prof	0	2	0	0	2	16.7%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	5	28	8	1	42	44.7%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	11	5	0	19	57.6%	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		108	Bay Area:	33
S	WM: LBE	Company Wide	3	96	3	-	102	70.8%	48.4%
Ferma Corporation Tim Ruff 6639 Smith Avenue Newark, CA 94560 650-961-2742		Manager/Prof	0	7	1	0	8	27.6%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	43	2	0	47	75.8%	
		Semi/Unskilled	1	46	0	0	47	94.0%	
		Bay Area	3	96	3	-	102	70.8%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		144	Bay Area:	144
S	EMM-H: L/SBE	Company Wide	2	24	-	-	26	60.5%	37.3%
PTS Masonry, Inc. Joshua Estrella 7117 Tokay Ave Sacramento, CA 95819 916-369-2144		Manager/Prof	0	4	0	0	4	57.1%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	-	NA	
		Semi/Unskilled	2	20	0	0	22	61.1%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		43	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:		Ethnic Minority Percentages From U.S. Census Data							
		B	H	A/PI	AI/AN	TOTAL			
East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		National	10.5	10.7	3.7	0.7	27.3		
		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		
Construction Agreement		DATE:							
		5/13/2024							
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	21	10	-	-	31	79.5%	42.4%
C&C Metals, Inc. Micheal Parsons 1402 E. Davis Conroe, TX 77301 936-760-5400		Manager/Prof	0	1	0	0	1	7.1%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	1	0	0	1	33.3%	
		Semi/Unskilled	21	8	0	0	29	131.8%	
		Bay Area	0	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Texas		# Employees-Co. Wide: 39		Bay Area: 0		
S	EMM-H	Company Wide	-	29	-	-	29	82.9%	45.7%
United Pipe & Steel Fabrication Nelson Ivan Ayala 100 Quantico Ave Bakersfield, CA 93307 661-489-4100		Manager/Prof	0	6	0	0	6	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	23	0	0	23	82.1%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Bakersfield		# Employees-Co. Wide: 35		Bay Area: 0		
S	WM	Company Wide	3,482	5,462	972	175	10,091	32.0%	27.2%
Ferguson Enterprises Charlotte Murch 751 Lakefront Commons Newport News, VA 23606 757-989-2870		Manager/Prof	451	745	318	35	1,549	18.2%	
		Technical/Sales	517	1,427	219	53	2,216	23.6%	
		Clerical/Skilled	633	956	144	27	1,760	38.7%	
		Semi/Unskilled	1,881	2,334	291	60	4,566	50.5%	
		Bay Area	47	187	58	6	298	73.4%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide: 31,501		Bay Area: 406		
S	WM	Company Wide	-	14	-	-	14	50.0%	48.4%
BK Valves & Equipment Inc. Kris Wall 3432 Swetzer Road, Suite A/B Loomis, CA 95650 916-878-0728		Manager/Prof	0	7	0	0	7	50.0%	
		Technical/Sales	0	4	0	0	4	50.0%	
		Clerical/Skilled	0	3	0	0	3	50.0%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	-	-	-	W	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide: 28		Bay Area: 0		
S	EMM-H: SBE	Company Wide	-	7	-	-	7	100.0%	31.3%
Acero Industries Martin Martinez 211 S. 26th Street Phoenix, AZ 85039 602-675-9994		Manager/Prof	0	2	0	0	2	100.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	4	0	0	4	100.0%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	-	7	-	-	7	100.0%	39.9%
		Co. Wide MSA:	Arizona		# Employees-Co. Wide: 2		Bay Area: 7		
		Company Wide	4	4	4	4	16	48.5%	Insert %
		Manager/Prof	1	1	1	1	4	80.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	23.5%	
		Semi/Unskilled	1	1	1	1	4	36.4%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide: 33		Bay Area: 33		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and 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: East of Hills Facilities Demolitions and Improvements (Grizzly No. 1 & No. 2 Reservoir, Castile Hill Reservoir, Castle Hill Regulator, Crest Radio Site, Castle Crest Road & Sydney Drive, Crest Pumping Plant, Danville Reservoir, Knife Reservoir No. 1 & Wiedemann Reservoir No. 1)		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Construction Agreement		DATE: 5/13/2024	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 %
P	WM	Company Wide	1	83	5	-	89	54.3%	48.4%
Steve P. Rados, Inc. Stephen S. Rados 2002 E. Mc Fadden Avenue, Suite 200 Santa Ana, CA 92735 916-475-1654		Manager/Prof	0	1	0	0	1	25.0%	
		Technical/Sales	0	17	3	0	20	48.8%	
		Clerical/Skilled	1	53	2	0	56	57.1%	
		Semi/Unskilled	0	12	0	0	12	57.1%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		164	Bay Area:	0
P	WM: SBE	Company Wide	-	7	2	-	9	29.0%	39.9%
Disney Construction, Inc. Mimi Sanchez 533 Airport Blvd. #120 Burlingame, CA 94010 650-259-9545		Manager/Prof	0	0	2	0	2	9.5%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	3	0	0	3	50.0%	
		Semi/Unskilled	0	4	0	0	4	100.0%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		31	Bay Area:	33
P	WM	Company Wide	2	53	2	-	57	41.6%	48.4%
Garney Pacific, Inc. R. Daniel Echdahl 17510 W. Bethany Road Tracy, CA 95391 925-800-1848		Manager/Prof	0	2	2	0	4	20.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	1	0	0	1	20.0%	
		Semi/Unskilled	2	50	0	0	52	72.2%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		137	Bay Area:	0
P	WM	Company Wide	3	79	6	-	88	64.2%	48.3%
Ranger Pipelines Incorporated Mary Shea-Hunt 1790 Yosemite Ave. San Francisco, CA 94124 415-822-3700		Manager/Prof	0	3	2	0	5	23.8%	
		Technical/Sales	0	4	0	0	4	25.0%	
		Clerical/Skilled	1	17	2	0	20	60.6%	
		Semi/Unskilled	2	55	2	0	59	88.1%	
		Bay Area	3	79	6	0	88	64.2%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		137	Bay Area:	137
P	EMM-A/PI	Company Wide	1	23	7	-	31	88.6%	48.3%
NTK Construction, Inc. Tina London 501 Cesar Chavez Street, Suite 115 San Francisco, CA 94124 415-643-1900		Manager/Prof	0	4	6	0	10	83.3%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	1	3	1	0	5	71.4%	
		Semi/Unskilled	0	16	0	0	16	100.0%	
		Bay Area	1	23	7	0	31	88.6%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		12	Bay Area:	35
P	WM: LBE	Company Wide	16	113	4	-	133	58.3%	48.4%
Anvil Builders, Inc. Maria Zavala 1550 Park Ave. Emeryville, CA 94608 415-285-5000		Manager/Prof	0	16	0	0	16	50.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	5	4	0	9	90.0%	
		Semi/Unskilled	16	92	0	0	108	58.1%	
		Bay Area	16	113	4	0	133	58.3%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		228	Bay Area:	228

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



BOARD ACTION

Agenda Number:	4.	Meeting Date:	May 28, 2024
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TITLE	PURCHASE OF A SUBMERSIBLE PUMP
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a sole source contract beginning on or after May 28, 2024 to Shape, Inc. for supplying one Flygt pump as a spare for the existing submersible wastewater pumps at the Main Wastewater Treatment Plant (MWWTP) Wet Weather Storage Basin for a total cost, after the addition of taxes, not to exceed \$350,000.
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SUMMARY	This purchase is for one Flygt pump as an in-kind spare for the aging wet weather pumps. This will allow the spare to be installed while the existing pumps are removed one at a time for necessary overhauls, without loss of redundancy. This spare pump is also compatible with the influent pumps and will also be used at the Oakport and Point Isabel Wet Weather Facilities.
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DISCUSSION	The Wet Weather Storage Basin uses two large Flygt submersible wastewater pumps to return raw sewage to the plant headworks after it is stored in the Wet Weather Storage Basin during peak rain events. Installed in the mid-1990s, the pumps require rebuilding to restore performance and reliability. This process takes several weeks and sometimes longer if extensive repairs are needed, leaving the facility without redundancy for an extended period. Additionally, if a pump is damaged by debris during wet weather operations, the facility has no spare to deploy. This pump will be a direct replacement for the pumps at the MWWTP Wet Weather Storage Basin during overhaul and repair. The pump is also compatible with pumps at the Oakport and Point Isabel Wet Weather Facilities and can serve as a spare at these facilities as well. This purchase supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
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VENDOR SELECTION	Shape Inc. is the sole supplier for Flygt pumps. Sole sourcing is required to replace the existing Flygt pump in-kind to fit the exact geometry of the wastewater facilities standardized equipment, fit the existing installation footprint and interconnections, maintain current system performance, and ensure operations and maintenance staff familiarity with the equipment.
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Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2024/2025, CIP#7000341, Page 127	Budget Coding: 21-911-3100061-55110		Approved: 
Attachments: P-035; P-061			

Title:	Purchase of a Submersible Pump	Meeting Date:	May 28, 2024
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SUSTAINABILITY

Economic

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

Social

This purchase will improve maintainability of aging pump equipment and increase operational reliability which reduces emergency work required of staff and promotes environmental compliance.

Environmental

This purchase will replace treatment equipment needed to maintain wastewater treatment processes and ensure compliance with the MWWTP's National Pollution Discharge Elimination System Permit discharge requirements.

ALTERNATIVES

Do not award this contract. This alternative is not recommended because without purchase of a spare pump, maintenance on existing wastewater pumps cannot be performed without extended loss of redundancy, creating significant regulatory vulnerability.

Purchase from other manufacturers. This alternative is not recommended because this pump matches the existing configuration and parts of existing pumps; purchase of pumps from another manufacturer would require redesign and construction of these elements at significant cost.



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 Purchase of a Submersible Pump					DATE: April 29, 2024						
CONTRACTOR: Shape, Inc. Pleasanton, CA					PERCENTAGE OF CONTRACT DOLLARS						
Sole Source/ Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$350,000 *		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
PRIME: Shape, Inc.		\$350,000	White	x		100.0%					
TOTAL		\$350,000				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:		INFORMATION NOT PROVIDED									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation : 100% White men participation. Contract Duration : *Total not to exceed: \$350,000											
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: Purchase of a Submersible Pump		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:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		4/29/2024	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	INFORMATION NOT PROVIDED							
Shape, Inc.									
Nick Chavez									
3825 Hopeyard Road #195									
Pleasanton, CA 94588									
925-485-9720									



BOARD ACTION

Agenda Number:	5.	Meeting Date:	May 28, 2024
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TITLE	LOWER MOKELUMNE RIVER SURFACE WATER DIVERSION SCREENS INSTALLATION PROJECT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 28, 2024 with Intake Screens, Inc. in an amount not to exceed \$1,248,750 for the fabrication and installation of fish screens for three surface water diversions on the lower Mokelumne River.
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SUMMARY	This agreement allows for the fabrication and installation of fish screens already designed by Intake Screens, Inc. for three site-specific, privately-owned surface water diversions. The District has secured grant funding and permitting for construction and installation of the screens.
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DISCUSSION	The installation of fish screens on surface water diversions has been identified as an Ecosystem Action Priority on the lower Mokelumne River, as stated in the Joint Settlement Agreement. In addition, screening diversions within the lower Mokelumne River will count as restoration actions within the Healthy Rivers and Landscapes Program. The lower Mokelumne River has over 50 active privately-owned water diversions between Camanche Dam and tidal influence. In 2017, the District received funding from the Central Valley Project Improvement Act Restoration Fund to rank and prioritize these privately-owned surface water diversions for screening to improve migratory fish success. Intake Screens, Inc. is the only manufacturer and fabricator of brush-cleaned, conical fish screens in the Western United States and is the only company able to fabricate their proprietary screens. Intake Screens, Inc. was contracted by the District in 2023 to design fish screens specifically for the three surface water diversion locations on the lower Mokelumne River and has completed a 90 percent design ready for fabrication and installation. This agreement supports the District's Water Quality and Environmental Protection Strategic Plan goal.
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SERVICE PROVIDER SELECTION	This agreement is being recommended as a direct award to Intake Screens, Inc. based on their specialized expertise and years of experience successfully designing and installing screens on surface water diversions; completion of the 90 percent design; approved field and shop drawings of designs for fish screens on three site-specific, privately-owned surface water diversions for the lower Mokelumne River; and lack of other qualified companies in the Western United States to complete this work. Approving this agreement will support the
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Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2024/2025; Award #7000070; page 24	Budget Coding: 11-481-3100087-53120	Approved: 	
Attachment(s): P-035; P-061			

Title:	Lower Mokelumne River Surface Water Diversion Screens Installation Project	Meeting Date:	May 28, 2024
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District's efforts to utilize grant funding for the construction and installation of three shovel-ready, high priority surface water diversion screening projects.

SUSTAINABILITY**Economic**

Funding for this project is available in the Fiscal Year 2024/2025 capital budget for Fisheries and Wildlife Projects. By authorizing this agreement, the District can utilize grant funding for the fabrication and installation of fish-friendly screens, reducing the District's financial contribution to these essential projects.

Social

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

Landowners with screens on their water diversion structures have reported decreased fuel usages and filter cleaning times, increased pumping efficiency, increased efficiency of delivery in irrigation and drip systems, and reduced evaporation and erosion.

Furthermore, the collaborative nature of this project will serve to link biologists, managers, and the local community, thus increasing awareness of the community benefits of restoration projects along the Mokelumne River.

Environmental

Screening high priority unscreened diversions will reduce juvenile fish mortality, thereby increasing outmigration survival of natural-origin salmonids within the lower Mokelumne River. Maximizing natural-origin outmigration survival by screening unscreened diversions provides a more sustainable fishery.

While this project is salmonid focused, the same benefits that will be provided to the native salmonid population will be experienced by other native fish species that inhabit the Mokelumne River.

A California Environmental Quality Act Notice of Exemption was filed with San Joaquin County Clerk on December 7, 2023.

ALTERNATIVE

Select an alternative service provider. This alternative is not recommended because there are no other service providers in California, or the Western United States, able to fabricate and install these proprietary technologies for retrofitting surface water diversions.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Lower Mokelumne River Surface Water Diversion Screens Installation Project					DATE: May 13, 2024								
CONTRACTOR: Intake Screens, Inc. Sacramento, CA					Direct Award/ Local Business/ Small Business		PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation				
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%					
		Ethnicity	Gender	White Women		6%		0.0%					
\$1,248,750 *		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: Intake Screens, Inc.		\$1,248,750	White	X		100.0%							
SUBS: None													
TOTAL		\$1,248,750				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)													
		White Men		White Women		Ethnic Minorities		Total Employees					
No. of Employees:		8		2		11		21					
Percent of Total Employees:		38.1%		9.5%		52.4%							
MSA Labor Market %:		32.7%		30.0%		37.3%							
MSA Labor Market Location:		Sacramento											
COMMENTS													
Contract Equity Participation: 100% White Men participation. Contract Duration: NA Total not to exceed: \$1,248,750													
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended					
NA				NA									

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	6.	Meeting Date:	May 28, 2024
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TITLE	ENGINEERING SERVICES FOR LAFAYETTE AQUEDUCT NO. 1 TUNNEL REPAIRS
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 28, 2024 with Jacobs Associates, Inc. dba Delve Underground (Delve Underground) in an amount not to exceed \$1,034,000 for engineering services for the Lafayette Aqueduct No. 1 Tunnel Repairs (Project).
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SUMMARY	The Lafayette Aqueduct No. 1 (LAF1) tunnel system has numerous defects that need repair. This agreement provides engineering services to prepare detailed design drawings and specifications for the LAF1 tunnel repairs.
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DISCUSSION	The LAF1 tunnel system was constructed in 1929 and conveys untreated water between Walnut Creek Water Treatment Plant (WTP) and Orinda WTP. The LAF1 system consists of three separate tunnels with a total length of four miles joined together with sections of cast-in-place concrete pipeline with a total length of three miles. The three tunnels are the Lafayette, Pleasant Hill, and Walnut Creek Tunnels. The tunnels have a history of lining failures and repairs. In 2020, the District performed a detailed condition assessment of the three tunnels, identified numerous defects in the Lafayette and Walnut Creek Tunnels and recommended repairing the defects to avoid larger failures that could affect operations. The cast-in-place concrete pipeline sections also have an extensive leak and repair history. District staff is developing detailed design drawings and specifications to reline the cast-in-place concrete pipeline sections with new steel liners. Under this agreement, Delve Underground will prepare tunnel repair design drawings and specifications which will be combined with the District's concrete pipeline sections relining drawings and specifications into one construction package under Specification 2198, Lafayette Aqueduct No. 1 Relining and Tunnel Repairs. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
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Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/FY2025; Award#7000061; Page 60	Budget Coding: 11-534-2013282/2013304:22-52310		Approved: 
Attachment(s): Location Map; P-035; P-061			

Title:	Engineering Services for Lafayette Aqueduct No. 1 Tunnel Repairs	Meeting Date:	May 28, 2024
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**CONSULTANT
SELECTION**

Delve Underground was selected from the District-wide Professional Services Roster, which decreases administrative costs by establishing a biennial list of pre-qualified firms and eliminating the step of pre-qualifying firms independently for each agreement. In selecting from the roster, staff contacted 37 firms. Four proposals were received. Delve Underground was selected based on their ability to provide the necessary specialized expertise.

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. Delve Underground is licensed to perform work in California and is not on the State Department of Industrial Relations debarment list. Delve Underground and its listed subconsultants are properly registered with the State DIR.

SUSTAINABILITY**Economic**

Funding for this work is available in the FY 2024 / FY 2025 adopted capital budget for Raw Water Infrastructure.

Social

Locals 2019 and 21 were notified of this agreement on November 27, 2023 and did not raise any specific issues related to this agreement.

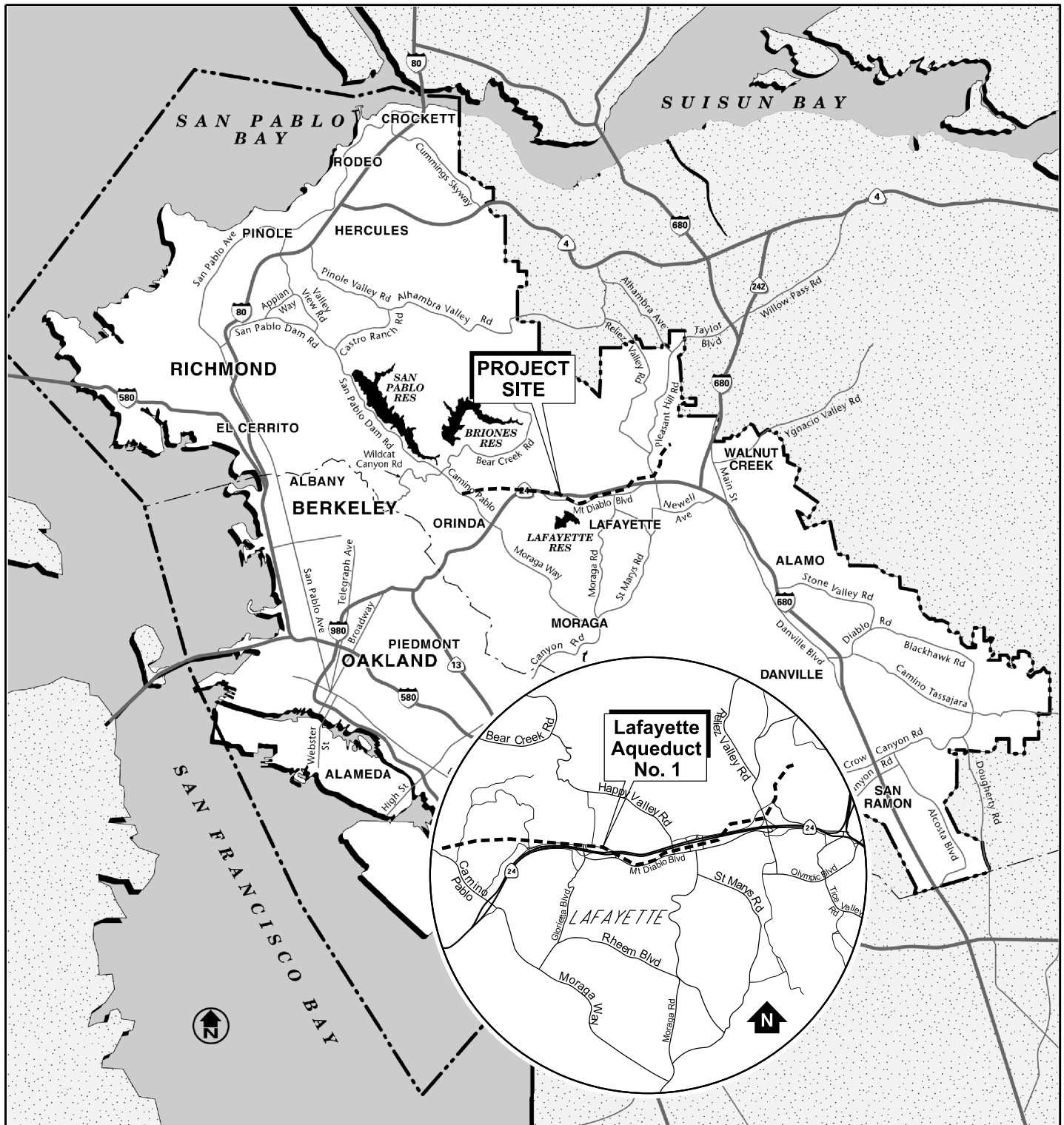
Environmental

A California Environmental Quality Act Notice of Exemption was filed with Contra Costa County Clerk on December 6, 2023.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the specialized technical expertise with tunnel liner repair design.

Do not perform the work. This alternative is not recommended because the LAF1 tunnels are critical to untreated water operations and need to be repaired to ensure reliable service.



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**ENGINEERING SERVICES FOR
LAFAYETTE AQUEDUCT NO. 1
TUNNEL REPAIRS**



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 Engineering Services for Lafayette Aqueduct No. 1 Tunnel Repairs					DATE: May 15, 2024						
CONTRACTOR: Jacobs Associates, Inc. DBA Delve Underground Walnut Creek, CA Local Business					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$1,034,000 *		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
PRIME: Jacobs Associates, Inc. DBA Delve Underground		\$1,002,264	White	x		96.9%					
SUBS: Ardurra		\$31,736	White	x		3.1%					
TOTAL		\$1,034,000				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:		127		50		64		241			
Percent of Total Employees:		52.7%		20.7%		26.6%					
MSA Labor Market %:		33.3%		28.2%		38.5%					
MSA Labor Market Location:		Contra Costa									
COMMENTS											
Contract Equity Participation - 100% White Men participation. Contract Duration : NA *Total not to exceed: \$1,034,000											
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: Engineering Services for Lafayette Aqueduct No. 1 Tunnel Repairs		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: 5/15/2024	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	5	9	43	0	57	23.7%	38.5%
Jacobs Associates, Inc. DBA Delve Underground Greta Miller 2999 Oak Road, Suite 710 Walnut Creek, CA 94587 925-705-4137		Manager/Prof	4	9	38	0	51	22.6%	
		Technical/Sales	0	0	2	0	0	0.0%	
		Clerical/Skilled	1	0	3	1	5	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	5	9	43	0	57	100.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		241		Bay Area: 57
S		INFORMATION NOT PROVIDED							
Ardurra Aric Gnesa 9665 Chesapeake Drive, Ste 230 San Diego, CA 92123 858.842.6993									
P	WM: LBE	Company Wide	630	240	1,882	0	2,752	18.6%	37.3%
AECOM Carrie Mullin 300 Lakeside, Suite 400 Oakland, CA 94612 510-874-3245		Manager/Prof	596	98	1,800	42	2,536	18.8%	
		Technical/Sales	0	99	56	13	0	0.0%	
		Clerical/Skilled	34	43	26	0	103	36.8%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	9	32	140	1	0	0.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		14,814		Bay Area: 496
P	WM: LBE	Company Wide	65	148	238	0	451	23.0%	27.2%
Mott MacDonald Group, Inc. Melanie Graham 2633 Camino Ramon San Ramon, CA 94583 925-469-8010		Manager/Prof	44	98	176	1	319	23.3%	
		Technical/Sales	21	46	62	0	0	0.0%	
		Clerical/Skilled	0	3	0	0	3	7.1%	
		Semi/Unskilled	0	1	0	0	0	0.0%	
		Bay Area	-	-	-	-	-	0.0%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,964		Bay Area: 1,964
P	WM: LBE	INFORMATION NOT PROVIDED							
Stantec Consulting Services, Inc. Leah Armstrong 1340 Treat Boulevard, Suite 300 Walnut Creek, CA 94597 925-296-2177									

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

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BOARD ACTION

Agenda Number:	7.	Meeting Date:	May 28, 2024
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TITLE	WELLE RESERVOIR CHLORAMINE BOOSTING STATION
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 28, 2024 with PSI Water Technologies, Inc. (PSI) in an amount not to exceed \$786,535 for providing and installing a chloramine boosting station at Welle Reservoir including five years of maintenance services.
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SUMMARY	Maintaining an adequate disinfectant residual throughout the distribution system is an operational priority for public health protection. Under this agreement, PSI will provide a turnkey chloramine boosting system to maintain a consistent chloramine concentration in Welle Reservoir, located in a remote part of the distribution system that frequently experiences low disinfectant residuals due to low water turnover and high-water age. The agreement includes maintenance services for five years.
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DISCUSSION	Welle Reservoir is a 0.3 million gallon distribution reservoir constructed in 1981 serving a small neighborhood in Crockett. The reservoir frequently experiences low disinfectant residuals that require manual treatments by staff which is labor intensive and results in variable water quality. The automated system will lower operational costs and provide a more consistent disinfectant residual and water quality. This project supports the District's Water Quality and Environmental Protection Strategic Plan goal.
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SERVICE PROVIDER SELECTION	This agreement is a sole source selection and a direct award to PSI for the supply, installation, and maintenance of the system. The sole source award applies to the purchase of the specialized equipment system that includes the on-site chemical storage and injection system, integrated mixer, and control logic. The direct award applies to the installation and maintenance activities, which requires specialized knowledge of the system's design for successful installation and availability of local technicians to maintain the specialized system.
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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 #7000319; Page 71	Budget Coding: 11.773.2009991.53120 and 11.773.8532100.53120	Approved: 	
Attachment(s): P-035; P-061			

Title:	Welle Reservoir Chloramine Boosting Station	Meeting Date:	May 28, 2024
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SUSTAINABILITY**Economic**

Funding for this work is available in the FY2024 / FY2025 adopted capital budget for Chloramine Boosting Stations.

Funding for the maintenance agreement is available through the end of the adopted FY2024 and FY2025 operating budget. Funding for the additional years will be considered as part of the associated budget development process.

Social

This type of work is not performed by District staff and consequently union notification was not required. A courtesy informal union notification was emailed to Local 2019, Local 21 and Local 444.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with Contra Costa County Clerk on April 3, 2024.

ALTERNATIVES

Do not purchase this system. This alternative is not recommended because manual treatments of Welle Reservoir are more labor intensive and result in greater variability of chloramine residuals.

Purchase another system. This alternative is not recommended because staff was unable to identify another vendor with a system that meets District requirements.

I:\Sec\2024 Board Related Items\052824 Board Agenda Items\OMD – Welle Reservoir Chloramine Boosting Station.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 Welle Reservoir Chloramine Boosting Station					DATE: April 29, 2024						
CONTRACTOR: PSI Water Technologies, Inc. Milpitas, CA					PERCENTAGE OF CONTRACT DOLLARS						
Direct Award/ Sole Source					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity		Gender	White Women		6%		0.0%		
		White		Men	Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: PSI Water Technologies, Inc.		\$786,535	White	x		100.0%					
TOTAL		\$786,535.00			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		70		22		43		135			
Percent of Total Employees:		51.9%		16.3%		31.9%					
MSA Labor Market %:		26.9%		21.0%		52.1%					
MSA Labor Market Location:		Santa Clara									
COMMENTS											
Contract Equity Participation : 100% White men participation. Contract Duration : 5 year maintenance support services *Total not to exceed: \$786,535											
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: Welle Reservoir Chloramine Boosting Station			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: 4/29/2024	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	WM	Company Wide	7	14	15	1	37	27.4%	52.1%
PSI Water Technologies, Inc. Melissa Hill 550 Sycamore Drive Milpitas, CA 95035 858-218-3747		Manager/Prof	2	4	8	0	14	23.3%	
		Technical/Sales	0	1	0	0	1	8.3%	
		Clerical/Skilled	5	9	7	1	22	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:		12/13/2019		
		Co. Wide MSA:	Santa Clara		# Employees-Co. Wide:		135	Bay Area:	0

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



BOARD ACTION

Agenda Number:	8.	Meeting Date:	May 28, 2024
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TITLE	ENGINEERING SUPPORT SERVICES FOR POWER SYSTEM PROTECTION FOR CAPITAL IMPROVEMENT PROJECTS
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 28, 2024 with Schweitzer Engineering Laboratories Engineering Services Inc. (SEL Engineering) in an amount not to exceed \$1,320,400 for Protection Automation Control System (PACS) engineering services and commissioning support.
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SUMMARY	This agreement is for PACS engineering programming, integration services during construction, and on-site support required for the Upper San Leandro (USL) Water Treatment Plant (WTP) Maintenance and Reliability Project under Specification 2128; and for PACS engineering design review for the Lafayette WTP Center Power Reliability Project and the Castenada Pumping Plant Power Reliability Improvements Project.
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DISCUSSION	New power equipment is being installed under these three capital improvement projects. Power system protection through a PACS is important to protect electrical equipment from failure that may occur because of a disturbance in the power system. PACS equipment from SEL Engineering will also be included in future capital improvement projects installing new power equipment to standardize equipment across multiple facilities. This agreement includes PACS engineering support during construction, programming services, factory acceptance testing support, and on-site support for testing and commissioning for the USL WTP Maintenance and Reliability Project under Specification 2128, which is currently in construction. The agreement also includes training for District staff to become familiar with SEL Engineering's specialized electrical protection equipment and design review support for the PACS engineering design for the Lafayette WTP Center Power Reliability Project, currently in the design phase, and the Castenada Pumping Plant Power Reliability Improvements Project, currently in the planning phase. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.
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Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2024/2025; Award # 7000090; Page 105	Budget Coding: 11-557-2011351-2020308-52310		Approved: 
Attachment(s): P-035; P-061			

Title:	Engineering Support Services For Power System Protection For Capital Improvement Projects	Meeting Date:	May 28, 2024
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**CONSULTANT
SELECTION**

SEL Engineering is the manufacturer of the specialized and proprietary power system protection equipment that is specified for these three projects. SEL Engineering is recommended as a direct award because it is the only consultant that can provide the specialized engineering support required for this equipment.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2024 / FY 2025 adopted capital budget for Treatment Plant Upgrades.

Social

Locals 2019 and 21 were notified of this agreement on December 29, 2023. Local 2019 issues were addressed at meetings on January 2, 2024, February 6, 2024, and March 5, 2024 and resolved. Local 21 did not raise any specific issues related to this agreement.

ALTERNATIVES

Do not authorize the agreement. This alternative is not recommended because the work specified in the agreement is required to support three capital improvement projects, including one that is currently in construction.

Perform the work with District forces. This alternative is not recommended because District forces do not possess the expertise required to perform this specialized electrical system protection engineering work.

Select another consultant to perform the work. This alternative is not recommended because SEL Engineering is the only consultant that possesses the expertise required to perform this specialized electrical system protection engineering work.



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 Contract Engineering Support Services For Power System Protection for Capital Improvement Projects						DATE: May 3, 2024					
CONTRACTOR: Schweitzer Engineering Laboratories (SEL) Engineering Services Inc. Direct Award						PERCENTAGE OF CONTRACT DOLLARS					
						Availability Group		Contracting Objectives		Participation	
						White Men		25%		100.0%	
						White Women		6%		0.0%	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity		Gender		White Women		6%		0.0%	
\$1,320,400 *		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Schweitzer Engineering Laboratories (SEL) Engineering Services Inc.		\$1,320,400	White	X		100.0%					
SUBS: None											
TOTAL		\$1,320,400.00				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:		1,716		663		766		3,145			
Percent of Total Employees:		54.6%		21.1%		24.4%					
MSA Labor Market %:		39.0%		33.7%		27.2%					
MSA Labor Market Location:		United States									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: \$1,320,400											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	9.	Meeting Date:	May 28, 2024
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TITLE	ADMINISTRATION BUILDING BALLISTICS-RESISTANT WINDOW SYSTEM
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after May 28, 2024, with Window Film Depot, Inc., in an amount not to exceed \$680,510 for fabrication and installation of a new ballistics-resistant window system on the first floor of the District's Administration Building (AB) located at 375 11 th Street in Oakland, CA.
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SUMMARY	This agreement will provide for fabrication and installation of a new ballistics-resistant window system on the first floor of the AB.
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DISCUSSION	In fall 2023, several windows on the first floor of the AB were damaged by stray bullets from gunfire outside the building. A new window system constructed from bullet-resistant materials will be fabricated and installed on the inside of the existing windows on the first floor of the AB. This is more cost-effective than replacing entire window panels with bullet-resistant material. The top of the new window system will be eight feet above the finished floor elevation and will be affixed to the existing window framing system. Window Film Depot, Inc. will furnish all logistics planning, labor, transportation, and tools of the trade to fabricate and install the new window system. This project supports the District's Long-Term Infrastructure Investment and Workforce Planning and Development Strategic Plan goals. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.
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SERVICE PROVIDER SELECTION	A request for proposals (RFP) was posted on the District's website, sent to five potential proposers, and advertised in the East Bay Times. Seven firms attended the pre-bid site walk. Two proposals were received. Window Film Depot, Inc., was the only proposer to pass the qualification requirements of the RFP and has the experience to perform the work. Window Film Depot, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Window Film Depot, Inc., and its listed subcontractors are properly registered with the State DIR.
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Originating Department: Engineering and Construction	Department Director: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2024/2025; Award#7000085; Page 54	Budget Coding: 11-566-3100082-53120	Approved: 	
Attachment(s): P-035; P-061			

Title:	Administration Building Ballistics-Resistant Window System	Meeting Date:	May 28, 2024
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SUSTAINABILITY**Economic**

Although unplanned, funding for this work is available in the FY 2024 / FY 2025 adopted capital budget for the Security Improvements Award.

Social

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 of the State of California.

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

This work will improve employee safety on the first floor of the AB.

Environmental

The project is exempt from the California Environmental Quality Act (CEQA) per Section 15061.b.3 and Section 15301 of the CEQA Guidelines.

ALTERNATIVES

Select a different service provider to do the work. This alternative is not recommended because Window Film Depot, Inc. was the only responsive/responsible proposer.

Do not proceed with the work. This alternative is not recommended because the work is needed to enhance employee safety at the AB.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Administration Building Ballistics-Resistant Window System					DATE: May 21, 2024							
CONTRACTOR: Window Film Depot, Inc. Marietta, GA					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE: \$680,510 *		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
		White	Men	Ethnic Minorities		25%		0.0%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Window Film Depot, Inc.		\$680,510	White	x		100.0%						
TOTAL		\$680,510				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		16		6		6		28				
Percent of Total Employees:		57.1%		21.4%		21.4%						
MSA Labor Market %:		35.9%		30.0%		34.2%						
MSA Labor Market Location:		Georgia										
COMMENTS												
Contract Equity Participation : 100% White men participation. Contract Duration : NA *Total not to exceed: \$680,510												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	10.	Meeting Date:	May 28, 2024
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TITLE	AMENDMENT TO THE EAST BAY PLAIN SUBBASIN DATA MANAGEMENT SYSTEM
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 120-21 with Woodard & Curran, Inc. to increase the agreement amount by \$47,334 to a total amount not to exceed \$300,042 and extend the agreement term to June 30, 2026 for hosting and maintaining the East Bay Plain Subbasin (Subbasin) Data Management System (DMS).
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SUMMARY	This amendment allows the District and the City of Hayward (Hayward) to retain Woodard & Curran, Inc. to continue hosting and maintaining the East Bay Plain Subbasin DMS through Fiscal Year (FY) 2026. Maintaining a DMS for the Subbasin is a requirement under the Sustainable Groundwater Management Act (SGMA). The work under this amendment is 50 percent funded (\$23,667) by the District and 50 percent funded (\$23,667) by Hayward pursuant to the East Bay Plain Subbasin Groundwater Sustainability Plan (GSP) cooperating and implementation agreements between the District and Hayward.
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DISCUSSION	The District and Hayward act as Groundwater Sustainability Agencies (GSA) for the Subbasin and completed a GSP in January 2022 that was adopted under Board Resolution No. 35259-21 and approved by the Department of Water Resources in July 2023. The GSAs are implementing the GSP to comply with SGMA and are working under a cooperating agreement authorized under Board Motion No. 077-18, and an implementation agreement that was subsequently entered into in November 2022. As GSAs, the District and Hayward are required under SGMA to develop and maintain a DMS that can store and report GSP monitoring data such as groundwater levels, water quality, and land subsidence. On June 22, 2021, under Motion No. 120-21, the Board authorized an agreement with Woodard & Curran, Inc. to design and implement a DMS for the Subbasin for an amount not to exceed \$219,746. The web-based DMS was launched in April 2022 and is publicly accessible on the Internet for analysis and visualization. In June 2023, staff utilized the 15 percent change order contingency to increase the Woodard & Curran, Inc. agreement by \$32,962 to an amount not to exceed \$252,708 for the consultant to host and maintain the DMS through June 30, 2024. This amendment to increase the amount by \$47,334 is needed for Woodard & Curran, Inc. to continue to provide the technical services necessary to host, maintain, and update the DMS for an additional two years through June 30, 2026. The DMS services in the amendment cannot currently be performed by District staff.
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Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2024/2025; Award #7000314: Page 85	Budget Coding: 11-455-1015698-52310		Approved: 
Attachment(s): P-035; P-061			

Title:	Amendment to the East Bay Plain Subbasin Data Management System	Meeting Date:	May 28, 2024
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This work supports the District's Long-Term Water Supply, and Water Quality and Environmental Protection Strategic Plan goals.

**CONSULTANT
SELECTION**

In April 2021, the District issued a request for proposals for DMS design and implementation services. Three firms submitted proposals and were interviewed. Woodard & Curran, Inc. was selected based on superior DMS functionality, more experience in developing and implementing web-based DMS solutions specific to GSAs, and the ability to customize DMS features to highlight important sustainability indicators for the Subbasin.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2024/FY 2025 adopted capital budget for SGMA Compliance.

Social

Locals 2019 and 21 were notified of this agreement on January 26, 2021 and did not raise any specific issues related to this agreement.

Environmental

The DMS benefits sustainable management of the Subbasin by providing transparency of data used to evaluate groundwater conditions. The work completed under this agreement is for data collection, research, experimental, and/or resource evaluation activity, and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15306.

ALTERNATIVES

Do not authorize this amendment. This alternative is not recommended because hosting and maintaining the EBP DMS is a requirement under SGMA.

Complete the work with District Forces. This alternative is not recommended because District staff do not currently have the time to develop the application.

Select a different consultant to host the DMS. This alternative is not recommended because Woodard & Curran, Inc. has provided satisfactory services 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 -Amendment Amendment to the East Bay Plain Subbasin Data Management System					DATE: May 21, 2024						
CONTRACTOR: Woodard & Curran, Inc. Sacramento, CA					PERCENTAGE OF CONTRACT DOLLARS						
Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity	Gender		White Women		6%		0.0%		
\$47,334 *		White		Men	Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIMES: Woodard & Curran, Inc.		\$47,334	White	x		100.0%					
SUBS: None											
TOTAL		\$47,334				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:		686		307		131		1,124			
Percent of Total Employees:		61.0%		27.3%		11.7%					
MSA Labor Market %:		32.7%		30.0%		37.3%					
MSA Labor Market Location:		Sacramento									
COMMENTS											
Contract Equity Participation: 100% White Men participation Contract Duration: Until June 2026 *Total not to exceed: \$300,043 = \$219,746 (Original Amount) + \$32,962 (15% Change Order) + \$47,334 (Amendment through June 2026)											
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: Amendment to the East Bay Plain Subbasin Data Management System			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement - Amendment		DATE: 5/21/2024	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	24	47	36	2	109	9.7%	63.5%
Woodard & Curran, Inc. Rachel Gilbert 801 T Street Sacramento, CA 95811 916.999.8763		Manager/Prof	0	30	34	0	64	8.1%	
		Technical/Sales	10	0	0	0	10	71.4%	
		Clerical/Skilled	4	5	1	1	11	10.1%	
		Semi/Unskilled	10	12	1	1	24	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		AA Plan on File: NA	Date of last contract with District: 6/10/2021						
		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 1,124 Bay Area: 0						
P	EMW: A/PI	Company Wide	0	0	88	5	93	100.0%	27.3%
Intellectyx, Inc. Raj Joseph 600 17th Street, 2800 South Denver, CO 80202 720-256-7540		Manager/Prof	0	0	60	5	65	100.0%	
		Technical/Sales	0	0	20	0	20	100.0%	
		Clerical/Skilled	0	0	4	0	4	100.0%	
		Semi/Unskilled	0	0	4	0	4	100.0%	
		Bay Area	0	0	0	5	5	100.0%	39.9%
		Co. Wide MSA: Total USA	# Employees-Co. Wide: 93 Bay Area: 5						
P	WM	Company Wide	18	42	42	1	103	13.4%	27.3%
GEI Consultants, Inc. Julie Jennings 2868 Prospect Park Drive, Suite 400 Rancho Cordova, CA 95670 916-631-4533		Manager/Prof	14	34	36	0	84	12.7%	
		Technical/Sales	2	3	2	1	8	14.8%	
		Clerical/Skilled	2	5	4	0	11	22.4%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	5	3	0	8	24.2%	39.9%
		Co. Wide MSA: Total USA	# Employees-Co. Wide: 767 Bay Area: 33						
		St							

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



BOARD ACTION

Agenda Number:	11.	Meeting Date:	May 28, 2024
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TITLE	AMEND AGREEMENT FOR MECHANICAL AND ELECTRICAL IMPROVEMENTS AT OCCUPIED FACILITIES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 126-19 with Salas O'Brien Engineers, Inc., (SOBE) to increase the agreement amount by \$653,896 to a total amount not to exceed \$1,543,249 for additional mechanical, electrical, structural, and architectural services for three District facilities.
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SUMMARY	This amendment provides additional mechanical, electrical, structural, and architectural services to complete the design for three occupied facilities which were part of the original agreement with SOBE. The increase in the scope of services is largely due to evaluations by District staff on the design details during the design process and permitting requirements.
---------	--

DISCUSSION	The District is making improvements to three specific occupied buildings with support from SOBE: Fleet Maintenance East Facility and East Area Service Center (EASC) located in Walnut Creek, and the Adeline Maintenance Center (AMC) Administration Building located in Oakland. The upgrades are necessary to maintain secure and energy-efficient workspaces that meet local, state, and federal codes.
------------	--

The following support is needed to complete the three projects:

Fleet Maintenance East Facility Improvements project: Significant scope changes include: design of a new administration building in lieu of renovating the existing building based on a life-cycle cost analysis; design of the new fleet bays in lieu of using a prefabricated building to obtain building permits prior to construction and minimize bidding risks; design of structural retrofits on the existing fleet bays; and preparation of additional drawing packages to comply with the City of Walnut Creek's permitting requirements.

EASC and AMC Administration Building: Electrical and heating, ventilation and air conditioning (HVAC) improvements at EASC have been on hold at the 90% design milestone since 2020 in order to be bid concurrently with the Fleet Maintenance East project for construction efficiencies. The AMC Administration Building HVAC project was deferred in the Capital Improvement Program due to staff resource limitations. Additional design support is required to revise and update the designs to conform with updated code requirements.

These projects support the District's Long-Term Infrastructure Investment Strategic Plan Goal.

Originating Department: Engineering and Construction	Department Director or Manager: Olujimi O. Yoloye	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2024/2025; Award#7000126; Page 12	Budget Coding: 11-566-2009980-52310; 11-566-2012566-52310; 11-566-2013692-52310		Approved: 
Attachment(s): P-035; P-061			

Title:	Amend Agreement for Mechanical and Electrical Improvements at Occupied Facilities	Meeting Date:	May 28, 2024
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The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.

**CONSULTANT
SELECTION**

In 2019, a request for proposals was sent to 20 firms and posted on the District's website. Seven proposals were received. SOBE was selected based on their qualifications, expertise, and ability to work in coordination with District staff.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY2024/FY2025 adopted capital budget for Building Facilities Improvements.

Social

Locals 2019 and 21 were notified of this amendment on April 8, 2024 and did not raise any specific issues related to this amendment.

ALTERNATIVES

Select a different consultant to do the work. This alternative is not recommended because this additional work is integral to the design work already completed. SOBE has already completed significant work on these projects, has the appropriate technical expertise and it is most effective to have them complete the work.

Perform the work with District forces. This alternative is not recommended because District forces do not have the expertise or availability to perform the specific work under this agreement. District staff are performing project management for the projects and have completed design of select elements of the projects.

Do not authorize the amendment. This alternative is not recommended because this amendment is needed to complete the design of the projects, which are necessary to maintain safe, secure, and energy-efficient workspaces and meet the District's operational needs.



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 - Amendment Amend Agreement for Mechanical and Electrical Improvements at Occupied Facilities					DATE: May 21, 2024						
CONTRACTOR: Salas O'Brien Engineers, Inc. San Jose, 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%		
\$653,896 *		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIMES: Salas O'Brien Engineers, Inc.		\$514,671	White	x		78.7%					
SUBS: KPFF Consulting Engineers		\$139,225	White	x		21.3%					
TOTAL		\$653,896				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:		871		263		343		1,477			
Percent of Total Employees:		59.0%		17.8%		23.2%					
MSA Labor Market %:		39.0%		33.7%		27.2%					
MSA Labor Market Location:		United States									
COMMENTS											
Contract Equity Participation: 100 % White men participation. Contract Duration : *Total not to exceed: \$1,543,249 = \$ 889,353 (Original Amount) + \$653,896 (amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreement for Mechanical and Electrical Improvements at Occupied Facilities		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-Amendment	DATE: 5/21/2024	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	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%
		AA Plan on File:	NA		Date of last contract with District:		6/21/2019		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,477		Bay Area: 0
S	WM	INFORMATION NOT PROVIDED							
KPFF Consulting Engineers David Rossi 45 Fremont St. 28th Floor San Francisco, CA 94105 (510) 334-0338									
P	WW: SBE	Company Wide	1	2	7	3	13	48.1%	48.4%
NBA Engineering, Inc. Natalie Alavi 897 Hyde Street San Francisco, CA 94109 415-202-9840, ext. 114		Manager/Prof	0	1	4	1	6	42.9%	
		Technical/Sales	1	1	2	1	5	50.0%	
		Clerical/Skilled	0	0	1	1	2	66.7%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	1	5	2	9	50.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		27		Bay Area: 18
P	WM	Company Wide	5	36	20	2	63	32.0%	37.3%
Kitchell/CEM, Inc. Russell A. Fox 2450 Venture Oaks Way, Suite 500 Sacramento, CA 95833 916-648-9700		Manager/Prof	2	28	17	2	49	30.4%	
		Technical/Sales	0	1	0	0	1	25.0%	
		Clerical/Skilled	3	7	3	0	13	40.6%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		197		Bay Area: 0
P	WM: L/SBE	Company Wide	3	5	5	0	13	32.5%	39.9%
AEPC Group Terry Stelter 5000 Executive Parkway, Suite 430 San Ramon, CA 94583 925-277-3009		Manager/Prof	2	2	3	0	7	25.0%	
		Technical/Sales	1	3	1	0	5	62.5%	
		Clerical/Skilled	0	0	1	0	1	25.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	3	4	0	8	47.1%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		40		Bay Area: 17

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: Amend Agreement for Mechanical and Electrical Improvements at Occupied Facilities			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-Amendment			DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			5/21/2024	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	EMW: H - SBE	Company Wide	1	2	2	0	5	38.5%	39.9%
EdesignC, Incorporated Rosanna Lerma 582 Market Street, Suite 400 San Francisco, CA 94104 415-963-4303 ext. 100		Manager/Prof	0	2	1	0	3	37.5%	
		Technical/Sales	0	0	1	0	1	50.0%	
		Clerical/Skilled	1	0	0	0	1	33.3%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	2	2	0	5	0.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:	13	Bay Area:	13		
P	EMM: A/PI - L/SBE	Company Wide	2	1	19	0	22	78.6%	53.9%
YEI Engineers, Inc Patrick Mallillin 7677 Oakport Street Oakland, CA 94621 510-383-1050		Manager/Prof	1	0	17	0	18	85.7%	
		Technical/Sales	0	0	1	0	1	33.3%	
		Clerical/Skilled	1	1	1	0	3	75.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	1	19	0	22	78.6%	39.9%
		Co. Wide MSA:	Alameda	# Employees-Co. Wide:	28	Bay Area:	28		

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

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BOARD ACTION

Agenda Number:	12.	Meeting Date:	May 28, 2024
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TITLE	MONTHLY INVESTMENT TRANSACTIONS REPORT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Approve the April 2024 Monthly Investment Transactions Report.
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SUMMARY	In accordance with Policy 4.07 – Investments, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The April 2024 report is being brought to the Board for consideration. This report was presented at the May 28, 2024 Finance/Administration Committee meeting.
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DISCUSSION	Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors is presented in the quarterly investment report. In April 2024, the portfolio increased from \$774.8 million to \$820.9 million. Net transactions increased the total by \$45.4 million. Interest received added approximately \$652,000 to the portfolio. Deposits into short-term liquidity funds totaled \$146.9 million, and \$13.9 million in securities was withdrawn. The District did not purchase any securities, and no securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in a decrease of \$87.6 million.
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I:\Sec\2024 Board Related Items\052824 Board Agenda Items\ FIN - Monthly Investment Transactions Report April 2024.docx

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): April 2024 Monthly Investment Transactions Report			

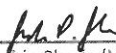
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Monthly Investment Transactions Report April 2024

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

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

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



Sophia Skoda (May 7, 2024 15:07 PDT)
Approved by: Sophia D. Skoda, Finance Director

May 7, 2024

Date

SDS:KM:ac



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
April 2024

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	526,845,963.11	104,000,000.00	365,624.09	631,211,587.20
007 - Wastewater Consolidated	100,213,732.82	26,000,000.00	92,570.67	126,306,303.49
049 - Ferc Partnership	2,090,266.00	-	22,440.20	2,112,706.20
009 - BACWA	2,364,721.97	-	25,387.40	2,390,109.37
015 - DERWA	1,045,136.82	-	11,221.11	1,056,357.93
002 - FRWA	1,045,136.82	-	11,221.11	1,056,357.93
014 - IICP	157,294.14	-	1,689.00	158,983.14
010 - UMRWA	66,888.59	-	718.68	67,607.27
003 - Employees Retirement	5,602,077.14	3,022,000.00	121,240.84	8,745,317.98
099 - Wells Fargo**	135,368,472.35	(87,595,149.88)	-	47,773,322.47
Total	774,799,689.76	45,426,850.12	652,113.10	820,878,652.98

* Portfolio balance presented at face value.

**Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.
A portion of the balance in Wells Fargo is swept to a money market fund to increase investment earnings.

Aaron Cinco
Prepared by: Aaron Cinco, Accounting Technician
Kevin Ma
Reviewed by: Kevin Ma, Accounting Supervisor
David Glasser
Approved by: David Glasser, Controller

5/6/24
Date
May 6, 2024
Date
May 6, 2024
Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
April 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	-	104,000,000.00	-	-	-	-	-	104,000,000.00
007 - Wastewater Consolidated	-	26,000,000.00	-	-	-	-	-	26,000,000.00
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	16,912,000.00	-	-	-	(13,890,000.00)	-	3,022,000.00
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
Investment Activity Total	-	146,912,000.00	-	-	-	(13,890,000.00)	-	133,022,000.00
099 - Wells Fargo	-	(146,912,000.00)	-	-	-	13,890,000.00	45,426,850.12	(87,595,149.88)
Total	-	-	-	-	-	-	45,426,850.12	45,426,850.12

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



Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

May 6, 2024

Date



Approved by: Robert L. Hannay, Treasury Manager

May 7, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
April 2024

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

No Transactions this Period

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

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Deposits										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/1/2024	4/1/2024	N/A	16,000,000.00	16,000,000.00	0.00	16,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	4/1/2024	4/1/2024	N/A	16,000,000.00	16,000,000.00	0.00	16,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/1/2024	4/1/2024	N/A	16,000,000.00	16,000,000.00	0.00	16,000,000.00
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	4/2/2024	4/2/2024	N/A	16,000,000.00	16,000,000.00	0.00	16,000,000.00
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/22/2024	4/22/2024	N/A	8,000,000.00	8,000,000.00	0.00	8,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/22/2024	4/22/2024	N/A	8,000,000.00	8,000,000.00	0.00	8,000,000.00
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	4/22/2024	4/22/2024	N/A	8,000,000.00	8,000,000.00	0.00	8,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	4/22/2024	4/22/2024	N/A	8,000,000.00	8,000,000.00	0.00	8,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/22/2024	4/22/2024	N/A	8,000,000.00	8,000,000.00	0.00	8,000,000.00
Total							104,000,000.00			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/12/2024	4/12/2024	N/A	5,335,000.00	5,335,000.00	0.00	5,335,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/25/2024	4/25/2024	N/A	6,243,000.00	6,243,000.00	0.00	6,243,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/26/2024	4/26/2024	N/A	5,334,000.00	5,334,000.00	0.00	5,334,000.00
Total							16,912,000.00			
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/1/2024	4/1/2024	N/A	4,000,000.00	4,000,000.00	0.00	4,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	4/1/2024	4/1/2024	N/A	4,000,000.00	4,000,000.00	0.00	4,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/1/2024	4/1/2024	N/A	4,000,000.00	4,000,000.00	0.00	4,000,000.00
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	4/2/2024	4/2/2024	N/A	4,000,000.00	4,000,000.00	0.00	4,000,000.00
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/22/2024	4/22/2024	N/A	2,000,000.00	2,000,000.00	0.00	2,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/22/2024	4/22/2024	N/A	2,000,000.00	2,000,000.00	0.00	2,000,000.00
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	4/22/2024	4/22/2024	N/A	2,000,000.00	2,000,000.00	0.00	2,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	4/22/2024	4/22/2024	N/A	2,000,000.00	2,000,000.00	0.00	2,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/22/2024	4/22/2024	N/A	2,000,000.00	2,000,000.00	0.00	2,000,000.00
Total							26,000,000.00			
							146,912,000.00	146,912,000.00	0.00	146,912,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
April 2024

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
April 2024

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

No Transactions this Period

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

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

No Transactions this Period

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

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/30/2024	4/30/2024	N/A	13,890,000.00	13,890,000.00	-	13,890,000.00
					Total		13,890,000.00			
099 - Wells Fargo	Cash	WELLS FARGO Cash	CASH2017	4/30/2024	4/30/2024	N/A	87,595,149.88	87,595,149.88	-	87,595,149.88
					Total		87,595,149.88			
							101,485,149.88	101,485,149.88	-	101,485,149.88



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
April 2024

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	365,624.09	-	365,624.09
007 - Wastewater Consolidated	92,570.67	-	92,570.67
049 - Ferc Partnership	22,440.20	-	22,440.20
009 - BACWA	25,387.40	-	25,387.40
015 - DERWA	11,221.11	-	11,221.11
002 - FRWA	11,221.11	-	11,221.11
014 - IICP	1,689.00	-	1,689.00
010 - UMRWA	718.68	-	718.68
003 - Employees Retirement	121,240.84	-	121,240.84
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
Interest Transactions Total	652,113.10	-	652,113.10
099 - Wells Fargo	-	-	-
Total	652,113.10	-	652,113.10

*Coupon and other interest received; reinvestment unavailable.

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

Aaron Cinco
 Prepared by: Aaron Cinco, Accounting Technician
Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor
David Glasser
 Approved by: David Glasser, Controller

5/6/24
 Date
May 6, 2024
 Date
May 6, 2024
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
April 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Transferred to Wells Fargo)										

0.00	0.00	-	-
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
April 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Reinvested)										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/1/2024	4/1/2024	N/A	-	-	43,021.33	43,021.33
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley I	MVRXX	4/1/2024	4/1/2024	N/A	-	-	35,282.49	35,282.49
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/1/2024	4/1/2024	N/A	-	-	42,959.78	42,959.78
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	103,492.28	103,492.28
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/30/2024	4/30/2024	N/A	-	-	140,868.21	140,868.21
Total										365,624.09
002 - FRWA	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	11,221.11	11,221.11
Total										11,221.11
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	4/15/2024	4/15/2024	N/A	-	-	121,240.84	121,240.84
Total										121,240.84
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	4/1/2024	4/1/2024	N/A	-	-	12,418.01	12,418.01
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley I	MVRXX	4/1/2024	4/1/2024	N/A	-	-	8,470.01	8,470.01
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	4/1/2024	4/1/2024	N/A	-	-	12,553.85	12,553.85
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	25,141.80	25,141.80
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	4/30/2024	4/30/2024	N/A	-	-	33,987.00	33,987.00
Total										92,570.67
009 - BACWA	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	25,387.40	25,387.40
Total										25,387.40
010 - UMRWA	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	718.68	718.68
Total										718.68
014 - IICP	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	1,689.00	1,689.00
Total										1,689.00
015 - DERWA	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	11,221.11	11,221.11
Total										11,221.11
049 - Ferc Partnership	LAIF	LAIF LGIP	LGIP1001	4/15/2024	4/15/2024	N/A	-	-	22,440.20	22,440.20
Total										22,440.20
							0.00	0.00	652,113.10	652,113.10



BOARD ACTION

Agenda Number:	13.	Meeting Date:	May 28, 2024
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TITLE	REVISIONS TO ANNUAL INVESTMENT POLICY
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ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Approve revisions to Policy 4.07 – Investments and renew existing delegation of authority for the management of investments on behalf of the District and Joint Powers Authorities to the Director of Finance, as the Treasurer of the District.
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SUMMARY	District Policy 4.07 – Investments has been reviewed and amended for clarity, and to ensure continued compliance with the Municipal Utility District Act, California Government Code (Code) and the District’s mission, policies, and values. A section was added stating that staff will review the holdings of local government investment pools (LGIPS), which the District has an interest in, on an annual basis to ensure the investment remains appropriate for the District’s portfolio. This policy was reviewed at the May 28, 2024 Finance/Administration Committee meeting.
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DISCUSSION	The District presents a statement of investment policy to the Board for their consideration annually, as permitted under Section 53646 of the California Government Code. The District’s Policy 4.07 has been reviewed and updated to ensure continued compliance with the Government Code, the District’s mission, values, and policies, and provide guidance and a framework for the investment process. In August 2023, the District’s Policy 4.07 was submitted to the California Municipal Treasurer’s Association (CMTA) for their review and certification. The policy was reviewed and passed by a panel of three CMTA members, thereby renewing its certification. The CMTA panel recommended one addition to the policy, as described below. Additionally, one clarifying edit to the policy is recommend by staff. Staff concluded that no updates were required to the policy based on legislative updates. Addition to Policy 4.07 In the updated policy, a clause was added stating that the District will review the disclosures and holdings of local government investment pools (LGIPS) on an annual basis. While staff currently reviews investments on a regular basis, this change is recommended to provide additional structure to the annual surveillance process of the District’s portfolio. This ensures that the LGIPS are still appropriate investments.
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Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? N/A	Board Action Type: Policies
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): CMTA News Release August 1, 2023; Policy 4.07 Draft and Final; Resolution			

Title:	Revisions to Annual Investment Policy	Meeting Date:	May 28, 2024
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Edit to Policy 4.07

There is one recommended clarifying edit to fix a typo in the policy. In the “Rating Agencies and Rating Requirements” section, in the second bullet under Rating Requirements, the word “our” has been changed to “or” to reflect the intended word choice.

SUSTAINABILITY**Economic**

Approval of the revised Policy 4.07 will continue to provide sound practices for the management of District funds. The interest earned on invested funds directly offsets the need for additional funds from ratepayers or other sources.

Social

Approval of the revised Policy 4.07, including language on ESG factors, will further align investment decisions with the District’s mission, values, and policies.

Environmental

Approval of the revised Policy 4.07 will further align investment decisions with the District’s mission and values related to environmental issues.

ALTERNATIVE

Do not approve revisions to Policy 4.07. This alternative is not recommended because the delegation of authority to the Treasurer would lapse and prevent investment of idle monies of the District until a future Board action.



FOR IMMEDIATE RELEASE

Date: August 1, 2023

For more information contact:
Shaun L. Farrell, Chairperson
CMTA Investment Policy Certification
Phone: 209-712-0428
Email: sfarrell@cityofgalt.org

(Sacramento, California) – The California Municipal Treasurers Association (CMTA) Investment Policy Certification has been granted to the **East Bay Municipal Utility District**.

This Investment Policy Certification recognizes that CMTA has validated that the East Bay Municipal Utility District's Investment Policy adheres with the State of California Government Code and meets the program requirements within 18 different topics areas deemed to be best practices for investment policies. Those topics include: Scope, Prudence, Objective, Delegation of Authority, Ethics and Conflicts of Interest, Authorized Financial Dealers and Institutions, Authorized and Suitable Investments, Review of Investment Portfolio, Investment Pools/Mutual Funds, Collateralization, Safekeeping and Custody, Diversification, Maximum Maturities, Internal Controls, Performance Standards, Reporting, Investment Policy Adoption and Glossary. Once a policy is received by CMTA, it is independently evaluated using a scoring matrix by three separate CMTA professionals. When the agency receives a passing score, the Investment Policy earns the 'Certified' distinction.

To enhance the municipal treasurer's role, CMTA has developed a number of certification programs to reflect best practices and increase an individual's knowledge of fixed income instruments. The Investment Policy Certification program began in 2012 with the support from the California Debt and Investment Advisory Commission. It is open to all government agencies within the State of California including special districts, cities and counties.

CMTA was founded in 1958 by a handful of Municipal Treasurers from both Northern and Southern California whose primary interest was to improve their function in local Government. CMTA is a professional organization governed by active public officials who are representatives of their own local governmental units.

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Policy 4.07R

EFFECTIVE [28 MAY 24](#)
[23 MAY 23](#)
SUPERSEDES [23 MAY 23](#)
[24 MAY 22](#)

INVESTMENTS

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Invest District funds and funds managed by the District on behalf of its Joint Powers Authorities (JPAs) in compliance with investment criteria for safety, liquidity, yield, and diversification as set forth herein. Investments shall be in securities with a range of maturities to provide adequate security and liquidity to pay demands when due while providing a risk-adjusted market rate of return on investments that takes into consideration the cash flow needs of the District and its JPAs.

Authority	Section 53600 et. seq. of the California Government Code (Government Code) and Chapter 6, Article 7 of the Municipal Utility District Act (M.U.D. Act) govern the investment of idle monies of the District. Section 53635 of the Government Code defines how investments are to be handled for Joint Powers Authorities.
Delegation of Authority	The authority and responsibility to invest idle monies of the District are delegated by the Board to the Director of Finance as the Treasurer. The Director of Finance may designate individual staff to carry out his/her responsibilities under this policy.
No Bond Proceeds	The investment of bond proceeds is specifically defined in individual bond indenture documents and is not included in this policy. This exemption also applies to funds held at the Trustee in Principal, Interest, Debt Service Reserve, or other accounts for the purpose of servicing the bonds.
Ethics and Conflicts of Interest	Officers and employees involved in the investment process shall: - refrain from personal business activity that could conflict with proper execution of the District's investment program, or which could impair their ability to make impartial investment decisions on behalf of the District, - disclose any material financial interest in financial institutions that conduct business with the District, - disclose material personal financial/investments that are related to or could reasonably be affected by the performance of the District's investments, - refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the District's investments, and - comply with the District's Conflict of Interest Code, Procedure 418 - Gifts, Personal Loans and Personal Benefit Interests, Procedure 601 - Conflict of Interest Disqualification Procedure, and District Procedure 447 - Vendor Interactions and Procurement Integrity
Investment Criteria and Objectives	Criteria for selecting investments shall: - adhere to the prudent investor standard, described in Section 53600.3 of the Government Code as follows: "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of

a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency," **and**

- conform with the Government Code and the M.U.D. Act, **and**
- align with District policies, mission and values, **and**
- have the following objectives, in order of priority:
 1. *Safety* – The District's ability to recover principal and interest. Investments shall be made that will seek to ensure the preservation of principal and interest and to minimize risk to the greatest extent possible. It is the primary duty of the Treasurer to protect, preserve and maintain cash and investments on behalf of the District.
 2. *Liquidity* – The District's ability to have cash available when needed to support expenditure cycles and budgetary objectives.
 3. *Yield* – The District's ability to provide a risk-adjusted market rate of return on the District's investments while conforming to the safety and liquidity criteria above.
 4. *Diversification* – The District's ability to maintain an investment portfolio that includes a range of security types. In order to accomplish this, each Investment Option shall have defined limits on maximum share of the portfolio, single issuer and single issue holdings; and maturity, rating and other restrictions where applicable.

Environmental, Social and Governance Factors

It is the intent of the District to align its investment decisions with its policies, mission, and values. Safety, liquidity, yield and diversification are the District's primary investment objectives. The District will also consider sound Environmental, Social and Governance (ESG) factors and objectives in its investment process, subject to the prudent investor standard.

Maturity

The weighted average maturity of the portfolio shall not exceed 900 days.

Rating Agencies and Rating Requirements

As outlined below, some Investment Options have rating requirements. In that context, Rating Agencies is defined as:

- Standard & Poor's Financial Services (S&P),
- Moody's Investors Service (Moody's), and
- Fitch Ratings (Fitch), only.

Ratings requirements:

- are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. Rating Agencies scales are included for reference in Exhibit 1,
- apply at the time of purchase only, with subsequent downgrades below requirement levels or the assignment of negative watch ~~or~~ outlook prompting a case-by-case evaluation of the investment, and
- only apply to the Rating Agencies rating the security.

**Investment
Options**

The District is able to purchase investments in the instruments listed in this section as allowed and defined under Section 53600 et. seq. of the Government Code, Chapter 6, Article 7 of the M.U.D. Act, Board Resolutions, and via this policy. Percentage limitations, where indicated, apply at the time of purchase. As used in this section, the term "Portfolio" refers to all investable funds covered by this policy.

1. United States Treasury Obligations

- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

2. United States Government Agencies Obligations

Under this subsection, only obligations issued by the following agencies are permitted:

- o Federal Agricultural Mortgage Corporation (FAMC)
- o Federal Farm Credit Bank (FFCB)
- o Federal Home Loan Bank (FHLB)
- o Federal Home Loan Mortgage Corporation (FHLMC)
- o Federal National Mortgage Association (FNMA)
- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: 40% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

3. State of California, Local Agency Investment Fund (LAIF)

- Maximum Share of Portfolio: as determined by the State Treasurer and in accordance with Section 16429.1 of the Government Code
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: n/a
- Other Restrictions: none

4. Local Government Investment Pools

Under this subsection, only obligations of the following agencies are permitted:

- California Asset Management Program (CAMP)
- Investment Trust of California (CalTRUST)
- Maximum Share of Portfolio: 40% of the Portfolio
- Maximum Issuer Limit: 20% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: Ratings of AAAm for stable net asset value funds and AA category or higher for floating net asset value funds by at least one Rating Agency
- Other Restrictions: none

The District will review each Pool's disclosure documents annually to assess the suitability of the fund's holdings. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

5. Money Market Mutual Funds

Under this subsection, only Money Market Mutual Funds with stable, non-floating net asset value are permitted:

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Fund Limit: 5% of Money Market Mutual Fund's assets
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: AAAm by at least two Rating Agencies
- Other Restrictions: none

The District will request from each Money Market Mutual Fund, prior to investing and on an annual basis after investing, documents which provide details on the operations of the fund. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

6. Certificates of Time Deposit

Under this subsection, only investments in selected depositories, using one or more private sector entity, in compliance with and as authorized under Government Code Section 53601.8 are permitted.

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Negotiable Certificates of Deposit
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed one (1) year from the settlement date
- Minimum Rating: AA- by at least one Rating Agency
- Other Restrictions:
 - Investment in local branches within the District, whenever possible.

7. Negotiable Certificates of Deposit

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Certificates of Time Deposits
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: 10% of issue
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: AA- by all Rating Agencies
- Other Restrictions:
 - o Issued by banks with total deposits of one billion dollars (\$1,000,000,000) or more.

8. Commercial Paper

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: A-1+ from at least one Rating Agency
- Other Restrictions:
 - o Issued by an entity that is, at the time of purchase:
 - organized and operating in the United States as a general corporation, with total assets exceeding \$500,000,000 and debt (other than commercial paper) rated A or better by at least one Rating Agency ; or
 - is organized within the United States as a special purpose corporation, trust, or limited liability company, with program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond, **and** has commercial paper that is rated A-1+ by at least one Rating Agency.

9. Medium Term Corporate Notes

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the Portfolio
- Maximum Issue Limit: 5% of original issue amount
- Maximum Maturity: Not to exceed 5 years from the settlement date
- Minimum Rating: AA- from at least one Rating Agency, and not lower than A by any Rating Agency
- Other Restrictions:
 - o Issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.

10. Repurchase Agreements

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: n/a
- Other Restrictions:
 - o Collateral may only be in any securities authorized in items 1, or 2
 - o A Master Repurchase Agreement must be on file with the District
 - o Security must be marked to market on a daily basis and delivered to the District's custodial bank at a market value of at least 102%

Funds on deposit at the District's commercial bank may be invested in overnight repurchase agreements through a sweep program.

11. Municipal Obligations

Under this subsection, only registered obligations of the following agencies are permitted:

- o The State of California
- o Any local agency within the State of California
- Municipal Bonds:
 - o Maximum Share of Portfolio: 20% of the Portfolio when added together with Municipal Notes
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue Limit: 10% of original issue amount
 - o Maximum Maturity: Not to exceed five (5) years or with a put provision within five (5) years of settlement date
 - o Minimum Rating: AA- or equivalent by at least one Rating Agency, and not lower than A by any Rating Agency
 - o Other Restrictions: none
- Municipal Notes:
 - o Maximum Share of Portfolio: 20% of the Portfolio together with Municipal Bonds
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue limit: 10% of original issue amount
 - o Maximum Maturity: n/a
 - o Minimum Rating: Notes maturing within 365 days must have a rating of SP-1+ from at least one Rating Agency
 - o Other Restrictions: none

Zero or Negative Market Rates

As authorized under Section 53601.6 and at the discretion of the Director of Finance or its designees, investments can be made "in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates." Those investment may also then be held until their maturity dates. This provision sunsets January 1, 2026.

Investment Placement	Investment placement shall be determined by, but not limited to, continual evaluation and projection of market conditions, interest rate trends, cash flow needs, economic data, yield curves, and interest rate forecasts. Additionally, for investments purchased or sold in the secondary market, best efforts will be made to obtain at least three quotations from Purchasing Entities (as defined below) or to obtain timely and verifiable third-party market pricing data for the investment in question. The combination of these factors shall determine where, in what denomination, and for what maturity investments are made.
Selling Securities Prior To Maturity	When selling securities prior to maturity, principal losses are only allowable either: - if the sale of securities is necessary to meet payment obligations, - to comply with this policy, while considering the impact of the sale(s), or - if the proposed sale is to be made in conjunction with a purchase and the proposed sale in combination with the subsequent purchase can enhance the Portfolio's yield.
Collateral	Securities placed with agents of depository shall at all times be maintained as specified in District Resolution 33232-01 in one or more trust companies, State or national banks located within California, the Federal Reserve Bank, or with any state or national bank located in any city designated as a federal reserve city by the Board of Governors of the Federal Reserve System, and to take from any such banks or trust companies receipts for securities so deposited. Requests for Collateral substitution and releases are subject to the Treasurer's written approval.
Portfolio Performance	The Portfolio will seek to attain a risk-adjusted market rate of return that takes into consideration the cash flow needs of the District. As a result, portfolio performance will be measured using common market indicators. Those may include, but are not limited to: the Federal funds rate, short-term government obligations rates, and other market rates that reflect the mix of securities in the Portfolio.
Purchasing Entities	Investments will be purchased from either: - Primary Dealers as designated by the Federal Reserve Bank of New York, - National or California State Chartered Banks, - Federal or California Chartered Savings Institution, - Broker-Dealers registered with the State of California, or - Issuers of securities eligible for purchase by the District. In addition, these institutions must: - be registered by the Securities and Exchange Commission (SEC), - be members in good standing of the Financial Industry Regulatory Authority (FINRA), and - provide audited financial statements to the District annually. The District shall maintain a current eligible list of established dealers, brokers, banks and savings and loan associations with which securities trading and placement of funds are authorized.

Additionally, to be placed on the eligible list, individuals need to certify in writing that they have read, understood, and agree to comply with this policy, where applicable, by completing and filing with the District the 'Certification of Compliance with Investment Policy' included in this policy as Exhibit 2.

Eligibility may be revoked at any time, in the District's sole discretion, for any reason, including but not limited to, failure to meet the above requirements.

**Trade
Confirmations and
Settlements**

The District shall comply with the following:

1. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all Securities purchased from dealers and brokers shall be held in safekeeping by the District's custodial bank, a national bank, a State chartered bank or trust company, established for this purpose as someone other than the selling party of the security. Securities purchased will be covered by a trust or safekeeping receipt in a manner that establishes the District's ownership. All transactions require delivery of the security prior to payment for the security (delivery vs. payment).
2. To ensure a high degree of internal control, all trade confirmations shall be received directly and reviewed for conformity to the original transaction by an individual other than the person originating the transaction. Any discrepancies will be brought to the attention of the Treasurer.

**Review And
Reporting
Requirements**

On a monthly basis, in accordance with Section 53607 of the Government Code, the Treasurer shall prepare and submit a report listing investment transactions to the General Manager and the Board of Directors.

On a quarterly basis, in accordance with Section 53646 of the Government Code, the Treasurer may prepare and submit a report to the General Manager and the Board of Directors. If rendered, the report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the District, and provide an investment summary by security type, percent of the portfolio, investment yield and the remaining period of investment to maturity.

On an annual basis, in accordance with Section 53646 of the Government Code, an investment policy may be presented to the Board for consideration at a public meeting. In conjunction with the investment policy consideration, the Board shall also annually review the delegation of its authority for the management of investments to the Treasurer.

**Performance
Review And
Internal Control**

Office of Internal Audit

The Office of Internal Audit will periodically audit the investment portfolio to evaluate the effectiveness of the District's investment program as well as its compliance with the Investment Policy. These audits will supplement the annual review by the District's external auditors.

Finance Department

The Treasurer has established and maintains an internal control structure designed to ensure that funds covered under this policy are protected from loss, theft, fraud, or misuse.

The Treasurer will review the investment portfolio monthly for compliance with the Investment Policy and make recommendations for changes and improvements where warranted.

Authority

Resolution No. 33019-96 on December 10, 1996
Amended by Resolution No. 33134-99 on January 26, 1999
Amended by Resolution No. 33232-01 on January 9, 2001
Amended by Resolution 33287-02 on January 22, 2002
Amended by Resolution 33350-03 on February 25, 2003
Amended by Resolution 33390-04 on January 27, 2004
Amended by Resolution 33464-05 on February 22, 2005
Amended by Resolution 33516-06 on January 24, 2006
Amended by Resolution 33585-07 on March 13, 2007
Approved by Resolution 33658-08, February 26, 2008
Approved by Resolution 33702-09, February 24, 2009
Approved by Resolution 33752-10, January 26, 2010
Approved by Resolution 33792-10, November 23, 2010
Approved by Resolution 33871-12, April 24, 2012
Approved by Resolution 33920-13, March 26, 2013
Reaffirmed by Motion 056-14, March 25, 2014
Approved by Resolution 34027-15, April 28, 2015
Approved by Resolution 34079-16, April 26, 2016
Approved by Resolution 35033-17, April 25, 2017
Approved by Resolution 35083-18, April 24, 2018
Approved by Resolution 35137-19, April 23, 2019
Approved by Resolution 35174-20, April 28, 2020
Approved by Resolution 35220-21, April 27, 2021
Approved by Resolution 35290-22, May 24, 2022
Approved by Resolution 35346-23, May 23, 2023
[Approved by Resolution XXXXX-24, May 28, 2024](#)

References

EBMUD Conflict of Interest Code
Procedure 418 – Gifts, Personal Loans and Personal Benefit Interests
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 601 – Conflict of Interest Disqualification Procedure

EXHIBIT 1 RATING AGENCIES' SCALES

For purposes of Investment Policy 4.07 the term "Rating Agencies" is defined as: Standard & Poor's Financial Services (S&P), Moody's Investors Service (Moody's), and Fitch Ratings (Fitch).

Ratings requirements are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. The equivalencies are provided in the tables below.

EXAMPLE

Investment Option 6, Certificates of Time Deposits, shows:

"Minimum Rating: AA- by at least one Rating Agency"

This requirement should be read as:

"Minimum Rating: AA- *or equivalent* by at least one Rating Agency."

To determine the equivalent rating in the table below, find the AA- rating under the S&P column and read across the row to find the Moody's equivalent rating of Aa3 and the Fitch equivalent rating of AA-. Accordingly, a Certificate of Time Deposit is equivalent as an investment if it is rated AA- by S&P, Aa3 by Moody's, or AA- by Fitch.

INVESTMENT-GRADE RATING SCALES

LONG-TERM DEBT			
S&P	MOODY'S	FITCH	
AAA	Aaa	AAA	
AA+	Aa1	AA+	
AA	Aa2	AA	
AA-	Aa3	AA-	← Minimum rating required for District investments
A+	A1	A+	
A	A2	A	
A-	A3	A-	
BBB+	Baa1	BBB+	
BBB	Baa2	BBB	
BBB-	Baa3	BBB-	

SHORT-TERM DEBT			
S&P	MOODY'S	FITCH	
A-1+	P-1	F1+	← Minimum rating required for District investments
A-1	-	F1	
A-2	P-2	F2	
A-3	P-3	F3	

MONEY MARKET FUNDS			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	← Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

STABLE NAV LGIPs		
S&P	MOODY'S	FITCH
AAAm	Aaa-mf	AAAf
AAm	Aa-mf	AAf
Am	A-mf	Af
BBBm	Baa-mf	BBBf

←Minimum rating required for District investments

FLOATING NAV LGIPs		
S&P	MOODY'S	FITCH
AAAf	Aaa-mf	AAAf
AAf	Aa-mf	AAf
←Minimum rating required for District investments		
Af	A-mf	Af
BBBf	Baa-mf	BBBf

EXHIBIT 2
East Bay Municipal Utility District
Certification of Compliance with Investment Policy

The East Bay Municipal Utility District (the District), under Policy 4.07 (the Investment Policy), requires that securities trading and placement of funds be conducted only with eligible Purchasing Entities. The Investment Policy also specifies that the District must obtain written certification that eligible Purchasing Entities have read, understood, and agree to comply with the Investment Policy, where applicable. This certification is necessary to be included on an approved list of Purchasing Entities that are eligible to conduct investment transactions with the District. The District has no obligation to enter into securities trading and/or placement of funds transactions with any or all Purchasing Entities on the list. The District retains the sole and exclusive discretion to determine with which of the Purchasing Entities, if any, to engage in individual investment transactions. Eligibility may be revoked at any time, at the District's sole discretion, for any reason, including but not limited to, failure to meet the requirements of the policy and this exhibit.

Please complete the sections below, sign and return this completed form if you wish to be considered for inclusion on the approved list of Purchasing Entities eligible to conduct investment transactions with the District. Please send completed form:

via mail, to:
Steven Goodman-Leibof
East Bay Municipal Utility District
375 11th Street, MS809
Oakland, CA 94607

and electronically, to:
steven.goodman-leibof@ebmud.com

A. Entity Name _____

B. My entity is a: (choose all that apply, **at least one must be checked for eligibility**)

- ☐ Primary Dealer as designated by the Federal Reserve Bank of New York
- ☐ National or California State Chartered Bank
- ☐ Federal or California Chartered Savings Institution
- ☐ Broker-Dealer registered with the State of California

AND

I certify that my entity is: (**both must be checked for eligibility**)

- ☐ registered by the Securities and Exchange Commission (SEC)
- ☐ a member in good standing of the Financial Industry Regulatory Authority (FINRA)

C. My entity is an:

- ☐ issuer of securities eligible for purchase by the District

D. My entity:

- ☐ participates in the District's Contract Equity Program

E. I have provided:

- ☐ Audited Financial Statements

I certify that I have read, understood, and agree to comply where applicable with the District's Investment Policy.

Print Name _____

Sign Name _____

Title _____

Date _____

EXHIBIT 3
East Bay Municipal Utility District
Investment Policy Quick Reference Table

The following is a summary of Investment Options and a few of their requirements. Full details on each Investment Option can be found in the main body of the Investment Policy on pages 2 through 5.

Investment Option	Maximum Share of Portfolio	Minimum Rating at purchase	Maximum Maturity at settlement	Additional Limitations
United States Treasury Obligations	100%	n/a	5 years	see page 2, Item 1
United States Government Agencies Obligations	100%	n/a	5 years	see page 3, Item 2
State of California, Local Agency Investment Fund	per Government Code	n/a	n/a	see page 3, Item 3
Local Government Investment Pools - Stable Net Asset Value	40%	AAAm	n/a	see page 4, Item 4
Local Government Investment Pools - Floating Net Asset Value		AA-f		
Money Market Mutual Funds	20%	AAAm	n/a	see page 3, Item 5
Certificates of Time Deposit	20%	AA-	1 year	see page 3-4, Item 6
Negotiable Certificates of Deposit		AA-	5 years	see page 4, Item 7
Commercial Paper	20%	A-1+	270 days	see page 4, Item 9
Medium Term Corporate Notes	20%	AA-	5 years	see page 4, Item 9
Repurchase Agreements	20%	n/a	270 days	see page 5, Item 10
Municipal Obligations	20%	AA-	5 years	see page 5, Item 11

EXHIBIT 4

Glossary of Investment Terms Used in the Policy

This Glossary is for informational purposes only and is not intended to modify any of the terms of this Investment Policy, the Government Code, or the M.U.D. Act.

AVERAGE MATURITY	A calculation that expresses the average maturity of an investment portfolio using each investment's maturity weighted by the size of that investment in the portfolio.
BROKER	A broker brings buyers and sellers together and is compensated for his/her service.
CERTIFICATE OF DEPOSIT (CD)	A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.
COLLATERAL	Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.
COMMERCIAL PAPER (CP)	Short-term unsecured promissory notes.
CUSTODIAN	A bank or other financial institution that keeps custody of stock certificates and other assets.
DEALER	A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.
DELIVERY VS. PAYMENT (DVP)	Delivery of securities with a simultaneous exchange of money for the securities.
DIVERSIFICATION	An investment principle designed to spread the risk in a portfolio by dividing investments among different sectors, industries and companies.
GOVERNMENT SECURITIES	Obligations of the U.S. Government and its agencies and instrumentalities.
INTEREST	The amount earned while owning a debt security, generally calculated as a percentage of the principal amount.
LIQUIDITY	The speed and ease with which an investment can be converted to cash.
MATURITY	The date upon which the principal or stated value of an investment becomes due and payable.
MEDIUM TERM NOTES (MTN)	Debt securities issued by a corporation or depository institution with a remaining maturity ranging from nine months to five years.
MONEY MARKET MUTUAL FUNDS	An investment company that pools money from investors and invest in a variety of short-term money market instruments.
NET ASSET VALUE (NAV)	A per-share valuation of a mutual fund based on total assets minus total liabilities.
PRIMARY DEALER	A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.
PRINCIPAL	The face value or par value of an investment.
RATE OF RETURN	The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.
RISK (INVESTMENT RISK)	The probability that an actual investment return outcome will differ from an expected return outcome.
RISK-ADJUSTED RETURN	The return on investment relative to the amount of risk taken over a given period of time (e.g. if two or more investments have the same return over a given time period, the one that has the lowest risk will

	have the better risk-adjusted return).
REPURCHASE AGREEMENT	The purchase of securities, on a temporary basis, with the seller's simultaneous agreement to repurchase the securities back at a later date at a specified price that includes interest for the buyer's holding period.
SAFEKEEPING	Storage and protection of a customer's financial assets, valuables, or documents, provided as a service by an institution serving as Agent or Custodian and, where control is delegated by the customer.
SECONDARY MARKET	A market made for the purchase and sale of outstanding issues following the initial distribution.
SETTLEMENT DATE	The date when the security is delivered in exchange for the corresponding payment.
TREASURY BILLS	A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.
TREASURY BONDS	Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years from date of issue.
TREASURY NOTES	Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years from date of issue.
U. S. GOVERNMENT AGENCY SECURITIES	Debt securities issued by U.S. Government sponsored enterprises and federally related institutions.
U.S. TREASURY SECURITIES	Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States.
YIELD	The annual rate of return on a debt investment expressed as a percentage.



Policy 4.07

EFFECTIVE 28 MAY 24

INVESTMENTS

SUPERSEDES 23 MAY 23

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Invest District funds and funds managed by the District on behalf of its Joint Powers Authorities (JPAs) in compliance with investment criteria for safety, liquidity, yield, and diversification as set forth herein. Investments shall be in securities with a range of maturities to provide adequate security and liquidity to pay demands when due while providing a risk-adjusted market rate of return on investments that takes into consideration the cash flow needs of the District and its JPAs.

Authority	Section 53600 et. seq. of the California Government Code (Government Code) and Chapter 6, Article 7 of the Municipal Utility District Act (M.U.D. Act) govern the investment of idle monies of the District. Section 53635 of the Government Code defines how investments are to be handled for Joint Powers Authorities.
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Delegation of Authority	The authority and responsibility to invest idle monies of the District are delegated by the Board to the Director of Finance as the Treasurer. The Director of Finance may designate individual staff to carry out his/her responsibilities under this policy.
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No Bond Proceeds	The investment of bond proceeds is specifically defined in individual bond indenture documents and is not included in this policy. This exemption also applies to funds held at the Trustee in Principal, Interest, Debt Service Reserve, or other accounts for the purpose of servicing the bonds.
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Ethics and Conflicts of Interest	Officers and employees involved in the investment process shall: - refrain from personal business activity that could conflict with proper execution of the District's investment program, or which could impair their ability to make impartial investment decisions on behalf of the District, - disclose any material financial interest in financial institutions that conduct business with the District, - disclose material personal financial/investments that are related to or could reasonably be affected by the performance of the District's investments, - refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the District's investments, and - comply with the District's Conflict of Interest Code, Procedure 418 - Gifts, Personal Loans and Personal Benefit Interests, Procedure 601 - Conflict of Interest Disqualification Procedure, and District Procedure 447 - Vendor Interactions and Procurement Integrity
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Investment Criteria and Objectives	Criteria for selecting investments shall: - adhere to the prudent investor standard, described in Section 53600.3 of the Government Code as follows: "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of
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a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency," **and**

- conform with the Government Code and the M.U.D. Act, **and**
 - align with District policies, mission and values, **and**
 - have the following objectives, in order of priority:
 1. *Safety* – The District's ability to recover principal and interest. Investments shall be made that will seek to ensure the preservation of principal and interest and to minimize risk to the greatest extent possible. It is the primary duty of the Treasurer to protect, preserve and maintain cash and investments on behalf of the District.
 2. *Liquidity* – The District's ability to have cash available when needed to support expenditure cycles and budgetary objectives.
 3. *Yield* – The District's ability to provide a risk-adjusted market rate of return on the District's investments while conforming to the safety and liquidity criteria above.
 4. *Diversification* – The District's ability to maintain an investment portfolio that includes a range of security types. In order to accomplish this, each Investment Option shall have defined limits on maximum share of the portfolio, single issuer and single issue holdings; and maturity, rating and other restrictions where applicable.
-

**Environmental,
Social and
Governance
Factors**

It is the intent of the District to align its investment decisions with its policies, mission, and values. Safety, liquidity, yield and diversification are the District's primary investment objectives. The District will also consider sound Environmental, Social and Governance (ESG) factors and objectives in its investment process, subject to the prudent investor standard.

Maturity

The weighted average maturity of the portfolio shall not exceed 900 days.

**Rating Agencies
and Rating
Requirements**

As outlined below, some Investment Options have rating requirements. In that context, Rating Agencies is defined as:

- Standard & Poor's Financial Services (S&P),
- Moody's Investors Service (Moody's), and
- Fitch Ratings (Fitch), only.

Ratings requirements:

- are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. Rating Agencies scales are included for reference in Exhibit 1,
- apply at the time of purchase only, with subsequent downgrades below requirement levels or the assignment of negative watch or outlook prompting a case-by-case evaluation of the investment, and
- only apply to the Rating Agencies rating the security.

**Investment
Options**

The District is able to purchase investments in the instruments listed in this section as allowed and defined under Section 53600 et. seq. of the Government Code, Chapter 6, Article 7 of the M.U.D. Act, Board Resolutions, and via this policy. Percentage limitations, where indicated, apply at the time of purchase. As used in this section, the term "Portfolio" refers to all investable funds covered by this policy.

1. United States Treasury Obligations

- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

2. United States Government Agencies Obligations

Under this subsection, only obligations issued by the following agencies are permitted:

- o Federal Agricultural Mortgage Corporation (FAMC)
- o Federal Farm Credit Bank (FFCB)
- o Federal Home Loan Bank (FHLB)
- o Federal Home Loan Mortgage Corporation (FHLMC)
- o Federal National Mortgage Association (FNMA)
- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: 40% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

3. State of California, Local Agency Investment Fund (LAIF)

- Maximum Share of Portfolio: as determined by the State Treasurer and in accordance with Section 16429.1 of the Government Code
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: n/a
- Other Restrictions: none

4. Local Government Investment Pools

Under this subsection, only obligations of the following agencies are permitted:

- California Asset Management Program (CAMP)
- Investment Trust of California (CalTRUST)
- Maximum Share of Portfolio: 40% of the Portfolio
- Maximum Issuer Limit: 20% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: Ratings of AAAm for stable net asset value funds and AA category or higher for floating net asset value funds by at least one Rating Agency
- Other Restrictions: none

The District will review each Pool's disclosure documents annually to assess the suitability of the fund's holdings. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

5. Money Market Mutual Funds

Under this subsection, only Money Market Mutual Funds with stable, non-floating net asset value are permitted:

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Fund Limit: 5% of Money Market Mutual Fund's assets
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: AAAm by at least two Rating Agencies
- Other Restrictions: none

The District will request from each Money Market Mutual Fund, prior to investing and on an annual basis after investing, documents which provide details on the operations of the fund. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

6. Certificates of Time Deposit

Under this subsection, only investments in selected depositories, using one or more private sector entity, in compliance with and as authorized under Government Code Section 53601.8 are permitted.

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Negotiable Certificates of Deposit
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed one (1) year from the settlement date
- Minimum Rating: AA- by at least one Rating Agency
- Other Restrictions:
 - Investment in local branches within the District, whenever possible.

7. Negotiable Certificates of Deposit

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Certificates of Time Deposits
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: 10% of issue
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: AA- by all Rating Agencies
- Other Restrictions:
 - o Issued by banks with total deposits of one billion dollars (\$1,000,000,000) or more.

8. Commercial Paper

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: A-1+ from at least one Rating Agency
- Other Restrictions:
 - o Issued by an entity that is, at the time of purchase:
 - organized and operating in the United States as a general corporation, with total assets exceeding \$500,000,000 and debt (other than commercial paper) rated A or better by at least one Rating Agency ; or
 - is organized within the United States as a special purpose corporation, trust, or limited liability company, with program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond, and has commercial paper that is rated A-1+ by at least one Rating Agency.

9. Medium Term Corporate Notes

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the Portfolio
- Maximum Issue Limit: 5% of original issue amount
- Maximum Maturity: Not to exceed 5 years from the settlement date
- Minimum Rating: AA- from at least one Rating Agency, and not lower than A by any Rating Agency
- Other Restrictions:
 - o Issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.

10. Repurchase Agreements

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: n/a
- Other Restrictions:
 - o Collateral may only be in any securities authorized in items 1, or 2
 - o A Master Repurchase Agreement must be on file with the District
 - o Security must be marked to market on a daily basis and delivered to the District's custodial bank at a market value of at least 102%

Funds on deposit at the District's commercial bank may be invested in overnight repurchase agreements through a sweep program.

11. Municipal Obligations

Under this subsection, only registered obligations of the following agencies are permitted:

- o The State of California
- o Any local agency within the State of California
- Municipal Bonds:
 - o Maximum Share of Portfolio: 20% of the Portfolio when added together with Municipal Notes
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue Limit: 10% of original issue amount
 - o Maximum Maturity: Not to exceed five (5) years or with a put provision within five (5) years of settlement date
 - o Minimum Rating: AA- or equivalent by at least one Rating Agency, and not lower than A by any Rating Agency
 - o Other Restrictions: none
- Municipal Notes:
 - o Maximum Share of Portfolio: 20% of the Portfolio together with Municipal Bonds
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue limit: 10% of original issue amount
 - o Maximum Maturity: n/a
 - o Minimum Rating: Notes maturing within 365 days must have a rating of SP-1+ from at least one Rating Agency
 - o Other Restrictions: none

**Zero or Negative
Market Rates**

As authorized under Section 53601.6 and at the discretion of the Director of Finance or its designees, investments can be made "in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates." Those investment may also then be held until their maturity dates. This provision sunsets January 1, 2026.

**Investment
Placement**

Investment placement shall be determined by, but not limited to, continual evaluation and projection of market conditions, interest rate trends, cash flow needs, economic data, yield curves, and interest rate forecasts. Additionally, for investments purchased or sold in the secondary market, best efforts will be made to obtain at least three quotations from Purchasing Entities (as defined below) or to obtain timely and verifiable third-party market pricing data for the investment in question. The combination of these factors shall determine where, in what denomination, and for what maturity investments are made.

**Selling Securities
Prior To Maturity**

When selling securities prior to maturity, principal losses are only allowable either:

- if the sale of securities is necessary to meet payment obligations,
 - to comply with this policy, while considering the impact of the sale(s), or
 - if the proposed sale is to be made in conjunction with a purchase and the proposed sale in combination with the subsequent purchase can enhance the Portfolio's yield.
-

Collateral

Securities placed with agents of depository shall at all times be maintained as specified in District Resolution 33232-01 in one or more trust companies, State or national banks located within California, the Federal Reserve Bank, or with any state or national bank located in any city designated as a federal reserve city by the Board of Governors of the Federal Reserve System, and to take from any such banks or trust companies receipts for securities so deposited. Requests for Collateral substitution and releases are subject to the Treasurer's written approval.

**Portfolio
Performance**

The Portfolio will seek to attain a risk-adjusted market rate of return that takes into consideration the cash flow needs of the District. As a result, portfolio performance will be measured using common market indicators. Those may include, but are not limited to: the Federal funds rate, short-term government obligations rates, and other market rates that reflect the mix of securities in the Portfolio.

**Purchasing
Entities**

Investments will be purchased from either:

- Primary Dealers as designated by the Federal Reserve Bank of New York,
- National or California State Chartered Banks,
- Federal or California Chartered Savings Institution,
- Broker-Dealers registered with the State of California, **or**
- Issuers of securities eligible for purchase by the District.

In addition, these institutions must:

- be registered by the Securities and Exchange Commission (SEC),
- be members in good standing of the Financial Industry Regulatory Authority (FINRA), **and**
- provide audited financial statements to the District annually.

The District shall maintain a current eligible list of established dealers, brokers, banks and savings and loan associations with which securities trading and placement of funds are authorized.

Additionally, to be placed on the eligible list, individuals need to certify in writing that they have read, understood, and agree to comply with this policy, where applicable, by completing and filing with the District the 'Certification of Compliance with Investment Policy' included in this policy as Exhibit 2.

Eligibility may be revoked at any time, in the District's sole discretion, for any reason, including but not limited to, failure to meet the above requirements.

**Trade
Confirmations and
Settlements**

The District shall comply with the following:

1. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all Securities purchased from dealers and brokers shall be held in safekeeping by the District's custodial bank, a national bank, a State chartered bank or trust company, established for this purpose as someone other than the selling party of the security. Securities purchased will be covered by a trust or safekeeping receipt in a manner that establishes the District's ownership. All transactions require delivery of the security prior to payment for the security (delivery vs. payment).
 2. To ensure a high degree of internal control, all trade confirmations shall be received directly and reviewed for conformity to the original transaction by an individual other than the person originating the transaction. Any discrepancies will be brought to the attention of the Treasurer.
-

**Review And
Reporting
Requirements**

On a monthly basis, in accordance with Section 53607 of the Government Code, the Treasurer shall prepare and submit a report listing investment transactions to the General Manager and the Board of Directors.

On a quarterly basis, in accordance with Section 53646 of the Government Code, the Treasurer may prepare and submit a report to the General Manager and the Board of Directors. If rendered, the report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the District, and provide an investment summary by security type, percent of the portfolio, investment yield and the remaining period of investment to maturity.

On an annual basis, in accordance with Section 53646 of the Government Code, an investment policy may be presented to the Board for consideration at a public meeting. In conjunction with the investment policy consideration, the Board shall also annually review the delegation of its authority for the management of investments to the Treasurer.

**Performance
Review And
Internal Control**Office of Internal Audit

The Office of Internal Audit will periodically audit the investment portfolio to evaluate the effectiveness of the District's investment program as well as its compliance with the Investment Policy. These audits will supplement the annual review by the District's external auditors.

Finance Department

The Treasurer has established and maintains an internal control structure designed to ensure that funds covered under this policy are protected from loss, theft, fraud, or misuse.

The Treasurer will review the investment portfolio monthly for compliance with the Investment Policy and make recommendations for changes and improvements where warranted.

Authority

Resolution No. 33019-96 on December 10, 1996
Amended by Resolution No. 33134-99 on January 26, 1999
Amended by Resolution No. 33232-01 on January 9, 2001
Amended by Resolution 33287-02 on January 22, 2002
Amended by Resolution 33350-03 on February 25, 2003
Amended by Resolution 33390-04 on January 27, 2004
Amended by Resolution 33464-05 on February 22, 2005
Amended by Resolution 33516-06 on January 24, 2006
Amended by Resolution 33585-07 on March 13, 2007
Approved by Resolution 33658-08, February 26, 2008
Approved by Resolution 33702-09, February 24, 2009
Approved by Resolution 33752-10, January 26, 2010
Approved by Resolution 33792-10, November 23, 2010
Approved by Resolution 33871-12, April 24, 2012
Approved by Resolution 33920-13, March 26, 2013
Reaffirmed by Motion 056-14, March 25, 2014
Approved by Resolution 34027-15, April 28, 2015
Approved by Resolution 34079-16, April 26, 2016
Approved by Resolution 35033-17, April 25, 2017
Approved by Resolution 35083-18, April 24, 2018
Approved by Resolution 35137-19, April 23, 2019
Approved by Resolution 35174-20, April 28, 2020
Approved by Resolution 35220-21, April 27, 2021
Approved by Resolution 35290-22, May 24, 2022
Approved by Resolution 35346-23, May 23, 2023
Approved by Resolution XXXXX-24, May 28, 2024

References

EBMUD Conflict of Interest Code
Procedure 418 – Gifts, Personal Loans and Personal Benefit Interests
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 601 – Conflict of Interest Disqualification Procedure

EXHIBIT 1 RATING AGENCIES' SCALES

For purposes of Investment Policy 4.07 the term "Rating Agencies" is defined as: Standard & Poor's Financial Services (S&P), Moody's Investors Service (Moody's), and Fitch Ratings (Fitch).

Ratings requirements are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. The equivalencies are provided in the tables below.

EXAMPLE

Investment Option 6, Certificates of Time Deposits, shows:

"Minimum Rating: AA- by at least one Rating Agency"

This requirement should be read as:

"Minimum Rating: AA- *or equivalent* by at least one Rating Agency."

To determine the equivalent rating in the table below, find the AA- rating under the S&P column and read across the row to find the Moody's equivalent rating of Aa3 and the Fitch equivalent rating of AA-. Accordingly, a Certificate of Time Deposit is equivalent as an investment if it is rated AA- by S&P, Aa3 by Moody's, or AA- by Fitch.

INVESTMENT-GRADE RATING SCALES

LONG-TERM DEBT			
S&P	MOODY'S	FITCH	
AAA	Aaa	AAA	
AA+	Aa1	AA+	
AA	Aa2	AA	
AA-	Aa3	AA-	← Minimum rating required for District investments
A+	A1	A+	
A	A2	A	
A-	A3	A-	
BBB+	Baa1	BBB+	
BBB	Baa2	BBB	
BBB-	Baa3	BBB-	

SHORT-TERM DEBT			
S&P	MOODY'S	FITCH	
A-1+	P-1	F1+	← Minimum rating required for District investments
A-1	-	F1	
A-2	P-2	F2	
A-3	P-3	F3	

MONEY MARKET FUNDS			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	← Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

STABLE NAV LGIPs			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	←Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

FLOATING NAV LGIPs			
S&P	MOODY'S	FITCH	
AAAf	Aaa-mf	AAAf	
AAf	Aa-mf	AAf	←Minimum rating required for District investments
Af	A-mf	Af	
BBBf	Baa-mf	BBBf	

EXHIBIT 2
East Bay Municipal Utility District
Certification of Compliance with Investment Policy

The East Bay Municipal Utility District (the District), under Policy 4.07 (the Investment Policy), requires that securities trading and placement of funds be conducted only with eligible Purchasing Entities. The Investment Policy also specifies that the District must obtain written certification that eligible Purchasing Entities have read, understood, and agree to comply with the Investment Policy, where applicable. This certification is necessary to be included on an approved list of Purchasing Entities that are eligible to conduct investment transactions with the District. The District has no obligation to enter into securities trading and/or placement of funds transactions with any or all Purchasing Entities on the list. The District retains the sole and exclusive discretion to determine with which of the Purchasing Entities, if any, to engage in individual investment transactions. Eligibility may be revoked at any time, at the District's sole discretion, for any reason, including but not limited to, failure to meet the requirements of the policy and this exhibit.

Please complete the sections below, sign and return this completed form if you wish to be considered for inclusion on the approved list of Purchasing Entities eligible to conduct investment transactions with the District. Please send completed form:

via mail, to:
Steven Goodman-Leibof
East Bay Municipal Utility District
375 11th Street, MS809
Oakland, CA 94607

and electronically, to:
steven.goodman-leibof@ebmud.com

A. Entity Name _____

B. My entity is a: (choose all that apply, **at least one must be checked for eligibility**)

- ☐ Primary Dealer as designated by the Federal Reserve Bank of New York
- ☐ National or California State Chartered Bank
- ☐ Federal or California Chartered Savings Institution
- ☐ Broker-Dealer registered with the State of California

AND

I certify that my entity is: (**both must be checked for eligibility**)

- ☐ registered by the Securities and Exchange Commission (SEC)
- ☐ a member in good standing of the Financial Industry Regulatory Authority (FINRA)

C. My entity is an:

- ☐ issuer of securities eligible for purchase by the District

D. My entity:

- ☐ participates in the District's Contract Equity Program

E. I have provided:

- ☐ Audited Financial Statements

I certify that I have read, understood, and agree to comply where applicable with the District's Investment Policy.

Print Name _____

Sign Name _____

Title _____

Date _____

EXHIBIT 3
East Bay Municipal Utility District
Investment Policy Quick Reference Table

The following is a summary of Investment Options and a few of their requirements. Full details on each Investment Option can be found in the main body of the Investment Policy on pages 2 through 5.

Investment Option	Maximum Share of Portfolio	Minimum Rating at purchase	Maximum Maturity at settlement	Additional Limitations
United States Treasury Obligations	100%	n/a	5 years	see page 2, Item 1
United States Government Agencies Obligations	100%	n/a	5 years	see page 3, Item 2
State of California, Local Agency Investment Fund	per Government Code	n/a	n/a	see page 3, Item 3
Local Government Investment Pools - Stable Net Asset Value	40%	AAAm	n/a	see page 4, Item 4
Local Government Investment Pools - Floating Net Asset Value		AA-f		
Money Market Mutual Funds	20%	AAAm	n/a	see page 3, Item 5
Certificates of Time Deposit	20%	AA-	1 year	see page 3-4, Item 6
Negotiable Certificates of Deposit		AA-	5 years	see page 4, Item 7
Commercial Paper	20%	A-1+	270 days	see page 4, Item 9
Medium Term Corporate Notes	20%	AA-	5 years	see page 4, Item 9
Repurchase Agreements	20%	n/a	270 days	see page 5, Item 10
Municipal Obligations	20%	AA-	5 years	see page 5, Item 11

EXHIBIT 4
Glossary of Investment Terms Used in the Policy

This Glossary is for informational purposes only and is not intended to modify any of the terms of this Investment Policy, the Government Code, or the M.U.D. Act.

AVERAGE MATURITY	A calculation that expresses the average maturity of an investment portfolio using each investment's maturity weighted by the size of that investment in the portfolio.
BROKER	A broker brings buyers and sellers together and is compensated for his/her service.
CERTIFICATE OF DEPOSIT (CD)	A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.
COLLATERAL	Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.
COMMERCIAL PAPER (CP)	Short-term unsecured promissory notes.
CUSTODIAN	A bank or other financial institution that keeps custody of stock certificates and other assets.
DEALER	A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.
DELIVERY VS. PAYMENT (DVP)	Delivery of securities with a simultaneous exchange of money for the securities.
DIVERSIFICATION	An investment principle designed to spread the risk in a portfolio by dividing investments among different sectors, industries and companies.
GOVERNMENT SECURITIES	Obligations of the U.S. Government and its agencies and instrumentalities.
INTEREST	The amount earned while owning a debt security, generally calculated as a percentage of the principal amount.
LIQUIDITY	The speed and ease with which an investment can be converted to cash.
MATURITY	The date upon which the principal or stated value of an investment becomes due and payable.
MEDIUM TERM NOTES (MTN)	Debt securities issued by a corporation or depository institution with a remaining maturity ranging from nine months to five years.
MONEY MARKET MUTUAL FUNDS	An investment company that pools money from investors and invest in a variety of short-term money market instruments.
NET ASSET VALUE (NAV)	A per-share valuation of a mutual fund based on total assets minus total liabilities.
PRIMARY DEALER	A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.
PRINCIPAL	The face value or par value of an investment.
RATE OF RETURN	The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.
RISK (INVESTMENT RISK)	The probability that an actual investment return outcome will differ from an expected return outcome.
RISK-ADJUSTED RETURN	The return on investment relative to the amount of risk taken over a given period of time (e.g. if two or more investments have the same return over a given time period, the one that has the lowest risk will

	have the better risk-adjusted return).
REPURCHASE AGREEMENT	The purchase of securities, on a temporary basis, with the seller's simultaneous agreement to repurchase the securities back at a later date at a specified price that includes interest for the buyer's holding period.
SAFEKEEPING	Storage and protection of a customer's financial assets, valuables, or documents, provided as a service by an institution serving as Agent or Custodian and, where control is delegated by the customer.
SECONDARY MARKET	A market made for the purchase and sale of outstanding issues following the initial distribution.
SETTLEMENT DATE	The date when the security is delivered in exchange for the corresponding payment.
TREASURY BILLS	A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.
TREASURY BONDS	Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years from date of issue.
TREASURY NOTES	Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years from date of issue.
U. S. GOVERNMENT AGENCY SECURITIES	Debt securities issued by U.S. Government sponsored enterprises and federally related institutions.
U.S. TREASURY SECURITIES	Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States.
YIELD	The annual rate of return on a debt investment expressed as a percentage.

RESOLUTION NO. _____

ADOPTING REVISED POLICY 4.07, INVESTMENTS, AND RENEWING EXISTING
DELEGATION OF AUTHORITY FOR THE MANAGEMENT OF INVESTMENTS
ON BEHALF OF THE EAST BAY MUNICIPAL UTILITY DISTRICT AND ITS
JOINT POWERS AUTHORITIES TO THE DIRECTOR OF FINANCE
AS THE TREASURER OF THE DISTRICT

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, it is the desire and intention of the Board of Directors of the East Bay Municipal Utility District (District) to update and revise Policy 4.07, entitled "Investments"; and

WHEREAS, Policy 4.07 has so been updated and revised; and

WHEREAS, the revisions to Policy 4.07 are reflected in Exhibit A, attached hereto; and

WHEREAS, it is the desire and intention of the Board of Directors to affirm its existing delegation of authority for the management of investments on behalf of the District, and on behalf of the Joint Powers Authorities for which it manages funds, to the Director of Finance, who is also acting as the Treasurer of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that revised Policy 4.07, attached hereto as Exhibit A, is hereby adopted.

BE IT FURTHER RESOLVED that the Board of Directors' existing delegation of authority for the management of investments on behalf of the East Bay Municipal Utility District, and on

behalf of the Joint Powers Authorities for which it manages funds, to the Director of Finance, who is also acting as the Treasurer of the East Bay Municipal Utility District, is hereby affirmed.

ADOPTED this 28th day of May, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



Policy 4.07R

EFFECTIVE [28 MAY 24](#)
[23 MAY 23](#)
SUPERSEDES [23 MAY 23](#)
[24 MAY 22](#)

INVESTMENTS

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Invest District funds and funds managed by the District on behalf of its Joint Powers Authorities (JPAs) in compliance with investment criteria for safety, liquidity, yield, and diversification as set forth herein. Investments shall be in securities with a range of maturities to provide adequate security and liquidity to pay demands when due while providing a risk-adjusted market rate of return on investments that takes into consideration the cash flow needs of the District and its JPAs.

Authority	Section 53600 et. seq. of the California Government Code (Government Code) and Chapter 6, Article 7 of the Municipal Utility District Act (M.U.D. Act) govern the investment of idle monies of the District. Section 53635 of the Government Code defines how investments are to be handled for Joint Powers Authorities.
Delegation of Authority	The authority and responsibility to invest idle monies of the District are delegated by the Board to the Director of Finance as the Treasurer. The Director of Finance may designate individual staff to carry out his/her responsibilities under this policy.
No Bond Proceeds	The investment of bond proceeds is specifically defined in individual bond indenture documents and is not included in this policy. This exemption also applies to funds held at the Trustee in Principal, Interest, Debt Service Reserve, or other accounts for the purpose of servicing the bonds.
Ethics and Conflicts of Interest	Officers and employees involved in the investment process shall: - refrain from personal business activity that could conflict with proper execution of the District's investment program, or which could impair their ability to make impartial investment decisions on behalf of the District, - disclose any material financial interest in financial institutions that conduct business with the District, - disclose material personal financial/investments that are related to or could reasonably be affected by the performance of the District's investments, - refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the District's investments, and - comply with the District's Conflict of Interest Code, Procedure 418 - Gifts, Personal Loans and Personal Benefit Interests, Procedure 601 - Conflict of Interest Disqualification Procedure, and District Procedure 447 - Vendor Interactions and Procurement Integrity
Investment Criteria and Objectives	Criteria for selecting investments shall: - adhere to the prudent investor standard, described in Section 53600.3 of the Government Code as follows: "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of

a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency," **and**

- conform with the Government Code and the M.U.D. Act, **and**
- align with District policies, mission and values, **and**
- have the following objectives, in order of priority:
 1. *Safety* – The District's ability to recover principal and interest. Investments shall be made that will seek to ensure the preservation of principal and interest and to minimize risk to the greatest extent possible. It is the primary duty of the Treasurer to protect, preserve and maintain cash and investments on behalf of the District.
 2. *Liquidity* – The District's ability to have cash available when needed to support expenditure cycles and budgetary objectives.
 3. *Yield* – The District's ability to provide a risk-adjusted market rate of return on the District's investments while conforming to the safety and liquidity criteria above.
 4. *Diversification* – The District's ability to maintain an investment portfolio that includes a range of security types. In order to accomplish this, each Investment Option shall have defined limits on maximum share of the portfolio, single issuer and single issue holdings; and maturity, rating and other restrictions where applicable.

Environmental, Social and Governance Factors

It is the intent of the District to align its investment decisions with its policies, mission, and values. Safety, liquidity, yield and diversification are the District's primary investment objectives. The District will also consider sound Environmental, Social and Governance (ESG) factors and objectives in its investment process, subject to the prudent investor standard.

Maturity

The weighted average maturity of the portfolio shall not exceed 900 days.

Rating Agencies and Rating Requirements

As outlined below, some Investment Options have rating requirements. In that context, Rating Agencies is defined as:

- Standard & Poor's Financial Services (S&P),
- Moody's Investors Service (Moody's), and
- Fitch Ratings (Fitch), only.

Ratings requirements:

- are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. Rating Agencies scales are included for reference in Exhibit 1,
- apply at the time of purchase only, with subsequent downgrades below requirement levels or the assignment of negative watch ~~or~~ outlook prompting a case-by-case evaluation of the investment, and
- only apply to the Rating Agencies rating the security.

**Investment
Options**

The District is able to purchase investments in the instruments listed in this section as allowed and defined under Section 53600 et. seq. of the Government Code, Chapter 6, Article 7 of the M.U.D. Act, Board Resolutions, and via this policy. Percentage limitations, where indicated, apply at the time of purchase. As used in this section, the term "Portfolio" refers to all investable funds covered by this policy.

1. United States Treasury Obligations

- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

2. United States Government Agencies Obligations

Under this subsection, only obligations issued by the following agencies are permitted:

- o Federal Agricultural Mortgage Corporation (FAMC)
- o Federal Farm Credit Bank (FFCB)
- o Federal Home Loan Bank (FHLB)
- o Federal Home Loan Mortgage Corporation (FHLMC)
- o Federal National Mortgage Association (FNMA)
- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: 40% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

3. State of California, Local Agency Investment Fund (LAIF)

- Maximum Share of Portfolio: as determined by the State Treasurer and in accordance with Section 16429.1 of the Government Code
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: n/a
- Other Restrictions: none

4. Local Government Investment Pools

Under this subsection, only obligations of the following agencies are permitted:

- California Asset Management Program (CAMP)
- Investment Trust of California (CalTRUST)
- Maximum Share of Portfolio: 40% of the Portfolio
- Maximum Issuer Limit: 20% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: Ratings of AAAm for stable net asset value funds and AA category or higher for floating net asset value funds by at least one Rating Agency
- Other Restrictions: none

The District will review each Pool's disclosure documents annually to assess the suitability of the fund's holdings. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

5. Money Market Mutual Funds

Under this subsection, only Money Market Mutual Funds with stable, non-floating net asset value are permitted:

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Fund Limit: 5% of Money Market Mutual Fund's assets
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: AAAm by at least two Rating Agencies
- Other Restrictions: none

The District will request from each Money Market Mutual Fund, prior to investing and on an annual basis after investing, documents which provide details on the operations of the fund. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

6. Certificates of Time Deposit

Under this subsection, only investments in selected depositories, using one or more private sector entity, in compliance with and as authorized under Government Code Section 53601.8 are permitted.

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Negotiable Certificates of Deposit
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed one (1) year from the settlement date
- Minimum Rating: AA- by at least one Rating Agency
- Other Restrictions:
 - Investment in local branches within the District, whenever possible.

7. Negotiable Certificates of Deposit

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Certificates of Time Deposits
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: 10% of issue
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: AA- by all Rating Agencies
- Other Restrictions:
 - o Issued by banks with total deposits of one billion dollars (\$1,000,000,000) or more.

8. Commercial Paper

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: A-1+ from at least one Rating Agency
- Other Restrictions:
 - o Issued by an entity that is, at the time of purchase:
 - organized and operating in the United States as a general corporation, with total assets exceeding \$500,000,000 and debt (other than commercial paper) rated A or better by at least one Rating Agency ; or
 - is organized within the United States as a special purpose corporation, trust, or limited liability company, with program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond, **and** has commercial paper that is rated A-1+ by at least one Rating Agency.

9. Medium Term Corporate Notes

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the Portfolio
- Maximum Issue Limit: 5% of original issue amount
- Maximum Maturity: Not to exceed 5 years from the settlement date
- Minimum Rating: AA- from at least one Rating Agency, and not lower than A by any Rating Agency
- Other Restrictions:
 - o Issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.

10. Repurchase Agreements

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: n/a
- Other Restrictions:
 - o Collateral may only be in any securities authorized in items 1, or 2
 - o A Master Repurchase Agreement must be on file with the District
 - o Security must be marked to market on a daily basis and delivered to the District's custodial bank at a market value of at least 102%

Funds on deposit at the District's commercial bank may be invested in overnight repurchase agreements through a sweep program.

11. Municipal Obligations

Under this subsection, only registered obligations of the following agencies are permitted:

- o The State of California
- o Any local agency within the State of California
- Municipal Bonds:
 - o Maximum Share of Portfolio: 20% of the Portfolio when added together with Municipal Notes
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue Limit: 10% of original issue amount
 - o Maximum Maturity: Not to exceed five (5) years or with a put provision within five (5) years of settlement date
 - o Minimum Rating: AA- or equivalent by at least one Rating Agency, and not lower than A by any Rating Agency
 - o Other Restrictions: none
- Municipal Notes:
 - o Maximum Share of Portfolio: 20% of the Portfolio together with Municipal Bonds
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue limit: 10% of original issue amount
 - o Maximum Maturity: n/a
 - o Minimum Rating: Notes maturing within 365 days must have a rating of SP-1+ from at least one Rating Agency
 - o Other Restrictions: none

Zero or Negative Market Rates

As authorized under Section 53601.6 and at the discretion of the Director of Finance or its designees, investments can be made "in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates." Those investment may also then be held until their maturity dates. This provision sunsets January 1, 2026.

Investment Placement	Investment placement shall be determined by, but not limited to, continual evaluation and projection of market conditions, interest rate trends, cash flow needs, economic data, yield curves, and interest rate forecasts. Additionally, for investments purchased or sold in the secondary market, best efforts will be made to obtain at least three quotations from Purchasing Entities (as defined below) or to obtain timely and verifiable third-party market pricing data for the investment in question. The combination of these factors shall determine where, in what denomination, and for what maturity investments are made.
Selling Securities Prior To Maturity	When selling securities prior to maturity, principal losses are only allowable either: - if the sale of securities is necessary to meet payment obligations, - to comply with this policy, while considering the impact of the sale(s), or - if the proposed sale is to be made in conjunction with a purchase and the proposed sale in combination with the subsequent purchase can enhance the Portfolio's yield.
Collateral	Securities placed with agents of depository shall at all times be maintained as specified in District Resolution 33232-01 in one or more trust companies, State or national banks located within California, the Federal Reserve Bank, or with any state or national bank located in any city designated as a federal reserve city by the Board of Governors of the Federal Reserve System, and to take from any such banks or trust companies receipts for securities so deposited. Requests for Collateral substitution and releases are subject to the Treasurer's written approval.
Portfolio Performance	The Portfolio will seek to attain a risk-adjusted market rate of return that takes into consideration the cash flow needs of the District. As a result, portfolio performance will be measured using common market indicators. Those may include, but are not limited to: the Federal funds rate, short-term government obligations rates, and other market rates that reflect the mix of securities in the Portfolio.
Purchasing Entities	Investments will be purchased from either: - Primary Dealers as designated by the Federal Reserve Bank of New York, - National or California State Chartered Banks, - Federal or California Chartered Savings Institution, - Broker-Dealers registered with the State of California, or - Issuers of securities eligible for purchase by the District. In addition, these institutions must: - be registered by the Securities and Exchange Commission (SEC), - be members in good standing of the Financial Industry Regulatory Authority (FINRA), and - provide audited financial statements to the District annually. The District shall maintain a current eligible list of established dealers, brokers, banks and savings and loan associations with which securities trading and placement of funds are authorized.

Additionally, to be placed on the eligible list, individuals need to certify in writing that they have read, understood, and agree to comply with this policy, where applicable, by completing and filing with the District the 'Certification of Compliance with Investment Policy' included in this policy as Exhibit 2.

Eligibility may be revoked at any time, in the District's sole discretion, for any reason, including but not limited to, failure to meet the above requirements.

**Trade
Confirmations and
Settlements**

The District shall comply with the following:

1. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all Securities purchased from dealers and brokers shall be held in safekeeping by the District's custodial bank, a national bank, a State chartered bank or trust company, established for this purpose as someone other than the selling party of the security. Securities purchased will be covered by a trust or safekeeping receipt in a manner that establishes the District's ownership. All transactions require delivery of the security prior to payment for the security (delivery vs. payment).
2. To ensure a high degree of internal control, all trade confirmations shall be received directly and reviewed for conformity to the original transaction by an individual other than the person originating the transaction. Any discrepancies will be brought to the attention of the Treasurer.

**Review And
Reporting
Requirements**

On a monthly basis, in accordance with Section 53607 of the Government Code, the Treasurer shall prepare and submit a report listing investment transactions to the General Manager and the Board of Directors.

On a quarterly basis, in accordance with Section 53646 of the Government Code, the Treasurer may prepare and submit a report to the General Manager and the Board of Directors. If rendered, the report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the District, and provide an investment summary by security type, percent of the portfolio, investment yield and the remaining period of investment to maturity.

On an annual basis, in accordance with Section 53646 of the Government Code, an investment policy may be presented to the Board for consideration at a public meeting. In conjunction with the investment policy consideration, the Board shall also annually review the delegation of its authority for the management of investments to the Treasurer.

**Performance
Review And
Internal Control**

Office of Internal Audit

The Office of Internal Audit will periodically audit the investment portfolio to evaluate the effectiveness of the District's investment program as well as its compliance with the Investment Policy. These audits will supplement the annual review by the District's external auditors.

Finance Department

The Treasurer has established and maintains an internal control structure designed to ensure that funds covered under this policy are protected from loss, theft, fraud, or misuse.

The Treasurer will review the investment portfolio monthly for compliance with the Investment Policy and make recommendations for changes and improvements where warranted.

Authority

Resolution No. 33019-96 on December 10, 1996
Amended by Resolution No. 33134-99 on January 26, 1999
Amended by Resolution No. 33232-01 on January 9, 2001
Amended by Resolution 33287-02 on January 22, 2002
Amended by Resolution 33350-03 on February 25, 2003
Amended by Resolution 33390-04 on January 27, 2004
Amended by Resolution 33464-05 on February 22, 2005
Amended by Resolution 33516-06 on January 24, 2006
Amended by Resolution 33585-07 on March 13, 2007
Approved by Resolution 33658-08, February 26, 2008
Approved by Resolution 33702-09, February 24, 2009
Approved by Resolution 33752-10, January 26, 2010
Approved by Resolution 33792-10, November 23, 2010
Approved by Resolution 33871-12, April 24, 2012
Approved by Resolution 33920-13, March 26, 2013
Reaffirmed by Motion 056-14, March 25, 2014
Approved by Resolution 34027-15, April 28, 2015
Approved by Resolution 34079-16, April 26, 2016
Approved by Resolution 35033-17, April 25, 2017
Approved by Resolution 35083-18, April 24, 2018
Approved by Resolution 35137-19, April 23, 2019
Approved by Resolution 35174-20, April 28, 2020
Approved by Resolution 35220-21, April 27, 2021
Approved by Resolution 35290-22, May 24, 2022
Approved by Resolution 35346-23, May 23, 2023
[Approved by Resolution XXXXX-24, May 28, 2024](#)

References

EBMUD Conflict of Interest Code
Procedure 418 – Gifts, Personal Loans and Personal Benefit Interests
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 601 – Conflict of Interest Disqualification Procedure

EXHIBIT 1 RATING AGENCIES' SCALES

For purposes of Investment Policy 4.07 the term "Rating Agencies" is defined as: Standard & Poor's Financial Services (S&P), Moody's Investors Service (Moody's), and Fitch Ratings (Fitch).

Ratings requirements are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. The equivalencies are provided in the tables below.

EXAMPLE

Investment Option 6, Certificates of Time Deposits, shows:

"Minimum Rating: AA- by at least one Rating Agency"

This requirement should be read as:

"Minimum Rating: AA- *or equivalent* by at least one Rating Agency."

To determine the equivalent rating in the table below, find the AA- rating under the S&P column and read across the row to find the Moody's equivalent rating of Aa3 and the Fitch equivalent rating of AA-. Accordingly, a Certificate of Time Deposit is equivalent as an investment if it is rated AA- by S&P, Aa3 by Moody's, or AA- by Fitch.

INVESTMENT-GRADE RATING SCALES

LONG-TERM DEBT			
S&P	MOODY'S	FITCH	
AAA	Aaa	AAA	
AA+	Aa1	AA+	
AA	Aa2	AA	
AA-	Aa3	AA-	← Minimum rating required for District investments
A+	A1	A+	
A	A2	A	
A-	A3	A-	
BBB+	Baa1	BBB+	
BBB	Baa2	BBB	
BBB-	Baa3	BBB-	

SHORT-TERM DEBT			
S&P	MOODY'S	FITCH	
A-1+	P-1	F1+	← Minimum rating required for District investments
A-1	-	F1	
A-2	P-2	F2	
A-3	P-3	F3	

MONEY MARKET FUNDS			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	← Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

STABLE NAV LGIPs		
S&P	MOODY'S	FITCH
AAAm	Aaa-mf	AAAf
AAm	Aa-mf	AAf
Am	A-mf	Af
BBBm	Baa-mf	BBBf

←Minimum rating required for District investments

FLOATING NAV LGIPs		
S&P	MOODY'S	FITCH
AAAf	Aaa-mf	AAAf
AAf	Aa-mf	AAf
←Minimum rating required for District investments		
Af	A-mf	Af
BBBf	Baa-mf	BBBf

EXHIBIT 2
East Bay Municipal Utility District
Certification of Compliance with Investment Policy

The East Bay Municipal Utility District (the District), under Policy 4.07 (the Investment Policy), requires that securities trading and placement of funds be conducted only with eligible Purchasing Entities. The Investment Policy also specifies that the District must obtain written certification that eligible Purchasing Entities have read, understood, and agree to comply with the Investment Policy, where applicable. This certification is necessary to be included on an approved list of Purchasing Entities that are eligible to conduct investment transactions with the District. The District has no obligation to enter into securities trading and/or placement of funds transactions with any or all Purchasing Entities on the list. The District retains the sole and exclusive discretion to determine with which of the Purchasing Entities, if any, to engage in individual investment transactions. Eligibility may be revoked at any time, at the District's sole discretion, for any reason, including but not limited to, failure to meet the requirements of the policy and this exhibit.

Please complete the sections below, sign and return this completed form if you wish to be considered for inclusion on the approved list of Purchasing Entities eligible to conduct investment transactions with the District. Please send completed form:

via mail, to:
Steven Goodman-Leibof
East Bay Municipal Utility District
375 11th Street, MS809
Oakland, CA 94607

and electronically, to:
steven.goodman-leibof@ebmud.com

A. Entity Name _____

B. My entity is a: (choose all that apply, **at least one must be checked for eligibility**)

- ☐ Primary Dealer as designated by the Federal Reserve Bank of New York
- ☐ National or California State Chartered Bank
- ☐ Federal or California Chartered Savings Institution
- ☐ Broker-Dealer registered with the State of California

AND

I certify that my entity is: (**both must be checked for eligibility**)

- ☐ registered by the Securities and Exchange Commission (SEC)
- ☐ a member in good standing of the Financial Industry Regulatory Authority (FINRA)

C. My entity is an:

- ☐ issuer of securities eligible for purchase by the District

D. My entity:

- ☐ participates in the District's Contract Equity Program

E. I have provided:

- ☐ Audited Financial Statements

I certify that I have read, understood, and agree to comply where applicable with the District's Investment Policy.

Print Name _____

Sign Name _____

Title _____

Date _____

EXHIBIT 3
East Bay Municipal Utility District
Investment Policy Quick Reference Table

The following is a summary of Investment Options and a few of their requirements. Full details on each Investment Option can be found in the main body of the Investment Policy on pages 2 through 5.

Investment Option	Maximum Share of Portfolio	Minimum Rating at purchase	Maximum Maturity at settlement	Additional Limitations
United States Treasury Obligations	100%	n/a	5 years	see page 2, Item 1
United States Government Agencies Obligations	100%	n/a	5 years	see page 3, Item 2
State of California, Local Agency Investment Fund	per Government Code	n/a	n/a	see page 3, Item 3
Local Government Investment Pools - Stable Net Asset Value	40%	AAAm	n/a	see page 4, Item 4
Local Government Investment Pools - Floating Net Asset Value		AA-f		
Money Market Mutual Funds	20%	AAAm	n/a	see page 3, Item 5
Certificates of Time Deposit	20%	AA-	1 year	see page 3-4, Item 6
Negotiable Certificates of Deposit		AA-	5 years	see page 4, Item 7
Commercial Paper	20%	A-1+	270 days	see page 4, Item 9
Medium Term Corporate Notes	20%	AA-	5 years	see page 4, Item 9
Repurchase Agreements	20%	n/a	270 days	see page 5, Item 10
Municipal Obligations	20%	AA-	5 years	see page 5, Item 11

EXHIBIT 4

Glossary of Investment Terms Used in the Policy

This Glossary is for informational purposes only and is not intended to modify any of the terms of this Investment Policy, the Government Code, or the M.U.D. Act.

AVERAGE MATURITY	A calculation that expresses the average maturity of an investment portfolio using each investment's maturity weighted by the size of that investment in the portfolio.
BROKER	A broker brings buyers and sellers together and is compensated for his/her service.
CERTIFICATE OF DEPOSIT (CD)	A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.
COLLATERAL	Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.
COMMERCIAL PAPER (CP)	Short-term unsecured promissory notes.
CUSTODIAN	A bank or other financial institution that keeps custody of stock certificates and other assets.
DEALER	A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.
DELIVERY VS. PAYMENT (DVP)	Delivery of securities with a simultaneous exchange of money for the securities.
DIVERSIFICATION	An investment principle designed to spread the risk in a portfolio by dividing investments among different sectors, industries and companies.
GOVERNMENT SECURITIES	Obligations of the U.S. Government and its agencies and instrumentalities.
INTEREST	The amount earned while owning a debt security, generally calculated as a percentage of the principal amount.
LIQUIDITY	The speed and ease with which an investment can be converted to cash.
MATURITY	The date upon which the principal or stated value of an investment becomes due and payable.
MEDIUM TERM NOTES (MTN)	Debt securities issued by a corporation or depository institution with a remaining maturity ranging from nine months to five years.
MONEY MARKET MUTUAL FUNDS	An investment company that pools money from investors and invest in a variety of short-term money market instruments.
NET ASSET VALUE (NAV)	A per-share valuation of a mutual fund based on total assets minus total liabilities.
PRIMARY DEALER	A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.
PRINCIPAL	The face value or par value of an investment.
RATE OF RETURN	The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.
RISK (INVESTMENT RISK)	The probability that an actual investment return outcome will differ from an expected return outcome.
RISK-ADJUSTED RETURN	The return on investment relative to the amount of risk taken over a given period of time (e.g. if two or more investments have the same return over a given time period, the one that has the lowest risk will

	have the better risk-adjusted return).
REPURCHASE AGREEMENT	The purchase of securities, on a temporary basis, with the seller's simultaneous agreement to repurchase the securities back at a later date at a specified price that includes interest for the buyer's holding period.
SAFEKEEPING	Storage and protection of a customer's financial assets, valuables, or documents, provided as a service by an institution serving as Agent or Custodian and, where control is delegated by the customer.
SECONDARY MARKET	A market made for the purchase and sale of outstanding issues following the initial distribution.
SETTLEMENT DATE	The date when the security is delivered in exchange for the corresponding payment.
TREASURY BILLS	A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.
TREASURY BONDS	Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years from date of issue.
TREASURY NOTES	Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years from date of issue.
U. S. GOVERNMENT AGENCY SECURITIES	Debt securities issued by U.S. Government sponsored enterprises and federally related institutions.
U.S. TREASURY SECURITIES	Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States.
YIELD	The annual rate of return on a debt investment expressed as a percentage.



Policy 4.07

EFFECTIVE 28 MAY 24

INVESTMENTS

SUPERSEDES 23 MAY 23

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Invest District funds and funds managed by the District on behalf of its Joint Powers Authorities (JPAs) in compliance with investment criteria for safety, liquidity, yield, and diversification as set forth herein. Investments shall be in securities with a range of maturities to provide adequate security and liquidity to pay demands when due while providing a risk-adjusted market rate of return on investments that takes into consideration the cash flow needs of the District and its JPAs.

Authority	Section 53600 et. seq. of the California Government Code (Government Code) and Chapter 6, Article 7 of the Municipal Utility District Act (M.U.D. Act) govern the investment of idle monies of the District. Section 53635 of the Government Code defines how investments are to be handled for Joint Powers Authorities.
Delegation of Authority	The authority and responsibility to invest idle monies of the District are delegated by the Board to the Director of Finance as the Treasurer. The Director of Finance may designate individual staff to carry out his/her responsibilities under this policy.
No Bond Proceeds	The investment of bond proceeds is specifically defined in individual bond indenture documents and is not included in this policy. This exemption also applies to funds held at the Trustee in Principal, Interest, Debt Service Reserve, or other accounts for the purpose of servicing the bonds.
Ethics and Conflicts of Interest	Officers and employees involved in the investment process shall: - refrain from personal business activity that could conflict with proper execution of the District's investment program, or which could impair their ability to make impartial investment decisions on behalf of the District, - disclose any material financial interest in financial institutions that conduct business with the District, - disclose material personal financial/investments that are related to or could reasonably be affected by the performance of the District's investments, - refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the District's investments, and - comply with the District's Conflict of Interest Code, Procedure 418 - Gifts, Personal Loans and Personal Benefit Interests, Procedure 601 - Conflict of Interest Disqualification Procedure, and District Procedure 447 - Vendor Interactions and Procurement Integrity
Investment Criteria and Objectives	Criteria for selecting investments shall: - adhere to the prudent investor standard, described in Section 53600.3 of the Government Code as follows: "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of

a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency," **and**

- conform with the Government Code and the M.U.D. Act, **and**
 - align with District policies, mission and values, **and**
 - have the following objectives, in order of priority:
 1. *Safety* – The District's ability to recover principal and interest. Investments shall be made that will seek to ensure the preservation of principal and interest and to minimize risk to the greatest extent possible. It is the primary duty of the Treasurer to protect, preserve and maintain cash and investments on behalf of the District.
 2. *Liquidity* – The District's ability to have cash available when needed to support expenditure cycles and budgetary objectives.
 3. *Yield* – The District's ability to provide a risk-adjusted market rate of return on the District's investments while conforming to the safety and liquidity criteria above.
 4. *Diversification* – The District's ability to maintain an investment portfolio that includes a range of security types. In order to accomplish this, each Investment Option shall have defined limits on maximum share of the portfolio, single issuer and single issue holdings; and maturity, rating and other restrictions where applicable.
-

**Environmental,
Social and
Governance
Factors**

It is the intent of the District to align its investment decisions with its policies, mission, and values. Safety, liquidity, yield and diversification are the District's primary investment objectives. The District will also consider sound Environmental, Social and Governance (ESG) factors and objectives in its investment process, subject to the prudent investor standard.

Maturity

The weighted average maturity of the portfolio shall not exceed 900 days.

**Rating Agencies
and Rating
Requirements**

As outlined below, some Investment Options have rating requirements. In that context, Rating Agencies is defined as:

- Standard & Poor's Financial Services (S&P),
- Moody's Investors Service (Moody's), and
- Fitch Ratings (Fitch), only.

Ratings requirements:

- are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. Rating Agencies scales are included for reference in Exhibit 1,
- apply at the time of purchase only, with subsequent downgrades below requirement levels or the assignment of negative watch or outlook prompting a case-by-case evaluation of the investment, and
- only apply to the Rating Agencies rating the security.

**Investment
Options**

The District is able to purchase investments in the instruments listed in this section as allowed and defined under Section 53600 et. seq. of the Government Code, Chapter 6, Article 7 of the M.U.D. Act, Board Resolutions, and via this policy. Percentage limitations, where indicated, apply at the time of purchase. As used in this section, the term "Portfolio" refers to all investable funds covered by this policy.

1. United States Treasury Obligations

- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

2. United States Government Agencies Obligations

Under this subsection, only obligations issued by the following agencies are permitted:

- o Federal Agricultural Mortgage Corporation (FAMC)
- o Federal Farm Credit Bank (FFCB)
- o Federal Home Loan Bank (FHLB)
- o Federal Home Loan Mortgage Corporation (FHLMC)
- o Federal National Mortgage Association (FNMA)
- Maximum Share of Portfolio: Unlimited
- Maximum Issuer Limit: 40% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: n/a
- Other Restrictions: none

3. State of California, Local Agency Investment Fund (LAIF)

- Maximum Share of Portfolio: as determined by the State Treasurer and in accordance with Section 16429.1 of the Government Code
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: n/a
- Other Restrictions: none

4. Local Government Investment Pools

Under this subsection, only obligations of the following agencies are permitted:

- California Asset Management Program (CAMP)
- Investment Trust of California (CalTRUST)
- Maximum Share of Portfolio: 40% of the Portfolio
- Maximum Issuer Limit: 20% of the Portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: Ratings of AAAm for stable net asset value funds and AA category or higher for floating net asset value funds by at least one Rating Agency
- Other Restrictions: none

The District will review each Pool's disclosure documents annually to assess the suitability of the fund's holdings. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

5. Money Market Mutual Funds

Under this subsection, only Money Market Mutual Funds with stable, non-floating net asset value are permitted:

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Fund Limit: 5% of Money Market Mutual Fund's assets
- Maximum Issue Limit: n/a
- Maximum Maturity: n/a
- Minimum Rating: AAAm by at least two Rating Agencies
- Other Restrictions: none

The District will request from each Money Market Mutual Fund, prior to investing and on an annual basis after investing, documents which provide details on the operations of the fund. These documents, along with the other criteria above, including the rating restriction, will be used to determine the suitability to receive Portfolio funds.

6. Certificates of Time Deposit

Under this subsection, only investments in selected depositories, using one or more private sector entity, in compliance with and as authorized under Government Code Section 53601.8 are permitted.

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Negotiable Certificates of Deposit
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed one (1) year from the settlement date
- Minimum Rating: AA- by at least one Rating Agency
- Other Restrictions:
 - Investment in local branches within the District, whenever possible.

7. Negotiable Certificates of Deposit

- Maximum Share of Portfolio: 20% of the Portfolio when added together with Certificates of Time Deposits
- Maximum Issuer Limit: applicable maximum FDIC deposit insurance coverage limit
- Maximum Issue Limit: 10% of issue
- Maximum Maturity: Not to exceed five (5) years from the settlement date
- Minimum Rating: AA- by all Rating Agencies
- Other Restrictions:
 - o Issued by banks with total deposits of one billion dollars (\$1,000,000,000) or more.

8. Commercial Paper

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the portfolio
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: A-1+ from at least one Rating Agency
- Other Restrictions:
 - o Issued by an entity that is, at the time of purchase:
 - organized and operating in the United States as a general corporation, with total assets exceeding \$500,000,000 and debt (other than commercial paper) rated A or better by at least one Rating Agency ; or
 - is organized within the United States as a special purpose corporation, trust, or limited liability company, with program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond, and has commercial paper that is rated A-1+ by at least one Rating Agency.

9. Medium Term Corporate Notes

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: 5% of the Portfolio
- Maximum Issue Limit: 5% of original issue amount
- Maximum Maturity: Not to exceed 5 years from the settlement date
- Minimum Rating: AA- from at least one Rating Agency, and not lower than A by any Rating Agency
- Other Restrictions:
 - o Issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.

10. Repurchase Agreements

- Maximum Share of Portfolio: 20% of the Portfolio
- Maximum Issuer Limit: n/a
- Maximum Issue Limit: n/a
- Maximum Maturity: Not to exceed 270 days from the settlement date
- Minimum Rating: n/a
- Other Restrictions:
 - o Collateral may only be in any securities authorized in items 1, or 2
 - o A Master Repurchase Agreement must be on file with the District
 - o Security must be marked to market on a daily basis and delivered to the District's custodial bank at a market value of at least 102%

Funds on deposit at the District's commercial bank may be invested in overnight repurchase agreements through a sweep program.

11. Municipal Obligations

Under this subsection, only registered obligations of the following agencies are permitted:

- o The State of California
- o Any local agency within the State of California
- Municipal Bonds:
 - o Maximum Share of Portfolio: 20% of the Portfolio when added together with Municipal Notes
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue Limit: 10% of original issue amount
 - o Maximum Maturity: Not to exceed five (5) years or with a put provision within five (5) years of settlement date
 - o Minimum Rating: AA- or equivalent by at least one Rating Agency, and not lower than A by any Rating Agency
 - o Other Restrictions: none
- Municipal Notes:
 - o Maximum Share of Portfolio: 20% of the Portfolio together with Municipal Bonds
 - o Maximum Issuer Limit: 5% of the Portfolio
 - o Maximum Issue limit: 10% of original issue amount
 - o Maximum Maturity: n/a
 - o Minimum Rating: Notes maturing within 365 days must have a rating of SP-1+ from at least one Rating Agency
 - o Other Restrictions: none

**Zero or Negative
Market Rates**

As authorized under Section 53601.6 and at the discretion of the Director of Finance or its designees, investments can be made "in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates." Those investment may also then be held until their maturity dates. This provision sunsets January 1, 2026.

**Investment
Placement**

Investment placement shall be determined by, but not limited to, continual evaluation and projection of market conditions, interest rate trends, cash flow needs, economic data, yield curves, and interest rate forecasts. Additionally, for investments purchased or sold in the secondary market, best efforts will be made to obtain at least three quotations from Purchasing Entities (as defined below) or to obtain timely and verifiable third-party market pricing data for the investment in question. The combination of these factors shall determine where, in what denomination, and for what maturity investments are made.

**Selling Securities
Prior To Maturity**

When selling securities prior to maturity, principal losses are only allowable either:

- if the sale of securities is necessary to meet payment obligations,
 - to comply with this policy, while considering the impact of the sale(s), or
 - if the proposed sale is to be made in conjunction with a purchase and the proposed sale in combination with the subsequent purchase can enhance the Portfolio's yield.
-

Collateral

Securities placed with agents of depository shall at all times be maintained as specified in District Resolution 33232-01 in one or more trust companies, State or national banks located within California, the Federal Reserve Bank, or with any state or national bank located in any city designated as a federal reserve city by the Board of Governors of the Federal Reserve System, and to take from any such banks or trust companies receipts for securities so deposited. Requests for Collateral substitution and releases are subject to the Treasurer's written approval.

**Portfolio
Performance**

The Portfolio will seek to attain a risk-adjusted market rate of return that takes into consideration the cash flow needs of the District. As a result, portfolio performance will be measured using common market indicators. Those may include, but are not limited to: the Federal funds rate, short-term government obligations rates, and other market rates that reflect the mix of securities in the Portfolio.

**Purchasing
Entities**

Investments will be purchased from either:

- Primary Dealers as designated by the Federal Reserve Bank of New York,
- National or California State Chartered Banks,
- Federal or California Chartered Savings Institution,
- Broker-Dealers registered with the State of California, **or**
- Issuers of securities eligible for purchase by the District.

In addition, these institutions must:

- be registered by the Securities and Exchange Commission (SEC),
- be members in good standing of the Financial Industry Regulatory Authority (FINRA), **and**
- provide audited financial statements to the District annually.

The District shall maintain a current eligible list of established dealers, brokers, banks and savings and loan associations with which securities trading and placement of funds are authorized.

Additionally, to be placed on the eligible list, individuals need to certify in writing that they have read, understood, and agree to comply with this policy, where applicable, by completing and filing with the District the 'Certification of Compliance with Investment Policy' included in this policy as Exhibit 2.

Eligibility may be revoked at any time, in the District's sole discretion, for any reason, including but not limited to, failure to meet the above requirements.

**Trade
Confirmations and
Settlements**

The District shall comply with the following:

1. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all Securities purchased from dealers and brokers shall be held in safekeeping by the District's custodial bank, a national bank, a State chartered bank or trust company, established for this purpose as someone other than the selling party of the security. Securities purchased will be covered by a trust or safekeeping receipt in a manner that establishes the District's ownership. All transactions require delivery of the security prior to payment for the security (delivery vs. payment).
 2. To ensure a high degree of internal control, all trade confirmations shall be received directly and reviewed for conformity to the original transaction by an individual other than the person originating the transaction. Any discrepancies will be brought to the attention of the Treasurer.
-

**Review And
Reporting
Requirements**

On a monthly basis, in accordance with Section 53607 of the Government Code, the Treasurer shall prepare and submit a report listing investment transactions to the General Manager and the Board of Directors.

On a quarterly basis, in accordance with Section 53646 of the Government Code, the Treasurer may prepare and submit a report to the General Manager and the Board of Directors. If rendered, the report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the District, and provide an investment summary by security type, percent of the portfolio, investment yield and the remaining period of investment to maturity.

On an annual basis, in accordance with Section 53646 of the Government Code, an investment policy may be presented to the Board for consideration at a public meeting. In conjunction with the investment policy consideration, the Board shall also annually review the delegation of its authority for the management of investments to the Treasurer.

**Performance
Review And
Internal Control**Office of Internal Audit

The Office of Internal Audit will periodically audit the investment portfolio to evaluate the effectiveness of the District's investment program as well as its compliance with the Investment Policy. These audits will supplement the annual review by the District's external auditors.

Finance Department

The Treasurer has established and maintains an internal control structure designed to ensure that funds covered under this policy are protected from loss, theft, fraud, or misuse.

The Treasurer will review the investment portfolio monthly for compliance with the Investment Policy and make recommendations for changes and improvements where warranted.

Authority

Resolution No. 33019-96 on December 10, 1996
Amended by Resolution No. 33134-99 on January 26, 1999
Amended by Resolution No. 33232-01 on January 9, 2001
Amended by Resolution 33287-02 on January 22, 2002
Amended by Resolution 33350-03 on February 25, 2003
Amended by Resolution 33390-04 on January 27, 2004
Amended by Resolution 33464-05 on February 22, 2005
Amended by Resolution 33516-06 on January 24, 2006
Amended by Resolution 33585-07 on March 13, 2007
Approved by Resolution 33658-08, February 26, 2008
Approved by Resolution 33702-09, February 24, 2009
Approved by Resolution 33752-10, January 26, 2010
Approved by Resolution 33792-10, November 23, 2010
Approved by Resolution 33871-12, April 24, 2012
Approved by Resolution 33920-13, March 26, 2013
Reaffirmed by Motion 056-14, March 25, 2014
Approved by Resolution 34027-15, April 28, 2015
Approved by Resolution 34079-16, April 26, 2016
Approved by Resolution 35033-17, April 25, 2017
Approved by Resolution 35083-18, April 24, 2018
Approved by Resolution 35137-19, April 23, 2019
Approved by Resolution 35174-20, April 28, 2020
Approved by Resolution 35220-21, April 27, 2021
Approved by Resolution 35290-22, May 24, 2022
Approved by Resolution 35346-23, May 23, 2023
Approved by Resolution XXXXX-24, May 28, 2024

References

EBMUD Conflict of Interest Code
Procedure 418 – Gifts, Personal Loans and Personal Benefit Interests
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 601 – Conflict of Interest Disqualification Procedure

EXHIBIT 1 RATING AGENCIES' SCALES

For purposes of Investment Policy 4.07 the term "Rating Agencies" is defined as: Standard & Poor's Financial Services (S&P), Moody's Investors Service (Moody's), and Fitch Ratings (Fitch).

Ratings requirements are provided using the S&P scale and should be read as "or equivalent" to other Rating Agencies scales. The equivalencies are provided in the tables below.

EXAMPLE

Investment Option 6, Certificates of Time Deposits, shows:

"Minimum Rating: AA- by at least one Rating Agency"

This requirement should be read as:

"Minimum Rating: AA- *or equivalent* by at least one Rating Agency."

To determine the equivalent rating in the table below, find the AA- rating under the S&P column and read across the row to find the Moody's equivalent rating of Aa3 and the Fitch equivalent rating of AA-. Accordingly, a Certificate of Time Deposit is equivalent as an investment if it is rated AA- by S&P, Aa3 by Moody's, or AA- by Fitch.

INVESTMENT-GRADE RATING SCALES

LONG-TERM DEBT			
S&P	MOODY'S	FITCH	
AAA	Aaa	AAA	
AA+	Aa1	AA+	
AA	Aa2	AA	
AA-	Aa3	AA-	← Minimum rating required for District investments
A+	A1	A+	
A	A2	A	
A-	A3	A-	
BBB+	Baa1	BBB+	
BBB	Baa2	BBB	
BBB-	Baa3	BBB-	

SHORT-TERM DEBT			
S&P	MOODY'S	FITCH	
A-1+	P-1	F1+	← Minimum rating required for District investments
A-1	-	F1	
A-2	P-2	F2	
A-3	P-3	F3	

MONEY MARKET FUNDS			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	← Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

STABLE NAV LGIPs			
S&P	MOODY'S	FITCH	
AAAm	Aaa-mf	AAAf	←Minimum rating required for District investments
AAm	Aa-mf	AAf	
Am	A-mf	Af	
BBBm	Baa-mf	BBBf	

FLOATING NAV LGIPs			
S&P	MOODY'S	FITCH	
AAAf	Aaa-mf	AAAf	←Minimum rating required for District investments
AAf	Aa-mf	AAf	
Af	A-mf	Af	
BBBf	Baa-mf	BBBf	

EXHIBIT 2
East Bay Municipal Utility District
Certification of Compliance with Investment Policy

The East Bay Municipal Utility District (the District), under Policy 4.07 (the Investment Policy), requires that securities trading and placement of funds be conducted only with eligible Purchasing Entities. The Investment Policy also specifies that the District must obtain written certification that eligible Purchasing Entities have read, understood, and agree to comply with the Investment Policy, where applicable. This certification is necessary to be included on an approved list of Purchasing Entities that are eligible to conduct investment transactions with the District. The District has no obligation to enter into securities trading and/or placement of funds transactions with any or all Purchasing Entities on the list. The District retains the sole and exclusive discretion to determine with which of the Purchasing Entities, if any, to engage in individual investment transactions. Eligibility may be revoked at any time, at the District's sole discretion, for any reason, including but not limited to, failure to meet the requirements of the policy and this exhibit.

Please complete the sections below, sign and return this completed form if you wish to be considered for inclusion on the approved list of Purchasing Entities eligible to conduct investment transactions with the District. Please send completed form:

via mail, to:
Steven Goodman-Leibof
East Bay Municipal Utility District
375 11th Street, MS809
Oakland, CA 94607

and electronically, to:
steven.goodman-leibof@ebmud.com

A. Entity Name _____

B. My entity is a: (choose all that apply, **at least one must be checked for eligibility**)

- ☐ Primary Dealer as designated by the Federal Reserve Bank of New York
- ☐ National or California State Chartered Bank
- ☐ Federal or California Chartered Savings Institution
- ☐ Broker-Dealer registered with the State of California

AND

I certify that my entity is: (**both must be checked for eligibility**)

- ☐ registered by the Securities and Exchange Commission (SEC)
- ☐ a member in good standing of the Financial Industry Regulatory Authority (FINRA)

C. My entity is an:

- ☐ issuer of securities eligible for purchase by the District

D. My entity:

- ☐ participates in the District's Contract Equity Program

E. I have provided:

- ☐ Audited Financial Statements

I certify that I have read, understood, and agree to comply where applicable with the District's Investment Policy.

Print Name _____

Sign Name _____

Title _____

Date _____

EXHIBIT 3
East Bay Municipal Utility District
Investment Policy Quick Reference Table

The following is a summary of Investment Options and a few of their requirements. Full details on each Investment Option can be found in the main body of the Investment Policy on pages 2 through 5.

Investment Option	Maximum Share of Portfolio	Minimum Rating at purchase	Maximum Maturity at settlement	Additional Limitations
United States Treasury Obligations	100%	n/a	5 years	see page 2, Item 1
United States Government Agencies Obligations	100%	n/a	5 years	see page 3, Item 2
State of California, Local Agency Investment Fund	per Government Code	n/a	n/a	see page 3, Item 3
Local Government Investment Pools - Stable Net Asset Value	40%	AAAm	n/a	see page 4, Item 4
Local Government Investment Pools - Floating Net Asset Value		AA-f		
Money Market Mutual Funds	20%	AAAm	n/a	see page 3, Item 5
Certificates of Time Deposit	20%	AA-	1 year	see page 3-4, Item 6
Negotiable Certificates of Deposit		AA-	5 years	see page 4, Item 7
Commercial Paper	20%	A-1+	270 days	see page 4, Item 9
Medium Term Corporate Notes	20%	AA-	5 years	see page 4, Item 9
Repurchase Agreements	20%	n/a	270 days	see page 5, Item 10
Municipal Obligations	20%	AA-	5 years	see page 5, Item 11

EXHIBIT 4
Glossary of Investment Terms Used in the Policy

This Glossary is for informational purposes only and is not intended to modify any of the terms of this Investment Policy, the Government Code, or the M.U.D. Act.

AVERAGE MATURITY	A calculation that expresses the average maturity of an investment portfolio using each investment's maturity weighted by the size of that investment in the portfolio.
BROKER	A broker brings buyers and sellers together and is compensated for his/her service.
CERTIFICATE OF DEPOSIT (CD)	A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.
COLLATERAL	Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.
COMMERCIAL PAPER (CP)	Short-term unsecured promissory notes.
CUSTODIAN	A bank or other financial institution that keeps custody of stock certificates and other assets.
DEALER	A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.
DELIVERY VS. PAYMENT (DVP)	Delivery of securities with a simultaneous exchange of money for the securities.
DIVERSIFICATION	An investment principle designed to spread the risk in a portfolio by dividing investments among different sectors, industries and companies.
GOVERNMENT SECURITIES	Obligations of the U.S. Government and its agencies and instrumentalities.
INTEREST	The amount earned while owning a debt security, generally calculated as a percentage of the principal amount.
LIQUIDITY	The speed and ease with which an investment can be converted to cash.
MATURITY	The date upon which the principal or stated value of an investment becomes due and payable.
MEDIUM TERM NOTES (MTN)	Debt securities issued by a corporation or depository institution with a remaining maturity ranging from nine months to five years.
MONEY MARKET MUTUAL FUNDS	An investment company that pools money from investors and invest in a variety of short-term money market instruments.
NET ASSET VALUE (NAV)	A per-share valuation of a mutual fund based on total assets minus total liabilities.
PRIMARY DEALER	A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.
PRINCIPAL	The face value or par value of an investment.
RATE OF RETURN	The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.
RISK (INVESTMENT RISK)	The probability that an actual investment return outcome will differ from an expected return outcome.
RISK-ADJUSTED RETURN	The return on investment relative to the amount of risk taken over a given period of time (e.g. if two or more investments have the same return over a given time period, the one that has the lowest risk will

	have the better risk-adjusted return).
REPURCHASE AGREEMENT	The purchase of securities, on a temporary basis, with the seller's simultaneous agreement to repurchase the securities back at a later date at a specified price that includes interest for the buyer's holding period.
SAFEKEEPING	Storage and protection of a customer's financial assets, valuables, or documents, provided as a service by an institution serving as Agent or Custodian and, where control is delegated by the customer.
SECONDARY MARKET	A market made for the purchase and sale of outstanding issues following the initial distribution.
SETTLEMENT DATE	The date when the security is delivered in exchange for the corresponding payment.
TREASURY BILLS	A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.
TREASURY BONDS	Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years from date of issue.
TREASURY NOTES	Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years from date of issue.
U. S. GOVERNMENT AGENCY SECURITIES	Debt securities issued by U.S. Government sponsored enterprises and federally related institutions.
U.S. TREASURY SECURITIES	Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States.
YIELD	The annual rate of return on a debt investment expressed as a percentage.



BOARD ACTION

Agenda Number:	14.	Meeting Date:	May 28, 2024
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TITLE	APPOINT STANDBY OFFICER FOR THE BOARD OF DIRECTORS AS OUTLINED IN THE DIRECTORS' EMERGENCY SUCCESSION PLAN
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ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Adopt a resolution to appoint William Clarkson as Standby Officer No. 3 in Ward No. 7 for the East Bay Municipal Utility District Board of Directors.
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SUMMARY	The Director's Emergency Succession Plan (Plan), adopted on May 23, 2017, ensures the ongoing governance and sustainability of the District if one or more Board members become unavailable following a state of war emergency, in the event of a state of emergency, or in a local emergency in accordance with the California Emergency Services Act (CESA). The Plan fulfills the standards and process to implement District Policy 7.03 - Emergency Preparedness/Business Continuity, for Board members regarding designation of Standby Officers in compliance with CESA. The Board may fill vacancies under the provisions of the Municipal Utility District Act or CESA, depending on necessity and expediency as the situation warrants. In January 2024, the position for Standby Officer No. 3 in Ward No. 7 became vacant. In May 2024, the Secretary of the District and the Director of Operations and Maintenance reviewed and confirmed William Clarkson met the criteria to serve as a Standby Officer.
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DISCUSSION	The Board of Directors has the critical task of setting policies and authorizing staff actions that support District operations. The Plan was established for Board members to safeguard District functions against unplanned and unexpected absence(s) during an emergency. The Plan outlines the process for the Board to select, appoint, and establish service expectations, duties, and compensation for Standby Officers that meet the following criteria: 1) 18 years of age and a lawful resident of California; 2) not a current District employee; and 3) no conflicts of interest with the District based on a position held with a private or public entity, or financial interest in any company or agency that has a contract with the District or possibility of having a contract with the District during the term of the Standby Officer's service. In May 2024, the Secretary of the District and the Director of Operations and Maintenance reviewed and confirmed William Clarkson met the criteria to serve as a Standby Officer. Standby Officers serve at the pleasure of the Board and may be removed and replaced at any time with or without cause, before, during, or after an emergency. State law requires Standby Officers to complete and submit a Fair Political Practices Commission (FPPC) Statement of Economic Interests-Form 700 to the FPPC and the Office of the Secretary within 30 days of
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Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Emergency Succession Plan for the Board of Directors; Resolution			

Title:	Appoint Standby Officer for the Board of Directors as outlined in the Directors' Emergency Succession Plan	Meeting Date:	May 28, 2024
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appointment, and annually, thereafter. Having Standby Officers available in the event of an emergency (as defined by CESA), supports the District's Customer and Community Services Strategic Plan goal.

SUSTAINABILITY**Economic**

There is no fiscal impact associated with this action. However, Standby Officers seated on the Board following an emergency will be entitled to financial compensation as outlined in the Plan.

Social

Standby Officers allow the District to increase the reliability of its governance and reduce potential impacts to customers and to the environment.

ALTERNATIVE

Do not appoint the candidate as a Standby Officer in Ward No. 7. This alternative is not recommended because the candidate meets the criteria outlined in the Plan.

APPENDIX TO THE OFFICE OF THE GENERAL MANAGER'S BUSINESS CONTINUITY PLAN

Emergency Succession Plan for Board of Directors

Purpose

The purpose of this Emergency Succession Plan is to ensure continuous coverage of the Board of Directors' duties, critical to the ongoing operations and sustainability of the District, in the event one or more Board Members is unavailable following a state of war emergency or in the event of a state of emergency or a local emergency.

Definitions

The following definitions shall apply to this Emergency Succession Plan.

"Emergency" means:

- A State of War Emergency, being the condition which exists immediately whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent. No proclamation by the Governor is necessary for the existence of a State of War Emergency.
- A State of Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or conditions other than those causing a "State of War Emergency." A State of Emergency must be declared by the Governor.
- A Local Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake. A Local Emergency must be declared by the governing body of a county, city and county, or city or by an official designated by ordinance adopted by that governing body.

For the purposes of this Emergency Succession Plan in order to comply with statutory requirements for Board emergency succession, "Emergency" shall not include a District-declared emergency as defined in District Policy 7.03 – Emergency Preparedness/Business Continuity.

“Regular Officer” is the term applicable during an Emergency to a Board Member elected or appointed under the California Municipal Utility District (MUD) Act.

“Standby Officer” means a person appointed by the District Board of Directors to serve on the Board in the event of the unavailability of a Board Member.

“Unavailable” means that as a result of an Emergency a Board Member is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties. A Board Member may declare himself or herself to be unavailable for the purposes of this Emergency Succession Plan, but should inform the General Manager of the estimated time during which he or she will be unavailable.

Selection and Appointment of Standby Officers

Each Board Member shall submit to the Office of the Secretary a list of three Standby Officers and their contact information, to serve in his or her place in the event of the Board Member’s unavailability under this procedure. No more than three Standby Officers may be selected for each Board Member. Standby Officers shall be designated Standby Officer No. 1, Standby Officer No. 2, and Standby Officer No. 3.

In selecting prospective Standby Officers, the Board shall give consideration to their places of residence and work in order to maximize the probability of survivorship for each Board position for which Standby Officers are appointed. Criteria to be considered include:

- The location of the Standby Officer’s residence and place of work in relation to such natural hazards as fault lines;
- The proximity of the Standby Officer’s residence to the Regular Officer’s residence; and
- The proximity of the Standby Officer’s place of work to the Regular Officer’s place of work.

Standby Officers No. 1 and No. 2 shall reside within the same ward as the Regular Officer recommending the Standby Officer. Standby Officer No. 3 shall reside outside the same ward as the Regular Officer recommending the Standby Officer, and may reside outside the District’s service area.

Each selected Standby Officer shall meet the following criteria:

- Standby Officers shall be at least 18 years old and a lawful resident of the State of California;
- Standby Officers shall not be an employee of the District;
- Standby Officers shall not be a member of the Regular Officer’s immediate family;
- Standby Officers shall have no financial interest in any company or agency that has a contract with the District or is reasonably possible to have a contract with the District during the term of the Standby Officer’s service; and
- Standby Officers shall not serve as an officer or employee of any public entity that has a competing interest with the District.

Each recommended Standby Officer shall provide a resume to the Office of the Secretary. The Office of the Secretary shall carefully investigate and verify the qualifications of the recommended Standby Officers. Upon approval of the lists of Standby Officers by the Director of Operations and Maintenance, they will be appointed by the Board through a Board Resolution to serve until removal or replacement by the Board.

Each appointed Standby Officer shall take the oath of office required of a Board Member.

The District's list of Standby Officers as stated in the appointing Board Resolution shall be reviewed on an annual basis by each Member of the Board in order to verify the continuing availability of each Standby Officer to serve. Confirmation of the designated Standby Officers shall be made by Board Resolution annually. Persons appointed as Standby Officers shall serve in their posts as Standby Officers at the pleasure of the Board and may be removed and replaced at any time with or without cause, before, during, or after an Emergency.

Duties of Standby Officers

Each Standby Officer shall:

- Remain informed of the duties of the Board Member he or she will replace. Officers and employees of the District shall assist the Standby Officer, who shall be provided with a copy of Article 15 of the California Emergency Services Act (CESA).
- Remain informed of the business and affairs of the District to the extent necessary to enable the Standby Officer to fill his or her post competently. Officers and employees of the District shall assist the Standby Officer in remaining informed by providing Standby Officers with links to Board documents on the District's website and informing Standby Officers of any developments the Board deems necessary.
- Be prepared to immediately report for duty at the direction of the General Manager in the event of an Emergency at the place and in the method previously designated by the District, in the order of his or her succession.
- Fill the post of the Board Member position for which he or she has been appointed when the regular Board Member is unavailable during an Emergency.

Determination of Unavailability of a Board Member

The Board may fill vacancies under the provisions of the MUD Act or CESA, depending on necessity and expediency as the situation warrants.

MUD Act Appointments with CESA Contingency

Upon declaration of an Emergency that upon determination of the General Manager has the potential to render Regular Officers unavailable, all available Regular Officers shall meet as soon as possible. The General Manager shall contact Standby Officer No. 1 for each Board position regardless of the availability of the Board Member and inform the Standby Officer of his or her duty to appear at the first Board meeting. If Standby Officer No. 1 is unavailable or unwilling to serve, Standby Officers Nos. 2 and 3 shall substitute in succession for Standby Officer No. 1 in the same way that Standby Officer No. 1 is substituted in place of the Regular Officer.

The General Manager shall determine and report to the Board the availability of those Regular Officers not present at the first meeting. If five Regular Officers are available, the Regular Officers shall proceed to conduct the business of the Board, and within 60 days of the effective date of a vacancy shall appoint Board Members to fill those positions for which a Regular Officer is determined to be unavailable, in accordance with the provisions of the MUD Act. The Board shall reserve the right to select Standby Officers to fill the vacant positions in accordance with the procedures of CESA.

If five Regular Officers are not available, the Standby Officers shall serve in place of the unavailable Regular Officers.

CESA-Only Appointments

Upon declaration of an Emergency that upon determination of the General Manager has the potential to render Regular Officers unavailable, all available Regular Officers shall meet as soon as possible. The General Manager shall contact Standby Officer No. 1 for each Board position regardless of the availability of the Board Member and inform the Standby Officer of his or her duty to appear at the first Board meeting. If Standby Officer No. 1 is unavailable or unwilling to serve, Standby Officers Nos. 2 and 3 shall substitute in succession for Standby Officer No. 1 in the same way that Standby Officer No. 1 is substituted in place of the Regular Officer.

The General Manager shall determine and report to the Board the availability of each Regular Officer not present. For each Regular Officer who is confirmed by the Board to be unavailable, the Standby Officers shall serve in place of the unavailable Regular Officers.

Service of Standby Officers During and After an Emergency

Standby Officers serving during an Emergency shall have all of the powers and duties of a Board Member as delineated under Chapter 3, Article 4 of the MUD Act.

Succession for the executive positions of the Board shall be as follows: If the President is unavailable, the Regular Officer Vice President shall serve as President in his or her place. If the

Vice President is unavailable or serving as President, the Vice President position shall be filled by the available Regular Officer with the most seniority on the Board. If no Regular Officers are available to fill any executive positions, the position shall be filled by the Standby Officer for the unavailable Regular Officer for that position. Because the President of the Board cannot serve on a Standby Committee, the Standby Officer for the President shall serve on any committee on which the replacement officer for the President sits.

The Standby Officer shall serve until the Regular Officer becomes available, the election or appointment of a new Regular Officer in accordance with the election and appointment laws of the MUD Act, or the dismissal of the Standby Officer.

Compensation of Standby Officers

After reporting for duty at the direction of the General Manager in the event of an Emergency, each Standby Officer shall be entitled to financial compensation. Standby Officers serving less than one month shall be compensated for each meeting attended based on a pro-rated percentage of the salary of a Regular Officer. Standby Officers serving one month or longer shall be entitled to the salary of a Regular Officer. Standby Officers shall not be entitled to compensation for leave. Standby Officers shall not be entitled to health or retirement benefits unless and until they are elected or appointed to a Regular Officer position under the procedures of the MUD Act. This date of election or appointment shall serve as the effective date of employment for all Regular Officers for the purposes of receiving the health and retirement benefits of a Regular Officer.

Legal Authority

California Emergency Services Act, Government Code § 8635 *et seq.*
Municipal Utility District Act, Chapter 3, Article 4 (Public Utilities Code § 11881 *et seq.*)

Other References

EBMUD Policy 7.03 – Emergency Preparedness/Business Continuity
EBMUD Emergency Operations Plan
Office of the General Manager Business Continuity Plan

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RESOLUTION NO. _____

APPOINTING WILLIAM CLARKSON AS STANDBY OFFICER FOR THE BOARD OF
DIRECTORS AS STANDBY OFFICER NUMBER 3 FOR WARD NO. 7 UNDER THE
EMERGENCY SUCCESSION PLAN FOR THE BOARD OF DIRECTORS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, Article 15 of the State of California Emergency Services Act (CESA) provides for the preservation of local government in the event of a state of war emergency, state of emergency, or local emergency; and

WHEREAS, CESA permits the governing body of a political subdivision to appoint up to three Standby Officers for each member of the governing body; and

WHEREAS, the Board of Directors (Board) of the East Bay Municipal Utility District (District) adopted the Emergency Succession Plan (Plan) for the Board on May 23, 2017; and

WHEREAS, the Plan provides a process under which Standby Officers for the Board are selected, vetted, and affirmed; and

WHEREAS, pursuant to the Plan, the Board has appointed 21 Standby Officers, with up to three Standby Officers to serve in the place of each Board member in the event of an emergency under CESA; and

WHEREAS, the Plan requires the Secretary of the District to verify each year the continuing availability of each appointed Standby Officer to serve as a Standby Officer; and

WHEREAS, following this verification, the Plan requires the Board to confirm the appointment of Standby Officers; and

WHEREAS, on January 23, 2024, the Board confirmed the appointment of Standby Officers for each ward of the District in Resolution No. 35381-24; and

WHEREAS, in January 2024, the position for Standby Officer Number 3 in Ward No. 7 became vacant; and

WHEREAS, the Secretary of the District and the Director of Operations and Maintenance have reviewed and confirmed the qualifications, availability and willingness of William Clarkson to serve as the Standby Officer Number 3 in Ward No. 7; and

WHEREAS, William Clarkson meets the criteria to serve as stated in the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby appoints William Clarkson to serve as the Standby Officer Number 3 in Ward No. 7, who shall serve in his post as Standby Officer at the pleasure of the East Bay Municipal Utility District until removal or replacement.

ADOPTED this 28th day of May, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



BOARD ACTION

Agenda Number:	15.	Meeting Date:	May 28, 2024
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TITLE	APPOINTMENT OF DIRECTOR OF ENGINEERING AND CONSTRUCTION
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ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Appoint Serge V. Terentieff as the Director of Engineering and Construction, effective June 17, 2024.
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SUMMARY	Following a comprehensive recruitment process, Serge Terentieff is recommended for appointment as the Director of Engineering and Construction. This position is exempt from civil service provisions of the Municipal Utility District Act in accordance with Section 12055(b) which excludes officers, assistant officers and other persons and employees appointed by the Board of Directors.
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DISCUSSION	The Director of Engineering and Construction is responsible for managing water distribution planning, design, construction, engineering services, and pipeline infrastructure work at the District. Mr. Terentieff has 35 years of engineering experience in both private consulting and at public agencies. For the last 25 years, he has worked at the District in the Engineering and Construction Department and is currently the Engineering Manager of the Design Division, where he is responsible for overseeing nearly \$1 billion of the District's 5-year Capital Improvement Program to upgrade the major water treatment and distribution facilities. Prior to joining the District, he worked for the Marin County Public Works Department and CH2M Hill. Mr. Terentieff has a Bachelor of Science in Civil Engineering and a Master of Science in Geotechnical Engineering, both from the University of California at Berkeley. He is a licensed Professional Civil Engineer and Geotechnical Engineer in California.
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Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? N/A	Board Action Type: Personnel
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Class Description; Resolution			

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EXEMPT CLASS DESCRIPTION

TITLE	CLASS CODE	EFFECTIVE DATE
DIRECTOR, ENGINEERING & CONSTRUCTION	1564	5-3-93 REVISED

RESPONSIBILITIES AND DUTIES

Under administrative direction and as a department director, through subordinate division managers, plans organizes, staffs, directs and controls activities and staff of the Engineering and Construction Department which involves responsibility for:

- ◆ Engineering design
- ◆ Technical drafting
- ◆ Materials assessment
- ◆ Corrosion control
- ◆ Pipeline Construction
- ◆ Construction inspection
- ◆ Surveying
- ◆ Plant inspection
- ◆ Soil and geological engineering
- ◆ Special Projects

Establishes engineering design and construction programs and standards and sets priorities to meet departmental goals and objectives. Directs project design, drafting, soil investigation, pipeline construction, construction inspection and negotiation of contract disputes. Provides leadership to staff and maintains high employee morale and employee productivity. Directs the formulation of policies and procedures and oversees implementation of changes to improve engineering services. Directs development of engineering plans, specifications and designs.

Coordinates construction, design and engineering technical support activities.

Visits construction sites, engineering offices and other work sites to maintain effective communications and monitor progress of major projects. Performs administrative duties such as budget preparation and execution, employee selection, training and evaluation, and report preparation. Represents the department and the District as directed.

TYPICAL QUALIFICATIONS

Education and Experience

Any combination of education and management experience which has provided the desired competency which typically requires a Bachelor's degree in Engineering and several years of progressively responsible engineering experience including project management and substantial responsibility for the supervision of a large group of engineers and support personnel in a large water utility district. Experience must have included the design and construction of facilities normally required for a large water utility, such as pipeline, pumping plants, tanks and water treatment facilities.

Competency

General technical competency in several of the engineering areas described above. Managerial competency in planning, directing and coordinating major engineering projects and/or functions. Must be competent in project management of large complex projects from initial design through negotiation of contract disputes.

Registration as a Professional Engineer in the State of California

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RESOLUTION NO. _____

APPOINTING SERGE V. TERENTIEFF AS DIRECTOR OF
ENGINEERING AND CONSTRUCTION

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Board of Directors has heretofore established the position of Director of Engineering and Construction, and such position has been assigned a salary range under the Management Salary Plan heretofore established for District officers, assistant officers, civil service exempt and certain civil service classes; and

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

WHEREAS, the General Manager has recommended that Serge V. Terentieff be appointed to serve as Director of Engineering and Construction;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints Serge V. Terentieff to serve as Director of Engineering and Construction, effective June 17, 2024.

ADOPTED this 28th day of May, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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BOARD ACTION

Agenda Number:	16.	Meeting Date:	May 28, 2024
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TITLE	ORDINANCE AMENDING THE RETIREMENT ORDINANCE NO. 40 PERTAINING TO PENSION BENEFITS OF FUTURE BOARD MEMBERS (FIRST READING)
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ACTION	☐ Motion:	☐ Resolution:	☒ Ordinance:
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RECOMMENDED ACTION	Conduct a first reading of an ordinance to amend East Bay Municipal Utility District Retirement Ordinance No. 40 to limit the pension benefits of future members of the Board of Directors (Board).
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SUMMARY	Conduct a first reading of an ordinance to amend Retirement Ordinance No. 40 to: (a) exclude EBMUD retirees who are elected or appointed to the Board from the Retirement System during their service on the Board and define the term "Director"; (b) limit the terminal compensation that may be applied to the Retirement Allowance of a future Board member; (c) bifurcate the service of a future Board member from service earned as a District employee; and (d) clarify the effect of the bifurcation of service on eligibility for and the amount of any Health Insurance Benefit to be provided under the Retirement System.
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DISCUSSION	At the May 14, 2024 Regular Board meeting, based on direction from the Board, staff proposed amendments to the Retirement Ordinance to limit a future Board member's pension. During the meeting, the Board clarified that in addition to limiting the terminal compensation for purposes of the Retirement Allowance calculation, the Board also requested that the service of a future Director who was formerly employed by the District and accrued service as a District employee be bifurcated from their service as a Director. In this case, the former employee's service as a District employee should be treated as separate from their service as a Director for the purpose of Retirement Allowance calculations attributable to the two distinct periods of service.
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Treating service as a District employee separate from service as a Director requires clarification of how these separate periods of service would be applied in determining eligibility for and the amount of any Health Insurance Benefit to be provided under the Retirement System with respect to each separate period of service.

(a) Amendment to Exclude EBMUD Retirees Who Serve on the Board:

In order for a District retiree to avoid reinstatement into the Retirement System when they are elected or appointed as a Director, the Board must adopt amendments to the Retirement Ordinance to exclude District retirees who are elected or appointed to the Board from membership in the Retirement System during their term as Director in order for the retiree to

Originating Department: Office of General Counsel	Department Director or Manager: Derek McDonald	CEP Forms? N/A	Board Action Type: Ordinance
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Ordinance			

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 28, 2024
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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 15, 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:"

2. Amend Section 2(b) as follows:

"Employee" shall mean any person, including persons generally classed as officers or officials, in the employ of the East Bay Municipal Utility District whose Compensation in such employment is paid wholly by the District. ~~For purposes of this Ordinance "Employee" shall also include persons holding elective office as Director of the District.~~
3. 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.

(b) Amendments to Limit Terminal Compensation of a Future Director:

1. 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

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 28, 2024
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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 first elected or appointed a Director on or after July 15, 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.

(c) Amendments to Bifurcate the Service of a Future Director from Service as a District Employee:

1. Section 2(g) of the Retirement Ordinance titled "Definitions" shall be amended as follows:

For purposes of this Ordinance, a Director shall be considered as being in the District service at all time during which the office of Director is held. **For an elected or appointed Director, who first performs services as a Member of the Retirement System as a Director on or after July 15, 2024, "District Service" performed as an Employee shall not be combined with "District Service" performed as a Director for purposes of determining Current Service under Sections 15 and 42 or for purposes of determining Continuous Service under Section 36.**

2. Section 12(f) of the Retirement Ordinance titled "Refund of Contributions" shall be amended as follows:

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 28, 2024
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Any member who re-enters District Service, and who elected to remain a Member of the Retirement System pursuant to Section 12(b)(2), shall receive credit for all service prior to the date of termination in the same manner as if he or she never left District Service and the two periods of service shall be deemed a single period for purposes of monthly Retirement Allowance calculations.” **Effective on or after July 15, 2024, a Member who elected to remain a Member of the Retirement System pursuant to Section 12(b)(2) and who re-enters District Service as a Director, shall not be entitled to treat the two periods of service as a single period for purposes of determining monthly Retirement Allowance calculations under Sections 15 and 42, as well as eligibility for the Health Insurance Benefit pursuant to Section 36(d), and shall be treated as a new Member for the period of service as Director and the period of service as a Director shall not be combined with service as an Employee.**

Terminal Compensation shall be as provided in Section 2(m) and the two periods of service shall be deemed a single period for purposes of monthly Retirement Allowance calculations, provided that the Member completes five years of Continuous Employment after re-entry. Any member who fails to complete five years of Continuous Employment after re-entry shall be considered a new Member for the second period of service. **Effective on or after July 15, 2024, Terminal Compensation for a Director who re-enters District Service pursuant to this Section 12(f) shall be based on the highest average annual compensation earnable by the Director during the period of service as 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.**

(d) Amendments to Clarify the Effect of the Bifurcation of the Service of a Future Director from Service as a District Employee on Health Insurance Benefits:

1. Amend Section 36 by adding the following section:

(m) Effective July 15, 2024, for purposes of determining eligibility for and the amount of any benefit provided under Section 36, the period of service as a Director shall not be combined with service as an Employee. Eligibility for and the amount of the Health Insurance Benefit to be provided under Section 36 for service as a Director will be determined using only the Member's Continuous Service credited during the period of service as a Director. Eligibility for and the amount of the Health Insurance Benefit to be provided under Section 36 for service as an Employee will be determined using only the Member's Continuous Service credited as an Employee. A Member may qualify independently for two separate Health Insurance Benefits, one based on the period of Continuous Service as an Employee, and one based on the period of Continuous Service as a Director, however, the combined amount for each period shall not exceed one-hundred percent (100%) of the HIB set forth in Section 36(d).

Title:	Amendments to Retirement Ordinance No. 40 Pertaining to Pension Benefits of Future Board Members (First Reading)	Meeting Date:	May 28, 2024
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SUSTAINABILITY

Economic

The amendments to the Retirement Ordinance are intended to minimize the economic impact of providing pension benefits to Board members.

Social

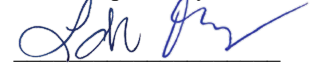
The intent of the amendments is to align pension benefits conferred on elected or appointed members of the Board with the public policy limiting the compensation of members of the Board.

Environmental

There are no anticipated environmental impacts.

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND RETIREMENT ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE TO: (1) EXCLUDE DISTRICT RETIREES WHO BECOME DIRECTORS FROM THE RETIREMENT SYSTEM AND DEFINE THE TERM "DIRECTOR"; (2) LIMIT THE TERMINAL COMPENSATION THAT MAY BE APPLIED TO THE RETIREMENT ALLOWANCE OF A FUTURE BOARD MEMBER; (3) BIFURCATE THE SERVICE OF A FUTURE BOARD MEMBER FROM SERVICE EARNED AS DISTRICT EMPLOYEE; AND (4) CLARIFY THE EFFECT OF THE BIFURCATION OF SERVICE ON THE HEALTH INSURANCE BENEFIT

Introduced by Director

; Seconded by Director

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

Amendments to exclude East Bay Municipal Utility District (EBMUD) retirees who serve on the EBMUD Board of Directors from participating in the Retirement System and clarify the definition of "Director:"

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 15, 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.**

2. Amend Section 2(b) as follows:

“Employee” shall mean any person, including persons generally classed as officers or officials, in the employ of the East Bay Municipal Utility District whose Compensation in such employment is paid wholly by the District. ~~For purposes of this Ordinance “Employee” shall also include persons holding elective office as Director of the District.~~

3. 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.

Amendment to limit the Terminal Compensation of a future Director:

1. 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 first elected or appointed a

Director on or after July 15, 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.

Amendments to bifurcate the service of a future Director from service as a District employee:

1. Section 2(g) of the Retirement Ordinance titled “Definitions” shall be amended as follows:
For purposes of this Ordinance, a Director shall be considered as being in the District service at all time during which the office of Director is held. **For an elected or appointed Director, who first performs services as a Member of the Retirement System as a Director on or after July 15, 2024, “District Service” performed as an Employee shall not be combined with “District Service” performed as a Director for purposes of determining Current Service under Sections 15 and 42 or for purposes of determining Continuous Service under Section 36.**
2. Section 12(f) of the Retirement Ordinance titled “Refund of Contributions” shall be amended as follows:

Any member who re-enters District Service, and who elected to remain a Member of the Retirement System pursuant to Section 12(b)(2), shall receive credit for all service prior to the date of termination in the same manner as if he or she never left District Service and the two periods of service shall be deemed a single period for purposes of monthly Retirement Allowance calculations.” **Effective on or after July 15, 2024, a Member who elected to remain a Member of the Retirement System pursuant to Section 12(b)(2) and who re-enters District Service as a Director, shall not be entitled to treat the two periods of service as a single period for purposes of determining monthly Retirement Allowance calculations under Sections 15 and 42, as well as eligibility for the Health Insurance Benefit pursuant to Section 36(d), and shall be treated as a new Member for the period of service as Director and the period of service as a Director shall not be combined with service as an Employee.**

Terminal Compensation shall be as provided in Section 2(m) and the two periods of service shall be deemed a single period for purposes of monthly Retirement Allowance calculations, provided that the Member completes five years of Continuous Employment after re-entry. Any member who fails to complete five years of Continuous Employment after re-entry shall be considered a new Member for the second period of service. **Effective on or after July 15, 2024, Terminal Compensation for a Director who re-enters District Service pursuant to this Section 12(f) shall be based on the highest average annual compensation earnable by the Director during the period of service as 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 clarify the effect of bifurcation of the service of a future Director from service as a District employee on Health Insurance Benefits:

1. Amend Section 36 by adding the following section:

(m) Effective July 15, 2024, for purposes of determining eligibility for and the amount of any benefit provided under Section 36, the period of service as a Director shall not be combined with service as an Employee. Eligibility for and the amount of the Health Insurance Benefit to be provided under Section 36 for service as a Director will be determined using only the Member's Continuous Service credited during the period of service as a Director. Eligibility for and the amount of the Health Insurance Benefit to be provided under Section 36 for service as an Employee will be determined using only the Member's Continuous Service credited as an Employee. A Member may qualify independently for two separate Health Insurance Benefits, one based on the period of Continuous Service as an Employee and one based on the period of Continuous Service as a Director, however, the combined amount for each period shall not exceed one-hundred percent (100%) of the HIB set forth in Section 36(d).

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 28, 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 June 11, 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

ITEM 17

GENERAL MANAGER'S
REPORT

WILL BE PROVIDED
AS AN ORAL REPORT

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 23, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Planning Committee Minutes – May 14, 2024

Chair Marguerite Young called to order the Planning Committee meeting at 9:01 a.m. in the Administration Building Boardroom. Directors April Chan and Doug A. Linney were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Operations and Maintenance David A. Briggs, Senior Civil Engineer Maura A. Bonnarens, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on documents she provided to the Committee, the Pierce/Bland case, and the lack of promotional and training opportunities for certain classifications in the Operations and Maintenance Department.

Presentations/Documentation. 1) Presentation entitled, “New Central Area Service Center,” dated May 14, 2024; 2) Document untitled related to retiree salary (undated); and 3) Document titled Appeal of Notice Closure, dated November 23, 2014.

New Central Area Service Center Update. Senior Civil Engineer Maura A. Bonnarens provided an update on the new service yard facility to be constructed at Mandela Parkway and 26th Street in West Oakland. The District will relocate equipment and personnel from the existing service yard at Union and West Grand to the new facilities which will accommodate the District’s pipeline maintenance and construction activities in Oakland and the surrounding communities. The new site will include a 5,900 square foot administration building; concrete walls up to 20 feet high for security; high-speed roll-up doors; a small parts warehouse; and crew storage bins. It will also include on-site parking areas as well as electric vehicle charging stations for employees and fleet vehicles. A permanent canopy with photovoltaic panels is planned for the employee parking area. Community benefits include new landscaping and sidewalks and working with the City of Oakland Encampment Management Team to relocate unhoused persons living near the site and to move an Oscar Grant mural. The Oakland Planning Commission unanimously approved the Major Conditional Use Permit for the project on April 3, 2024; no appeals were filed during the appeal period. The project, with estimated design costs of \$800,000 and construction costs of \$25.2 million, is set for construction from September 2025 to September 2027 and operational by November 2027. Ms. Bonnarens addressed Committee questions about the need to construct new concrete walls; working with the city to relocate unhoused persons near the site; current conditions and plans for the existing service yard; why the District selected this particular site; incorporating art into the project design; and funding approval for construction. The Committee asked staff to work with the city to support case management for the unhoused persons near the project site. It was moved by Director Chan, seconded by Director Linney, and carried (3-0) by voice vote to accept the report.

Board of Directors Standby Officers. Director of Operations and Maintenance David A. Briggs provided the report. The Board asked staff to review the current process for designating Board Standby Officers which is outlined in Policy 7.03 – Emergency Preparedness/Business Continuity and the Office of the General Manager’s Business Continuity Plan (BCP). These documents state Board members shall select three Standby Officers to serve in their place in the event of the Board Member’s unavailability under their Emergency Succession Plan. Staff recommends modifications to Policy 7.03 and the BCP to allow Board members to designate a minimum of two and no more than three Standby Officers. A Board member may choose, and the Board has the option to appoint, a third Standby Officer. That Standby Officer can reside within or outside the Board member’s ward or outside the District’s service area. All existing Standby Officers will remain active for the rest of this calendar year pursuant to their respective appointments, regardless of whether the Board modifies Policy 7.03 and the BCP. If the Board approves the modifications this year, the changes will take effect in 2025. Director Chan announced she would like Bill Clarkson (former Mayor of San Ramon) to be considered as a Standby Officer for Ward 7. It was moved by Director Chan, seconded by Director Linney, and carried (3-0) by voice vote to support the staff recommendation.

Adjournment. Chair Young adjourned the meeting at 9:33 a.m.

CCC:RSC

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 23, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative/Human Resources Committee Minutes – May 14, 2024

Chair William B. Patterson called to order the Legislative/Human Resources Committee meeting at 9:37 a.m. in the Administration Building Boardroom. Directors Luz Gómez and Lesa R. McIntosh were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Special Assistant to the General Manager Derry L. Moten, Manager of Legislative Affairs Kathy Viatella, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on documents she provided to Director Gómez and the McIntosh-Erving versus EBMUD settlement agreement she emailed to Board members.

Presentations/Documentation. 1) Presentation entitled, “Diversity, Equity, and Inclusion Strategic Plan Update,” dated May 14, 2024.

Diversity, Equity, and Inclusion Strategic Plan (DEISP) Update. The DEISP is divided into five strategic pillars (Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility), which guide plan implementation. Special Assistant to the General Manager Derry L. Moten presented an update on Leadership Commitment. The Senior Management Team is piloting a revised performance planning and appraisal process that focuses on evaluating performance and achieving goals in leadership commitment using the Leadership Practices Inventory® (LPI), DEI commitment, and Fiscal Year 2024 strategic priorities. He discussed each of these areas; resources supporting inclusive leadership development; key leadership development courses in the Managers and Supervisors Training (MAST) program; a new e-learning program developed for new supervisors; and resources available on the DEI intranet page. Staff will evaluate and refine the revised performance planning and appraisal process and roll it out to Management Team members; expand the leadership competency model; continue expanding DEI learning opportunities; and continue implementing the DEISP. Addressing the committee was Eric Larsen, President, AFSCME Local 444, who commented on the need for more outreach and opportunities for frontline trades workers to take MAST classes and for more entry level positions. Mr. Moten addressed questions from the Committee on mentoring or buddy programs for new managers and supervisors; expectations for employees to complete District training during regular work hours; and staffing needs for DEISP implementation. General Manager Clifford C. Chan said staff will provide information on training opportunities for non-supervisory staff at a future meeting and will evaluate resource needs for DEI efforts. Staff will also explore developing a mentoring program for new managers and supervisors. Addressing the Committee was Ivette Rivera who commented on Eric Larsen’s remarks, assessing whether District supervisors support mobility, working out of class, promotions, and training for their staff, and the McIntosh-Erving versus EBMUD settlement agreement she emailed to Board members.

Legislative Update. Manager of Legislative Affairs Kathy Viatella provided an overview of Assembly member Diane Papan's background and reviewed the following bills in Legislative Report No. 03-24: 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, and SB 1517 (Committee on Local Government) Validations. Ms. Viatella and General Counsel Derek T. McDonald addressed Committee questions on how AB 1827 could impact the District's Cost of Service Study; the current timeline for the public to protest rates under Proposition 218 and the District's Proposition 218 notification process. It was moved by Director McIntosh, seconded by Director Gómez, and carried (3-0) by voice vote to support the staff recommendations for AB 1798, AB 1827, and AB 2257. It was moved by Director Gómez, seconded by Director McIntosh, and carried (3-0) by voice vote to support the staff recommendations for AB 3023, SB 1515, SB 1516, and SB 1517. Next, Ms. Viatella provided an update on four water and sewer connection fee and capacity charge-related bills of direct interest to EBMUD – AB 1820 (Schiavo), AB 2729 (Joe Patterson), SB 937 (Wiener) and SB 1210 (Skinner). Generally, the four bills would have treated connection fees and capacity charges the same as other impact or development fees. She reported staff successfully worked with the authors and sponsors of the bills, as well as EBMUD associations, to address the District'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.

Adjournment. Chair Patterson adjourned the meeting at 10:44 a.m.

CCC/RSC