



# Public Hearing Fiscal Year 2025 Proposed Non-Prop 218 Rates, Charges & Regulations

Board of Directors

June 11, 2024

## Mid-Cycle Rates and Charges

- May 14, 2024** 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 for Fiscal Year 2025
- May 28, 2024** Conducted Mid-Cycle Budget Workshop
- June 11, 2024** Hold Public Hearing and Consider Adoption of Non-Proposition 218 Rates and Charges, Capacity Charges, and Other Fees

## Proposed Updates to Non-Proposition 218 Rates & Charges

- Account Establishment Charge (Schedule B)
- Charges for Special Services (Schedule C)
- Water Service Installation Charges (Schedule D)
- Private Fire Service Installation Charges (Schedule E)
- Public Fire Service Installation Charges (Schedule F)
- Water Main Extension Charges (Schedule G)
- Standard Participation Charge (SPC) (Schedule H)
- System Capacity Charges (SCC) (Schedule J)
- Water Demand Mitigation Fees (Schedule N)

# Proposed Updates to Non-Proposition 218 Rates & Charges

- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees
- Wastewater Department Industrial Permit Fees (Schedule C)
- Wastewater Department Other Fees (Schedule D)
- Wastewater Department Testing Fees (Schedule E)
- Wastewater Department Rates for Resource Recovery Material Treatment (Schedule F)
- Wastewater Department Capacity Fees (Schedule G)
- Wastewater Department Wastewater Interceptor Connection Review, Coordination, and Inspection Fee (Schedule H)

# Proposed Updates to Water Service Regulations

- Section 1 – Explanation of Terms Used in these Regulations
- Section 29 – Water Use Restrictions

# Recommended Action

## Adopt

- Revised Water System and Wastewater Systems rates, charges, and other fees not subject to Proposition 218
- Revised regulations recommended in 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 for Fiscal Year 2025”

# Questions





# **Second Reading of Ordinance Amending the Retirement Ordinance Pertaining to Board Members' Pension Benefits**

**June 11, 2024 Board Meeting**

- Second Reading
- Vote to Adopt Ordinance Amending the Retirement Ordinance

# Amendment to Define “Director”



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.~~

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 Exclude District Retirees



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 first 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 Limit Terminal Compensation



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.

# Amendment to Limit Terminal Compensation



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 Service



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 times 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.**

# Amendments to Bifurcate Service



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.**

# Amendments to Bifurcate Service



Section 12(f) of the Retirement Ordinance titled “Refund of Contributions” shall be amended as follows:

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.**

# Amendments to Bifurcate Service



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).**

- Vote to adopt the Ordinance Amending the Retirement Ordinance to:
  - (1) Exclude District Retirees who become Directors from the Retirement System and define “Director”
  - (2) Limit the Terminal Compensation that may be applied to the Retirement Allowance of a Director
  - (3) Bifurcate the service of a future Director from service earned as a District employee
  - (4) Clarify the effect of bifurcation on HIB
  
- Ordinance takes effect July 12, 2024



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# Walnut Creek Water Treatment Plant Pretreatment Project

Final EIR and Project Approval  
Board of Directors

June 11, 2024

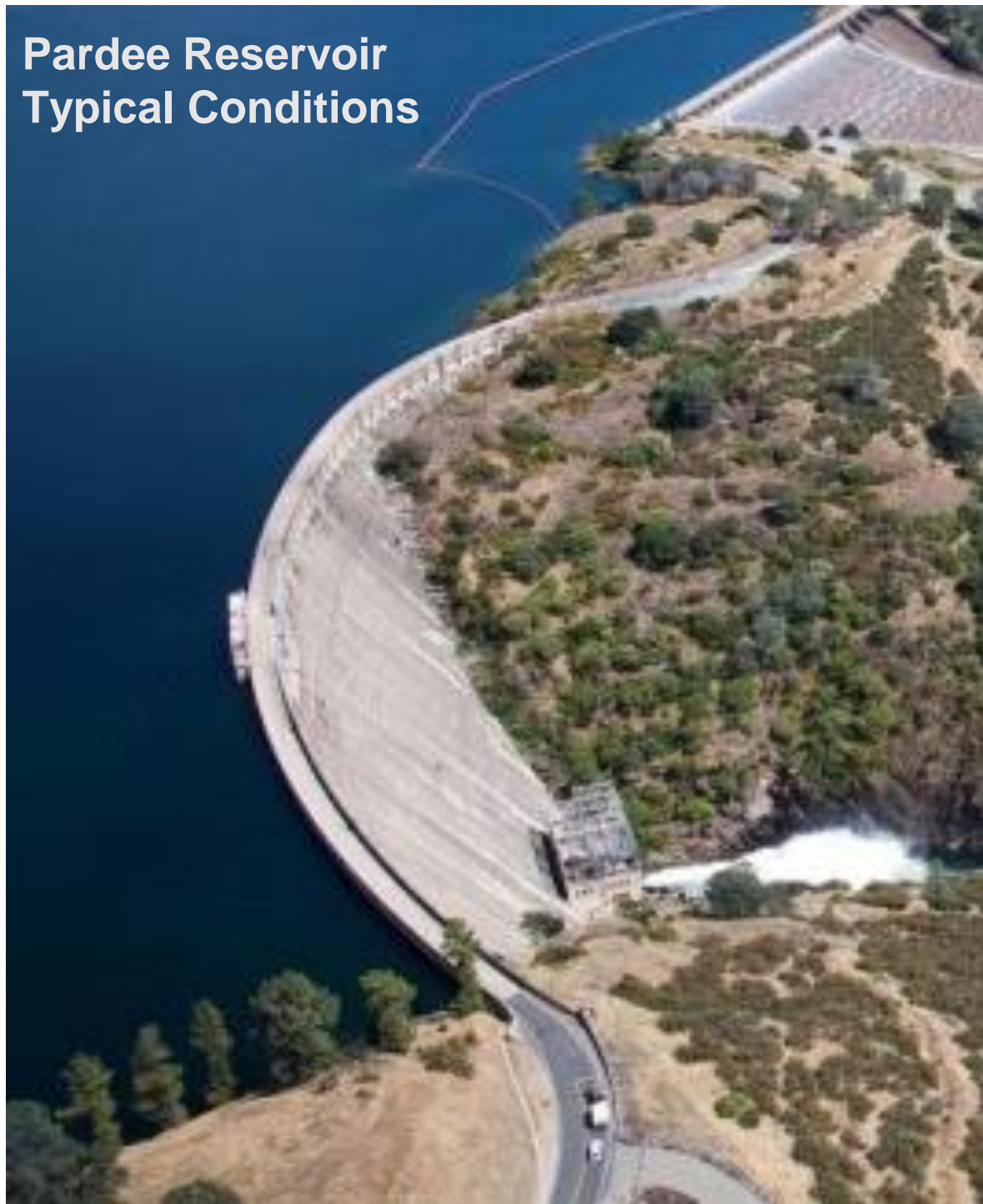
*EIR = Environmental Impact Report*



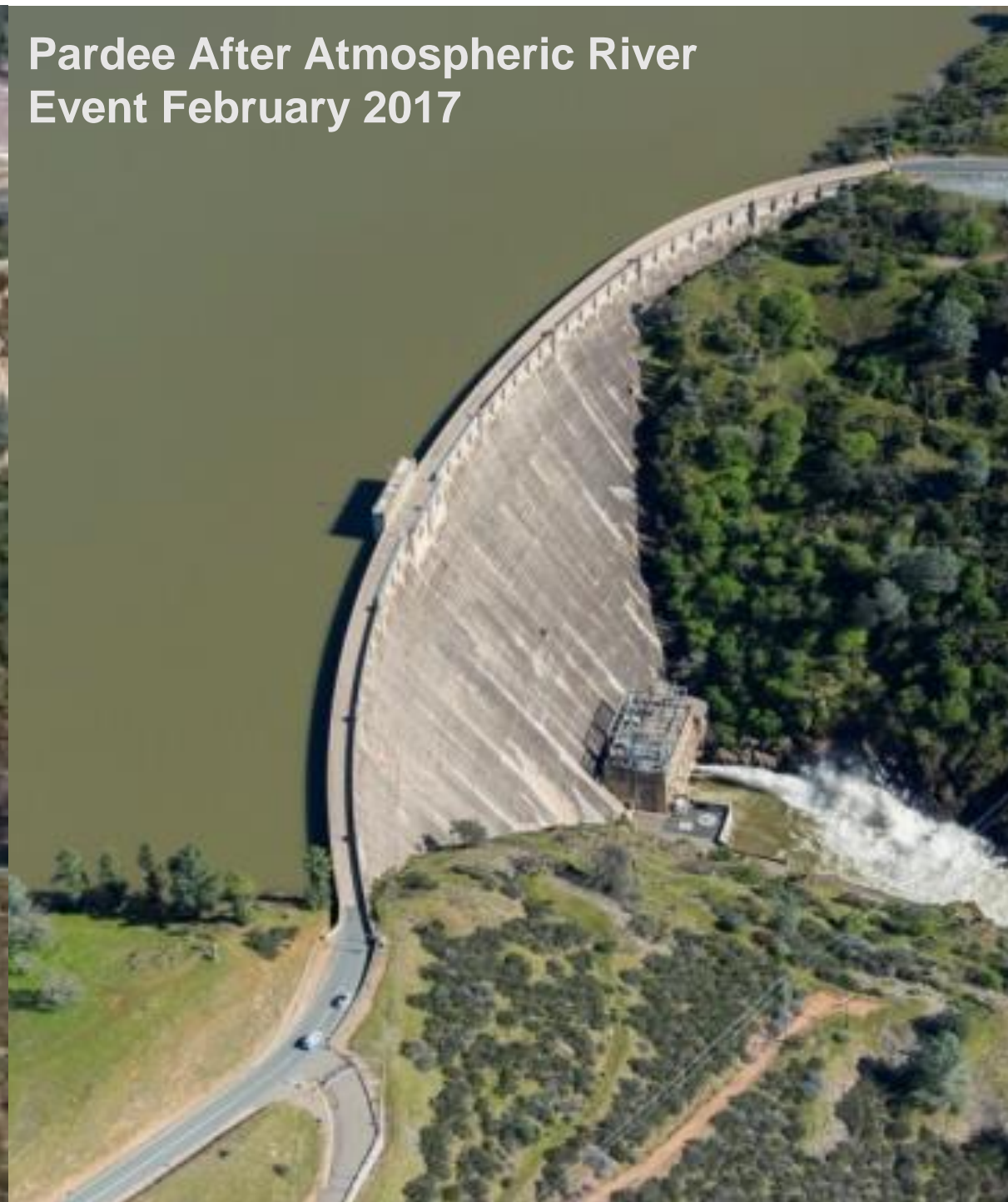
# Agenda

- Purpose and Need
- Project Location and Description
- Draft EIR Analysis, Public Outreach and Comments
- Key Mitigation Measures
- Schedule and Next Steps
- Recommended Action

# Purpose and Need



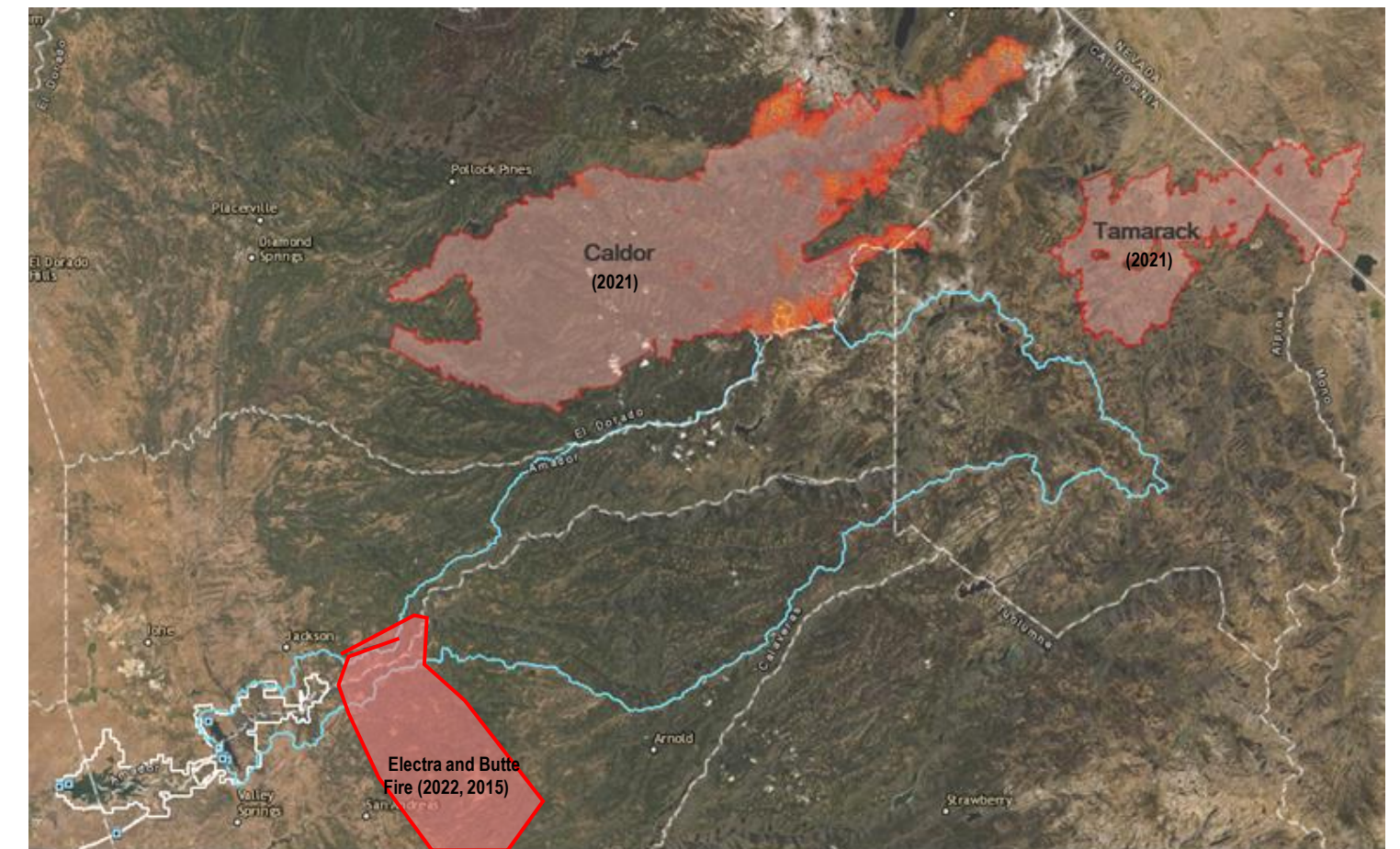
Pardee Reservoir  
Typical Conditions



Pardee After Atmospheric River  
Event February 2017



Freeport Regional Water Facility Intake



Recent Wildfires in the Mokelumne Watershed

# Briones Reservoir & Los Vaqueros Reservoir Water Quality

## Briones Reservoir

- Water quality has degraded due to effects of climate change, (e.g., algal blooms)
- Briones increasingly requires pretreatment to meet water quality goals



Briones Reservoir

## Los Vaqueros Reservoir (CCWD Intertie)

- CCWD currently uses pretreatment and ozone at their WTPs to treat water from Los Vaqueros Reservoir



Los Vaqueros Reservoir (Emergency Intertie)

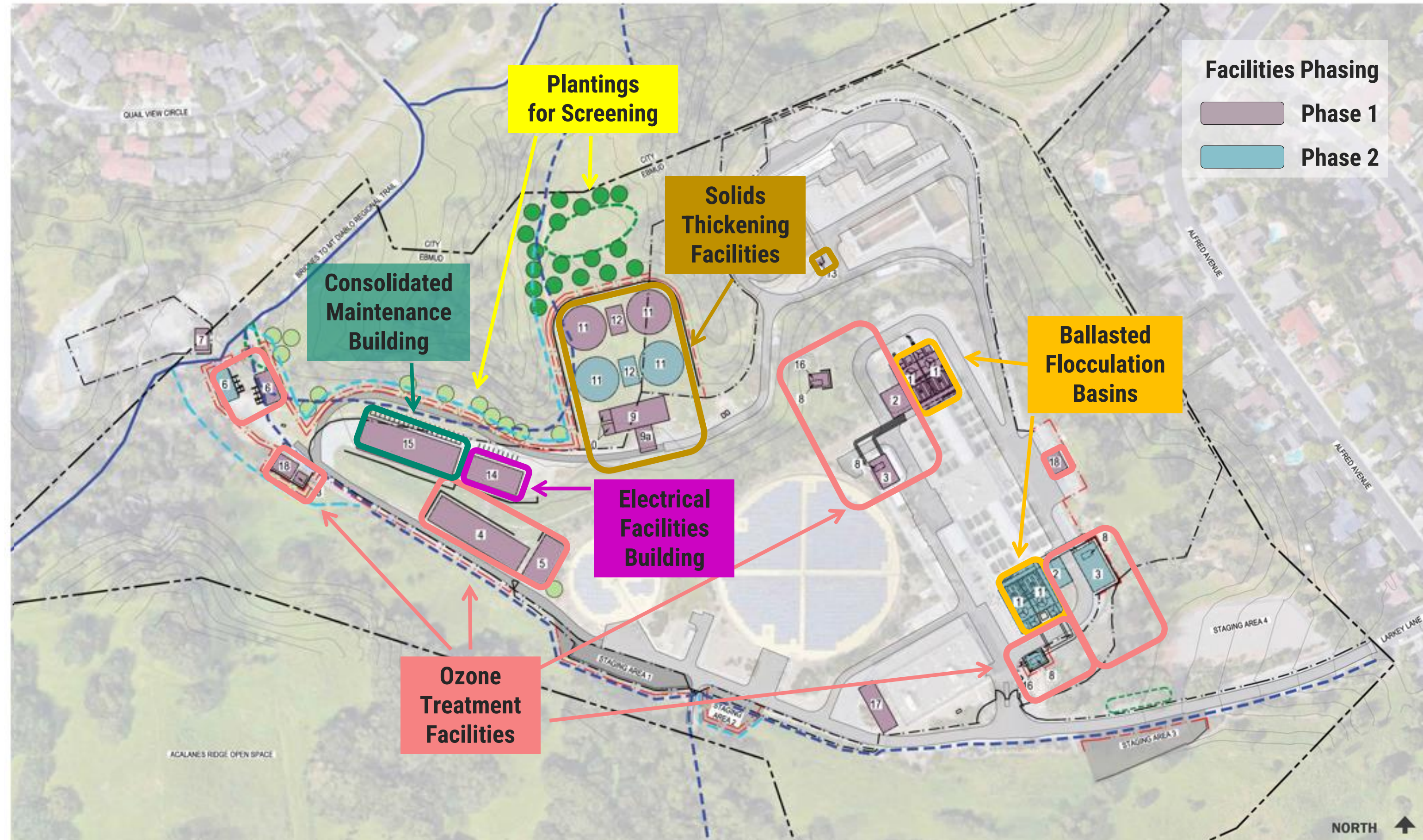
## Key Takeaway

- Important emergency raw water supplies cannot be reliably treated at WCWTP without pretreatment.

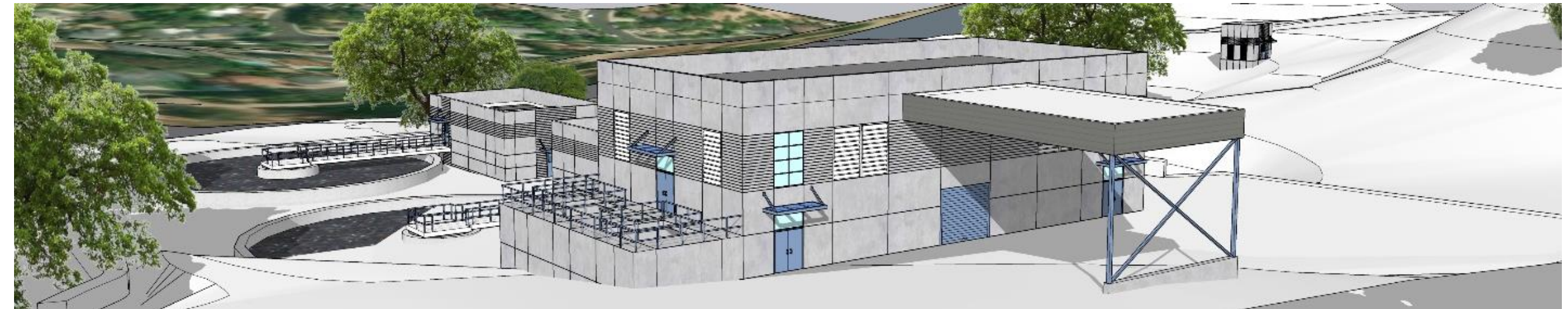
## Previous Board of Director Briefings and Staff Reports

- November 2018, November 2019, and November 2020 - Long-Term Infrastructure Investment Workshops
- March 2021 – BOD authorized consultant contract for CEQA professional services
- October 2022 – Long-Term Infrastructure Investment Workshop
- September 2023 – BOD Planning Committee Update for Draft EIR Release

# Walnut Creek WTP Site Facilities



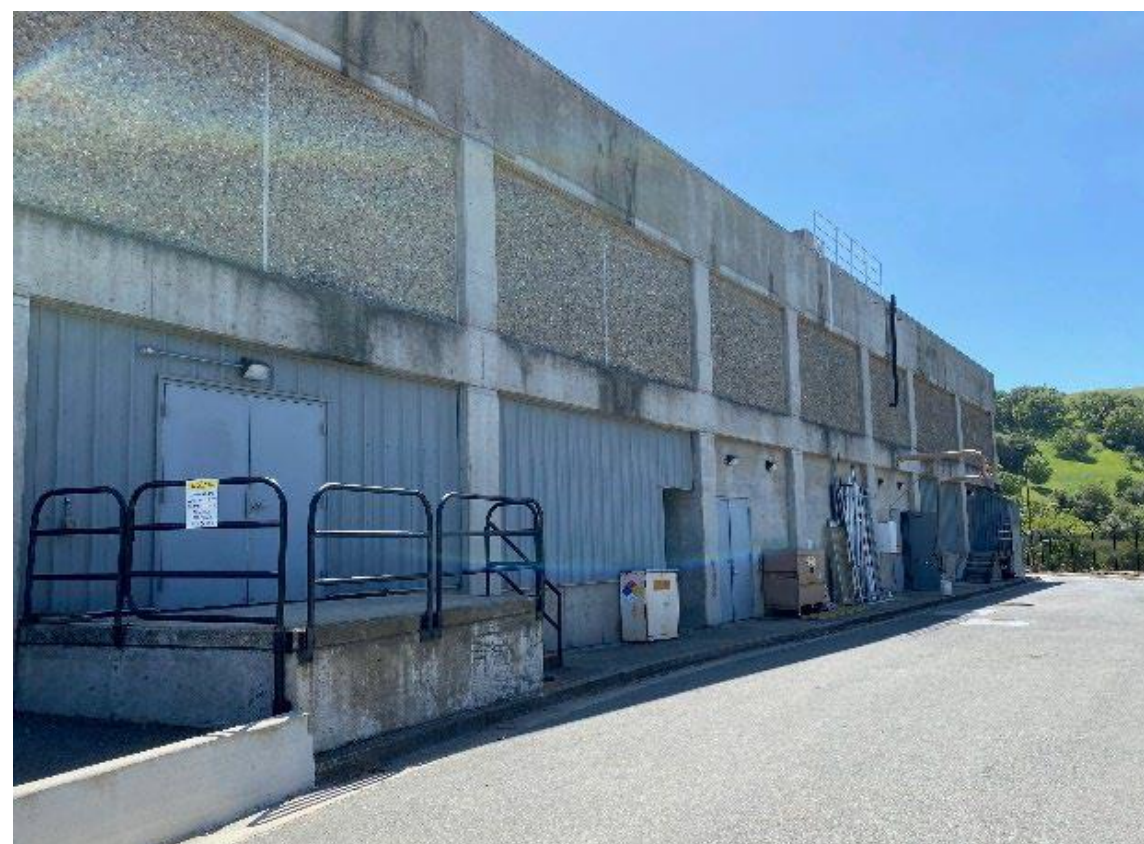
# Walnut Creek WTP Site Architecture



Solids Thickening Facilities



Ozone Generation Building



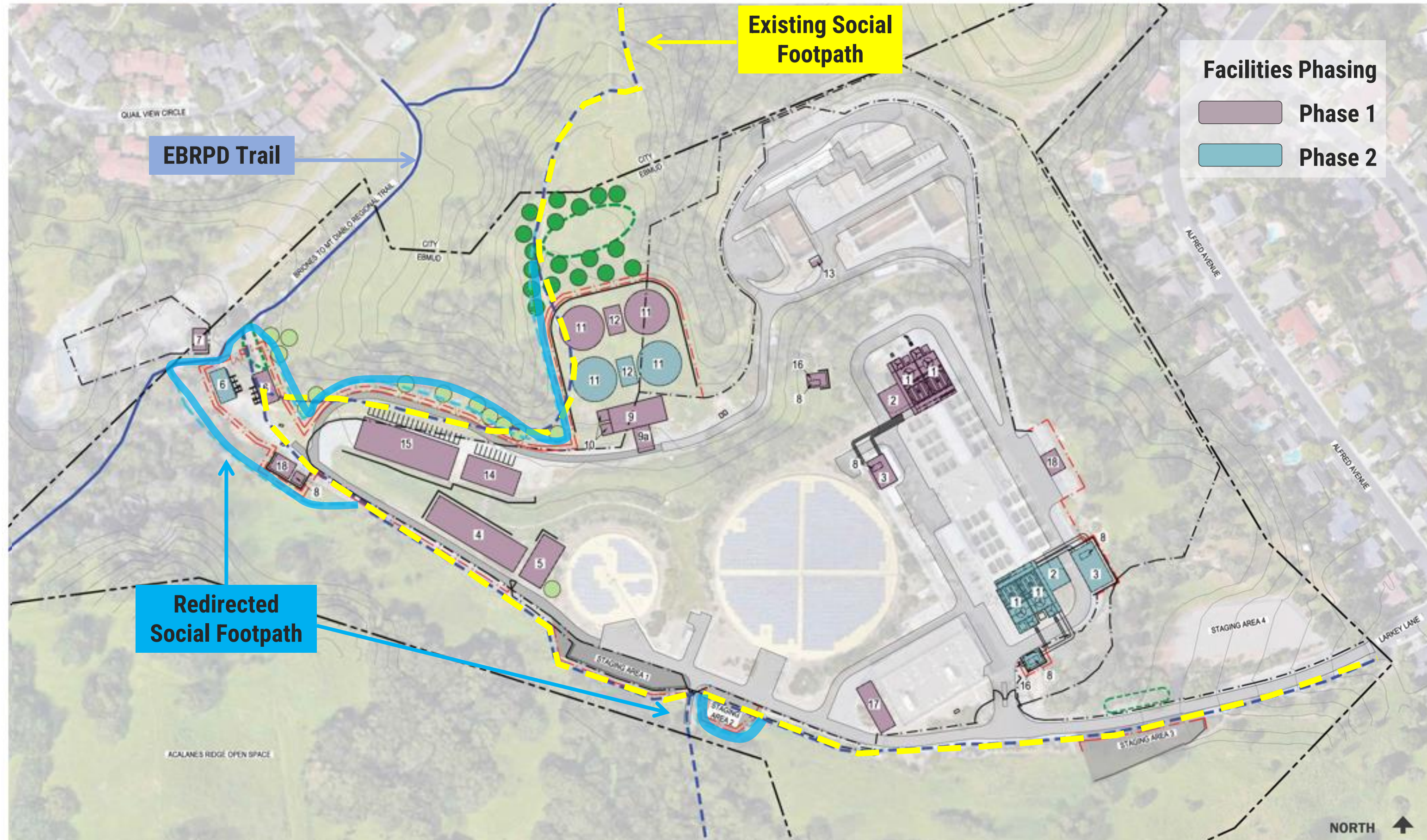
Existing Building



Consolidated Maintenance Building

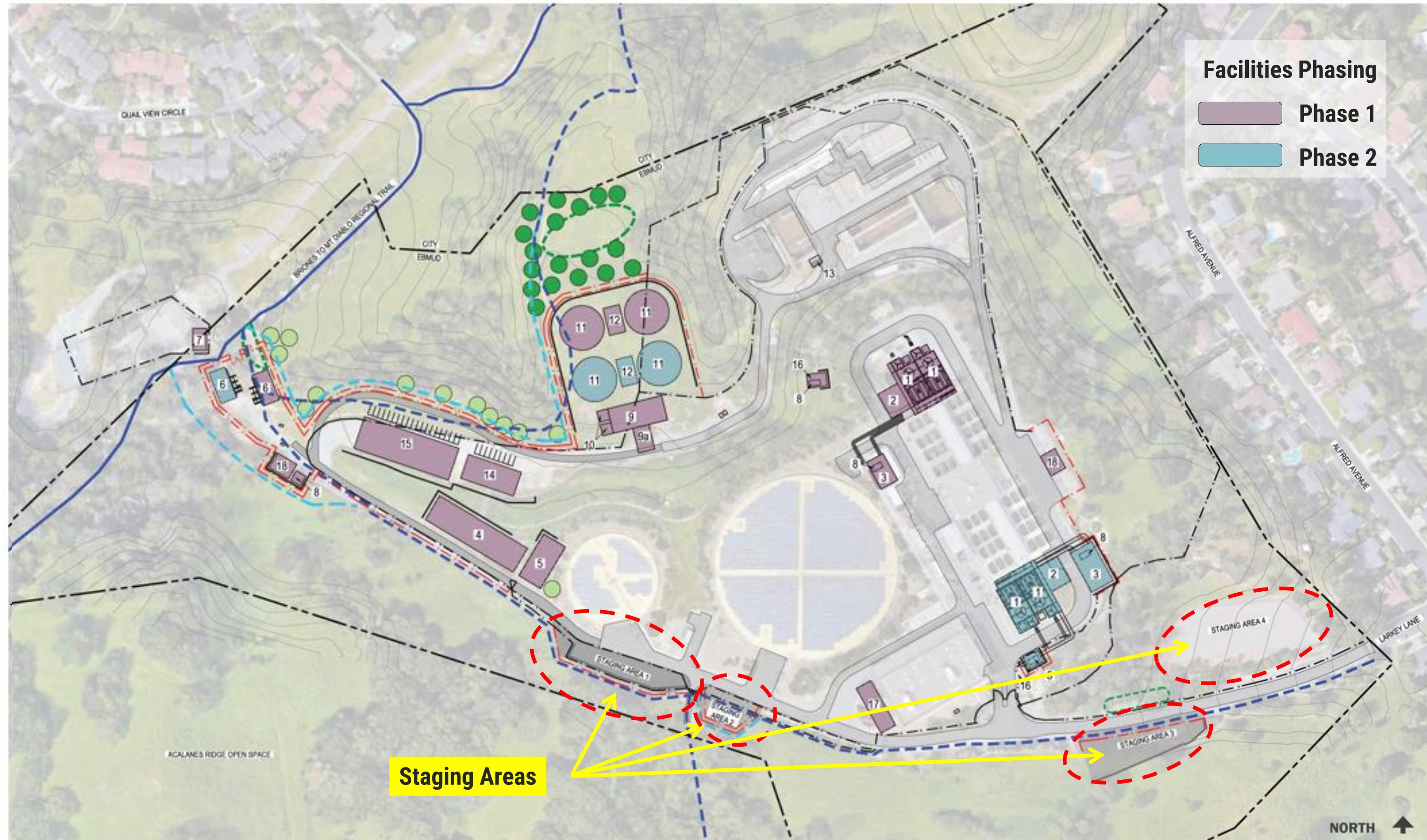
# Walnut Creek WTP Site

## Social Footpath



# Walnut Creek WTP Site

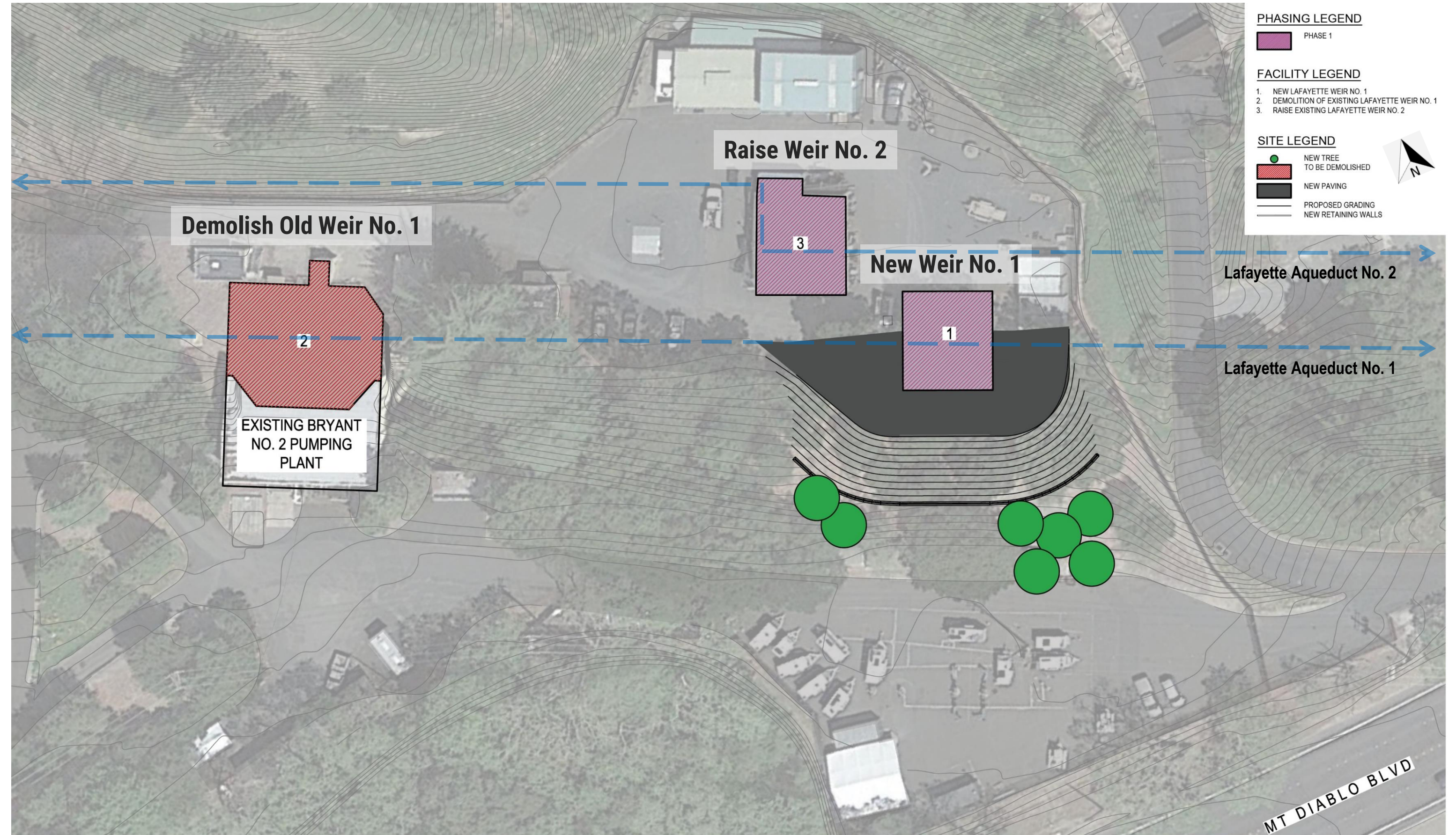
## Staging Areas



# Lafayette WTP Site

## Facilities

All work to be completed in Phase 1



# Draft EIR Analysis

Environmental Factors	Less than Significant	Less than Significant with Mitigation	Significant and Unavoidable with Mitigation
Aesthetics	√		
Air Quality	√		
Biological Resources	√		
Cultural Resources	√		
Energy	√		
Geology & Soils	√		
Greenhouse Gas Emissions	√		
Hazards & Hazardous Materials	√		
Hydrology & Water Quality	√		
Land Use and Planning	√		
Noise		√	√
Recreation	√		
Transportation		√	
Tribal Cultural Resources	√		
Wildfire	√		

# Agency and Public Outreach

- City of Walnut Creek
- City of Walnut Creek City Council
- City of Lafayette
- Temple Isaiah
- East Bay Regional Park District
- Buena Vista Elementary School
- Contra Costa Christian School
- Letters to over 60 agencies
- 750 Postcards to area residents
- Emails to all Walnut Creek and Lafayette residents registered with EBMUD  
~16,000 emails
- Acalanes Open Space Trailhead Kiosks
- Next Door
- East Bay Times Newspaper
- Walnut Creek and Lafayette Libraries

# Public Meetings and Commenters

Public Meetings and Written Comments	Attendees	Larkey Lane Commenters	Quail Ridge Commenters	Other Commenters
NOP/Scoping Meeting (March 2022)	22	4	4	1
NOP/Scoping Written Comment Letters		4	2	4
Draft EIR Meeting (October 2023)	9	4	0	2
Draft EIR Written Comment Letters		5	4	3

Additional follow up meetings to clarify and respond to Draft EIR comments:

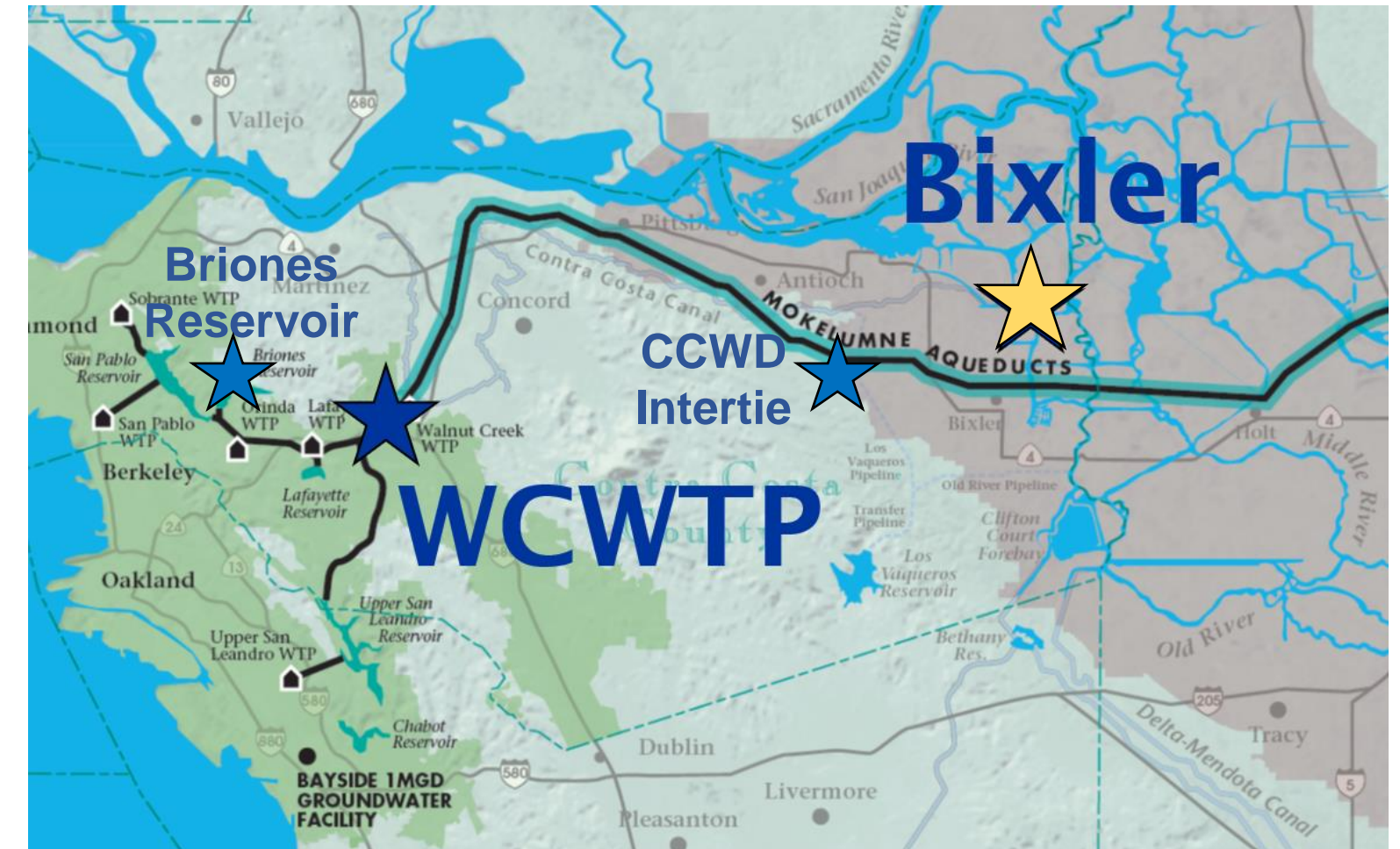
- 3 meetings with as many as 5 members of Quail Ridge community
- 4 meetings with as many as 30 members of Larkey Lane community

# Draft EIR Comments

- Aesthetics
- Alternatives
- Staging, noise, air quality, traffic during construction
- Chemical safety
- Seismic safety
- Wildfire risk
- Emergency evacuation
- Traffic during operations and maintenance

# Bixler Alternative

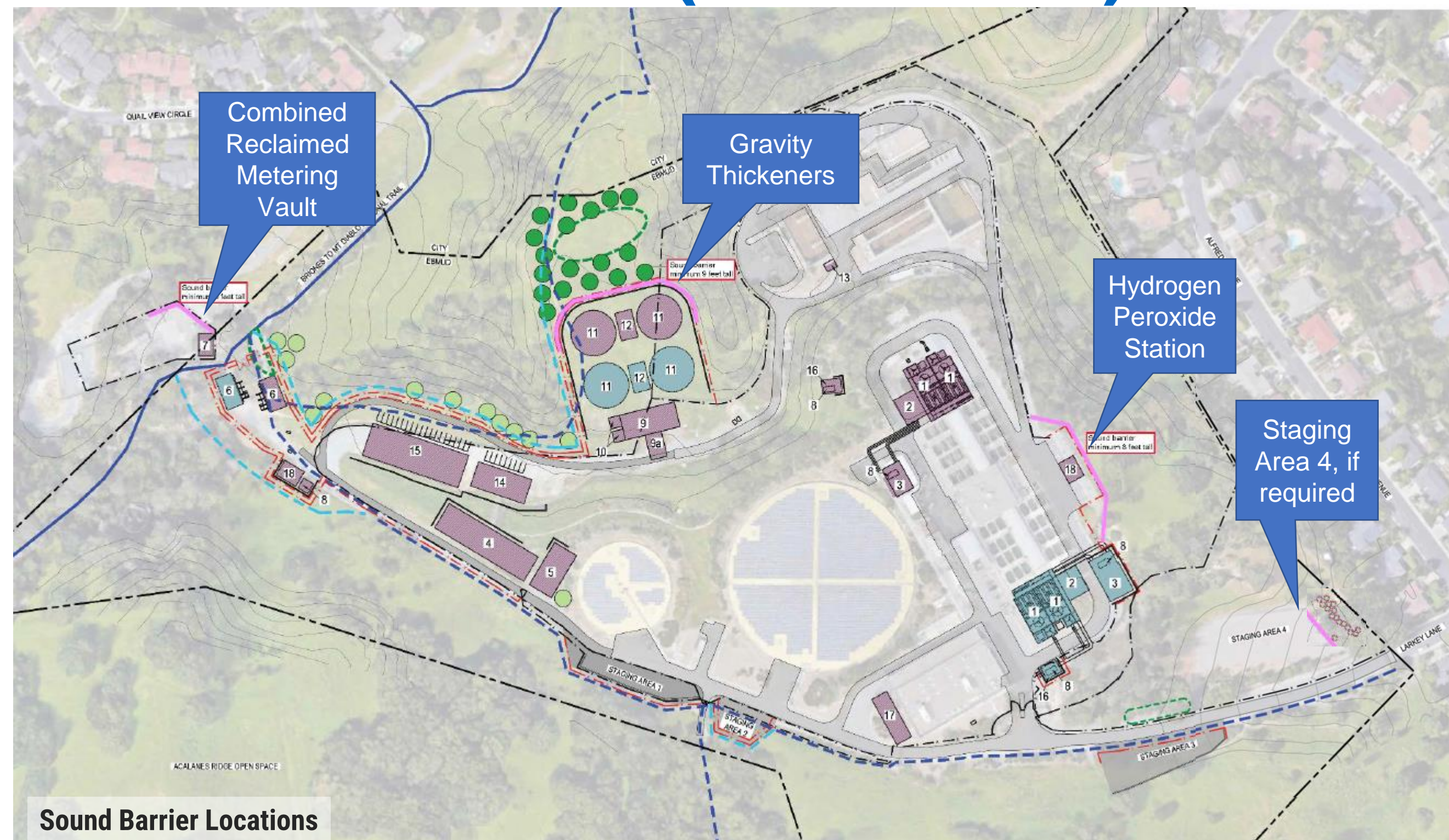
- **Does not meet water system goals of operational flexibility and resilience**
  - Does not treat water from Briones Reservoir or Contra Costa Water District Intertie
- **Does not meet water system goals of minimizing future risk**
  - Pumped pressures could cause Mokelumne Aqueduct failures
  - Remote chemical dosing may affect water quality
  - Flooding may affect access/operation
- **Does not meet sustainability goals**
  - High energy use and capital cost



*Mokelumne Aqueduct Construction (circa 1929)*

# Key Mitigation Measures: Noise (MM NOI-1)

- Minimize or eliminate early morning construction activity noise before 7:00 a.m.
- Install temporary sound barriers for the duration of construction
- Analysis finds noise not expected to exceed thresholds
  - Redwood fence erected at Staging Area 4 if thresholds are exceeded
  - Early shrub planting for screening



# Key Mitigation Measures: Transportation (MM TRA-1 and TRA-2)

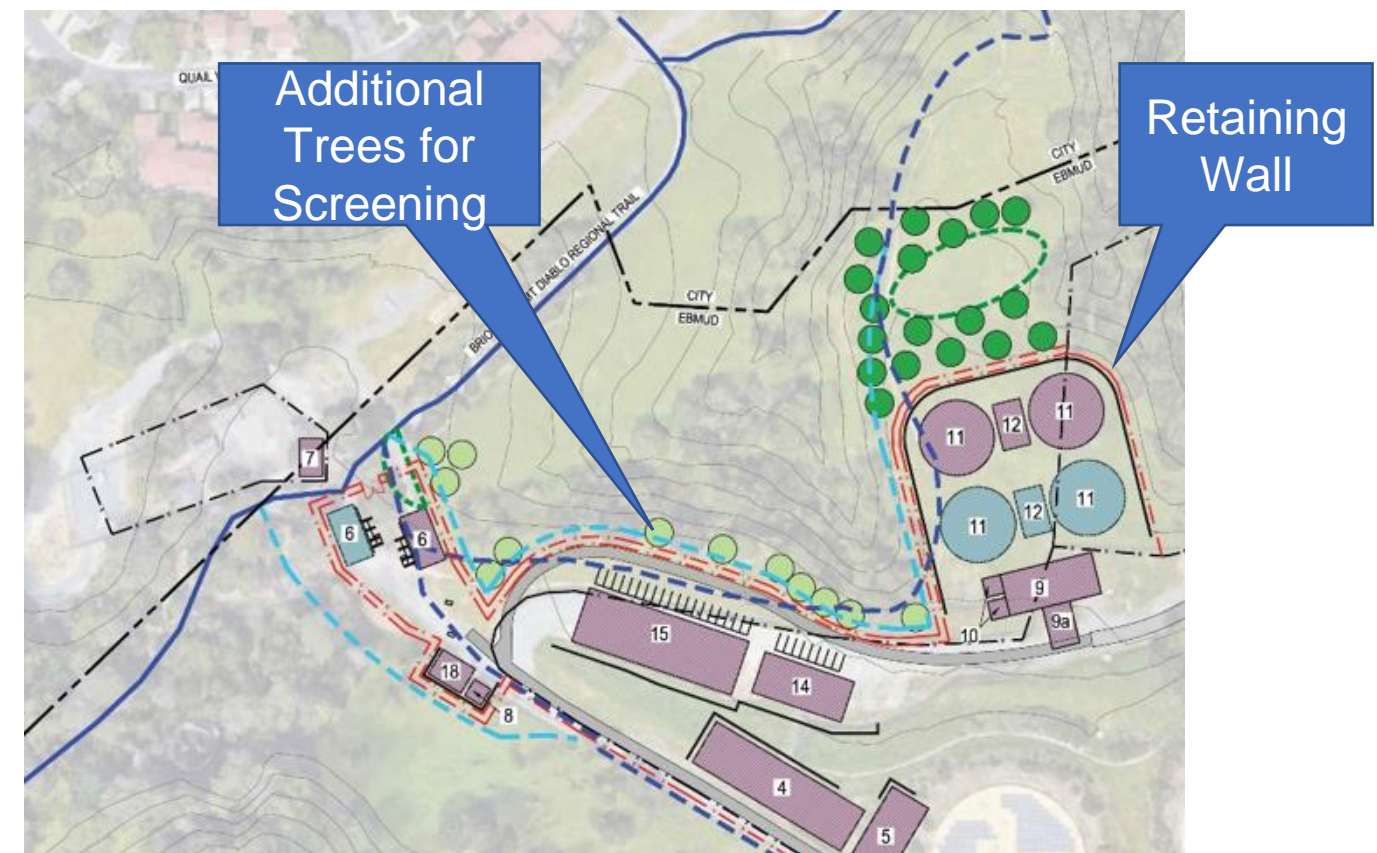
- Restrict heavy truck traffic (except concrete trucks) between 9:00 a.m. and 3:30 p.m.
- San Luis Road and Larkey Lane pavement damaged by Project will be structurally repaired to pre-Project conditions
- Flaggers at Larkey Lane/Alvarado Avenue and Larkey Lane/San Luis Road at school start and dismissal times
- Radar speed feedback signs on Larkey Lane and San Luis Road
- Contractor compliance with written traffic safety requirements



# Final EIR

Revisions to Draft EIR include:

- Additional flagger and radar speed feedback signs on San Luis Road
- Training and signage to restrict vehicle idling, loud music, or workers congregating at Staging Area 4
- Redwood fence sound barrier at Staging Area 4 only if warranted by noise monitoring and early shrub planting for screening
- Additional trees to be planted after construction to screen the Consolidated Maintenance and Electrical Buildings
- Architectural finish on retaining wall around gravity thickeners for aesthetic considerations

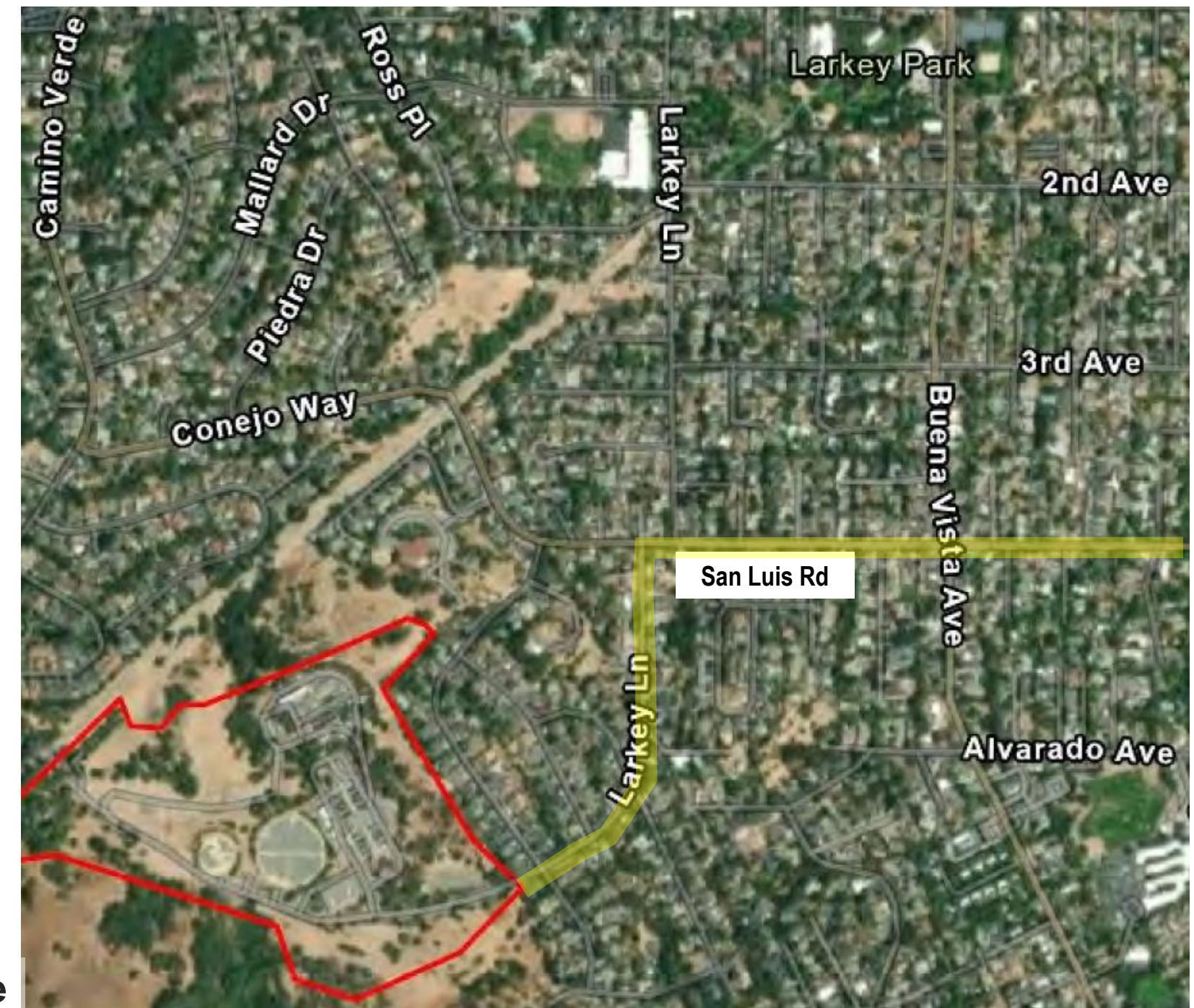


# Traffic during Operation and Maintenance

- Workers increase by up to 4 per day
- Chemical deliveries increase from approximately 2 to 4 per week
- Solids off haul increases primarily due to anticipated future higher turbidity and demands:
  - Average would increase from approximately 2 to 3 per day
  - Conservatively, rare peak turbidity events would yield approximately 21 roundtrips per day

# Significant and Unavoidable: Early Morning Concrete Truck Noise

- Extended, large concrete pours at Walnut Creek WTP require a 6:00 a.m. start time
- Noise impact is significant and unavoidable for off-site haul traffic noise before 7:00 a.m. along San Luis Road
- Estimated to be 40 days during Phase 1 (3.5 to 5 years), 15 days during Phase 2 (3 years)



 = Project Haul Route

## Schedule and Next Steps

- Board Considers Final EIR and Project Approval – June 11, 2024
- Design – 2024 to 2027
- Construction of Phase 1 – begins 2027 (3.5 – 5 years)
- Construction of Phase 2 – TBD

## Recommended Actions

- Certify the Final EIR for the Walnut Creek WTP Pretreatment Project (Project)
- Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations
- Adopt the Mitigation Monitoring and Reporting Plan (MMRP) in accordance with CEQA
- Adopt the Practices and Procedures Monitoring and Reporting Plan
- Approve the Project

Questions?



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