



**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, June 25, 2024

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

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

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Conference with Labor Negotiators Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; Adam Smyer, Manager of Employee Relations; and Valerie R. Weekly, Principal Management Analyst, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.

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

REGULAR BUSINESS MEETING
1:15 p.m.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- International Partnering Institute Award
- Construction Management Association of America Award

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 12 recommendations, including 1 resolution.)

1. File correspondence with the Board.
2. Authorize an agreement beginning on or after June 25, 2024, with Carollo Engineers, Inc. in an amount not to exceed \$3,576,500 for professional engineering design services for infrastructure and process improvements for the Point Isabel, Oakport, and San Antonio Creek wet weather facilities.
3. Authorize an agreement beginning on or after July 1, 2024 with Civicorps for one year in an amount not to exceed \$636,000 for vegetation control and related services at various District properties.
4. Authorize an agreement beginning on or after June 25, 2024 with Enthalpy Analytical, LLC for \$262,000 for two years, with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$655,000 for laboratory sample analysis services.
5. Authorize an agreement beginning on or after July 1, 2024 with Industrial Employers and Distributors Association for \$264,994 for two years, with an option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$407,515 for expert labor relations negotiating and consulting services.
6. Authorize an agreement beginning on or after June 25, 2024 with Info-Tech Research Group Inc. for \$162,424 for two years and an additional \$61,451 for optional, additional services for a total amount not to exceed \$223,875 for information and technology research and advisory services to support District IT strategy, governance, innovation, planning, change management and continuous improvement. This agreement will be made under State of California contracts available for use by local governments.

CONSENT CALENDAR: (Continued)

7. Authorize an agreement beginning on or after June 25, 2024 with Trace3, LLC in an amount not to exceed \$166,000 for one year for maintenance and support services for NetApp data storage system software and related hardware. This agreement will be made under State of California contracts available for use by local governments.
8. Authorize actions related to asphaltic cement and concrete saw cutting services.
 - 8a. Authorize amendments to the agreements previously authorized under Board Motion No. 011-24 with Bay Line Cutting & Coring, Inc.; Concrete Demo Works, Inc.; Concrete Wall Sawing Co., Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company, to increase the aggregate amount of those agreements by \$1,300,000 to a total aggregate amount not to exceed \$4,065,000 and extend the term of the agreements to June 25, 2025 for asphaltic cement and concrete saw cutting services.
 - 8b. Authorize additional agreements for asphaltic cement and concrete saw cutting services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on June 25, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
9. Authorize an amendment to the agreement previously authorized under Board Motion No. 169-18, with Solar Turbines Incorporated to increase the agreement amount by \$4,550,000 to a total amount not to exceed \$8,850,000 and extend the agreement term to June 30, 2029 for turbine service, repairs, and equipment replacement, at the District's Main Wastewater Treatment Plant.
10. Authorize an agreement beginning on or after June 25, 2024, with the University of California San Diego Scripps Institution of Oceanography's Center for Western Weather and Water Extremes in an amount not to exceed \$178,000 to conduct Phase 1 of a pre- feasibility analysis of forecast informed reservoir operations at Pardee and Camanche reservoirs.
11. Approve the May 2024 Monthly Investment Transactions Report.
12. Approve revisions to District Policy 7.03 – Emergency Preparedness/Business Continuity.

(Resolution)

DETERMINATION AND DISCUSSION:

13. Legislative Update.
 - Receive Legislative Report No. 05-24 and approve positions on the following bills:
1) Support AB 460 (Bauer-Kahan) State Water Resources Control Board: water rights and usage: civil penalties; and 2) Support if Amended SB 1255 (Durazo) Public water systems: needs analysis: water rate assistance program.
 - Update on Legislative Issues of Interest to EBMUD (oral)

DETERMINATION AND DISCUSSION: (Continued)

14. Schedule a special meeting of the Board of Directors in August 2024 to allow the Board to exercise its Assembly Bill 408 authority for the 2024 general election.
15. Adopt a resolution to approve an appointment process to be used by the Board of Directors during a general election in the event there is no candidate for an open ward seat. (Resolution)
16. General Manager's Report.
 - Communications Update

REPORTS AND DIRECTOR COMMENTS:

17. Committee Reports:
 - Sustainability
 - Finance/Administration
18. Other Items for Future Consideration.
19. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, July 9, 2024.

Disability Notice

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

Document Availability

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

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, June 25	Sustainability Committee	9:30 a.m. Boardroom	Annual Integrated Pest Management Program Update
	Finance/Administration Committee	10:30 a.m. Boardroom	- Monthly Investment Transactions Report - Revisions to District Policy 7.03 - Emergency Preparedness/Business Continuity
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Thursday, July 4	Fourth of July Holiday		<i>Offices closed</i>
Tuesday, July 9	Planning Committee	TBD Boardroom	- Closed Session - Regular Meeting
	Legislative/Human Resource Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, July 23	Finance/Administration Committee		<i>Canceled</i>
	Board of Directors		<i>Canceled</i>
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/>



BOARD ACTION

Agenda Number:	2.	Meeting Date:	June 25, 2024
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TITLE	CONSULTANT AGREEMENT FOR REMOTE WET WEATHER FACILITIES IMPROVEMENTS
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after June 25, 2024, with Carollo Engineers, Inc. (Carollo) in an amount not to exceed \$3,576,500 for professional engineering design services for infrastructure and process improvements for the Point Isabel, Oakport, and San Antonio Creek wet weather facilities (WWFs).
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SUMMARY	This agreement will provide engineering evaluations and design improvements at Point Isabel, Oakport, and San Antonio Creek WWFs with the objectives of mitigating risks, improving safety for staff, reducing maintenance needs, and improving operational reliability. This agreement will also provide bid and engineering services during construction of these improvements. This project was presented at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
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DISCUSSION	The three WWFs were constructed in the 1990s to address untreated sanitary sewer overflows when infiltration/inflow from rain events may exceed the treatment capacity of the District's Main Wastewater Treatment Plant (MWWTP). The WWFs provide additional storage and assure that any wastewater entering the interceptors will receive primary treatment (floatable removal, disinfection, and dechlorination) prior to discharge, if needed. The District conducted preliminary investigations that identified deficiencies in concrete structures, mechanical and electrical equipment, instrumentation, regulatory compliance, access, and safety components. Design services will include condition assessment, preliminary and final design, bid services, and engineering services during construction. Improvements will be designed for civil; architectural; structural; mechanical; heating, ventilation, and air conditioning; fire protection; and electrical and instrumentation systems. Preliminary design condition assessments may result in additions and/or modifications to the project scope and may require separate construction bid packages. District staff will provide project management, drafting support, construction management, and construction inspection services. District staff may also supplement the project with additional in-house design scope items as resources allow. 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: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025, Award #7000329, Page 125	Budget Coding: 21-928-3100081-52310	Approved: 	
Attachments: P-035; P-061			

Title:	Consultant Agreement for Remote Wet Weather Facilities Improvements	Meeting Date:	June 25, 2024
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This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

**CONSULTANT
SELECTION**

A request for proposals was posted on the District's website and sent to 11 firms, including one minority-owned firm, with expertise in infrastructure and process upgrades for wastewater pumping and treatment facilities. Three firms submitted proposals, and a short-list of three firms was established. Carollo was selected based on its extensive experience in infrastructure and process retrofit design for wastewater treatment facilities, the expertise of its team, and the project approach included in its proposal.

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. Carollo is licensed to perform work in California and is not on the State DIR debarment list. Carollo and its listed subconsultants are properly registered with the State DIR.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Year 2025 adopted capital budget for Wet Weather Facilities.

Social

Locals 21 and 2019 were notified of this agreement on October 26, 2023. Local 21 did not raise any specific issues related to this agreement. Local 2019's issues were addressed and resolved at a meeting on November 7, 2023.

This project will provide the social benefits of increased operational reliability, worker safety, and improved facility aesthetics.

Environmental

The WWFs are critical facilities that protect public health and water quality in the San Francisco Bay. This project will enhance the resiliency of the WWFs operation during wet weather events, providing the environmental benefit of pollution prevention and complying with applicable environmental laws and regulations.

ALTERNATIVES

Do not authorize this agreement. This alternative is not recommended because the infrastructure and process improvements are essential for the resiliency of the WWFs and their reliable performance during wet weather events.

Perform the work with District staff. This alternative is not recommended because District staff does not have specialized expertise in condition assessment and fire protection system design, or sufficient resources to perform the complete scope of infrastructure and process improvements within the required time frame.



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.: SD-440 Remote Wet Weather Facilities Improvements					DATE: June 3, 2024						
CONTRACTOR: Carollo Engineers, Inc. Walnut Creek, CA					PERCENTAGE OF CONTRACT DOLLARS						
Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		92.5%		
		Ethnicity		Gender	White Women		9%		4.6%		
\$3,576,500 *					Ethnic Minorities		25%		2.9%		
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:											
Carollo Engineers, Inc.		\$3,084,605	White	X		86.2%					
SUBS:											
Hattin Construction Management		\$102,400	Asian		X			2.9%			
Enterprise Protection Associate		\$47,970	White	X		1.3%					
V&A Consulting Engineers, Inc.		\$165,470	White		X		4.6%				
Jensen Hughes		\$104,875	White	X		2.9%					
Ewing Construction Services		\$9,360	White	X		0.3%					
Fiberglass Structural Engineering		\$47,900	White	X		1.3%					
National Plant Services		\$13,920	White	x		0.4%					
TOTAL		\$3,576,500				92.5%	4.6%	2.9%	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:		564		325		388		1,277			
Percent of Total Employees:		44.2%		25.5%		30.4%					
MSA Labor Market %:		39.0%		33.7%		27.2%					
MSA Labor Market Location:		USA									
COMMENTS											
Contract Equity Participation: 92.5% White Men, 4.6% White women and 2.9% Ethnic minority participation. Contract Duration: NA *Total not to exceed: \$3,576,500											
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: Remote Wet Weather Facilities Improvements		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-440	DATE: 6/3/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	31	147	157	4	339	26.5%	27.2%
Carollo Engineers, Inc. Carol Blake 2795 Mitchell Drive Walnut Creek, CA 94598 602-474-4034		Manager/Prof	27	103	143	1	274	25.6%	
		Technical/Sales	3	24	12	3	0	0.0%	
		Clerical/Skilled	1	20	2	0	23	27.1%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	2	13	33	0	48	32.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/9/2021		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,277	Bay Area:	149
S	EMW-A/PI: LBE	Company Wide	4	2	4	-	10	100.0%	48.4%
Hattin Construction Management Jocelyn Acevedo 300 Frank H. Ogawa Plaza, Suite 239 Oakland, CA 94612-2038 (415) 370-4419		Manager/Prof	4	2	3	0	9	100.0%	
		Technical/Sales	0	0	0	0	0	NA	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	4	2	4	-	10	100.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		10	Bay Area:	10
S	WM	Company Wide	-	-	-	-	0	0.0%	27.2%
Enterprise Protection Associate John Saunders 965 Captain Cates Walk Brown Island, BC V0n1G1 (604) 353-1495		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	NA	
		Clerical/Skilled	0	0	0	0	-	NA	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		2	Bay Area:	0
S	WW: L/SBE	Company Wide	4	11	4	-	19	32.2%	27.2%
V&A Consulting Engineers, Inc. Glenn Willson 1000 Broadway, Suite 320 Oakland, CA 94607 (510) 903-6600		Manager/Prof	0	5	2	0	7	29.2%	
		Technical/Sales	4	3	1	0	8	40.0%	
		Clerical/Skilled	0	3	1	0	4	26.7%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	2	5	3	-	10	55.6%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		59	Bay Area:	18
S	WM	INFORMATION NOT PROVIDED							
Jensen Hughes Frank Molnar 3610 Commerce Drive, Suite 817 Baltimore, MD 21227 (925) 208-0932									
S	WM: LBE	INFORMATION NOT PROVIDED							
Ewing Construction Services Dave Ewing 28437 Satellite Street Hayward, CA, 94545 (530) 304-0972									

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: Remote Wet Weather Facilities Improvements			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: SD-440		DATE: 6/3/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM	Company Wide	-	13	-	-	13	100.0%	18.8%
Fiberglass Structural Engineering Dan Sturz 1511 Cornwall Avenue Bellingham, WA 98225 (360) 734-7040		Manager/Prof	0	7	0	0	7	100.0%	
		Technical/Sales	0	5	0	0	5	100.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Washington	# Employees-Co. Wide:			13	Bay Area:	0
S	WM: LBE	INFORMATION NOT PROVIDED							
National Plant Services Michelle Beason 2159 National Avenue Hayward, CA 94545 (925) 262-7366									
P	WM: LBE	Company Wide	983	1,862	729	64	3,638	37.3%	27.2%
Black & Veatch Katie Johnson 11401 Lamar Avenue Overland Park, KS 66211 (913) 458-2000		Manager/Prof	363	476	651	19	1,509	25.0%	
		Technical/Sales	59	99	47	5	210	25.5%	
		Clerical/Skilled	453	979	28	32	1,492	63.2%	
		Semi/Unskilled	108	308	3	8	427	80.0%	
		Bay Area	1	14	35	1	51	48.1%	39.9%
		Co. Wide MSA:	USA	# Employees-Co. Wide:			9,766	Bay Area:	106
P	WM	Company Wide	72	147	156	3	378	22.3%	27.2%
Hazen and Sawyer Denise Townsend 498 Seventh Avenue, 11th Floor New York, NY 10018 917-658-3389		Manager/Prof	64	127	145	3	339	21.7%	
		Technical/Sales	3	9	9	0	21	30.9%	
		Clerical/Skilled	5	11	2	0	18	26.9%	
		Semi/Unskilled	0	0	0	0	-	NA	
		Bay Area	1	6	12	0	19	40.4%	39.9%
		Co. Wide MSA:	USA	# Employees-Co. Wide:			1,694	Bay Area:	47

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

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BOARD ACTION

Agenda Number:	3.	Meeting Date:	June 25, 2024
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TITLE	VEGETATION MANAGEMENT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after July 1, 2024 with Civicorps for one year in an amount not to exceed \$636,000 for vegetation control and related services at various District properties.
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SUMMARY	Since 1984, the District has contracted with Civicorps for assistance with vegetation management projects including erosion control, fire access road and trail maintenance, brush clearing, and removal of dead trees for fuel management. Civicorps is a non-profit organization that provides services as part of a job training and educational program benefiting at-risk youth and public agencies in Alameda and Contra Costa counties.
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DISCUSSION	The District uses physical/mechanical controls (e.g., manual labor and mowing) to control vegetation under its Integrated Pest Management Program. This agreement will authorize up to four Civicorps crews who will use physical and mechanical controls for fire fuel reduction and removal of overgrown vegetation at District facilities within the service area and the aqueduct rights-of-way. These efforts include weed, brush, and litter abatement using physical labor, hand tools, and machinery such as chainsaws. Employees of Civicorps are trained for and receive a referral to apply for the District's entry-level Grounds Maintenance Specialist positions. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This work supports the District's Water Quality and Environmental Protection and Workforce Planning and Development Strategic Plan goals.
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SERVICE PROVIDER SELECTION	Civicorps was selected for a direct award due to a nearly 40-year District partnership. Civicorps, a non-profit organization, conducts environmental enhancement and mitigation projects for public agencies while providing paid job training for young adults aged 18 to 26 who are simultaneously obtaining a high school diploma.
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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: FY 2025	Budget Coding: 11.730.8538800.53110; 11.763.8538800.53110		Approved: 
Attachment(s): P-035; P-061			

Title:	Vegetation Management	Meeting Date:	June 25, 2024
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SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Year 2025 adopted operating budget.

Social

Local 444 was notified of this agreement on May 21, 2024 and did not raise any specific issues related to this agreement.

Civicrops provides local service area youth with work experience while they earn a high school education.

Environmental

The District is required to comply with local fire codes which requires removal of dead trees and dry vegetation to reduce fire hazards and create natural firebreaks.

ALTERNATIVES

Complete the work with District forces. This alternative is not recommended because the work is seasonal.

Use another service provider. This alternative is not recommended because Civicrops is the only known local and non-profit job training organization affiliated with the California Conservation Corps that performs this type of work.

I:\Sec\2024 Board Related Items\062524 Board Agenda Items\OMD – Vegetation Management.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 Vegetation Management						DATE: May 30, 2024						
CONTRACTOR: Civicorps Oakland, CA				Direct Award/ Local Business		PERCENTAGE OF CONTRACT DOLLARS						
						Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP				White Men		25%		0.0%		
		Ethnicity	Gender			White Women		6%		0.0%		
\$636,000 *		Non Profit				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: Civicorps		\$636,000	Non Profit							100.0%		
SUBS: None												
TOTAL		\$636,000				0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		4		5		29		38				
Percent of Total Employees:		10.5%		13.2%		76.3%						
MSA Labor Market %:		28.0%		24.2%		47.8%						
MSA Labor Market Location:		Oakland										
Contract Equity Participation: Zero Contract Equity Participation. Firm is a Non Profit Organization. Contract Duration : NA *Total not to exceed: \$636,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



BOARD ACTION

Agenda Number:	4.	Meeting Date:	June 25, 2024
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TITLE	ENVIRONMENTAL SAMPLE ANALYSIS COMPLIANCE
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after June 25, 2024 with Enthalpy Analytical, LLC for \$262,000 for two years, with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$655,000 for laboratory sample analysis services.
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SUMMARY	This agreement will provide laboratory sample analysis to support the District's compliance requirements related to soil and other waste characterization and disposal. Samples collected for projects must be analyzed for compliance status, disposal characterization, and safety determinations.
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DISCUSSION	The timing of these samples is sporadic and cannot always be scheduled. Additionally, analysis of samples is often urgently needed to support active construction. The District's laboratory does not have the ability to process these samples due to the irregular schedule demands. This work supports the District's Water Quality and Environmental Protection 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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SERVICE PROVIDER SELECTION	A project-specific request for proposals for environmental sample analysis compliance was posted on the District's website and sent to eight resource organizations and ten potential proposers. Two service providers submitted proposals. Enthalpy Analytical, LLC was selected based on demonstrated high technical proficiency, knowledge, and ability to run the requested analytical tests with short turnaround, relevant experience working with soils, and other media generated regularly by utilities.
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SUSTAINABILITY	Economic The Fiscal Year 2025 adopted operating budget and capital budget for Pipeline Rebuild includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.
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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: FY 2025; Award #7000003; Page 32	Budget Coding: 11.various.various.53770	Approved: 	
Attachment(s): P-035; P-061			

Title:	Environmental Sample Analysis Compliance	Meeting Date:	June 25, 2024
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Social

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

Environmental

This agreement supports the District's environmental compliance efforts as the sampling is necessary to comply with environmental regulations.

ALTERNATIVES

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

Complete all sampling with District staff. This alternative is not recommended because staff is presently unable to perform some of the sampling and analysis.

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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						DATE:					
General Services Agreement Environmental Sample Analysis Compliance						June 5, 2024					
CONTRACTOR:				PERCENTAGE OF CONTRACT DOLLARS							
Enthalpy Analytical, LLC Berkeley, CA				Local Business		Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$131,000 */year				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: Enthalpy Analytical, LLC		\$131,000	Publicly Held Corp						100.0%		
SUBS: None											
TOTAL		\$131,000				0.0%	0.0%	0.0%	0.0%	100.0%	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:											
Contract Equity Participation: Zero Contract Equity Participation. Firm is a Publicly Held Corporation. Contract Duration : Two years with three options to renew for an additional one-year period *Total not to exceed: \$655,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	5.	Meeting Date:	June 25, 2024
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TITLE	LABOR RELATIONS NEGOTIATING AND CONSULTING SERVICES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after July 1, 2024 with Industrial Employers and Distributors Association (IEDA) for \$264,994 for two years, with an option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$407,515 for expert labor relations negotiating and consulting services.
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SUMMARY	The District has retained the services of IEDA, a non-profit firm specializing in labor relations, to provide expert labor relations negotiating and consulting services, since 1996. IEDA successfully served as the District's chief negotiators during contract negotiations with all four District Unions and provides specialized labor relations consulting and training to District staff on a variety of related labor and employee relations matters.
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DISCUSSION	IEDA represents approximately 150 private sector and 50 public sector employers in labor relations activities with over 140 union locals. Public sector clients include Alameda County, San Mateo County, Contra Costa County, Mendocino County, Marin Municipal Water District, Oro Loma Sanitary District, and the cities of Orinda and Pleasanton. Continued use of IEDA's consulting services allows the District to benefit from their broad labor relations experience, continue to build positive employee relations with labor partners, provide continuity, labor expertise and consistency to the negotiations process, assist with facilitating meet and confers on substantial subjects of bargaining, and readily access data and information about other comparable public agencies. This agreement supports the District's Workforce Planning and Development Strategic Plan goal.
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CONSULTANT SELECTION	This action will authorize a direct award for the retention of IEDA for continued expert labor relations negotiating and consulting services. IEDA is uniquely qualified due to their long history of negotiating at the District, familiarity with staff and the Board of Directors, and understanding of labor relations topics and issues specific to District operations and the Unions representing District employees. After completion of this agreement, the District will survey the market to ensure the pricing and services it has been receiving are reasonable and industry-leading.
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Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2025	Budget Coding: 11.368.1770.8851200.52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	Labor Relations Negotiating and Consulting Services	Meeting Date:	June 25, 2024
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SUSTAINABILITY

Economic

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

The cost of services increases by approximately four percent per year.

Social

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

ALTERNATIVES

Use staff to lead District negotiations instead of IEDA. This alternative is not recommended because contract bargaining is complex and time consuming.

Issue a Request for Proposals to identify alternative firms to represent the District. This alternative is not recommended for the reasons stated above.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Labor Relations Negotiating and Consulting Services						DATE: June 20, 2024						
CONTRACTOR: Industrial Employers and Distributors Association Emeryville, CA				Direct Award/ Local Business		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		Availability Group		Contracting Objectives		Participation				
		Ethnicity		Gender		White Men		25%		0.0%		
						White Women		6%		0.0%		
\$264,994 *						Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES: Industrial Employers and Distributors Association SUBS:		\$264,994	Non Profit								100.0%	
TOTAL		\$264,994				0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		3		2		4		9				
Percent of Total Employees:		33.3%		22.2%		44.4%						
MSA Labor Market %:		24.5%		21.6%		53.9%						
MSA Labor Market Location:		Alameda										
COMMENTS												
Contract Equity Participation: Zero Contract Equity Participation. Firm is a Non Profit organization. Contract Duration: July 1, 2024 through June 30, 2026, with an option to extend the agreement for an additional year from July 1, 2026 through June 30, 2027 in the amount of \$142,521. *Total not to exceed: \$407,515												
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: Labor Relations Negotiating and Consulting Services			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 6/20/2024	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	Non Profit: LBE	Company Wide	1	3	0	0	4	44.4%	27.2%
Industrial Employers and Distributors Association Stacey Cue 2200 Powell Street Suite 1000 Emeryville, CA 94608 510-653-6765		Manager/Prof	0	1	0	0	1	20.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	2	0	0	3	75.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	3	0	0	4	44.4%	39.9%
		AA Plan on File: NA	Date of last contract with District: NA						
		Co. Wide MSA: USA	# Employees-Co. Wide: 9			Bay Area: 9			

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



BOARD ACTION

Agenda Number:	6.	Meeting Date:	June 25, 2024
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TITLE	IT RESEARCH AND ADVISORY SERVICES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after June 25, 2024 with Info-Tech Research Group Inc. (Info-Tech) for \$162,424 for two years and an additional \$61,451 for optional, additional services for a total amount not to exceed \$223,875 for information and technology (IT) research and advisory services to support District IT strategy, governance, innovation, planning, change management and continuous improvement. This agreement will be made under State of California contracts available for use by local governments.
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SUMMARY	The District began efforts in 2022 to modernize its IT processes, structures, and infrastructure, and update its IT strategic plan. Staff engaged Info-Tech in 2023 to provide advisory services to inform the process changes, benchmark services to support feedback and continuous process improvement, and provide other IT research and advisory services. Completing the IT Strategic Plan and implementing these new processes and structures will help the District's IT organization grow as technologies evolve.
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DISCUSSION	In late 2022, staff conducted feedback sessions on IT services and experiences and began work on updating the IT Strategic Plan. The last IT Strategic Plan was completed in 2007, and the next strategic plan is expected to be completed by September 2024. The District began working with Info-Tech in the summer of 2023 to support IT continuous process improvement initiatives in the areas of IT governance, project and portfolio management, data strategy and governance, IT security program strategy, and innovation and digital transformation. Info-Tech facilitated an onsite workshop in the fall of 2023 to advance the IT strategic planning process. These IT initiatives and the IT strategic planning process will continue into Fiscal Year 2025 and 2026. Info-Tech will support the District with completing these efforts. This work supports the District's Long-Term Financial Stability Strategic Plan goal.
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CONSULTANT SELECTION	Under Public Contract Code, Section 10298, agencies such as EBMUD are allowed to purchase services directly via State of California contracts without pursuing separate competitive bidding. The State of California has a certified California Multiple Award Schedule No. 3-19-70-3685A for the selected IT services. By leveraging a State of California contract, the District was able to receive highly favorable, pre-negotiated pricing from the selected consultant. The pricing was then negotiated further in favor of the District.
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Originating Department: Information Systems	Department Director or Manager: Orlando O. Leon	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025	Budget Coding: 250/8851100/4008511/52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	IT Research and Advisory Services	Meeting Date:	June 25, 2024
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SUSTAINABILITY **Economic**
Funding for this purpose is available in the Fiscal Year 2025 adopted operating budget.

ALTERNATIVE **Do not authorize the amendment.** This alternative is not recommended because the IT research advisory services will support the implementation of the District’s IT initiatives.

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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 <i>Professional Services Contract</i> IT Research and Advisory Services						DATE: June 17, 2024					
CONTRACTOR: Info-Tech Research Group Inc. Las Vegas, NV 89169				State Contract				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%			
\$162,424 /year*		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: Info-Tech Research Group Inc.		\$162,424	White	X		100.0%					
SUBS: None											
TOTAL		\$162,424				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:		166		60		66		292			
Percent of Total Employees:		56.8%		20.5%		22.6%					
MSA Labor Market %:		37.8%		31.3%		30.9%					
MSA Labor Market Location:		Nevada									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: Two Years *Total not to exceed: \$223,875 (Two years in the amount of \$162,424 and an additional \$61,451 for optional, additional services)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	7.	Meeting Date:	June 25, 2024
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TITLE	NETAPP DATA STORAGE MAINTENANCE AND SUPPORT EXTENSION
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after June 25, 2024 with Trace3, LLC in an amount not to exceed \$166,000 for one year for maintenance and support services for NetApp data storage system software and related hardware. This agreement will be made under State of California contracts available for use by local governments.
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SUMMARY	The NetApp data storage systems at the Administration Building and the Disaster Recovery Datacenter comprise the District's core data storage infrastructure. The storage system houses the Oracle databases, VMware and other applications, documents on file servers, and other data used by business applications. This agreement is for maintenance and support of core data storage components.
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DISCUSSION	The District's data storage infrastructure was deployed in phases from 2010 through 2017 to replace legacy storage systems while accommodating growing business data storage requirements. Manufacturer support will cease on a portion of this infrastructure beginning August 1, 2024. This agreement will enable the continuation of one year of NetApp support and maintenance for all storage software and hardware components and online assistance from NetApp technical support. This item supports the District's Long-Term Financial Stability Strategic Plan goal.
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SERVICE PROVIDER SELECTION	A request for quotations was sent to three authorized vendors for NetApp Support under the National Association of State Procurement Officers (NASPO) and the California Multiple Award Schedules (CMAS) procurement agreements. Trace3, LLC was the lowest responsive/responsible bidder.
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Under Public Contract Code § 10298, agencies such as EBMUD are allowed to purchase directly from State of California contracts or through state-authorized participating agreements. Leveraging the California Department of General Services CMAS Master Agreement No. 3-18-70-2858D, for NetApp products provides the District with favorable pre-negotiated pricing and additional time and labor expense savings.

Originating Department: Information Systems	Department Director or Manager: Orlando W. Leon	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2024	Budget Coding: 11.252.1866.8854700.52430.000000		Approved: 
Attachment(s): P-035, P-061			

Title:	NetApp Data Storage Maintenance and Support Extension	Meeting Date:	June 25, 2024
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SUSTAINABILITY

Economic

Funding for this purpose is available in the Fiscal Year 2024 adopted operating budget.

Environmental

NetApp computer equipment has earned U.S. Environmental Protection Agency Energy Star certification with reduced power consumption to help meet green information technology objectives.

ALTERNATIVE

Select an alternative data storage product. This alternative is not recommended because of the expense and time required to remove, replace, implement, and provide training for a new, complex technology infrastructure.



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 Netapp Data Storage Maintenance and Support Extension						DATE: June 20, 2024						
CONTRACTOR: Trace3, LLC Irvine, CA				State Contract		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%				
		Ethnicity		Gender		White Women		6%		0.0%		
\$166,000 *						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: Trace3, LLC		\$166,000	Unclassified						100.0%			
SUBS: None												
TOTAL		\$166,000				0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		752		309		389		1,450				
Percent of Total Employees:		51.9%		21.3%		26.8%						
MSA Labor Market %:		28.0%		23.6%		48.4%						
MSA Labor Market Location:		California										
13.2												
Contract Equity Participation: Zero Contract Equity Participation. Firms ownership is unclassified. Contract Duration: Three years												
*Total not to exceed: \$166,000												
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: Netapp Data Storage Maintenance and Support Extension			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:	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		6/20/2024	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		Company Wide	65	131	154	6	356	24.6%	13.2%
Trace3, LLC Danielle Rodriguez 7505 Irvine Center Drive Irvine, CA 92618 949-333-2300		Manager/Prof	43	79	127	4	253	24.2%	
		Technical/Sales	17	40	18	1	76	22.6%	
		Clerical/Skilled	5	12	9	1	27	38.6%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	33	43	0	78	0.0%	39.9%
		AA Plan on File:	NA Date of last contract with District: 7/29/2021						
		Co. Wide MSA:	California # Employees-Co. Wide: 1,450 Bay Area: 159						
P		INFORMATION NOT PROVIDED							
GDT Innovation Campus Mirrin Riddell 999 Metro Media Place Dallas, TX 75247 650-270-4337									

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:	8a.-8b.	Meeting Date:	June 25, 2024
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TITLE AMEND AGREEMENTS FOR ASPHALTIC CEMENT AND CONCRETE SAW CUTTING SERVICES

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

- Authorize amendments to the agreements previously authorized under Board Motion No. 011-24 with Bay Line Cutting & Coring, Inc.; Concrete Demo Works, Inc.; Concrete Wall Sawing Co., Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company, to increase the aggregate amount of those agreements by \$1,300,000 to a total aggregate amount not to exceed \$4,065,000 and extend the term of the agreements to June 25, 2025 for asphaltic cement and concrete saw cutting services.
- Authorize additional agreements for asphaltic cement and concrete saw cutting services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on June 25, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

SUMMARY

Amending the agreements would increase the authorization and duration of the existing services contract. District crews perform scheduled and emergency saw cutting work throughout the service area. Unplanned work, seasonal increases in demand, and personnel vacancies require the District to use asphaltic cement and concrete saw cutting services to augment District staff.

DISCUSSION

The District has used asphaltic cement and concrete saw cutting services to supplement District forces since the early 1990s. Portable saws are used to cut the street pavement and sidewalk during the repair and replacement of the District's water distribution pipelines and work around other District facilities. In Fiscal Year (FY) 2021, the District hired two Limited-Term Paving Raker A positions and purchased necessary equipment to pilot the cost-effectiveness of offsetting saw cutting services with District staff. Results were favorable and these positions were converted to Regular/Permanent positions in FY 2024. However, contracted services are still required to complete peak workload. The contracted services in these agreements cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.

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

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal J. Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000003; Page 32; Award #7000024; Page 24	Budget Coding: 11.Variou.Variou.52970.00000	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreements for Asphaltic Cement and Concrete Saw Cutting Services	Meeting Date:	June 25, 2024
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**SERVICE PROVIDER
SELECTION**

In February 2021, a request for proposals was posted on the District's website and sent to six potential proposers. Five service providers submitted proposals. Bay Line Cutting & Coring, Inc., Concrete Demo Works, Inc., Concrete Wall Sawing Co., Inc., Fine Line Sawing and Drilling, Inc., and Penhall Company were selected based on the ability to properly manage and dispose of materials.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Year 2025 adopted operating budget and the capital budget for the Pipeline Rebuild and Pipeline System Improvements.

Social

Local 444 was notified of these amendments on April 24, 2024 and did not raise any specific issues related to these amendments.

Saw cutting is needed for final pavement restoration of planned and unplanned work.

Completion of final pavement restoration efficiently benefits the community by improving safety, access, and customer satisfaction.

ALTERNATIVES

Do not contract out for these services. This alternative is not recommended because these services are critical to District operations.

Add staff and equipment to reduce the need for services. This alternative is not recommended because contracted services are still needed to supplement in-house capabilities and address unplanned and seasonal peak workloads.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE						DATE:					
General Services Agreement - Amendment Amend Agreements for Asphaltic Cement and Concrete Saw Cutting Services						June 7, 2024					
CONTRACTOR: Various Firms (See Below)				PERCENTAGE OF CONTRACT DOLLARS							
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		60.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$1,300,000 *		See Below		-		Ethnic Minorities		25%		40.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
Bay Line Cutting & Coring, Inc.	\$260,000	Hispanic	X					20.0%			
Concrete Demo Works, Inc.	\$260,000	Hispanic	X					20.0%			
Concrete Wall Sawing Co., Inc.	\$260,000	White	X		20.0%						
Fine Line Sawing and Drilling, Inc.	\$260,000	White	X		20.0%						
Penhall Company	\$260,000	White	X		20.0%						
TOTAL		\$1,300,000			60.0%	0.0%	40.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		See Attached Form P-061									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: 60% White Men participation and 40% Ethnic Minority participation. Contract Duration: Until June 25, 2025											
*Total not to exceed: \$4,065,000 = \$1,615,000 (Multiple previous amendments) + \$650,000 (Amendment)+ \$500,000 (Amendment) + \$1,300,000 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreements for Asphaltic Cement and Concrete Saw Cutting Services			Ethnic Minority Percentages From U.S. Census Data							
					B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment		DATE: 6/7/2024	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=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees								
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	EMM-H : SBE	Company Wide	0	28	0	0	28	100.0%	39.9%	
Bay Line Cutting & Coring, Inc. Daniel Arreguin 501 Cesar Chavez Street, Suite101B San Francisco, CA 94124 415-266-6119		Manager/Prof	0	18	0	0	18	100.0%		
		Technical/Sales	0	2	0	0	2	100.0%		
		Clerical/Skilled	0	6	0	0	6	100.0%		
		Semi/Unskilled	0	2	0	0	2	0.0%		
		Bay Area	0	28	0	0	28	0.0%	39.9%	
		AA Plan on File:	NA	Date of last contract with District:	NA					
		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:	28	Bay Area:	28			
RP	EMM-H: SBE	Company Wide	0	9	3	0	12	92.3%	39.9%	
Concrete Demo Works, Inc. Tina Ibay 1595 South 10th Street San Jose, CA 95111 408-293-7356		Manager/Prof	0	2	2	0	4	80.0%		
		Technical/Sales	0	0	1	0	1	100.0%		
		Clerical/Skilled	0	1	0	0	1	100.0%		
		Semi/Unskilled	0	6	0	0	6	100.0%		
		Bay Area	0	9	3	0	12	92.3%	39.9%	
		Co. Wide MSA:	Total USA	# Employees-Co. Wide:	13	Bay Area:	13			
RP	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED							
Concrete Wall Sawing Co., Inc. Kenyon Barnes 2501 Grant Avenue San Lorenzo, CA 94580 510-483-8440		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
Co. Wide MSA:										
RP	WM: L/SBE	Company Wide	0	17	1	0	18	69.2%	39.9%	
Fine Line Sawing and Drilling, Inc. Tita Tandoc 37651 Sycamore Street Newark, CA 94560 510-793-6700		Manager/Prof	0	3	1	0	4	57.1%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	0	0	0	0	0	0.0%		
		Semi/Unskilled	0	14	0	0	14	87.5%		
		Bay Area	0	17	1	0	18	69.2%	39.9%	
		Co. Wide MSA:	Total USA	# Employees-Co. Wide:	26	Bay Area:	26			
RP	WM: LBE	Company Wide	119	317	177	3	616	41.7%	27.3%	
Penhall Company Terry Cooley 13750 Catalina Street San Leandro, CA 94577 (Local Office) 214-557-1772		Manager/Prof	11	32	46	1	90	30.4%		
		Technical/Sales	11	35	6	1	0	0.0%		
		Clerical/Skilled	34	80	27	1	142	34.3%		
		Semi/Unskilled	63	170	98	0	331	59.5%		
		Bay Area	2	34	5	0	41	69.5%	39.9%	
		Co. Wide MSA:	Total USA	# Employees-Co. Wide:	1,477	Bay Area:	59			

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:	9.	Meeting Date:	June 25, 2024
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TITLE	AMEND AGREEMENT FOR THE WASTEWATER TURBINE EXTENDED SERVICE
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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. 169-18, with Solar Turbines Incorporated (Solar Turbines) to increase the agreement amount by \$4,550,000 to a total amount not to exceed \$8,850,000 and extend the agreement term to June 30, 2029 for turbine service, repairs, and equipment replacement, at the District's Main Wastewater Treatment Plant (MWWTP).
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SUMMARY	On November 27, 2018, the Board authorized an agreement for \$3,820,000 with Solar Turbines for turbine service and repairs through November 30, 2023. Two short-term amendments were issued to extend agreement while another five-year agreement term was negotiated. In November 2023, the first amendment was authorized, within the change order contingency, to add \$350,000 to a total amount not to exceed \$4,170,000 and extend the agreement term to April 30, 2024. In April 2024, a second amendment was authorized, also within the change order contingency, to add \$130,000 to a total amount not to exceed \$4,300,000 and to extend the agreement term to June 30, 2024. This third amendment to continue monitoring, maintenance, and equipment replacement services for this critical equipment through June 30, 2029. This project was presented at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
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DISCUSSION	The MWWTP Power Generation Station (PGS) consists of three internal combustion engines and one gas turbine. The PGS generates approximately 115 percent of the MWWTP's electricity demand and excess electricity is sold to the Port of Oakland as part of a Power Purchase Agreement. The turbine generates approximately 47 percent of the total power generated by PGS. Extending the ESA will provide uninterrupted monitoring, maintenance, and equipment replacement services, which will minimize turbine downtime and protect the District from the risk of unplanned repair costs. The agreement provides continuous remote monitoring by the manufacturer, semi-annual inspection and maintenance, remote and on-site troubleshooting, and replacement of failed parts covered by the agreement. Repair or replacement of parts not covered by the agreement would incur additional costs. The agreement also includes turbine overhauls, which are required approximately every three and a half years with continuous operation, and the cost of which is equivalent to approximately half of the five-year cost of the agreement. The agreement allows for quicker response times from Solar Turbines when parts fail and reduces
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Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2025	Budget Coding: 21-911-9365700-53110		
Attachments: P-035; P-061			

Title:	Amend Agreement for the Wastewater Turbine Extended Service	Meeting Date:	June 25, 2024
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turbine downtime and potential additional costs for replacement parts, repairs, and associated labor.

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

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

**SERVICE PROVIDER
SELECTION**

The original agreement was directly awarded to Solar Turbines. Solar Turbines is the original manufacturer of this equipment and is the only firm that provides comprehensive services for this turbine model. In 2023, District staff conducted outreach to other turbine maintenance firms and determined that no other service providers can provide the services offered by Solar Turbines due to the unique design of the turbine model installed at the PGS.

SUSTAINABILITY**Economic**

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

Electricity generated by the turbine provides the District an economic benefit of approximately \$2.4 million annually, combined with electricity sales to the Port of Oakland and savings from not purchasing electricity from Pacific Gas & Electric.

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.

Environmental

The turbine is the District's most efficient option for biogas utilization, generating more renewable energy with fewer air emissions for every unit of biogas used as fuel. The turbine reduces the District's greenhouse gas emissions and allows the MWWTP to operate independently of the grid during power outages.

ALTERNATIVES

Do not authorize the amendment. This alternative is not recommended because the continuing the ESA will ensure uninterrupted monitoring and maintenance services for the turbine, maximize electricity sales revenue, protect against unforeseen issues, and minimize equipment downtime.

Reject the amendment and solicit proposals. This alternative is not recommended because third-party service is not available for this equipment.



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 -Amendment Amend Agreement for the Wastewater Turbine Extended Service						DATE: June 11, 2024					
CONTRACTOR: Solar Turbines Incorporated Irvine, CA 92618				PERCENTAGE OF CONTRACT DOLLARS							
Sole Source				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$4,550,000 *		Publicly Held		-		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Solar Turbines Incorporated		\$4,550,000	Publicly Held							100.0%	
SUBS: None											
TOTAL		\$4,550,000				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		765		130		776		1,671			
Percent of Total Employees:		45.8%		7.8%		46.4%					
MSA Labor Market %:		39.0%		33.7%		27.3%					
MSA Labor Market Location:		Total USA									
COMMENTS											
Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation. Contract Duration : Contract extended to November 30, 2028 *Total not to exceed: \$8,850,000 = \$4,300,000 + \$4,550,000 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	10.	Meeting Date:	June 25, 2024
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TITLE	RESERVOIR REOPERATION PRE-FEASIBILITY ANALYSIS
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an agreement beginning on or after June 25, 2024, with the University of California San Diego (UCSD) Scripps Institution of Oceanography's Center for Western Weather and Water Extremes (CW3E) in an amount not to exceed \$178,000 to conduct Phase 1 of a pre-feasibility analysis of forecast informed reservoir operations (FIRO) at Pardee and Camanche reservoirs.
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SUMMARY	The District is investigating whether retaining or releasing water from Pardee and Camanche reservoirs using weather forecasting models (i.e., FIRO) is feasible and would promote long-term climate adaptation and resilience. The first phase is designed to determine whether the District has the data and tools necessary to complete a full FIRO feasibility analysis. The second phase, if necessary, would involve more detailed modeling and analysis, along with stakeholder outreach, and require separate Board authorization. FIRO was discussed at the March 12, 2024 Planning Committee meeting, as part of the follow-up to the Dam Safety Program.
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DISCUSSION	Investigating whether FIRO is a feasible tool to make the District's water supply system more resilient to climate change is part of the District's Climate Action Plan and Dam Safety Program. If feasible, FIRO could provide significant benefits for water supply, flood control, and the ecosystem. A FIRO feasibility study is a large effort that involves data collection, modeling, stakeholder outreach, and discussions with regulatory agencies. Staff recommends conducting an initial pre-feasibility analysis to determine whether the District has the information, data, and modeling tools necessary to conduct a full feasibility study. The pre-feasibility work is being proposed in two phases. Phase 1 would identify data gaps, assess existing modeling capabilities, and define requirements for stakeholder outreach. Phase 1 is expected to be completed in Fiscal Year 2025 and cost \$178,000. Depending on the results of Phase 1, staff would return to the Board to request authorization for Phase 2, which would include preliminary modeling simulations and outreach to both regulatory agencies and interested parties in the watershed. This project supports the Long-Term Water Supply Strategic Plan goal.
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Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? No	Board Action Type: Professional Services
Funds Available: FY 2025	Budget Coding: 11.444.1401.8401000.52310.000000	Approved: 	
Attachment(s): N/A			

Title:	Reservoir Reoperation Pre-Feasibility Analysis	Meeting Date:	June 25, 2024
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**CONSULTANT
SELECTION**

This is recommended as a direct award to CW3E. While other consultants may have knowledge of FIRO, CW3E is the industry expert. Furthermore, CW3E is led by UCSD's Scripps Institution of Oceanography in partnership with several other public agencies, including the California Department of Water Resources (DWR), California Nevada River Forecast Center (CNRFC), and United States Army Corps of Engineers (USACE). CW3E has relationships and experience with the regulatory community that other consultants simply do not have available. Additionally, the District is currently a founding member of the Water Affiliates Group, which provides the District with a unique opportunity to collaborate directly with CW3E.

SUSTAINABILITY**Economic**

Funding for Phase 1 of the study is available in the Fiscal Year 2025 adopted operating budget. Funding for Phase 2 will be considered as part of the associated budget development process.

Social

UCSD Scripps Institution of Oceanography's CW3E is a public educational institution that is by state mandate in compliance with Equal Employment Opportunity regulation and granted an exemption from the Contract Equity Program process.

This type of work is not performed by District forces given the complexity and advanced technical skill set needed for the assessment; consequently, union notification was not required.

ALTERNATIVE

Do not perform this work. This alternative is not recommended as the project will help the District determine whether vital tools are available to adapt to climate change and make the water supply system more resilient. The findings would support the District's long-term and short-term goals for addressing climate change and optimizing operations management.



BOARD ACTION

Agenda Number:	11.	Meeting Date:	June 25, 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 May 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 May 2024 report is being brought to the Board for consideration. This report was presented at the June 25, 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 May 2024, the portfolio decreased from \$820.9 million to \$621.1 million. The large decline is due to the regularly scheduled principal and interest payments on the District's revenue bonds at the end of May. Net transactions decreased the total by \$204.7 million. Interest received added \$4.9 million to the portfolio. Deposits into short-term liquidity funds totaled \$101.7 million, withdrawals totaled \$133.9, and \$160.0 million in securities matured. The District did not purchase any securities and no securities were called or sold. Net transactions at the District's commercial bank resulted in a decrease of \$12.5 million.
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I:\Sec\2024 Board Related Items\062524 Board Agenda Items\ FIN - Monthly Investment Transactions Report May 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): May 2024 Monthly Investment Transactions Report			

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Monthly Investment Transactions Report
May 2024

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

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

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



Approved by: Robert Hannay, Treasury Manager

Jun 13, 2024

Date

SDS:KM:mr



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
May 2024

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	631,211,587.20	(161,000,000.00)	525,852.37	470,737,439.57
007 - Wastewater Consolidated	126,306,303.49	(29,000,000.00)	132,579.68	97,438,883.17
049 - Ferc Partnership	2,112,706.20	-	-	2,112,706.20
009 - BACWA	2,390,109.37	-	-	2,390,109.37
015 - DERWA	1,056,357.93	-	-	1,056,357.93
002 - FRWA	1,056,357.93	-	-	1,056,357.93
014 - IICP	158,983.14	-	-	158,983.14
010 - UMRWA	67,607.27	-	-	67,607.27
003 - Employees Retirement	8,745,317.98	(2,260,000.00)	-	6,485,317.98
099 - Wells Fargo**	47,773,322.47	(12,475,366.66)	4,279,375.43	39,577,331.24
Total	820,878,652.98	(204,735,366.66)	4,937,807.48	621,081,093.80

* 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.

Matthew Raimondi

Prepared by: Matt Raimondi, Accounting Technician

Kevin Ma

Reviewed by: Kevin Ma, Accounting Supervisor

David Glasser

David Glasser (June 12, 2024 16:32 PDT)

Approved by: David Glasser, Controller

6/6/2024

Date

Jun 12, 2024

Date

Jun 12, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
May 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	-	72,000,000.00	(137,000,000.00)	-	-	(96,000,000.00)	-	(161,000,000.00)
007 - Wastewater Consolidated	-	18,000,000.00	(23,000,000.00)	-	-	(24,000,000.00)	-	(29,000,000.00)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	11,662,000.00	-	-	-	(13,922,000.00)	-	(2,260,000.00)
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
Investment Activity Total	-	101,662,000.00	(160,000,000.00)	-	-	(133,922,000.00)	-	(192,260,000.00)
099 - Wells Fargo	-	(101,662,000.00)	160,000,000.00	-	-	133,922,000.00	(204,735,366.66)	(12,475,366.66)
Total	-	-	-	-	-	-	(204,735,366.66)	(204,735,366.66)

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

Approved by: Robert L. Hannay, Treasury Manager

Jun 13, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
May 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
May 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Matured										
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/23/2024	912797HR1	5/23/2024	5/23/2024	5/23/2024	32,000,000.00	32,000,000.00	-	32,000,000.00
001 - Water System Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	16,000,000.00	16,000,000.00	-	16,000,000.00
001 - Water System Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	89,000,000.00	89,000,000.00	-	89,000,000.00
		Total					137,000,000.00			
007 - Wastewater Consolidated	US Treasuries	T-Bill 0 5/23/2024	912797HR1	5/23/2024	5/23/2024	5/23/2024	6,000,000.00	6,000,000.00	-	6,000,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	4,000,000.00	4,000,000.00	-	4,000,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	13,000,000.00	13,000,000.00	-	13,000,000.00
		Total					23,000,000.00			
							160,000,000.00	160,000,000.00	-	160,000,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
May 2024

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

No Transactions this Period

0.00 0.00 0.00 0.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
May 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



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
May 2024

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	4,219,227.37	(3,693,375.00)	525,852.37
007 - Wastewater Consolidated	718,580.11	(586,000.43)	132,579.68
049 - Ferc Partnership	-	-	-
009 - BACWA	-	-	-
015 - DERWA	-	-	-
002 - FRWA	-	-	-
014 - IICP	-	-	-
010 - UMRWA	-	-	-
003 - Employees Retirement	-	-	-
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
Interest Transactions Total	4,937,807.48	(4,279,375.43)	658,432.05
099 - Wells Fargo	-	4,279,375.43	4,279,375.43
Total	4,937,807.48	-	4,937,807.48

*Coupon and other interest received; reinvestment unavailable.

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

Matthew Raimondi
 Prepared by: Matt Raimondi, Accounting Technician

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

David Glasser
Report Manager | June 12, 2024 10:34 PM
 Approved by: David Glasser, Controller

6/6/2024
 Date
Jun 12, 2024

Date
Jun 12, 2024
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
May 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)										
001 - Water System Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	-	-	131,250.00	131,250.00
001 - Water System Consolidated	US Treasuries	T-Note 0.75 11/15/2024	91282CDH1	5/15/2024	5/15/2024	11/15/2024	-	-	172,500.00	172,500.00
001 - Water System Consolidated	US Treasuries	T-Note 2.25 11/15/2024	912828G38	5/15/2024	5/15/2024	11/15/2024	-	-	172,125.00	172,125.00
001 - Water System Consolidated	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	5/15/2024	5/15/2024	5/15/2025	-	-	1,512,500.00	1,512,500.00
001 - Water System Consolidated	US Treasuries	T-Note 3.625 5/15/2026	91282CHB0	5/15/2024	5/15/2024	5/15/2026	-	-	435,000.00	435,000.00
001 - Water System Consolidated	US Treasuries	T-Note 4.5 11/15/2025	91282CFW6	5/15/2024	5/15/2024	11/15/2025	-	-	900,000.00	900,000.00
001 - Water System Consolidated	US Treasuries	T-Note 4.625 11/15/2026	91282CJK8	5/15/2024	5/15/2024	11/15/2026	-	-	370,000.00	370,000.00
Total									3,693,375.00	
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2024	5/15/2024	5/15/2024	-	-	21,250.00	21,250.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.75 11/15/2024	91282CDH1	5/15/2024	5/15/2024	11/15/2024	-	-	20,625.00	20,625.00
007 - Wastewater Consolidated	US Treasuries	T-Note 1.625 5/15/2026	912828R36	5/15/2024	5/15/2024	5/15/2026	-	-	40,625.00	40,625.00
007 - Wastewater Consolidated	US Treasuries	T-Note 2.25 11/15/2024	912828G38	5/15/2024	5/15/2024	11/15/2024	-	-	30,375.00	30,375.00
007 - Wastewater Consolidated	US Treasuries	T-Note 2.25 11/15/2025	912828M56	5/15/2024	5/15/2024	11/15/2025	-	-	45,000.00	45,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	5/15/2024	5/15/2024	5/15/2025	-	-	226,875.43	226,875.43
007 - Wastewater Consolidated	US Treasuries	T-Note 3.625 5/15/2026	91282CHB0	5/15/2024	5/15/2024	5/15/2026	-	-	108,750.00	108,750.00
007 - Wastewater Consolidated	US Treasuries	T-Note 4.625 11/15/2026	91282CJK8	5/15/2024	5/15/2024	11/15/2026	-	-	92,500.00	92,500.00
Total									586,000.43	
								0.00	0.00	4,279,375.43
										4,279,375.43



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
May 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	5/1/2024	5/1/2024	N/A	-	-	125,424.97	125,424.97
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		5/1/2024	5/1/2024	N/A	-	-	118,940.26	118,940.26
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM GVMXX		5/1/2024	5/1/2024	N/A	-	-	125,821.52	125,821.52
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/31/2024	5/31/2024	N/A	-	-	155,665.62	155,665.62
Total										525,852.37
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	5/1/2024	5/1/2024	N/A	-	-	32,860.64	32,860.64
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		5/1/2024	5/1/2024	N/A	-	-	28,977.74	28,977.74
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM GVMXX		5/1/2024	5/1/2024	N/A	-	-	33,097.30	33,097.30
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/31/2024	5/31/2024	N/A	-	-	37,644.00	37,644.00
Total										132,579.68
							0.00	0.00	658,432.05	658,432.05



BOARD ACTION

Agenda Number:	12.	Meeting Date:	June 25, 2024
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TITLE	REVISIONS TO DISTRICT POLICY 7.03
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ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Approve revisions to District Policy 7.03 – Emergency Preparedness/Business Continuity.
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SUMMARY	District policies are reviewed biannually to ensure they reflect Board objectives and priorities as well as accurately codify District operating and business practices. Occasionally, interim reviews are necessary within the two-year review cycle to codify regulatory, structural, or other changes that have occurred. Updates to the Policy were discussed with the Planning Committee on May 14, 2024, and the Committee recommended bringing the updated policy to the Finance/Administration Committee and the Board for approval. This policy was discussed at the June 25, 2024 Finance/Administration Committee meeting.
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DISCUSSION	Policy 7.03 – Emergency Preparedness/Business Continuity was modified to require Board members to designate a minimum of two and no more than three Standby Officers. Under the California Emergency Services Act (CESA), the Board may appoint up to three Standby Officers for each Board member to ensure the District can respond to and recover from emergencies. Board members are not required to appoint three standby officers under the law. Staff believes a minimum of two Standby Officers would adequately serve the District during an emergency, with one residing within and one residing outside of each Board member's ward. A third Standby Officer, who resides within or outside the ward, may be appointed by a Board member if they choose. The process for designating Standby Officers is described in the District's Business Continuity Plan. Standby Officers are approved by Board resolution and reviewed on an annual basis. A minor modification to incorporate gender-neutral pronouns is also proposed by staff.
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SUSTAINABILITY	Environmental Policy 7.03 promotes environmental stewardship by ensuring the District can respond and recover from emergencies to protect people, property, and the environment.
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ALTERNATIVE	<u>Do not update this policy.</u> This alternative is not recommended because it would leave in place a policy that may not avail the District with sufficient redundancy to address critical functions during an emergency.
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I:\Sec\2024 Board Related Items\062524 Board Agenda Items\FIN\Revisions to District Policy 7.03.docx

Originating Department: Internal Audit	Department Director or Manager: Barry N. Gardin	CEP Forms? N/A	Board Action Type: Policies
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Policy 7.03; Resolution			

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Policy 7.03R

EFFECTIVE [27 JUN 23](#)
[25 JUN 24](#)

SUPERSEDES [24 MAR 20](#)
[27 JUN 23](#)

EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

Ensure the District can respond to and recover from emergencies. The District will create and maintain an active Emergency Preparedness Program that includes an Emergency Operations Plan (EOP) written and administered to help manage the District's critical operations during any emergency and protect people, property, and the environment. The District will coordinate the emergency planning and response with federal, state, and local agencies and private entities charged with emergency duties. The District will also create and maintain a Business Continuity Program Plan (BCPP) to minimize impacts to critical business functions and enhance its capability to recover operations expediently and successfully following an emergency.

The EOP and BCPP shall include provisions to:

- Make employee and community life safety the highest priority.
- Anticipate, prevent, protect against, and mitigate the greatest risks to the extent practicable.
- Periodically review the plans and incorporate lessons learned from exercises, incidents, and industry.
- Comply with all applicable legal requirements and be consistent with state and federal guidance.

Emergency

An emergency includes actual or threatened existence of conditions of disaster or extreme peril to critical District operations, its infrastructure, and/or the health and safety of staff and/or the public. An emergency may be caused by an earthquake, power outage, cyber security breach, pandemic, dam failure, freeze, water supply contamination, national security incident, storm event, and other conditions that may be beyond the capability of District forces and may require support from other government agencies, non-profit organizations, or the private sector.

Emergency Preparedness Program

The District's Emergency Preparedness Program will include an EOP written and administered in accordance with the guidelines of the National Response Framework (NRF), the National Incident Management System (NIMS), and the California Standardized Emergency Management System (SEMS). In accordance with NIMS and SEMS, the Emergency Preparedness Program will consist of five areas of readiness: prevention, protection, mitigation, response, and recovery. The EOP will describe the District's emergency response organization based on NIMS; include guidelines for identifying and training District staff in NIMS; designate District staff to critical positions identified in the EOP, and designate staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs. response to the emergency and recovery of damaged systems and financial costs. The Regulatory Compliance Office will facilitate progress on the Emergency Preparedness Program.

Authorization of Contracts During District Emergency Response and Reporting of Emergency Contracts

When an emergency condition arises that necessitates immediate action to minimize damage and inconvenience resulting from such condition, the General Manager or his or her designee, in consultation with the President of the Board of Directors (Board) or their designee, may declare a District emergency. The Board may also declare a District emergency under the Municipal Utility District Act (Public Utilities Code) Section 12753. The General Manager or his or her designee is authorized, after a District-declared emergency, to enter into emergency contracts not to exceed \$500,000, per contract, without bids or notice during the emergency response period.

For emergency contracts higher than \$500,000, Board approval is required. The Board shall meet to ratify the declaration of emergency by the General Manager as soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

At the next regular or special meeting of the Board of Directors following such emergency, a report shall be made to the Board of Directors summarizing contracts executed in response to said emergency. Periodic reports on the status of response and additional contracts shall be provided to the Board of Directors until the emergency is concluded. The emergency declaration will remain in effect until formal Board action is taken to conclude the emergency.

Note that under federal law (2 CFR § 200.320(c)), for procurements using federal funding or that may be reimbursed by the federal government, a noncompetitive procurement process may be used only when the public emergency will not permit a delay resulting from publicizing a competitive solicitation.

**Emergency
Operations
Director**

The District's EOP will identify a District Director or member of the Senior Management Team (SMT) to serve as the Emergency Operations Director (EOD) who will have the authority for developing plans, training staff and managing the District's response to an emergency through the Emergency Operations Team (EOT). The EOT will be structured consistent with the NIMS in sections managed by Section Chiefs. In consultation with the General Manager, the EOD will identify staff to fulfill the planning, response, and recovery duties listed in the EOP. As the need arises, the EOD may direct all staff or material resources of the District to combat the effects of a threatened, declared or actual emergency. In an emergency, the EOD may delegate approval authority to the EOT Section Chiefs up to \$80,000 per purchase for material purchases and up to \$30,000 for services. These expenses would be included as part of the \$500,000 authorization above for the General Manager.

The General Manager or his or her designee may engage EBMUD retirees to provide staffing support for operations and activities deemed critical, necessary, or essential during a District declared emergency, provided such engagement is consistent with the California Public Employees' Pension Reform Act (PEPRA) or any executive order issued by the Governor of the State of California to suspend the requirements of PEPRA.

The EOD or his or her designee is authorized to take all necessary action to apply for incoming state or federal resources and to represent the District in requesting and/or negotiating for needed resources.

**Mutual Aid/
Assistance**

The General Manager, EOD, and their designees, in accordance with the EOP, may either request mutual aid/assistance from other local government agencies, including public and private water and wastewater utilities, or commit District resources to other agencies requesting aid.

**Business
Continuity
Program
Plan**

The District provides products and services that support the economic, human, and environmental health of the East Bay. Therefore, the District must have a program that facilitates the performance of essential functions during an emergency situation that disrupts normal operations and/or the timely resumption of normal operations once the emergency has ended. The District will maintain a BCPP consistent with federal, state, and industry guidance that provides the overall framework for the program and outlines the basic priorities for recovery of business functions in

individual Work Group Business Continuity Plans (BCPs). The Regulatory Compliance Office will manage and maintain the BCPP. Individual Work Group BCPs outline the critical functions that must be performed before, during, and after an event; identify the personnel responsible for completing the necessary actions; and list the vital records, equipment, supplies, tools and systems required to accomplish the identified tasks. The Work Groups are responsible for ensuring that their BCPs are maintained, employees trained, plans tested, and their vital records necessary to maintain operations are available. Vital records include all information and records that if lost, would place significant financial, operational, or legal restrictions on the continuation of District services.

**Continuity of
Management**

All of the District's BCPs, including that of the Office of the General Manager, will designate up to three successors to serve as the primary critical staff person in the event there is an activation of the EOT so day-to-day operations may continue. In the event the primary critical staff person is unable to respond to an emergency, the designee, in the order listed, may assume all the duties and powers of the primary critical staff person.

Status Reports

The General Manager will provide periodic Emergency Preparedness Program and Business Continuity Program progress reports to the Board of Directors, as necessary, and the District's response to a declared District emergency, when applicable.

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their ~~his or her~~ place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
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As amended by Resolution No. 34052-15, September 22, 2015
As amended by Resolution No. 34094-16, July 26, 2016
As amended by Resolution No. 35037-17, May 23, 2017
As amended by Resolution No. 35098-18, June 26, 2018
As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. 35168-20, March 24, 2020
As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. XXXXX-24, June 25, 2024

References

Business Continuity Program Plan
California Emergency Services Act (CESA), Government Code 8635 *et seq.*
District Emergency Operations Plan
FEMA Procurement Disaster Assistance Team (PDAT) Field Manual
Municipal Utility District Act – Public Utility Code Section 12753
National Incident Management System (NIMS)
National Preparedness Goal
National Response Framework (NRF)
Policy 7.13 – Security
Procedure 415 – Emergency Purchases
Standardized Emergency Management System (SEMS)



Policy 7.03

EFFECTIVE

25 JUN 24

SUPERSEDES

27 JUN 23

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-

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As amended by Resolution No. 35168-20, March 24, 2020
As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. XXXXX-24, June 25, 2024

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Policy 7.13 – Security
Procedure 415 – Emergency Purchases
Standardized Emergency Management System (SEMS)

RESOLUTION NO. _____

ADOPTING REVISED POLICY 7.03,
EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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 to update and revise Policy 7.03, entitled “Emergency Preparedness/Business Continuity”; and

WHEREAS, Policy 7.03 has so been updated and revised, and the revisions are reflected in Exhibit A, attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that Revised Policy 7.03, attached hereto as Exhibit A, is hereby adopted.

ADOPTED this 25th day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



Policy 7.03R

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EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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**Emergency
Operations
Director**

The District's EOP will identify a District Director or member of the Senior Management Team (SMT) to serve as the Emergency Operations Director (EOD) who will have the authority for developing plans, training staff and managing the District's response to an emergency through the Emergency Operations Team (EOT). The EOT will be structured consistent with the NIMS in sections managed by Section Chiefs. In consultation with the General Manager, the EOD will identify staff to fulfill the planning, response, and recovery duties listed in the EOP. As the need arises, the EOD may direct all staff or material resources of the District to combat the effects of a threatened, declared or actual emergency. In an emergency, the EOD may delegate approval authority to the EOT Section Chiefs up to \$80,000 per purchase for material purchases and up to \$30,000 for services. These expenses would be included as part of the \$500,000 authorization above for the General Manager.

The General Manager or his or her designee may engage EBMUD retirees to provide staffing support for operations and activities deemed critical, necessary, or essential during a District declared emergency, provided such engagement is consistent with the California Public Employees' Pension Reform Act (PEPRA) or any executive order issued by the Governor of the State of California to suspend the requirements of PEPRA.

The EOD or his or her designee is authorized to take all necessary action to apply for incoming state or federal resources and to represent the District in requesting and/or negotiating for needed resources.

**Mutual Aid/
Assistance**

The General Manager, EOD, and their designees, in accordance with the EOP, may either request mutual aid/assistance from other local government agencies, including public and private water and wastewater utilities, or commit District resources to other agencies requesting aid.

**Business
Continuity
Program
Plan**

The District provides products and services that support the economic, human, and environmental health of the East Bay. Therefore, the District must have a program that facilitates the performance of essential functions during an emergency situation that disrupts normal operations and/or the timely resumption of normal operations once the emergency has ended. The District will maintain a BCPP consistent with federal, state, and industry guidance that provides the overall framework for the program and outlines the basic priorities for recovery of business functions in

individual Work Group Business Continuity Plans (BCPs). The Regulatory Compliance Office will manage and maintain the BCPP. Individual Work Group BCPs outline the critical functions that must be performed before, during, and after an event; identify the personnel responsible for completing the necessary actions; and list the vital records, equipment, supplies, tools and systems required to accomplish the identified tasks. The Work Groups are responsible for ensuring that their BCPs are maintained, employees trained, plans tested, and their vital records necessary to maintain operations are available. Vital records include all information and records that if lost, would place significant financial, operational, or legal restrictions on the continuation of District services.

**Continuity of
Management**

All of the District's BCPs, including that of the Office of the General Manager, will designate up to three successors to serve as the primary critical staff person in the event there is an activation of the EOT so day-to-day operations may continue. In the event the primary critical staff person is unable to respond to an emergency, the designee, in the order listed, may assume all the duties and powers of the primary critical staff person.

Status Reports

The General Manager will provide periodic Emergency Preparedness Program and Business Continuity Program progress reports to the Board of Directors, as necessary, and the District's response to a declared District emergency, when applicable.

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their ~~his or her~~ place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
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References

Business Continuity Program Plan
California Emergency Services Act (CESA), Government Code 8635 *et seq.*
District Emergency Operations Plan
FEMA Procurement Disaster Assistance Team (PDAT) Field Manual
Municipal Utility District Act – Public Utility Code Section 12753
National Incident Management System (NIMS)
National Preparedness Goal
National Response Framework (NRF)
Policy 7.13 – Security
Procedure 415 – Emergency Purchases
Standardized Emergency Management System (SEMS)



Policy 7.03

EFFECTIVE 25 JUN 24

SUPERSEDES 27 JUN 23

EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

Ensure the District can respond to and recover from emergencies. The District will create and maintain an active Emergency Preparedness Program that includes an Emergency Operations Plan (EOP) written and administered to help manage the District's critical operations during any emergency and protect people, property, and the environment. The District will coordinate the emergency planning and response with federal, state, and local agencies and private entities charged with emergency duties. The District will also create and maintain a Business Continuity Program Plan (BCPP) to minimize impacts to critical business functions and enhance its capability to recover operations expediently and successfully following an emergency.

The EOP and BCPP shall include provisions to:

- Make employee and community life safety the highest priority.
 - Anticipate, prevent, protect against, and mitigate the greatest risks to the extent practicable.
 - Periodically review the plans and incorporate lessons learned from exercises, incidents, and industry.
 - Comply with all applicable legal requirements and be consistent with state and federal guidance.
-

Emergency

An emergency includes actual or threatened existence of conditions of disaster or extreme peril to critical District operations, its infrastructure, and/or the health and safety of staff and/or the public. An emergency may be caused by an earthquake, power outage, cyber security breach, pandemic, dam failure, freeze, water supply contamination, national security incident, storm event, and other conditions that may be beyond the capability of District forces and may require support from other government agencies, non-profit organizations, or the private sector.

Emergency Preparedness Program

The District's Emergency Preparedness Program will include an EOP written and administered in accordance with the guidelines of the National Response Framework (NRF), the National Incident Management System (NIMS), and the California Standardized Emergency Management System (SEMS). In accordance with NIMS and SEMS, the Emergency Preparedness Program will consist of five areas of readiness: prevention, protection, mitigation, response, and recovery. The EOP will describe the District's emergency response organization based on NIMS; include guidelines for identifying and training District staff in NIMS; designate District staff to critical positions identified in the EOP, and designate staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs. response to the emergency and recovery of damaged systems and financial costs. The Regulatory Compliance Office will facilitate progress on the Emergency Preparedness Program.

Authorization of Contracts During District Emergency Response and Reporting of Emergency Contracts

When an emergency condition arises that necessitates immediate action to minimize damage and inconvenience resulting from such condition, the General Manager or his or her designee, in consultation with the President of the Board of Directors (Board) or their designee, may declare a District emergency. The Board may also declare a District emergency under the Municipal Utility District Act (Public Utilities Code) Section 12753. The General Manager or his or her designee is authorized, after a District-declared emergency, to enter into emergency contracts not to exceed \$500,000, per contract, without bids or notice during the emergency response period. For emergency contracts higher than \$500,000, Board approval is required. The

Board shall meet to ratify the declaration of emergency by the General Manager as soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

At the next regular or special meeting of the Board of Directors following such emergency, a report shall be made to the Board of Directors summarizing contracts executed in response to said emergency. Periodic reports on the status of response and additional contracts shall be provided to the Board of Directors until the emergency is concluded. The emergency declaration will remain in effect until formal Board action is taken to conclude the emergency.

Note that under federal law (2 CFR § 200.320(c)), for procurements using federal funding or that may be reimbursed by the federal government, a noncompetitive procurement process may be used only when the public emergency will not permit a delay resulting from publicizing a competitive solicitation.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 25, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative Report No. 05-24

The following issues are being referred to the Board of Directors for action, as appropriate, on June 25, 2024.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 460 (Bauer-Kahan) State Water Resources Control Board: water rights and usage: civil penalties; and 2) Support if Amended SB 1255 (Durazo) Public water systems: needs analysis: water rate assistance program.

STATE LEGISLATION

RECOMMENDED POSITION

AB 460 (Bauer-Kahan)	STATE WATER RESOURCES CONTROL BOARD: WATER RIGHTS AND USAGE: CIVIL PENALTIES	SUPPORT
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Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability.

Existing law authorizes the State Water Resources Control Board (State Water Board) to issue an order to a person or entity to cease and desist from violating, or threatening to violate, certain requirements relating to water use, including diverting or using water, other than as authorized. Upon the failure of any person to comply with a cease and desist order issued by the State Water Board, existing law authorizes the Attorney General, upon the request of the State Water Board, to petition the superior court for the issuance of prohibitory or mandatory injunctive relief as appropriate, and authorizes civil penalties for a violation of a cease and desist order, as specified.

Existing law authorizes a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued by the State Water Board, an order or regulation adopted by the State Water Board, or a condition or reporting requirement for the diversion of floodwaters for

groundwater recharge to be held civilly liable for an amount not to exceed \$500 for each day in which the violation occurs.

AB 460 (Bauer-Kahan), as amended on June 12, 2024, would require the State Water Board to adjust for inflation, by January 1 of each year, beginning in 2025, the amounts of civil and administrative liabilities or penalties imposed by the State Water Board in water right actions, as specified.

This bill would increase the maximum civil penalty for a person who violates certain cease and desist orders issued by the State Water Board from \$1,000 to \$2,500 for each day the violation occurs, as specified. The bill would also increase the maximum civil penalty from \$500 to \$1,000 for each day a person or entity violates a term or condition of a permit, license, certification, or registration issued by the State Water Board; an order or regulation adopted by the State Water Board; or a condition or reporting requirement for the diversion of floodwaters for groundwater recharge, as provided.

Additionally, the bill provides if a violation is of a regulation or order adopted by the State Water Board that constitutes the diversion of water contrary to a curtailment order, the person or entity may be liable for \$10,000 for each day the violation occurs, and \$2,500 for each acre-foot of water diverted in violation of the curtailment order, beginning on the first day on which the violation occurs.

The official support and opposition list to AB 460 is shown below but is based on a prior version of the bill.

Support

California Trout (co-sponsor)
Planning and Conservation League (co-sponsor)
Trout Unlimited (co-sponsor)
Audubon California
California Coastkeeper Alliance
California Environmental Voters
California Outdoors
California Sportfishing Protection Alliance
California Water Research
Center for Biological Diversity
Clean Water Action
Climate Action California
Coast Action Group
Defenders of Wildlife
EarthJustice
Environmental Justice Coalition for Water

Support continued

Environmental Law Foundation
Environmental Working Group
Fly Fishers International
Friends of the Eel River
Friends of the River
Heal the Bay
Institute for Conservation Advocacy
Research and Education
Karuk Tribe
Laura Stokes, Online Art Sales and Gallery
Mono Lake Committee
Natural Resources Defense Council
North Bay Jobs with Justice
Northern California Council, Fly Fishers
International
Northern California Water Association

Support continued

Pacific Coast Federation of Fishermen's
Associations
Restore the Delta
Sacramento River Council
San Francisco Bay Keeper
Sierra Club California
Silicon Valley Youth Climate Action
The California Water Impact Network
The League of Women Voters of California
The Trust for Public Land
Tuolumne River Trust
Union of Concerned Scientists
Water Replenishment District
Water Foundation
Wholly H2O
Yurok Tribe

Opposition

African American Farmers of California
Agricultural Council of California
Almond Alliance of California
Antelope Valley-East Kern Water Agency
Association of California Egg Farmers
Association of California Water Agencies
(ACWA)
Bay Area Council
Bella Vista Water District
Byron-Bethany Irrigation District
California Alfalfa & Forage Association
California Alliance for Jobs
California Apple Commission
California Association of Realtors
California Association of Wheat Growers
California Association of Winegrape
Growers
California Bean Shippers Association
California Blueberry Association
California Blueberry Commission
California Builders Alliance
California Building Industry Association
California Business Properties Association

Opposition continued

California Cotton Ginners and Growers
Association
California Fresh Fruit Association
California Grain & Feed Association
California Manufacturers & Technology
Association
California Municipal Utilities Association
California Pear Growers Association
California Seed Association
California Walnut Commission
California Water Association
Carmichael Water District
Central Delta Water Agency
City & County of San Francisco
City of Corona
City of Fairfield
City of Foster
City of Fresno
City of Lodi
City of Mountain View
City of Roseville
City of Stockton
Coachella Valley Water District
Coastside County Water District
County of Fresno
County of San Joaquin
County of Solano
County of Stanislaus
County of Tulare
Cucamonga Valley Water District
Desert Water Agency
Dunnigan Water District
East Turlock Subbasin Groundwater
Sustainability Agency
East Valley Water District
Elsinore Valley Municipal Water District
Florin Resource Conservation District/Elk
Grove Water District
Friant Water Authority
Grower-Shipper Association of Central
California
Humboldt Bay Municipal Water District

Opposition continued

Imperial Irrigation District
Indio Water Authority
International Bottled Water Association
Kaweah & St. Johns Rivers Association
Kaweah Delta Water Conservation District
Kern County Water Agency
Kings River Conservation District
Kings River Water Association
Lake Arrowhead Community Services
District
Manteca Chamber of Commerce
McKinleyville Community Services District
Mesa Water District
Modesto Irrigation District
Mojave Water Agency
Montecito Water District
Mountain Counties Water Resources
Association
Municipal Water District of Orange County
Napa County Flood Control and Water
Conservation District
Nisei Farmers League
Oakdale Irrigation District
Olive Growers Council of California
Opportunity Stanislaus
Orange County Water District
Pacific Egg & Poultry Association
Pinedale County Water Agency
Placer County Water Agency
Regional Water Authority
Rosedale-Rio Bravo Water Storage District
Sacramento County Water Agency
Sacramento Regional Builders Exchange
San Diego County Water Authority

Opposition continued

San Francisco Public Utilities Commission
San Gabriel Valley Municipal Water District
San Geronio Pass Water Agency
San Joaquin River Exchange Contractors
Water Authority
San Juan Water District
San Luis & Delta-Mendota Water Authority
Santa Clarita Valley Water Agency
Santa Margarita Water District
Solano Irrigation District
Southern California Water Coalition
State Water Contractors
Stockton East Water District
Sweetwater Authority
Tehachapi-Cummings County Water District
Three Valleys Municipal Water District
Tranquility Irrigation District
Tri-County Water Authority
Tulare Irrigation District
Tuolumne County Water Agency
Tuolumne Utilities District
Turlock Irrigation District
United Water Conservation District
Upper San Gabriel Valley Municipal Water
District
Valley Center Municipal Water District
Western Agricultural Processors Association
Western Municipal Water District
Western Plant Health Association
Wine Institute
Yuba Water Agency

One individual

**SB 1255
(Durazo)**

**PUBLIC WATER SYSTEMS: NEEDS
ANALYSIS: WATER RATE ASSISTANCE
PROGRAM**

**SUPPORT
IF AMENDED**

SB 1255 (Durazo), as amended June 19, 2024, is focused on water affordability for low-income ratepayers in California. The bill contains two main areas of policy changes:

- SB 1255 requires water systems with over 3,300 residential connections to begin providing low-income rate assistance (LIRA) to eligible low-income ratepayers by July 1, 2027, funded by a voluntary contribution placed on the bill of each ratepayer (with specified exemptions). The rate assistance provided may also apply to wastewater if wastewater service is included on a customer's water bill.
- SB 1255 requires the State Water Resources Control Board (State Water Board), on or before July 1, 2026, to update a needs analysis of the state's public water systems to include an assessment of the funds necessary to provide a 20 percent bill credit for low-income households served by community water systems with fewer than 3,300 service connections and for community water systems with fewer than 3,300 service connections to meet a specified affordability threshold.

This write-up is focused on the LIRA provisions of the bill because of the nexus to EBMUD's Customer Assistance Program (CAP).

Background and Previous Legislation

Existing law, pursuant to AB 401 (Dodd), Chapter 662, Statutes of 2015, required the State Water Board to develop a plan for the funding and implementation of a statewide low-income water rate assistance program, and report back to the legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action. The resulting Low-Income Water Rate Assistance Final Report (referred to as the "AB 401 Report"), was released in February 2020 and focused on components for developing a successful program to help low-income households afford their drinking water by identifying potential program recipients, different mechanisms for delivering assistance to low-income households, and possible funding sources to implement such a program. The AB 401 Report envisioned a statewide program with benefits distributed through three different components to help low-income households, defined as at or below 200 percent of the Federal Poverty Level (FPL), including: 1) direct water bill assistance; 2) a renter's water credit for residents who pay for water indirectly through rent; and 3) crisis assistance for water ratepayers.

Based on some of the recommendations in the AB 401 Report, SB 222 (Dodd, 2021) would have required the State Water Board to develop and administer the Water Rate Assistance Program to provide water rate assistance for both drinking water and wastewater services to low-income residential ratepayers. Governor Newsom vetoed the bill, noting that it would have created a permanent program that would not be implemented or initiated until funding is provided, and that no sustainable, ongoing funding source was identified. The veto message also acknowledged that SB 222 would have created an ongoing program that would have required all community water systems and wastewater systems to participate, and that signing the policy would have resulted in significant General Fund pressures in the billions of dollars to continuously provide such assistance.

SB 1255 would implement some of the options referenced in the AB 401 Report for a LIRA program, but instead of a statewide program like SB 222 (Dodd), SB 1255 would require a qualified system to establish a local program at the system level, funded by voluntary contributions on certain ratepayers' bills.

SB 1255: Important Definitions

SB 1255 contains terms and definitions that are important to the LIRA language's applicability, including the following:

- “Qualified system” means any retail water supplier that serves over 3,300 residential connections.
- “Eligible ratepayer” means a low-income residential ratepayer with an annual household income that is no greater than 200 percent of the FPL.
- “Residential ratepayer” means an accountholder of a qualified system who resides in a single-family or multifamily residence and who receives a bill from a qualified system for water service.
- “Voluntary contributions” means funds voluntarily remitted by ratepayers to qualified systems that are not derived from fees or assessments pursuant to Section 4 or 6 of Article XIII D of the California Constitution.
- “Affordability programs” means any of the following programs:
 - (1) CalWORKs.
 - (2) CalFresh.
 - (3) General assistance.
 - (4) Medi-Cal.
 - (5) Supplemental Security Income or the State Supplementary Payment Program.
 - (6) California Special Supplemental Nutrition Program for Women, Infants, and Children.
 - (7) California Alternate Rates for Energy (CARE) program.
 - (8) Family Electric Rate Assistance (FERA) program.
- “Available information” means any of the following:
 - (1) Information provided pursuant to an agreement entered into pursuant to Section 116933 for the purposes of documenting the residential ratepayer's participation in an affordability program. [Section 116933 contains data sharing provisions, discussed below].
 - (2) A benefits award letter provided by the residential ratepayer documenting that the customer is an enrollee in, or is a recipient of, an affordability program.
 - (3) Self-certification of eligibility, under penalty of perjury, by the residential ratepayer.

- “Balancing account” means a reserved amount of sufficient funding to address fluctuations in voluntary contributions received or changes in eligible ratepayers, not to exceed 25 percent of the annual expenditures of the program.
- “Crisis assistance” means direct bill credits to accounts of eligible ratepayers to reduce accrued arrearages.
- “Program” means a water rate assistance program established pursuant to this chapter [pursuant to the bill’s provisions].

LIRA Provisions

SB 1255 would require a qualified water system, by July 1, 2027, to establish a program meeting specified “minimum enrollment and bill credit requirements” and to begin providing water rate assistance to eligible ratepayers.

A qualified system that offers an existing water rate assistance program on or before September 1, 2026, is exempt from some provisions contained in the bill, so long as the existing assistance program meets minimum enrollment and bill credit requirements by July 1, 2027.

Minimum Enrollment and Bill Credit Requirements

SB 1255 specifies that a rate assistance program, at a minimum, must include both of the following:

- (1) Automatic enrollment of eligible ratepayers if available information indicates that they are qualified to receive assistance; and,
- (2) Provision of a bill credit for eligible ratepayers of no less than 20 percent of the total water charges, and, if present on the bill, wastewater charges, as specified.

Qualified Systems with an Existing Rate Assistance Program

SB 1255 provides that any qualified system that offers an existing water rate assistance program on or before September 1, 2026, must meet minimum enrollment and bill credit requirements by July 1, 2027, but may not be required to comply with the broader provisions of the bill (hereafter referred to as the “LIRA chapter”). SB 1255 allows a qualified system with an existing rate assistance program to collect voluntary contributions to supplement or expand the existing program or to provide crisis assistance. However, it is unclear if collection of voluntary contributions by a qualified system that already has an existing water rate assistance program would trigger some or all of the requirements contained in the rest of the LIRA chapter.

The bill contains language that specifies that nothing in the LIRA chapter shall prohibit a qualified system from offering assistance to residential ratepayers that do either, or both, of the following:

- (1) Provides a greater bill credit benefit.
- (2) Exceeds the definition of low income as specified in this chapter for ratepayer eligibility.

Voluntary Contributions

SB 1255 requires on or before September 1, 2026, a qualified system to provide an opportunity for ratepayers of the system to provide a contribution as part of the ratepayer's water bill to fund the qualified system's program. On or before September 1, 2026, a system can start to collect voluntary contributions to fund the reasonable costs associated with the administration of the bill's provisions. Beginning July 1, 2027, the bill specifies that reasonable costs associated with the administration of the bill's provisions cannot exceed 10 percent of voluntary contributions.

SB 1255 requires each system to establish a recommended voluntary contribution amount on the bill of each ratepayer (other than an eligible low-income ratepayer based on available information as of July 1, 2026), at a level intended to raise sufficient funding to:

- Provide a bill credit to eligible ratepayers (as prescribed in the minimum enrollment and bill credit requirements section);
- Pay for the qualified systems' administrative costs to implement the LIRA chapter beginning January 1, 2025; and
- Establish a balancing account if the qualified system chooses to do so.

When setting the recommended level of the voluntary contribution, a qualified system must assume that 60 percent of ratepayers (other than eligible low-income ratepayers), will provide the contribution. On or before July 1, 2027, a qualified system is allowed to adjust the voluntary contribution, as necessary, considering the previous year's actual participation rate. SB 1255 specifies that the recommended voluntary contribution cannot exceed five percent of the charges for water and wastewater on the water bill for any residential ratepayer.

SB 1255 requires a qualified system to notify their ratepayers of the voluntary contribution and provide the option and method of opting out at least three months prior to beginning collection of the voluntary contribution, and thereafter on at least an annual basis. Contributions would commence on the subsequent billing cycle from this notice. A system could also include alternative amounts of contributions.

SB 1255 specifies that if the system, after three months of accepting voluntary contributions, can demonstrate insufficient funds to support a program at a minimum of a 10 percent discount, or

five dollars per month, whichever amount is great and adjusted for the consumer price index after July 1, 2027, and pay for the qualified system's reasonable costs for administration of the program, the system shall instead use the collected contributions to provide ongoing crisis assistance and pay for the system's reasonable costs for administration of crisis assistance. Crisis assistance must be offered on or before July 1, 2027.

For those systems, crisis assistance must be offered to eligible ratepayers, at a minimum, when a system provides notice of discontinuation of service or when the eligible customer contacts the system about a delinquent account. The bill provides that crisis assistance can only be provided once per year to a customer and is limited to an amount determined by the qualified system, taking into account the overall past due amount and available funding. The ratepayer is required to enter into an amortization agreement, alternative payment schedule, or plan for deferred or reduced payment, to be eligible for crisis assistance, should the crisis assistance provided not fully eliminate the ratepayer's arrearages.

Opt-Out Method and Refunds

SB 1255 allows a ratepayer to opt out of the voluntary contribution at any time in a manner that may be specified by the qualified system and included in the notice to ratepayers. Voluntary contributions would terminate on the qualified system's subsequent normal billing cycle. SB 1255 specifies that a ratepayer may only request a refund for contributions made since the last notice of opportunity to opt out of the program was provided or for the period of the last billing cycle prior to the date the ratepayer opts out, whichever time period is greater. Refunds can be in the form of a bill credit.

Partial payments made by a ratepayer insufficient to pay for charges on the bill shall be used to pay for the qualified system's charges shown on the bill before being attributed to the voluntary contribution.

A system is prohibited from sanctioning, taking any enforcement or collection action against, imposing any late charges or penalty against, or otherwise holding liable a ratepayer who exercises the option of not paying a voluntary contribution. No penalty or late fee may be assessed for the failure of a ratepayer to make timely payment of a voluntary contribution.

Data Sharing

SB 1255 requires the California Public Utilities Commission, on or before January 1, 2026, to establish a mechanism for electrical and gas corporations to provide data to all qualified systems no later than April 1, 2026, and annually by April thereafter, regarding ratepayers enrolled in, or eligible to be enrolled in, the CARE program or the FERA program. The bill allows all qualified systems to enter into agreements with local publicly owned electric utilities and local publicly owned gas utilities, including, but not limited to, municipal utility districts and irrigation districts, for the purpose of regularly receiving data regarding ratepayers enrolled in, or eligible to be enrolled in, affordability programs.

Reporting and Enforcement

Beginning in 2028, SB 1255 would require the State Water Board to require qualified systems participating in the program to include in technical reports various information about the total amount of voluntary contributions collected, the administrative costs of operating the program, the number of eligible households that were provided rate assistance or crisis assistance, the total amount of rate or crisis assistance provided, and information regarding any arrearages that remain after application of bill assistance, on an annual basis. It is unclear whether this reporting requirement is meant to apply to systems with an existing rate assistance program that meets the minimum enrollment and bill credit requirements.

SB 1255 would authorize the Attorney General (AG) to bring an action in state court, as specified, against a qualified system in violation of the LIRA chapter, unless the system has made a good faith effort to raise sufficient funding for the program. Language in this section exempts systems with existing rate assistance programs that meet the minimum enrollment and bill credit requirements from AG enforcement.

Proposition 218

Language in the bill specifies that the bill's provisions do not require a qualified system to use other funds other than the voluntary contributions to provide rate assistance to eligible ratepayers or to pay for associated administrative costs. Additionally, the bill allows a qualified system to use other funds available for this purpose that are not derived from fees or assessments pursuant to Section 4 or 6 of Article XIII D of the California Constitution.

Other Provisions

- A qualified system can require verification of eligibility for rate assistance from a sample of enrolled eligible ratepayers on an annual basis to verify low-income status and eligibility for assistance. The bill specifies that a system may remove any ratepayers found to be ineligible for rate assistance from the program.
- A qualified system may contract with a third party to receive the voluntary contributions and comply with rate assistance requirements in the bill.
- A qualified system may use any state or federal funds that are available to support a program by offsetting or supplementing the funds collected from voluntary contributions.

Impacts to EBMUD's CAP

Language in the bill allows a system to continue with its existing rate assistance program, so long as the program meets minimum enrollment and bill credit requirements specified in the bill

by July 1, 2027. For EBMUD, these minimum enrollment and bill credit requirements would mean:

- Auto-enrollment of “new” eligible ratepayers (information on new eligible ratepayers would be provided through data-sharing agreements with PG&E, a benefits award letter provided by customer, or customer self-certification of eligibility, thus modifying the CAP enrollment process).
 - The number of “new” eligible ratepayers is unknown. EBMUD staff have previously estimated that about one-third of eligible ratepayers (approximately 10,000 households) are enrolled in CAP, meaning there could be as many as 20,000 households available for auto-enrollment in the CAP.
- Prohibition on EBMUD asking for upfront income verification to establish eligibility for the CAP. Instead, SB 1255 would allow an audit of a sample of enrolled eligible ratepayers on an annual basis to verify an enrollee’s low-income status and eligibility for the CAP, after-the-fact.
- SB 1255’s definition of low-income is an “annual household income that is no greater than 200 percent of the federal poverty guideline level” which is less generous than EBMUD’s household income eligibility for the CAP. However, the bill does include “above and beyond” language which would allow EBMUD to provide greater bill discounts and at different household income levels.
- There could be other changes to the CAP, depending on whether EBMUD would seek to supplement or expand funding with voluntary contributions.

Rate Assistance Options Pursuant to SB 1255

The scenarios below represent different approaches EBMUD may take based on the bill’s current language. However, there are two critical pieces of information that are needed but unknown at this time to determine the approach EBMUD would take:

- The number of “new” eligible ratepayers that EBMUD must auto-enroll for rate assistance.
- The funding level to be raised by a voluntary contribution placed on certain ratepayer bills, which could fluctuate from year to year, depending on how many customers opt out or request refunds.

Scenario 1: Meet the minimum enrollment and bill credit requirements by auto-enrolling “new” eligible customers in CAP but do not collect a voluntary contribution. This assumes funding for the CAP through existing or expanded non-rate revenue will cover “new” eligible customers that must be auto-enrolled in the CAP at the current benefit level.

This approach would ensure that EBMUD meets the minimum requirements of the bill. However, this scenario may not be feasible given the unknown number of “new customers” and the availability of existing or expanded non-rate revenue to cover the additional “new” eligible customers.

Scenario 2: Continue with CAP benefits and meet the minimum enrollment and bill credit requirements, but do not collect a voluntary contribution. Instead reduce benefits for all recipients of assistance by lowering the bill credit or modifying the household income requirements, or both, to provide less generous benefits than the existing CAP. This could be a solution if EBMUD needs to auto-enroll many “new” customers and does not have the funding to cover customers with the same benefit.

Scenario 3: Continue with CAP, meet the minimum enrollment and bill credit requirements, and seek to place a voluntary contribution on customer bills to cover “new” eligible customers who would need to be auto-enrolled.

This approach would likely result in a reduced benefit for all CAP participants or a two-tier benefit if the voluntary contribution revenue is insufficient to cover the program and provide “new” eligible customers with a commensurate benefit.

Scenario 4: Continue with CAP at the current benefit level and place a voluntary contribution on customer bills. Should the voluntary contributions not provide enough funding to auto-enroll “new” eligible customers, EBMUD would need an exemption from the minimum enrollment and bill credit requirements. The additional funding could then be used to provide crisis assistance.

For EBMUD to be exempt from the auto-enrollment requirements, amendments to the bill would be needed.

Other Impacts to EBMUD

There are other impacts to EBMUD from the bill to be considered. For example, receiving and sorting through data provided by PG&E for customers enrolled in their affordability program and matching those to EBMUD customer accounts is likely to be time-consuming.

There could also be accounting impacts as the voluntary contributions fluctuate, as well as the updating of financial estimates of voluntary contribution revenue to support the program.

Because of Proposition 218, any cost solely attributable to implementing a LIRA program would likely need to be funded by non-rate revenue or by proceeds from the voluntary contributions.

Proposed Amendments

- Voluntary contributions unable to fund “new” customers at existing CAP benefit level. Seek amendments to clarify if voluntary contributions on ratepayer bills do not meet the financial level necessary to support the additional “new” customer enrollment at the same level of benefits that the existing rate assistance program already provides, then auto-enrollment of “new” customers shall not be required. Funding raised by voluntary contributions could then be used for crisis assistance.
- Third Party/Water Lifeline. Clarify provisions that allow a system to coordinate with a third party to receive the voluntary contributions and provide rate assistance to also allow that third party to provide crisis assistance. This would allow EBMUD to potentially coordinate with the nonprofits that provide assistance through the Water Lifeline program.

SB 1255 Support and Opposition List

The official support and opposition list to SB 1255 is shown below, but is based on the April 1, 2024, version of the bill which did not include the LIRA program language.

Support

Clean Water Action (co-sponsor)
Community Water Center (co-sponsor)
Leadership Counsel for Justice and
Accountability (co-sponsor)
California Association of Professional
Scientists
California Coastal Protection Network
California Coastkeeper Alliance
California Environmental Voters
California Water Research
Cleaneearth4kids.org
Friends of The River

Support continued

Heal the Bay
Los Angeles Alliance for A New Economy
Los Angeles Waterkeeper
Mono Lake Committee
Natural Resources Defense Council
Planning and Conservation League
Union of Concerned Scientists

Opposition

None listed.

CCC:KCV:DM

Attachments

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AMENDED IN SENATE JUNE 12, 2024

AMENDED IN SENATE JUNE 3, 2024

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY APRIL 26, 2023

AMENDED IN ASSEMBLY MARCH 30, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 460

**Introduced by Assembly Member Bauer-Kahan
(Principal coauthor: Assembly Member Friedman)**

February 6, 2023

An act to amend Sections 1845 and 1846 of, and to add Section 1055.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

AB 460, as amended, Bauer-Kahan. State Water Resources Control Board: water rights and usage: civil penalties.

(1) Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability.

This bill would require the State Water Resources Control Board to adjust for inflation, by January 1 of each year, beginning in 2025, the amounts of civil and administrative liabilities or penalties imposed by the board in water right actions, as specified.

(2) Existing law authorizes the board to issue an order to a person to cease and desist from violating, or threatening to violate, certain requirements relating to water use, including diverting or using water,

other than as authorized. Upon the failure of any person to comply with a cease and desist order issued by the board, existing law authorizes the Attorney General, upon the request of the board, to petition the superior court for the issuance of prohibitory or mandatory injunctive relief as appropriate, and authorizes civil penalties for a violation of a cease and desist order, as specified.

This bill would increase one of the specified civil penalties to \$2,500 for each day in which a violation of a cease and desist order occurs.

(3) Existing law authorizes a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued by the board, an order or regulation adopted by the board, or a condition or reporting requirement for the diversion of floodwaters for groundwater recharge to be held civilly liable for an amount not to exceed \$500 for each day in which the violation occurs.

The bill would increase the amount of civil liability for the above-described violations to \$1,000 for each day in which the violation occurs. The bill, if the violation is of a regulation or order adopted by the board that constitutes the diversion of water contrary to a curtailment order, ~~order~~, *order adopted by the board*, would provide that a person or entity may be liable ~~for an additional~~ *in an amount not to exceed* \$10,000 for each day in which the violation occurs, and \$2,500 for each acre-foot of water diverted in violation of the curtailment order, beginning on the first day on which the violation occurs.

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

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

1 SECTION 1. Section 1055.5 is added to the Water Code, to
2 read:
3 1055.5. (a) (1) The board shall adjust on an annual basis, by
4 January 1 of each year beginning in 2025, all civil and
5 administrative liabilities or penalties imposed by the board in an
6 action brought at the request of the board pursuant to this division,
7 to adjust the maximum amounts specified in this division for
8 inflation, as established by the amount by which the California
9 Consumer Price Index for the month of June of the year prior to
10 the adjustment exceeds the California Consumer Price Index for
11 June of the calendar year in which legislation was last enacted

1 establishing or amending the maximum amount of the liability or
2 penalty.

3 (2) The amount of any liability or penalty determined pursuant
4 to this subdivision shall be rounded as follows:

5 (A) To the nearest multiple of ten dollars (\$10) in the case of a
6 liability or penalty that is less than or equal to one hundred dollars
7 (\$100).

8 (B) To the nearest multiple of one hundred dollars (\$100) in the
9 case of a liability or penalty that is greater than one hundred dollars
10 (\$100), but less than or equal to one thousand dollars (\$1,000).

11 (C) To the nearest multiple of one thousand dollars (\$1,000) in
12 the case of a liability or penalty that is greater than one thousand
13 dollars (\$1,000), but less than or equal to ten thousand dollars
14 (\$10,000).

15 (D) To the nearest multiple of five thousand dollars (\$5,000) in
16 the case of a liability or penalty that is greater than ten thousand
17 dollars (\$10,000).

18 (3) Inflation adjustments made pursuant to this subdivision are
19 exempt from the requirements of Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
21 Code. The updated civil and administrative liability or penalties
22 pursuant to the inflation adjustment shall be filed with the Secretary
23 of State and published in the California Code of Regulations.

24 (b) This section does not apply to any liability imposed under
25 Section 1538.

26 (c) The board shall report to the Legislature, in accordance with
27 Section 9795 of the Government Code, with regard to the
28 implementation of this section.

29 SEC. 2. Section 1845 of the Water Code is amended to read:

30 1845. (a) Upon the failure of any person to comply with a
31 cease and desist order issued by the board pursuant to this chapter,
32 the Attorney General, upon the request of the board, shall petition
33 the superior court for the issuance of prohibitory or mandatory
34 injunctive relief as appropriate, including a temporary restraining
35 order, preliminary injunction, or permanent injunction.

36 (b) (1) A person or entity who violates a cease and desist order
37 issued pursuant to this chapter may be liable in an amount not to
38 exceed the following:

39 (A) If the violation occurs in a critically dry year immediately
40 preceded by two or more consecutive below normal, dry, or

1 critically dry years or during a period for which the Governor has
2 issued a proclamation of a state of emergency under the California
3 Emergency Services Act (Chapter 7 (commencing with Section
4 8550) of Division 1 of Title 2 of the Government Code) based on
5 drought conditions, ten thousand dollars (\$10,000) for each day
6 in which the violation occurs.

7 (B) If the violation is not described by subparagraph (A), two
8 thousand five hundred dollars (\$2,500) for each day in which the
9 violation occurs.

10 (2) Civil liability may be imposed by the superior court. The
11 Attorney General, upon the request of the board, shall petition the
12 superior court to impose, assess, and recover those sums.

13 (3) Civil liability may be imposed administratively by the board
14 pursuant to Section 1055.

15 SEC. 3. Section 1846 of the Water Code is amended to read:

16 1846. (a) A person or entity may be liable for a violation of
17 any of the following in an amount not to exceed one thousand
18 dollars (\$1,000) for each day in which the violation occurs:

19 (1) A term or condition of a permit, license, certificate, or
20 registration issued under this division.

21 (2) A regulation or order adopted by the board.

22 (3) A condition or reporting requirement for the diversion of
23 floodwaters for groundwater recharge under Section 1242.1.

24 (b) For a violation described in paragraph (2) of subdivision (a)
25 that constitutes the diversion of water contrary to a curtailment
26 ~~order, order adopted by the board,~~ a person or entity may be liable
27 ~~for both of the following additional amounts: in an amount not to~~
28 ~~exceed the following:~~

29 (1) Ten thousand dollars (\$10,000) for each day in which the
30 violation occurs.

31 (2) Two thousand five hundred dollars (\$2,500) for each
32 acre-foot of water diverted in violation of the curtailment order,
33 beginning on the first day on which the violation occurs.

34 (c) Civil liability may be imposed by the superior court. The
35 Attorney General, upon the request of the board, shall petition the
36 superior court to impose, assess, and recover those sums.

37 (d) Civil liability may be imposed administratively by the board
38 pursuant to Section 1055.

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AMENDED IN ASSEMBLY JUNE 19, 2024

AMENDED IN ASSEMBLY JUNE 3, 2024

AMENDED IN SENATE APRIL 1, 2024

SENATE BILL

No. 1255

Introduced by Senator Durazo

(~~Coauthor: Senator Dodd~~)

(Coauthors: Senators Dodd and Smallwood-Cuevas)

*(Coauthors: Assembly Members Arambula, Bennett, Connolly, Kalra,
Ortega, and Ting)*

February 15, 2024

An act to amend Section 116772 of, and to add Chapter 6.5 (commencing with Section 116930) to Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1255, as amended, Durazo. Public water systems: needs analysis: water rate assistance program.

(1) The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health. Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law requires the state board to annually adopt a fund expenditure plan, as provided, and requires expenditures from the fund to be consistent with the fund expenditure plan. Existing law requires the state board to

base the fund expenditure plan on data and analysis drawn from a specified drinking water needs assessment.

This bill would require the state board to update a needs analysis of the state's public water systems to include an assessment, as specified, of the funds necessary to provide a 20% bill credit for low-income households served by community water systems with fewer than 3,300 service connections and for community water systems with fewer than 3,300 service connections to meet a specified affordability threshold on or before July 1, 2026, and on or before July 1 of every 3 years thereafter.

(2) Existing law requires the state board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program. Existing law requires the plan to include, among other things, a description of the method for collecting moneys to support and implement the program and a description of the method for determining the amount of moneys that may need to be collected from water ratepayers to fund the program.

This bill would require qualified systems, defined as any retail water supplier that serves over 3,300 residential connections, to begin providing water rate assistance to eligible ratepayers, defined to mean a low-income residential ratepayer with an annual household income that is no greater than 200% of the federal poverty guideline level, on or before ~~April~~ July 1, 2027. The bill would require a qualified system to automatically enroll an eligible ratepayer in the water rate assistance program if available information, which includes, among other things, authorizing a ratepayer to confirm eligibility by self-certification made under penalty of perjury, indicates that they are qualified to receive assistance and provide a water bill credit, as specified. By expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would require a qualified system, on or before ~~July~~ September 1, 2026, to provide an opportunity for each ratepayer to provide a voluntary contribution as part of the ratepayer's water bill to provide funding for the qualified system's water rate assistance program. The bill would require a qualified system to recommend a voluntary contribution amount on the bill of each ratepayer, other than an eligible ratepayer, at a level ~~that will~~ intended to raise sufficient funding to provide a ~~discount~~ bill credit to eligible ratepayers, pay for the qualified system's administrative costs to implement the ~~program~~, *program* beginning January 1, 2025, and establish a balancing account if the

qualified system chooses to do so. The bill would require a qualified system to notify ratepayers of the voluntary contribution on the water bill and provide each ratepayer the option and method of opting out of the voluntary contribution, as specified. The bill would also prohibit a qualified system from sanctioning or holding liable a ratepayer in any manner for not paying the voluntary contribution. The bill would authorize a qualified system to use any state or federal funds that are available to support a ratepayer assistance program by offsetting or supplementing the funds collected from voluntary contributions. The bill would authorize the Attorney General to bring an action in state court to restrain the use of any method, act, or practice in violation of these provisions, except as provided.

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

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

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Existing state law declares that it is the established policy
- 4 of the state that every human being has the right to safe, clean,
- 5 affordable, and accessible water adequate for human consumption,
- 6 cooking, and sanitary purposes.
- 7 (b) In 2015, the Legislature passed Assembly Bill 401 (Chapter
- 8 662 of *the Statutes of 2015*) that required the State Water Resources
- 9 Control Board to develop a plan, informed by the public and the
- 10 State Board of Equalization, for a statewide low-income rate
- 11 assistance for water.
- 12 (c) In 2020, the state board released a report pursuant to
- 13 Assembly Bill 401, which is entitled “Recommendations for
- 14 Implementation of a Statewide Low-Income Water Rate Assistance
- 15 Program,” that found that it would take over \$140,000,000 annually
- 16 to create a low-income water rate assistance program.

1 (d) However, the cost of water has continued to rise, outpacing
2 the rate of inflation and putting too many California families at
3 risk of water shutoffs.

4 (e) Many larger systems in California could provide ratepayer
5 assistance, but are limited by Proposition 218. The Legislature
6 should develop tools for larger water systems to provide more
7 assistance to ratepayers without violating Proposition 218.

8 (f) Further, the options available to aid small water systems vary
9 from those available to larger water systems, and include ongoing
10 operations and maintenance assistance for some systems that serve
11 all or nearly all low-income households.

12 (g) Therefore, to inform future legislation, the state board should
13 develop regularly updated data on resources needed to support
14 small water systems to guide the creation of a future program to
15 fulfill the right of customers of these systems to affordable drinking
16 water and wastewater.

17 SEC. 2. Section 116772 of the Health and Safety Code is
18 amended to read:

19 116772. (a) (1) By January 1, 2021, the board, in consultation
20 with local health officers and other relevant stakeholders, shall use
21 available data to make available a map of aquifers that are at high
22 risk of containing contaminants that exceed safe drinking water
23 standards that are used or likely to be used as a source of drinking
24 water for a state small water system or a domestic well. The board
25 shall update the map annually based on new and relevant data.

26 (2) The board shall make the map of high-risk areas, as well as
27 the data used to make the map, publicly accessible on its internet
28 website in a manner that complies with the Information Practices
29 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
30 1.8 of Part 4 of Division 3 of the Civil Code). The board shall
31 notify local health officers and county planning agencies of
32 high-risk areas within their jurisdictions.

33 (b) (1) By January 1, 2021, a local health officer or other
34 relevant local agency shall provide to the board all results of, and
35 data associated with, water quality testing performed by a
36 laboratory that has accreditation or certification pursuant to Article
37 3 (commencing with Section 100825) of Chapter 4 of Part 1 of
38 Division 101 for a state small water system or domestic well that
39 was collected after January 1, 2014, and that is in the possession
40 of the local health officer or other relevant local agency.

(2) By January 1, 2022, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.

(c) (1) On or before July 1, 2026, and on or before July 1 of each three years thereafter, the board, in consultation with the advisory group established pursuant to Section 116768.5 and appropriate stakeholders, shall update the needs analysis of the state's public water systems to include an assessment of the funds necessary to provide a 20-percent bill credit for low-income households served by community water systems with fewer than 3,300 service connections and for community water systems with fewer than 3,300 service connections to meet the affordability threshold established pursuant to Section 116769.

(2) To develop this assessment, the board shall do all of the following:

(A) Collect arrearage data from water systems not regulated by the Public Utilities Commission and request data from the Public Utilities Commission on those systems they regulate.

(B) Estimate the number of households in need of assistance using arrearage data as well as information provided by the United States Census *Bureau* or other comparable data source.

(C) Identify available data on water rates charged by community water systems with fewer than 3,300 service connections.

(D) Where data is unavailable for a water system, use an average of existing data to estimate the level of need for that system.

SEC. 3. Chapter 6.5 (commencing with Section 116930) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 6.5. WATER RATE ASSISTANCE PROGRAMS

116930. For purposes of this chapter, the following definitions apply:

(a) "Affordability programs" means any of the following programs:

- 1 (1) CalWORKs.
- 2 (2) CalFresh.
- 3 (3) General assistance.
- 4 (4) Medi-Cal.
- 5 (5) Supplemental Security Income or the State Supplementary
- 6 Payment Program.
- 7 (6) California Special Supplemental Nutrition Program for
- 8 Women, Infants, and Children.
- 9 (7) California Alternate Rates for Energy program.
- 10 (8) Family Electric Rate Assistance program.
- 11 (b) "Available information" means any of the following:
- 12 (1) Information provided pursuant to an agreement entered into
- 13 pursuant to Section 116933 for the purposes of documenting the
- 14 residential ratepayer's participation in an affordability program.
- 15 (2) A benefits award letter provided by the residential ratepayer
- 16 documenting that the customer is an enrollee in, or is a recipient
- 17 of, an affordability program.
- 18 (3) Self-certification of eligibility, under penalty of perjury, by
- 19 the residential ratepayer.
- 20 (c) "Balancing account" means a reserved amount of sufficient
- 21 funding to address fluctuations in voluntary contributions received
- 22 or changes in eligible ratepayers, not to exceed 25 percent of the
- 23 annual expenditures of the program.
- 24 (d) "Crisis assistance" means direct bill credits to accounts of
- 25 eligible ratepayers to reduce accrued arrearages.
- 26 (e) "Eligible ratepayer" means a low-income residential
- 27 ratepayer with an annual household income that is no greater than
- 28 200 percent of the federal poverty guideline level.
- 29 (f) "Program" means a water rate assistance program established
- 30 pursuant to this chapter.
- 31 (g) "Qualified system" means any retail water supplier that
- 32 serves over 3,300 residential connections.
- 33 (h) "Residential ratepayer" means an accountholder of a
- 34 qualified system who resides in a single-family or multifamily
- 35 residence and who receives a bill from a qualified system for water
- 36 service.
- 37 (i) "State board" means the State Water Resources Control
- 38 Board.
- 39 (j) "Voluntary contributions" means funds voluntarily remitted
- 40 by ratepayers to qualified systems that are not derived from fees

or assessments pursuant to Section 4 or 6 of Article XIII D of the California Constitution.

116931. (a) On or before ~~April~~ July 1, 2027, a qualified system, other than a system meeting the requirements of subdivision (f), shall establish a program meeting the minimum requirements of subdivision (b) and begin providing water rate assistance to eligible ratepayers in compliance with this chapter.

(b) A program offered pursuant to this chapter shall, at a minimum, include both of the following:

(1) Automatic enrollment of eligible ratepayers if available information indicates that they are qualified to receive assistance.

(2) (A) Provision of a bill credit for eligible ratepayers of no less than 20 percent of the *total* water charges, and, if present on the bill, ~~wastewater charges:~~ *charges, for a volume of water similar to that identified in Section 10609.4 of the Water Code or, if the eligible ratepayer uses less, the actual volume used.* In the event there is not sufficient funding, including any balancing account funds, to support a 20-percent bill credit, the program shall provide the maximum bill credit available that funding is able to ~~support.~~ *support, unless the maximum bill credit available that funding is able to support is less than 10 percent, in which case the qualified system shall instead provide crisis assistance to the extent funds are available consistent with subdivision (j). The bill credit may be applied pursuant to subparagraph (B).*

(B) *The qualified system may select the element or elements of the water charges, pursuant to subparagraph (C), upon which the bill credit is applied or may elect to provide a bill credit as a set percentage of the total water bill, provided that the total bill credit is equivalent in value to the bill credit required by this paragraph.*

(C) *Element, or elements, of the drinking water charges upon which the bill credit may be applied include, but are not limited to, the fixed, volumetric, or fixed and volumetric charges levied by the system.*

(c) (1) ~~Beginning July~~ On or before September 1, 2026, for the reasonable costs associated with the administration of this chapter and to establish initial program funding, a qualified system may begin collecting voluntary contributions. Reasonable costs include administrative costs associated with this chapter and for providing notice to ~~customers:~~ *ratepayers pursuant to this chapter.*

(2) Beginning ~~April~~ July 1, 2027, the reasonable costs associated with the administration of this chapter shall not exceed 10 percent of voluntary contributions collected pursuant to this section.

(d) In establishing a program pursuant to this section, a qualified system may establish a balancing account to manage fluctuations in voluntary contributions and the granting of bill credits to eligible ratepayers.

(e) This section does not require a qualified system to use ~~other~~ funds *other than voluntary contributions collected pursuant to Section 116932* to provide rate assistance to eligible ratepayers or to pay for associated administrative costs. ~~Only voluntary contributions collected pursuant to Section 116932 shall be used to implement this program, unless the~~ A qualified system ~~has~~ *may* use other funds available for this purpose that are not derived from fees or assessments pursuant to Section 4 or 6 of Article XIII D of the California Constitution.

(f) (1) Any qualified system that offers an existing water rate assistance program on or before ~~July~~ September 1, 2026, that meets the minimum enrollment and bill credit requirements specified in subdivision (b) *by July 1, 2027*, shall not be required to comply with this chapter, but may collect voluntary contributions pursuant to Section 116932 to supplement or expand the existing program or to provide crisis assistance.

(2) *Nothing in this chapter shall prohibit a qualified system from offering assistance to residential ratepayers that does either, or both, of the following:*

(A) *Provides a greater bill credit benefit.*

(B) *Exceeds the definition of low income as specified in this chapter for ratepayer eligibility.*

(g) Any public water system that is not a qualified system may collect voluntary contributions to fund a water affordability program, but is not required to comply with this chapter.

(h) A qualified system may require verification of eligibility from a sample ~~of up to 5 percent~~ of enrolled eligible ratepayers on an annual basis to verify the ratepayer's low-income status and eligibility for assistance. *A qualified system may remove any ratepayers found to not be eligible for assistance from this program.*

(i) A qualified system shall continue to have a program pursuant to this chapter as long as there is sufficient funding available

pursuant to Section 116932 to provide water rate assistance or crisis assistance, pay for the qualified system's reasonable costs for administration of the program, and establish a balancing account if the qualified system chooses to do so.

(j) (1) If, after three months of accepting voluntary contributions, the qualified system can demonstrate there will not be sufficient funds to support a program at a minimum of a 10-percent discount or five dollars (\$5) per month, whichever amount is greater and adjusted for the consumer price index after July 1, 2027, *and pay for the qualified system's reasonable costs for administration of the program*, the system shall *instead* use the collected contributions to provide ongoing crisis ~~assistance~~. *assistance and pay for the qualified system's reasonable costs for administration of crisis assistance. Crisis assistance shall be offered on or before July 1, 2027.* Crisis assistance shall be offered to eligible ratepayers, at a minimum, when a qualified system provides notice pursuant to Section 116908 or when the eligible customer contacts the qualified system about a delinquent account.

(2) Crisis assistance shall only be provided to an eligible ratepayer once per year and limited to an amount determined by the qualified system, taking into account the overall past due amount and available funding. To the extent the amount of crisis assistance provided does not eliminate an eligible ratepayer's arrearages, the ratepayer shall enter into an amortization agreement, alternative payment schedule, or plan for deferred or reduced payment, pursuant to Section 116910, to be eligible for crisis assistance.

116932. (a) On or before ~~July~~ *September 1, 2026*, a qualified system shall provide an opportunity for each ratepayer of the system to provide a voluntary contribution as part of the ratepayer's water bill to provide funding for the qualified system's program.

(b) A qualified system shall establish a recommended voluntary contribution amount on the bill of each ratepayer other than an eligible ratepayer based on available information as of ~~March~~ *July 1, 2026*, at a level ~~designed~~ *intended* to raise sufficient funding to provide a ~~discount~~ *bill credit* to eligible ratepayers pursuant to paragraph (2) of subdivision (b) of Section 116931, pay for the qualified system's administrative costs to implement this ~~chapter~~, *chapter beginning January 1, 2025*, and establish a balancing account if the qualified system chooses to do so. When setting the

1 ~~initial level of the~~ *recommended* voluntary contribution, a qualified
2 system shall assume that 60 percent of ratepayers other than eligible
3 ratepayers will provide the contribution. ~~After March~~ *On or before*
4 *July 1, 2027*, a qualified system may adjust the voluntary
5 contribution, as necessary, considering the previous year's actual
6 participation rate. The *recommended* voluntary contribution shall
7 not exceed 5 percent of the charges for water and wastewater *on*
8 *the water bill* for any residential ratepayer.

9 (c) A bill from a qualified system shall label the voluntary
10 contribution in a way that describes the purpose of the funds. The
11 qualified system shall notify their ratepayers of the voluntary
12 contribution and, in a visually accessible manner and using clear
13 and unambiguous language, shall provide each ratepayer the option
14 and method of opting out of providing the voluntary contribution
15 at least three months prior to beginning collection of the voluntary
16 contribution, and thereafter on at least an annual basis. Voluntary
17 contributions shall commence on the qualified system's subsequent
18 billing cycle from the notice. The qualified system may choose to
19 include alternative amounts for contributions. A qualified system
20 shall also provide this information on its internet website in
21 English, the other languages listed in Section 1632 of the Civil
22 Code, and any other language spoken by at least 10 percent of the
23 people residing in its service area.

24 (d) A ratepayer may opt out of the voluntary contribution at any
25 time in a manner that may be specified by the qualified system
26 and shall be included in the notice in subdivision (c), with voluntary
27 contributions terminating on the qualified system's subsequent
28 normal billing cycle.

29 (e) A ratepayer may only request a refund for contributions
30 made since the last notice of opportunity to opt out of the program
31 was provided or for the period of the last billing cycle prior to the
32 date the ratepayer opts out, whichever time period is greater.
33 Qualified systems may provide refunds in the form of a bill credit.

34 (f) ~~(1)~~ A qualified system shall not sanction, take any
35 enforcement or collection action against, impose any late charge
36 or penalty against, or otherwise hold liable a ratepayer in any
37 manner for exercising the option of not paying a voluntary
38 contribution described in this section.

~~(2) Nothing in this chapter shall prohibit a qualified system from offering assistance to residential ratepayers that do either, or both, of the following:~~

~~(A) Provides a greater bill credit benefit.~~

~~(B) Exceeds the definition of low income as specified in this chapter for ratepayer eligibility.~~

(g) The voluntary ~~contribution~~ *contributions* shall be used only to provide rate assistance to eligible ratepayers, pay for associated administrative costs to implement the program, and establish a balancing account. Administrative costs of establishing the program may be reimbursed from initial voluntary contributions.

(h) A qualified system may ~~coordinate~~ *contract* with a third party to receive the voluntary contributions and comply with this section.

(i) Any partial payment made by a ratepayer that is insufficient to pay for charges on the bill shall be used to pay the qualified system's ~~fees~~ *charges* shown on the ratepayer's bill before being attributed to a voluntary contribution.

(j) No penalty or late fee may be assessed by a qualified system for the failure of a ratepayer to make timely payment of a voluntary contribution described in this section, regardless of whether the ratepayer has exercised the option of not paying a voluntary contribution.

(k) A qualified system may use any state or federal funds that are available to support a program by offsetting or supplementing the funds collected from voluntary contributions.

116933. (a) On or before January 1, 2026, the Public Utilities Commission shall establish a mechanism for electrical corporations and gas corporations to ~~regularly~~ provide data to all qualified systems *no later than April 1, 2026, and annually by April 1 thereafter*, regarding ratepayers enrolled in, or eligible to be enrolled in, the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code and the Family Electric Rate Assistance (FERA) program established pursuant to Section 739.12 of the Public Utilities Code.

(b) All qualified systems may enter into agreements with local publicly owned electric utilities and local publicly owned gas utilities, including, but not limited to, municipal utility districts and irrigation districts, for the purpose of regularly receiving data

1 regarding ratepayers enrolled in, or eligible to be enrolled in,
2 affordability programs benefiting eligible ratepayers.

3 (c) Data provided pursuant to subdivision (a) or (b) is subject
4 to Section 7927.410 of the Government Code and the Information
5 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
6 of Title 1.8 of Part 4 of Division 3 of the Civil Code).

7 (d) Data provided pursuant to subdivision (a) or (b) shall not
8 be considered a disclosure under Section 1798.83 of the Civil
9 Code.

10 116934. ~~The Beginning in 2028, the~~ state board shall require
11 qualified systems, in technical reports required by the state board
12 pursuant to Section 116530, to *annually* report the following:

13 (a) The total amount of voluntary contributions collected, the
14 administrative costs of operating the program, the number of
15 eligible households that were provided rate assistance or crisis
16 assistance, and the total amount of rate assistance or crisis
17 assistance provided to eligible households.

18 (b) An evaluation of available relevant information regarding
19 any arrearages that remain after application of bill assistance.

20 116935. (a) The Attorney General may bring an action in state
21 court to restrain, by temporary or permanent injunction, the use
22 of any method, act, or practice in violation of this chapter by a
23 qualified system, other than a system that meets the requirements
24 of subdivision (f) of Section 116931, including nonparticipation
25 by a qualified system pursuant to this chapter.

26 (b) The Attorney General shall not bring an action against a
27 qualified system for failing to meet the requirements of subdivision
28 (f) of Section 116931, as long as the qualified system makes a
29 good faith effort to raise sufficient funding pursuant to Section
30 116932.

31 116936. The provisions of this chapter are severable. If any
32 provision of this article or its application is held invalid due to a
33 conflict with federal requirements, that invalidity shall not affect
34 other provisions or applications that can be given effect without
35 the invalid provision or application.

36 SEC. 4. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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BOARD ACTION

Agenda Number:	14.	Meeting Date:	June 25, 2024
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TITLE	EXERCISING ASSEMBLY BILL 408 AUTHORITY FOR THE 2024 GENERAL ELECTION
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Schedule a special meeting of the Board of Directors in August 2024 to allow the Board to exercise its Assembly Bill 408 authority for the 2024 general election.
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SUMMARY	Assembly Bill 408 (AB 408), codified as Section 11852.5 of the Municipal Utility District Act (MUD Act), permits the Board of Directors to appoint a candidate in lieu of holding an election if only one or no candidate runs for an open ward seat. This year, the Board's AB 408 authority can only be exercised between August 15 and August 21, 2024. Regular Board meetings are currently scheduled for August 13 and August 27. To exercise its AB 408 authority by August 21, the Board has discretion to direct the Secretary of the District to schedule its August 2024 meetings by selecting one of the following options:
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1. Hold the regularly scheduled meetings on August 13 and August 27, and schedule a special meeting between August 15 and August 21;
2. Do not exercise AB 408 authority this year and proceed with an election regardless of the number of candidates running for an open ward seat.

The District spent approximately \$772,000 in 2022 for the general elections for Wards 3 and 7.

SUSTAINABILITY	Economic Funds are available in the FY 2025 operating budget to meet the anticipated costs of the 2024 election. Costs above the budgeted amount will be absorbed within the existing FY 2025 budget appropriation.
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ALTERNATIVE	<u>Do not take any action pursuant to AB 408 and have the election proceed automatically for all open board seats, even those that are unopposed.</u> This alternative is not recommended. The District supported adoption of AB 408 to provide a tool to control costs on behalf of its ratepayers and to give the Board authority to choose between appointing an unopposed candidate or proceeding with an election.
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Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Elections
Funds Available: FY 2025	Budget Coding: 11-121-8851100-52370-000000	Approved: 	
Attachment(s): N/A			

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BOARD ACTION

Agenda Number:	15.	Meeting Date:	June 25, 2024
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TITLE	APPROVE AN APPOINTMENT PROCESS FOR THE BOARD OF DIRECTORS TO USE DURING A GENERAL ELECTION IN ACCORDANCE WITH ASSEMBLY BILL 408
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ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Adopt a resolution to approve an appointment process to be used by the Board of Directors during a general election in the event there is no candidate for an open ward seat.
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SUMMARY	Assembly Bill 408 (AB 408), codified as Section 11852.5 of the Municipal Utility District Act (MUD Act), permits the Board of Directors to appoint a candidate in lieu of holding an election if only one or no candidate runs for an open ward seat. In order to allow the Board the option to exercise this appointment authority, the Board should first adopt an appointment process to be used for elections in which no candidate has run for an open ward seat.
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DISCUSSION	AB 408 states an appointment process must be adopted “by the 76th day prior to the day fixed for the [general] election.” It further states, “Upon adoption of this process, the district board shall appoint a qualified person to office no later than the day fixed for the election.” The Board can adopt a resolution to approve the appointment process used in April 2024 to fill the vacancy in Ward 2 so that the Board will not need to decide on an appointment process during the short timeframe between the 83rd and 76th day before an election. The process approved by this resolution may be used for all future general elections, until rescinded or modified by the Board of Directors. The AB 408 appointment process proposed for adoption is as follows: At a regularly scheduled Board meeting or a special scheduled Board meeting between the 83rd and 76th day before an election, the Board of Directors will appoint an Ad Hoc Committee to facilitate the appointment process. For each Ward for which an appointment is to be made, a Notice of Vacancy will be posted at the EBMUD Administration Building in Oakland; two conspicuous places in the Ward; on EBMUD’s website and social media platforms; published in newspapers; and distributed for posting with cities, towns, chambers of commerce, regional agencies, and elected officials in the Ward. All interested candidates will receive an information packet that will include a description of the application process and a link to a page on the District’s website with information about the District.
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Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Elections
Funds Available: FY 2025	Budget Coding: 11-121-8851100-52370-000000	Approved: 	
Attachment(s): Resolution			

Title:	Approve an Appointment Process for the Board to Use During a General Election in Accordance with AB 408	Meeting Date:	June 25, 2024
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Candidates will be required to mail, email, or hand deliver the following application materials by close of business on a date to be determined by the District:

- 1) a letter expressing their interest and qualifications (no more than 2 pages);
- 2) a resume; and
- 3) a minimum of three (3) letters of reference. Additional letters of reference will not be accepted after the submission deadline.

The Office of the Secretary will conduct the initial screening of all application materials for completeness and confirm with the county that the applicant is a resident of and registered voter in the Ward.

The Ad Hoc Committee will screen applications to develop a shortlist of candidates, if necessary, for final interviews with the full Board.

Candidate interviews will be conducted as follows:

- The Board will conduct interviews with each candidate forwarded by the Ad Hoc Committee at its next regularly scheduled meeting or at a special meeting at a time to be determined, in the Administration Building Boardroom or at the Board's discretion, at a location within the Ward.
- The interviews will be conducted in person, and if conducted in the EBMUD Administration Building Boardroom, viewable on Zoom, and livestreamed on the District's website.
- Each interview will last 15 minutes.
- The Board may ask clarifying questions, and the time to respond to those questions will not count against the candidates' 15 minutes.

The Board will deliberate and if time permits, vote for the recommended candidate at the conclusion of the interviews.

If the Board does not vote for the recommended candidate at the conclusion of the interviews, the Board may adjourn the meeting to a future meeting to vote for the recommended candidate.

The appointee will be sworn in and will serve as the Director for the Ward exactly as if elected to office.

The process above shall be scheduled so that the appointment is completed prior to the date of the election.

SUSTAINABILITY
Economic

Funds are available in the FY 2025 operating budget to meet the anticipated costs of the 2024 election. Costs above the budgeted amount will be absorbed within the existing FY 2025 budget appropriation.

Title:	Approve an Appointment Process for the Board to Use During a General Election in Accordance with AB 408	Meeting Date:	June 25, 2024
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ALTERNATIVE **Do not approve an appointment process.** This alternative is not recommended because in the absence of a pre-approved process, the Board may need to develop an appointment process during the short timeframe outlined in the California Election Code.

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RESOLUTION NO. _____

APPROVING A PROCESS TO APPOINT A DIRECTOR TO A WARD IN AN ELECTION
IN WHICH NO PERSON HAS FILED A STATEMENT OF CANDIDACY FOR THE WARD

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, members of the Board of Directors (Board) of the East Bay Municipal Utility District (District) are elected to office and serve for four year terms pursuant to Chapter 3, Article 1 of the Municipal Utility District Act; and

WHEREAS, Assembly Bill (AB) 408 enacted Section 11852.5 of the of the Public Utilities Code of the State of California, which authorizes the governing body of a municipal utility district to appoint a qualified person to office for each ward for which no person has filed a declaration of candidacy in the election, or hold the election; and

WHEREAS, if a governing body chooses to exercise its appointment authority under AB 408, it must, between the 83rd and 76th day before an election, appoint a person to the office who would be qualified on the date the election would have been held, or adopt a process to appoint a qualified person to the office; and

WHEREAS, if the governing body takes no action between the 83rd and 76th day before an election, the election will be held; and

WHEREAS, if the governing body adopts a process to appoint a qualified person to the office between the 83rd and 76th day before an election, AB 408 requires the appointment to be made no later than the date fixed for the election; and

WHEREAS, the person appointed pursuant to the process adopted by the governing body shall qualify and take office and serve exactly as if elected at an election for the office; and

WHEREAS, it is the desire of the Board to approve an appointment process under AB 408 that may be adopted by the Board at a regular or special meeting of the Board held between the 83rd and 76th day before an election in each election for which no candidate has filed a declaration of candidacy for one or more District wards;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby approves the following process the Board may use for the appointment of a person to office in any District ward in an election for which no person has filed a statement of candidacy for the ward:

1. At a regularly scheduled Board meeting or a special scheduled Board meeting between the 83rd and 76th day before an election, the Board will appoint an Ad Hoc Committee to facilitate the AB 408 appointment process.
2. For each ward for which an appointment is to be made, a Notice of Vacancy will be posted at the District's Administration Building in Oakland; two conspicuous places in the ward;

on District's website and social media platforms; published in newspapers; and distributed for posting with cities, towns, chambers of commerce, regional agencies, and elected officials in the ward.

3. All interested candidates will receive an information packet that will include a description of the application process and a link to a page on the District's website with information about the District.
4. Candidates will be required to mail, email, or hand deliver the following application materials by close of business on a date to be determined by the District:
 - a) A letter expressing their interest and qualifications (no more than 2 pages);
 - b) A resume; and
 - c) A minimum of three (3) letters of reference. Additional letters of reference will not be accepted after the submission deadline.
5. The Office of the Secretary will conduct the initial screening of all application materials for completeness and confirm with the county that the applicant is a resident of and registered voter in the ward.
6. The Ad Hoc Committee will screen applications to develop a shortlist of candidates, if necessary, for final interviews with the full Board.
7. Candidate interviews will be conducted as follows:
 - a) The Board will conduct interviews with each candidate forwarded by the Ad Hoc Committee at its next regularly scheduled meeting or at a special meeting at a time to be determined, in the District's Administration Building Boardroom or at the Board's discretion, a location within the ward for which an appointment is to be made.
 - b) The interviews will be conducted in person, and if conducted in the District's Administration Building Boardroom, viewable on Zoom, and livestreamed on the District's website.
 - c) Each interview will last 15 minutes.
 - d) The Board may ask clarifying questions, and the time to respond to those questions will not count against the candidate's 15 minutes.
8. The Board will deliberate and, if time permits, vote for the recommended candidate at the conclusion of the interviews.
9. If the Board does not vote for the recommended candidate at the conclusion of the interviews, the Board may adjourn the meeting to a future meeting to vote for the recommended candidate.

10. The process above shall be scheduled so that the appointment is completed prior to the date of the election.
11. The appointee will be sworn in and will serve as the Director for the Ward exactly as if elected to office.

BE IT FURTHER RESOLVED that, pursuant to its authority under Section 11852.5 of the Public Utilities Code of the State of California, the Board reserves the right not to adopt this process at a regularly scheduled Board meeting or a special scheduled Board meeting between the 83rd and 76th day before an election in which no person has filed a statement of candidacy for a ward, and may instead appoint a person to office for the ward or may hold the election in the ward.

ADOPTED this 25th day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 25, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Kelly A. Zito, Special Assistant to the General Manager 

SUBJECT: Communications Update

SUMMARY

This memorandum provides the Fiscal Year (FY) 2024 update and FY 2025 outlook for District communication activities, including projects completed, their impact, and upcoming outreach efforts. The Board was last updated at its December 12, 2023 meeting with an overview of centennial-related communication activities. This item will be discussed at the June 25, 2024 Board meeting.

DISCUSSION

The District's Strategic Communications Plan serves as the framework for EBMUD's outreach and engagement efforts. The plan has two overarching goals: raising awareness of EBMUD as a vital and innovative part of the community; and unifying and streamlining communications across the District. The plan's messaging pillars are: 1) EBMUD's commitment to reliably serving and supporting our community; 2) investing in the future; and 3) protecting the environment.

In FY 2024, the District transitioned from its year-long centennial campaign to communications focused on resilience and planning for the next century of service. Staff implemented digital strategies, forged new community partnerships, developed additional public events, increased proactive media outreach, enhanced local government engagement, launched a revamped education program, and initiated other efforts to highlight the importance of high-quality water and wastewater services and the District's role as a vital community partner in creating a sustainable future. Below is a summary of the major communications efforts of FY 2024 and plans for future engagement and outreach.

Press, Social Media, and Digital and Print Publications

Annual, seasonal, and topical messages and media outreach were outlined for FY 2024 to integrate communication channels (social media, online, webinars, print, media) and to maximize audience reach.

Media Outreach

Media focus transitioned from our centennial year, which included issues such as drought/water supply, rates, infrastructure investment, and sanitary sewer overflows, to FY 2024 messages about sustainability, environment, infrastructure, and innovation.

In FY 2024, media outreach included press events and coverage of the Orinda Photovoltaic Solar Energy Project, recycled water infrastructure investments with the United States Army Corps of Engineers, in-conduit microturbine energy generation, watershed cleanups, illegal dumping, and healthy habitats and practices leading to record Chinook salmon returns on the Mokelumne River. Staff provided more than 130 interviews, sent out 14 press releases and advisories, and held five proactive media events.

Media monitoring results show that 62 percent of coverage is online media, followed by television (13 percent), social media (8.6 percent) and radio (4.6 percent). A majority of viewers used a mobile device to read or watch the coverage. Media coverage resulted in more than 2,000 mentions, a reach of 738 million, and coverage in local, regional, and national news with a publicity value of more than \$1.3 million.

Focus areas for FY 2025 include budget and rates, investments in resilient and sustainable infrastructure, as well as habitat protection (East Bay fisheries).

Social Media

Staff continued to grow the District's presence on social media channels X (formerly Twitter), Facebook, Instagram, Nextdoor, and LinkedIn. In FY 2024, EBMUD increased followers across those four channels from 13,946 to 18,390 total followers. Staff used social media to share project updates and presentations, call customers to action, support District recruitments, and spotlight capital projects, budget and rates, and environmental stewardship. EBMUD hit two major social media milestones in FY 2024:

1. EBMUD's first viral Instagram reel featuring staff explaining how to check a water meter for leaks had nearly 400,000 views.
2. EBMUD reached more than 10,000 followers on LinkedIn.

Staff leveraged Nextdoor to share stories from Customer Pipeline and use targeted neighborhood messages to notify customers of construction impacts and to promote opportunities for learning, such as the Water Wednesday webinars.

In FY 2025, staff will dive deeply into the District's social media strategy and analytics to adjust and continue to see success in this area, including reaching a more diverse audience and growing our followers. A digital ad campaign will highlight our workforce and the wide variety of career opportunities at EBMUD.

Digital and Visual Communication

The District's first StoryMap biennial report leveraged interactive media to highlight accomplishments from the previous two years, including the Centennial celebration, major capital projects, unique construction repairs and innovations, progress on environmental stewardship, and new sustainability goals. The StoryMap format enabled readers to engage with photos, graphics, and videos to experience the breadth of work completed.

EBMUD completed a six-minute capital project outreach video to explain the District's infrastructure investments, capital projects process, construction impacts, and underscore our commitment to providing timely project updates.

In FY 2025, the video will be split into small segments for social media and will be available for use at community meetings.

Digital Asset Management/Scanning Project

The District's photo archive took a significant step forward with scanning nearly complete of historic print and slide collections and integrations of current digital photography.

Approximately 40,000 scans of the historical photo archive will be placed into the Merlin system adding to the 22,000 digital files already accessible. This growing library is available to employees and used for external media outreach.

Publications and Interpretive Signage

Staff published six Customer Pipeline newsletters in FY 2024 with topics focused on water conservation, healthy watersheds, workforce, innovation, youth education, residential water use, record salmon returns, San Francisco Bay protection and nutrient reductions in wastewater, sustainability, water supply forecasts, and protections for bald eagles and other watershed wildlife.

Six interpretive signs for Lafayette Reservoir were installed in July 2023 to educate visitors about EBMUD's water system and infrastructure, recreational opportunities, Lafayette Reservoir's history, and native wildlife. Twelve interpretive panels were updated at the Sbrante Water Treatment Plant gallery to educate visitors about the treatment processes.

Planning is underway to update Mokelumne River Hatchery signage in FY 2025.

To support efficiency and sustainability, in FY 2025, staff will look at best practices for implementing a shift of Customer Pipeline from print to digital, with a one year planned transition period for customers.

Employee Communication

Staff published 25 editions of the Splashes internal employee newsletter. In FY 2025, staff will highlight employee innovation, include division/job profiles, and highlight the inner workings of the District to invite all employees to understand and appreciate the work of the District.

Centennial Campaign

Employee Celebrations

The Centennial Employee Picnic, held on July 29, 2023 at Lafayette Reservoir, was organized by the Utility District Employees' Association, Public Affairs, and dozens of employee/retiree volunteers. Staff also supported the Upcountry Centennial Celebration on September 23, 2023, for employees in the Pardee/Mokelumne/Lodi/Stockton work areas.

Centennial Video

Staff completed, released, and set up watch parties for the 20-minute film, "A Lifeline for 100 Years" in September 2023. The film was produced in honor of the District's centennial. The film featured numerous interviews including 20 current/former staff and a Board member. Staff will explore creative ways to further distribute the video to the public in FY 2025 such as paid social media advertising, direct customer outreach using existing channels, and use in new employee orientations.

Historical Flipbook

An historical, digital flipbook that spotlights key events, stories, photos, and videos in each decade of the District's 100 years of service is expected to be complete in early FY 2025. The flipbook will be shared with all employees and the public via existing communication channels and staff is pricing a durable print version for the Administration Building Lobby exhibit.

Centennial Art Shows

To complement the centennial, EBMUD hosted three art shows highlighting EBMUD's history, infrastructure, and environmental protection. The result was a series of watercolors of the watershed, photographs of EBMUD gate pots throughout the service area, and a collection featuring vintage advertising art from the 1950s and 1960s. Staff plans to hang the truck poster collection at the Administration Building elevators.

Administration Building Lobby Display

The first phase of an educational exhibit in the Administration Building's first-floor lobby is scheduled for completion in FY 2025. Large educational panels at the entrance of the lobby will focus on the District's mission, water supply, watershed, water treatment and distribution, wastewater treatment, and spotlight our workforce. The exhibit will also include an interactive multi-media kiosk. At the rear of the lobby, a water conservation-focused panel will feature messaging related to saving water indoors and outdoors. The second phase of the exhibit, also scheduled for completion in FY 2025, will debut exhibits dedicated to the history of EBMUD's water and wastewater system and innovation and community-focused themes. When complete, staff will debut the exhibit with employees and the public and incorporate the exhibit into education programming.

Local Government, Upcountry, and Community Outreach

In FY 2024, staff conducted presentations for city councils, municipal advisory councils, community meetings, chamber events, and service organization meetings in cities and communities throughout the service area.

Local Government Relations

Staff prioritized building relationships with local governments, chambers, and community organizations. In the past year, the staff supported more than 60 events including:

- 18 Mayors conferences
- 12 Public agency meetings
- 12 Community meetings
- 10 Chamber and business associations
- 7 City Councils
- 7 Municipal Advisory Councils (MAC)
- 3 Neighborhood groups

Upcountry Community Outreach

Staff continues to foster relationships with upcountry stakeholders and neighbors. Staff keeps apprised of local interests by attending regular community and agency meetings and conducting ongoing outreach for key upcountry projects such as the Demonstration, Recharge, Extraction and Aquifer Management (DREAM) project, the upcoming (Federal Energy Regulatory Commission (FERC) relicensing project, and the Mokelumne Aqueduct relining project.

Pardee BBQ

Staff organized the annual Pardee BBQ to foster relationships with key upcountry stakeholders. The 2023 theme was “Flowing into the Future.” The keynote speaker was Dr. Russell Shapiro, Professor, California State University, Chico, Department of Geological and Environmental Sciences. The FY 2025 BBQ will be held on October 4, 2024, and the theme will be “Continuing a Legacy of Stewardship,” which highlights our commitment to working with local agencies and community members to responsibly manage and protect our natural resources.

Capital Projects and Maintenance

Staff worked directly with residents to support the District’s many projects and to address concerns, inquiries, and requests related to District projects and programs. Staff used the District’s new Customer Relationship Management (CRM) tool and others to update customers on main breaks, planned outages, construction, and other urgent notifications.

Customer Assistance Program

Promotion of the District’s Customer Assistance Program (CAP) continues with updated, simplified applications in multiple languages, direct engagement with neighborhood groups and county officials, and partnerships with social service nonprofits. Staff disseminated CAP information via local elected officials' e-newsletters, incorporated it into presentations, and

distributed CAP materials at all outreach events.

Board Support

In FY 2024, staff supported 54 Board speaking engagements. Staff organized and coordinated introductions and a meet-and-greet event at Lafayette Reservoir for the new Ward 2 Director. Staff also coordinated public meetings on infrastructure projects, presentations on water quality with various subject matter experts, open houses for completed projects, and facility tours.

In FY 2025, staff will continue to support the Board through ward events, speaking engagements, public meetings, and other activities, with particular emphasis on infrastructure investments and the budget and rates planning process for FY 2026-2027.

District Sponsorships

Sponsorships

In FY 2024, the District sponsored over 170 organizations that support the District's goals and mission with an emphasis on education, customer assistance, social services, and job development programs. Staff expanded sponsorship of STEAM educational initiatives, upcountry scholarships, and recreation opportunities. In FY 2025, the District will continue to sponsor existing groups and seek ways to maximize sponsorship benefits including educational partnerships and new events.

Education Program

In FY 2024, the District expanded and improved its Education Program for K-12 students through robust, meaningful, and hands-on Science, Technology, Engineering, Art, and Math (STEAM) experiences with the goal of instilling trust in our youngest stakeholders, providing schools and teachers with relevant District resources and experiential curriculum, and developing a future water workforce.

Water Field Trips

Beginning in fall 2024, the education program will include field trips with experiential lessons and curriculum that meet Next Generation Science Standards and explore the role that the District plays in promoting stewardship and protecting public health in the community. The program will include field trips for fifth grade classes to the watershed and hands-on science activities, water quality testing, and science journaling, followed with a tour of one of the District's water treatment plants. To eliminate barriers for underserved schools to attend, EBMUD will provide transportation funding for Title I schools to attend these field trips.

Teacher Externships

The District has partnered with Baywork and IgnitED to offer an externship opportunity for teachers from seven schools within the service area in June 2024. Teachers will spend a week visiting district facilities, speaking with subject matter experts, and developing curriculum that can be used for their classrooms.

School Assemblies

The District has partnered with Lawrence Hall of Science to develop and offer “Environmental Detective” school assemblies for multi-grade elementary assemblies. Additionally, EBMUD has partnered with educational group ZunZun to provide bilingual musical watershed and pollution prevention assemblies for elementary schools. Targeted outreach and priority will be given to Title I schools.

Wastewater Treatment Plant Tours

Virtual and in person tours of the wastewater treatment plant will be conducted for middle school and high school students. Transportation funding will be made available for Title I schools.

Teacher Resources

Lesson plans and STEAM teaching materials will be made available on EBMUD’s website for free, including models of a water and wastewater treatment system with guided lessons.

Expanded Upcountry Education

The District is expanding its educational engagement to Upcountry schools and stakeholders. Staff are working with local schools to expand the Salmon in the Classroom program at the Mokelumne Fish Hatchery. Additionally, new signage with QR codes linking to additional audio and video assets will be made available at the Mokelumne River Fish Hatchery. New social media clips have highlighted some of the Upcountry educational work, including the Ranger Led Environmental Education Program which led a classroom tour of the Wildermuth House.

Mokelumne Fossil Traveling Exhibit

Staff continues to work on an interactive travelling fossil exhibit. The exhibit will display replicas and real fossils from the Miocene period that were discovered on the Mokelumne watershed. Interactive dig boxes are also a part of the exhibit and allow participants to “discover” replica fossils. Staff has been developing a partnership with Lodi’s World of Wonders Science Museum to develop programming to highlight the fossil find and natural history of the watershed.

In FY 2025, additional, educational offerings for adult customers, residents, and community leaders will be offered including the annual Community Water Academy, Water Wednesday webinars, and guided Water Walks and facility tours.

Other Communications Efforts

FY 2025-2026 Key Performance Indicators

Staff is using customer survey results to inform and enhance media, stakeholder, and community engagement. New KPIs have been established for FY 2025 and FY 2026 under the District Strategic Plan’s Customer and Community Services Strategic Plan goal. These include the number of communication campaigns implemented and communication channels utilized to build public awareness; percent of “good” or “excellent” customer ratings and percent of

respondents who said they trust that EBMUD makes smart decisions about water and sewer services in the biennial opinion survey; the number of participants in the Community Water Academy and the number of students engaged in the Education Program.

NEXT STEPS

Staff continues to improve and enhance its outreach, engagement, and education efforts in support of the District's Strategic Communications Plan goals. In FY 2025, staff will continue to measure its performance against its communication benchmarks and update the Board with a summary of communications and outreach activities for the following year.

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