



**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, August 27, 2024**  
**11:00 a.m.**  
**Boardroom**  
**375 11<sup>th</sup> Street**  
**Oakland, CA 94607**

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

**ROLL CALL:**

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

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):
  - a. *Richard Kraber and Marjorie Kraber v. East Bay Municipal Utility District, et al.*  
Contra Costa County Superior Court, Case No. MSC17-01645
  - b. Protest of East Bay Municipal Utility District to Water Rights Application  
by Orinda Country Club  
State Water Resources Control Board, Application No. A033345
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):  
one matter.
3. Personnel exception pursuant to Government Code section 54957(b)(1) to consider the annual  
public employee evaluation of the General Counsel.

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

**REGULAR BUSINESS MEETING**  
**1:15 p.m.**

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance
- Recognizing National Hispanic Heritage Month and EBMUD's Fuerza Latina Affinity Group

**ANNOUNCEMENTS FROM CLOSED SESSION:**

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

**CONSENT CALENDAR:** (Single motion and vote approving 8 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of June 25, 2024 and August 13, 2024, and the Special Meeting Minutes of August 20, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after August 27, 2024 to the lowest responsive/responsible bidder, Tesco Controls, LLC, for supplying a switchboard for the Lafayette Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$158,066 under Request for Quotation No. 2406A (Schedule II).
4. Authorize an agreement beginning on or after August 27, 2024 with InVizion, LLC for \$152,307 for three years, with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$225,525 for financial modeling software, as well as implementation, training and on-going support, to manage the capital prioritization process and perform financial modeling of the capital budget and rate scenarios.
5. Authorize an amendment to the agreement previously authorized under the General Manager's authority with Trussell Technologies, Inc. to increase the agreement amount by \$45,000 to a total amount not to exceed \$100,000 for the completion of a chlorine contact basin tracer study at the North Richmond Water Recycling Plant.
6. Approve the June and July 2024 Monthly Investment Transactions Reports.
7. Adopt a resolution recognizing the Town of Moraga's 50<sup>th</sup> Anniversary. (Resolution)
8. Authorize the purchase of a 20.7-acre parcel located in Calaveras County (Hertzig Property) from John and Roxana Hertzig for \$270,000, plus closing costs, for a total amount not to exceed \$300,000. (Resolution)

**DETERMINATION AND DISCUSSION:**

9. Approve actions related to EBMUD’s participation in the Los Vaqueros Reservoir Joint Powers Authority and the Los Vaqueros Reservoir Expansion Project.
  - 9a. Direct the District to remain as a Los Vaqueros Reservoir Joint Powers Authority member but reduce the District’s allocated storage in the proposed Los Vaqueros Reservoir Expansion Project from 30 thousand acre feet to zero.
  - 9b. Support the LVE Project by negotiating mutually acceptable agreements to convey water for the JPA member agencies when capacity is available, including supporting Contra Costa Water District during dam construction backstop operations, with full reimbursement to the District and subject to the 2017 Revised Principles for Use of Unassigned Capacity in the Freeport Regional Water Project.
10. Declare the intention to authorize the issuance of \$970 million of additional Water System Revenue Bonds payable solely from Water System revenues and directing the publication of the attendant resolution. (Resolution)
11. Approve the proposed Fiscal Year 2025 Financing Plan.
12. General Manager’s Report.

**REPORTS AND DIRECTOR COMMENTS:**

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

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 10, 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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
<b>Tuesday, August 27</b>	<b>Finance/Administration Committee</b>	9:00 a.m. Boardroom	<ul style="list-style-type: none"> <li>• Monthly Investment Transactions Reports</li> <li>• Quarterly Financial Reports</li> <li>• Proposed Fiscal Year 2025 Financing Plan</li> <li>• Intention to Authorize Issuance of Additional Water System Revenue Bonds</li> <li>• Private Water Service Line Repair Plans Update</li> <li>• Draft Board of Directors Governance Policies and Proposed Governance Documents</li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
<b>Monday, September 2</b>	<b>Labor Day Holiday</b>		<i>Offices closed</i>
<b>Tuesday, September 10</b>	<b>Planning Committee</b>	TBD Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Legislative/Human Resources Committee</b>	TBD Boardroom	
<b>Tuesday, September 24</b>	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Finance/Administration Committee</b>	TBD Boardroom	
	<b>Recycled Water Strategic Plan Workshop</b>	TBD Boardroom	
<b>Tuesday, September 24</b>	<b>Board of Directors</b>	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
	<b>Finance/Administration Committee</b>	TBD Boardroom	

### 2024 Board Committee Members

Finance/Administration	Katz {Chair}, Chan, Patterson
Legislative/Human Resources	Patterson {Chair}, Gómez, McIntosh
Planning	Young {Chair}, Chan, Linney
Sustainability	Linney {Chair}, Katz, Young



---

## 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=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

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

---

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

---

This page is intentionally left blank.

**MINUTES**

**Tuesday, June 25, 2024  
East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California**

**Regular Closed Session Meeting**

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Building Boardroom.

**ROLL CALL**

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

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

**PUBLIC COMMENT**

- Addressing the Board were: 1) Joe Pangelinan, Chief Steward, AFSCME Local 444, who commented on recognition of management's retaliation against a Local 444 Steward; and 2) Eric Larsen, President, AFSCME Local 444, who commented on management's unwillingness and inability to change course. Mr. Larsen asked the Board to direct the Labor Negotiators and Managers to find solutions.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA**

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

**Regular Business Meeting**

President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:16 p.m. in the Administration Building Boardroom.

**ROLL CALL**

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

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Acting Secretary of the District Janetta M. Johnson.

**BOARD OF DIRECTORS**

President McIntosh led the pledge of allegiance.

### **International Partnering Institute Award**

General Manager Clifford Chan acknowledged the District received the Partner Project of The Year Award from the International Partnering Institute Award for the Maloney Pumping Plant and the Sobrante Water Treatment Plant Improvements Projects. The project improved system reliability and operational safety and reduced redundancy at two critical District facilities. Electrical upgrades included a new power building at each facility and an electrical intertie between the two facilities. Both facilities also had a new emergency stand-by generator with advanced emissions controls. Additional work included a capacity upgrade to the Maloney Pumping Plant from 30 to 45mgd per day. The General Manager commended the Engineering Construction Department on the partnering success of the project. Senior Civil Engineers Alexander Borys, Timothy P. Karlstrand, and Karl Tingwald; Associate Electrical Engineer Nikki Najdi; Assistant Engineers Dennis Lingad and Cameron Nauman; Manager of Facilities Maintenance and Construction Sharon Hu; and Senior Construction Inspector Teriane M. Reed represented the team. President McIntosh congratulated the team and thanked staff for their work on behalf of the District. Founder of the International Partnering Institute Sue Dyer congratulated the group and presented the award.

### **Construction Management Association of America Award**

General Manager Clifford Chan announced the District received the 2023 Construction Project Owner of the Year Award from the Northern California Chapter of the Construction Management Association of America. The General Manager recognized that the District's construction program has grown significantly over the years as it makes generational investments in the water and wastewater system infrastructure. Applying innovative construction and program management techniques, staff has met the moment and will continue to deliver on the investments made. Representing all those who contributed, Engineering Construction and Wastewater's Management leaders Senior Civil Engineers Angela L. El-Telbany and Timothy P. Karlstrand were on-hand to accept the award from the President of the Construction Management Association of America Andrew Middleman. President McIntosh thanked staff for all they do on behalf of the District.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

- None.

### **CONSENT CALENDAR**

- Motion by Director Linney, seconded by Director Young to approve the recommended actions for Items 1-12 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. The following correspondence was filed with the Board: **1)** Presentation entitled "Exercise of AB 408 Authority," dated June 25, 2024; **2)** Presentation entitled "Communications Update," dated June 25, 2024; **3)** Speakers' Bureau and Outreach Record CY24, dated June 25, 2024; **4)** Email dated June 19, 2024 from Ivette Rivera to Board of Directors regarding AFSCME EBMUD new Gardener Foreman and Grounds Maintenance Foreman Performance Plan; **5)** Email dated June 21, 2024 from Ivette Rivera to Board of Directors regarding PRR-2024-38 - (Clarification needed) with

attachments; and **6)** Email dated June 21, 2024 from Ivette Rivera to Board of Directors regarding Board Packet.

2. **Motion No. 114-24** – Authorized 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 Point Isabel, Oakport, and San Antonio Creek wet weather facilities.
3. **Motion No. 115-24** – Authorized 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. **Motion No. 116-24** – Authorized 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. **Motion No. 117-24** – Authorized 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. **Motion No. 118-24** – Authorized 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.
7. **Motion No. 119-24** – Authorized 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.
- 8a. – **Motion No. 120-24** – Authorized amendments to the agreements previously authorized under  
8b. 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; and authorized 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. **Motion No. 121-24** – Authorized 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. **Motion No. 122-24** – Authorized 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. **Motion No. 123-24** – Approved the May 2024 Monthly Investment Transactions Report.
12. **Resolution No. 35409-24** – Adopting Revised Policy 7.03, Emergency Preparedness/Business Continuity.

### **DETERMINATION AND DISCUSSION**

13. **Legislative Update.**

*The bills were not presented in the order listed on the agenda.*

Special Assistant I Debra L. Michel reviewed Legislative Report No. 05-24: SB 1255 (Durazo), which focuses on public water systems and a water rate assistance program. She recommended the Board support the bill with amendments. Starting July 1, 2027, retail water suppliers would provide rate assistance to low-income residential customers. This assistance would be funded by a voluntary contribution, capped at 5% of water and wastewater charges from non-low-income ratepayers. Non-low-income customers would be automatically enrolled unless they opt out, with contributions beginning by September 1, 2026. Water systems could start collecting monies at least ten months before SB 1255 requires notice to all customers of the contribution and how they can opt out of it before the contribution is placed on their water bill. EBMUD estimates about 10,000 low-income households currently benefit from their Customer Assistance Program (CAP), with potential for 20,000 more eligible households. The bill's impact depends on the number of new eligible customers and the funding raised through voluntary contributions. It will be difficult to estimate the bill's impact without knowing 1.) the number of new eligible ratepayers the EBMUD would have to auto-enroll for rate assistance, and 2.) the funding level to be raised by a voluntary contribution on certain customer bills. Page 11 of Legislative Report No. 05-24 outlines the four rate assistance scenarios EBMUD may take based on the bill's current language and for EBMUD to be exempt for the auto-enrollment requirements, amendments to the bill would be needed. Other impacts to EBMUD were identified related to receiving and sorting through data provided by PG&E for customers enrolled in their affordability program and matching those to EBMUD customer accounts can be time-consuming, accounting impacts as the voluntary contributions fluctuate, and due to Proposition 218, any cost solely attributable to implementing a low-income rate assistance program may need to be funded by non-rate revenue or by proceeds from the voluntary contributions. Staff recommended two amendments to ensure EBMUD can keep offering the Customer Assistance Program (CAP) we currently provide. Proposed amendments that would allow EBMUD to continue to coordinate with a third party and contract with nonprofits to

provide crisis assistance through its existing Water Lifeline program are on page 13 of Legislative Report No. 05-24. There was considerable Board discussion on SB 1255. Director Gomez asked about partnering with other public programs for easier eligibility data access. Director Young emphasized EBMUD's commitment to customer assistance as one of the few water utilities in California to have an assistance program and it's important for EBMUD to state customer assistance is something the District has been committed to for decades. She supports the bill pending amendments and appreciates the bill sponsors are ready to move on an amendment that would allow the District to apply it to arrearages. Director Katz expressed that only one scenario is a feasible option as the others would box EBMUD into a lower benefit level for existing CAP customers and advocated for clear communication with the legislature as the District is not interested in reducing benefits. Multiple members of the Board commented on the inability to be able to address customers with a large a high bill arrearage. Director Linney sought clarification as to how the bill bypasses Proposition 218 and how the opt out process would work and is it applied as a percentage or flat amount. President McIntosh commented as to how the voluntary contribution opt out notice is presented to customers on their bills. Overall, the Board is supportive of the bill's intent, but EBMUD seeks amendments to ensure the program's effectiveness and protect current assistance levels for customers in need. The Board noted that since this bill was complex a slide presentation or chart of key outcomes would have been helpful.

Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 05-24: AB 460 (Bauer-Kahan). Staff recommended EBMUD move from our opposed unless amended position to a support position for the bill. 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. The bill was significantly amended on June 12, and it is now more focused on enforcement and it does that by increasing certain civil and administrative penalties that the State Water Board may impose when there is a violation of a water right or regulation. AB 460 is intended to deter unlawful behavior under California's water rights system. The 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 issued by the State Board from \$500 to \$1,000 for each day a person or entity violates a term or condition of a permit, license, and a new provision in the law it provides that if a person or an entity that violates or curtailment order. They may be liable for \$10,000 for each day the violation occurs, which is a pretty stiff penalty and \$2,500 for each acre foot of water diverted in violation of a court helmet order. Director Linney commented limited support from other agencies. However, Ms. Viatella informed the Board the bill is being heard today, and the list has been updated so more agencies are moving over into the support column.

Ms. Viatella gave an update on AB 1337 (Wicks). The bill sought to authorize the State Water Board to curtail any water diversions and unauthorized aversions would be considered as trespass. The author decided to pull the bill after determining that they could not meet the general fund "do no harm" standard for the legislation. Next, she noted the California Supreme Court removed the Taxpayer Protection Act from the November ballot.

- Director Chan left the meeting at 1:46 p.m. and returned at 1:48 p.m.
- Motion by Director Young, seconded by Director Katz to approve the recommended actions for SB 1255 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

- Motion by Director Linney, seconded by Director Katz to approve the recommended actions for AB 460 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 124-24** – Received Legislative Report No. 05-24 and approved 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.

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.**

General Counsel Derek T. McDonald presented the report. The Board is being asked to exercise its authority under Assembly Bill (AB) 408 which authorizes the Board to appoint a candidate to office in the event that no candidate or one candidate opts to run for an open ward seat in a District election. General Counsel discussed the options that AB 408 provides the Board for both appointment and holding the election and the very tight timeline in which those options have to be exercised. AB 408 was sponsored by EBMUD in 2013 after years of elections for which there were only one candidate for office; providing the District with the same authority held by other public entities and allow the District to essentially save costs of an election where there's no opposition to the sole candidate. The cost of the election for two wards in 2022 was approximately \$772,000. Staff recommends scheduling a special meeting of the Board of Directors in August 2024 to allow the Board to exercise its AB 408 authority for the 2024 general election. General Counsel advised the Secretary of the District Rischa Cole will schedule the date for the Special Meeting. There was Board discussion. General Manager Chan responded to Board questions related to rescheduling a regular meeting versus scheduling a special meeting.

– President McIntosh left the meeting at 2:04 p.m. and returned at 2:04 p.m.

- Motion by Director Young, seconded by Director Chan to approve the recommended actions for Item 14 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 125-24** – Voted to 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.**

General Counsel Derek T. McDonald presented the item with a suggested appointment process at a Special Meeting to be adopted between the 83<sup>rd</sup> and 76<sup>th</sup> day before the election. Assembly Bill (AB) 408 is codified in the MUD Act. Section 11852.5 gives the Board a short timeframe to use its authority. The General Counsel outlined a timeline from August 13 to November 5, 2024, for the upcoming election and recommended adopting a resolution to approve a process for appointing Board members if no candidate runs for an open ward seat during a general election.

The Board discussed the election process. Director Young sought clarification that the appointment process is only used if no candidate files for a Board seat which General Counsel confirmed, adding that if only one person files, the Board can choose to appoint that person or hold an election. The Board inquired about two different scenarios: (1) when an incumbent has no challenger and (2) when an incumbent doesn't file and an extension is granted, still within 83<sup>rd</sup> to 76<sup>th</sup> days before the election. General Counsel stated that before the election is correct. The Board requested staff to investigate what happens if there's no uncontested contest for a departing incumbent's seat, leading to an automatic extension to August 14 or the only applicable race where there's just one candidate is when the incumbent and no extension is granted. The Board also discussed incorporating the appointment process into their regular meeting on August 13, 2024, without needing additional notice, as long as the agenda is posted by August 9, 2024. They planned to potentially take action on August 12, depending on feedback from the county registrar. Additionally, the Board asked for changes to the Resolution, allowing an Ad Hoc Committee to decide on interview length, including the appointed candidate's start date in materials, and excluding the last two bullets.

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

**Resolution No. 35410-24** – 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.

16. **General Manager's Report.**

**Communications Update**

Special Assistant to the General Manager Kelly A. Zito provided the presentation. Ms. Zito reviewed Fiscal Year (FY) 2024 achievements which include the centennial "A Lifeline for 100 Years" video, employee picnics held in Lafayette and Sacramento, and vintage truck posters art show. She noted the District prioritized building relationships with local governments, chambers, upcountry stakeholders and community organizations and conducted presentations for city councils, municipal advisory councils, community meetings, and chamber events. Staff supported 54 Board speaking engagements and expanded and improved the District's Community Water Academy adding full-day Pardee/ Hatchery tours. The education program for K-12 students was updated through robust, meaningful, and hands-on Science, Technology, Engineering, Art, and Math (STEAM) experiences. The District received the California Association of Public Information Officials' Award of Distinction. The District's press, social media, and digital and print publications were also discussed. EBMUD grew its online presence on all channels. Outreach efforts that showed 62 percent of coverage is online media, followed by television (13 percent), social media (8.6 percent), and radio (4.6 percent). Staff launched a new Digital Media Library and published the first biennial report in a StoryMap format. Upcoming activities for FY2025 include a historical, digital flipbook that spotlights key events, stories, photos, and videos in each decade of the District's 100 years of service; redesign of Administration Building's 1st floor lobby; increasing EBMUD's digital content including social media ads highlighting EBMUD's diverse workforce. Looking ahead with the Educational Program, staff will update interpretive signs to include QR codes that link to additional resources. Create STEAM kits with water lessons for educators and expand teacher training, workshop opportunities, and public tours measuring initiatives'

performance against FY 2025-2026 communication benchmarks. Staff will continue to support the Board through ward events, speaking engagements, public meetings, and other activities. President McIntosh inquired if there will be educational partnerships with entities outside of the Oakland, CA area and staff stated initial outreach was with community partners with related educational content in place and as the program moves forward to create more partnerships throughout the service area. Directed Young inquired about some of the water field trips and assemblies that took place in FY 2024. Staff will continue to improve and enhance outreach, engagement, and education efforts to support the District's Strategic Communications Plan goals. Direct Patterson highlighted the work with media outlets. Director Gómez recognized the work of the Water Academy. Director Katz asked staff to think about our Title I schools and how we are measuring participation of school districts in the service area as a whole. President McIntosh congratulated Public Affairs staff on a phenomenal job and thanked staff on behalf of the Board.

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

## **REPORTS AND DIRECTOR COMMENTS**

### **17. Committee Reports.**

- Chair Doug A. Linney reported the Sustainability Committee met earlier and received an update on the Annual Integrated Pest Management Program. Chair Linney stated the committee is looking for alternatives to anything that would harm the environment and people. An updated report with the cost analysis will be presented at the Sustainability Committee in October 2024.
- Chair Andy Katz reported that the Finance/Administration Committee met earlier and received two items: the Monthly Investment Transactions Report and Revisions to District Policy 7.03 - Emergency Preparedness/Business Continuity. Both items were approved on the Consent Calendar, Items 11 and 12.
- Director Chan left the meeting at 2:57 p.m. and returned at 2:58 p.m.

### **18. Other Items for Future Consideration.**

None.

### **19. Director Comments.**

- Director Chan reported attending the AWWA this year and sat in on some of the sessions and reviewed the exhibits. Learned a lot about EBMUD and nice engagement from attendees.
- Director Gómez reported engaging with Walnut Creek Water Treatment Plan project residents. She stated they had one meeting so far, very positive dialogue and another meeting is scheduled.

- Director Linney reported attending a liaison committee meeting regarding the Bayside project. He stated there was a great presentation by the staff, there were good questions and discussions; and the District should continue holding these meetings.
- Director Patterson announced that he has been invited to a number of community meetings and there is great concern in the community. People are threatened and do not feel safe in the community. Stated how the community needs to come together. He has been asked to help with these meetings and will have his son help with this effort.
- Director Young reported attending a field trip on June 22 regarding trail segments. She attended with General Manager Chan, Manager of Watershed and Recreation Scott D. Hill, members from the Sierra Club, California Native Plant Society and other individuals. Director Young stated they looked at trail segments with the interest of adding more miles of bike-accessible trails to our watershed.
- President McIntosh addressed Olujmi O. Yoloye and read a statement regarding his upcoming retirement. She spoke about his tenure and impact on the District; during his time leading the Engineering and Construction Department soared to new heights, acknowledging that in the last year alone the department received several accolades, most notably Jimi's lifetime achievement award from the Society of Civil Engineers and commended him on his 39 years of service at EBMUD.
- Director Katz had no report.

## **ADJOURNMENT**

President McIntosh adjourned the meeting at 3:08 p.m.

SUBMITTED BY:

---

Janette M. Johnson, Acting Secretary of the District

APPROVED: August 27, 2024

---

Lesa R. McIntosh, President of the Board

This page is intentionally left blank.

**MINUTES**

**Tuesday, August 13, 2024**  
**East Bay Municipal Utility District**  
**Board of Directors**  
**375 Eleventh Street**  
**Oakland, California**

**Regular Closed Session Meeting**

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:26 a.m. in the Administration Building Boardroom.

**ROLL CALL**

Directors Luz Gómez, Andy Katz, Doug A. Linney, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Patterson arrived at 11:30 a.m. Director Chan arrived in Conference Room 8 at 11:38 a.m.

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

**PUBLIC COMMENT**

- Addressing the Board were the following: 1) Ivette Rivera commented on remarks she made at the Planning Committee meeting earlier, documents she provided to the Board, and played excerpts of a recording; and 2) Eric Larsen, President, AFSCME Local 444 asked for clarification on the personnel exception language in Closed Session Agenda Item 3. General Counsel Derek T. McDonald provided clarification.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA**

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

**Regular Business Meeting**

President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:21 p.m. in the Administration Building Boardroom.

**ROLL CALL**

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

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

## **BOARD OF DIRECTORS**

President McIntosh led the pledge of allegiance.

### **Women’s Business Enterprise Council 2024 Top Corporation Award**

General Manager Clifford C. Chan announced the District was honored on June 25, 2024 by Women Business Enterprise Council (WBEC) Pacific as one of the organization’s Top Corporations for 2024. Established in 2000, WBEC Pacific is a strategic sourcing partner supporting women entrepreneurs by facilitating procurement opportunities, business networking, and supplier development. Based in the State of Washington and serving Northern California, Oregon, Washington, Alaska, Idaho, and Montana, this organization is one of fourteen regional partners of Women Business Enterprise National Council. Mr. Chan introduced Dr. Janice R. Green, President and CEO of WBEC Pacific, who thanked the Board for the District’s dedication and commitment to support the community and women businesses and acknowledged Contract Equity Administrator Beverly Johnson in her absence for her work. Special Assistant to the General Manager Derry L. Moten accepted the award on behalf of the District.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

President McIntosh announced that due to time constraints the Board did not hold the annual performance evaluation of the General Counsel. The Board will continue the evaluation to the August 27, 2024 Regular Closed Session meeting. There were no other announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Ivette Rivera commented on a picture collage she provided and an excerpt of a recording she played during Closed Session public comment and the Pierce/Bland case; and 2) Matthew Taylor commented on water flooding from a neighbor’s property onto his property at the Camanche Mobile Home Park. He announced he would be attending the August 16 Upper Mokelumne River Watershed Authority meeting to comment on the District’s 12.5 percent annual rent increase for mobile home park residents. President McIntosh requested an information memo on the water flowing from Mr. Taylor’s neighbor’s property.

## **CONSENT CALENDAR**

- Agenda Items 1 and 15 were pulled from the Consent Calendar for separate discussion.
- Motion by Director Young, seconded by Director Linney, to approve the recommended actions for Items 2-14 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

### **1. Approve the Regular Meeting Minutes of June 25, 2024 and July 9, 2024.**

- Addressing the Board was Ivette Rivera who commented the meeting minutes do not reflect her public comments.

- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 1 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 157-24** – Approved the Regular Meeting Minutes of July 9, 2024. *(The Regular Meeting Minutes of June 25, 2024 were not included in the meeting materials and will be submitted for approval at the August 27, 2024 Regular Meeting).*

2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Proposed Amendments to the Wastewater Control Ordinance, Second Reading” dated August 13, 2024; **2)** Presentation entitled, “Update on Nutrient Watershed Permit” dated August 13, 2024; **3)** Speakers’ Bureau and Outreach Record CY24, dated August 13, 2024; **4)** Email dated July 30, 2024 (with attachments) from Ivette Rivera to Board of Directors regarding For the 8/13/24 Board Meetings: Please distribute this public record, “Exhibit 3, for Rivera v EBMUD/AFSCME Tort Claim 2024-L-114” to Risk Management and the EBMUD Board of /Directors; **5)** Email dated August 2, 2024 from Ivette Rivera to Board of Directors regarding Please include in Board Meeting information for EBMUD Board of Directors @ 8/13/2024 Board Meetings: Clip from SF TRIAL LAWYER OF THE YEAR video (Pierce et al v East Bay Mun... **6)** Email dated August 6, 2024 from Ivette Rivera to Board of Directors regarding Rischa, Please distribute these two charge numbers to Board members attending the next EBMUD afternoon BOD Public Meeting: EEOC charges # 555-2024-01560, against EBMUD, & #555-2024-01436 against AFSCME 444 & AFSCME COUNCIL 57 & AFSCME International; **7)** Email dated August 6, 2024 (with attachments) from Ivette Rivera to Board of Directors regarding Please include the email below as a public record for the August 13, 2024 Board of Directors meetings and 2. Consider this email ALSO a CPRA request: Please provide me every copy of Juan Valencia’s signed (in June 2024) Grounds Maintenance Foreman...; **8)** Document from Ivette Rivera containing a picture collage of comments and articles regarding the Pierce/Bland case (undated); **9)** Alameda Journal Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **10)** Alameda Times-Star Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **11)** Berkeley Voice Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **12)** Contra Costa Times Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **13)** Daily Review Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **14)** El Cerrito Journal Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **15)** Montclarion Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **16)** Oakland Tribune Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **17)** Piedmonter Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **18)** San Ramon Valley Times Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Legal No. 0006838687 published July 5 and July 12, 2024); **19)** West County Times Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District

(Legal No. 0006838687 published July 5 and July 12, 2024); **20)** El Mundo Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (CNSB #3825531 published July 4 and July 11, 2024); **21)** Oakland Post Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (CNSB #3825530 published July 3 and July 10, 2024); **22)** Sing Tao (S.F.) Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (CNSB #3825532 published July 5 and July 12, 2024); **23)** MO Magazine Proof of Publication Notice of Election for the Office of Director of the East Bay Municipal Utility District (Sō 1899 published July 6, 2024 and Sō 1900 published July 13, 2024); and **24)** Notarized Affidavit of Posting regarding the Notice of Election for the Office of Director of the East Bay Municipal Utility District, signed by Rischa S. Cole, dated August 9, 2024.

3. **Motion No. 145-24** – Awarded a contract to the lowest responsive/responsible bidder, Anvil Builders, Inc., in an amount not to exceed \$11,566,669 for construction of the Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement Project, under Specification 2185.
4. **Motion No. 146-24** – Awarded a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Core and Main Company, for supplying resilient seated gate and butterfly valves for two years, with three options to renew for additional one-year periods for a total cost after the addition of taxes, including option years, not to exceed \$6,902,035 under Request for Quotation No. 2414.
5. **Motion No. 147-24** – Awarded a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Ferguson Enterprises, LLC, for supplying a 36-inch motor operated gate valve for Wastewater Pump Station H, for a total cost, after the addition of taxes, not to exceed \$241,448 under Request for Quotation No. 2410.
6. **Motion No. 148-24** – Awarded a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Larson Electronics, LLC, for supplying a medium voltage transformer for the Lafayette Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$101,349 under Request for Quotation No. 2406A (Schedule I).
7. **Motion No. 149-24** – Awarded a sole source contract beginning on or after August 13, 2024 to Evoqua Water Technologies LLC, for supplying six clarifier sludge collectors and drives for the Main Wastewater Treatment Plant, for two clarifiers in the next two years, with the option to supply equipment for up to four additional clarifiers in the next four years for a total cost, after the addition of taxes, including option years, not to exceed \$6,318,036.
8. **Motion No. 150-24** – Authorized an agreement beginning on or after August 13, 2024 with Nichols Consulting Engineers, Chtd. for \$1,395,400 for three years with two options to renew for additional one-year periods, plus \$1,956,000 for optional construction management and inspection services, for a total amount, including option years, not to exceed \$4,342,200 for pavement management and design services for the Facility Paving Project.
- 9a. – **Motion No. 151-24** – Ratified the payment of \$82,194 to Aetypic, Inc. for design, construction
- 9b. inspection, and engineering services during construction for the Main Wastewater Treatment Plant Operations Center Improvements Project under SD-424 through August 13, 2024; and authorized

an amendment to the agreement previously authorized under Board Motion No. 187-20 with Aetypic to increase the agreement amount by \$120,312, which incorporates the ratified amount from the action above, to a total amount not to exceed \$663,301 for additional design, construction inspection, and ESDC for the MWWTP Operations Center Improvements Project under SD-424.

10. **Motion No. 152-24** – Authorized an amendment to the agreement previously authorized under Board Motion No. 203-23 with Info-Tech Research Group, Inc. dba McLean & Company to increase the agreement amount by \$272,698 to a total amount not to exceed \$416,210 and extend the agreement term to August 20, 2027 for additional online human resources and diversity, equity, and inclusion advisory services.
  - Addressing the Board was Ivette Rivera who commented on the services provided under the agreement.
11. **Motion No. 153-24** – Authorized an amendment to the agreement previously authorized under the General Manager’s authority with P&A Administrative Services, Inc. to increase the agreement amount by \$290,000 to a total amount not to exceed \$600,500 and extend the agreement term to December 31, 2029, with an option to extend the agreement term for an additional one-year period, to provide employee Flexible Spending Account administrative services.
12. **Motion No. 154-24** – Authorized an amendment to the agreement previously authorized under Purchase Order No. EBM207487 with United Rentals (North America), Inc. to increase the agreement amount by \$20,000 to a total not to exceed \$100,000 and extend the agreement term to February 18, 2025 for supplying a temporary diesel tank for the standby generator at the Sobrante Water Treatment Plant.
13. **Motion No. 155-24** – Authorized the Office of General Counsel to continue the employment of the law firm of GinnLaw,P.C. for specialized legal services related to construction, public contracts and procurement, claims, and litigation matters in an amount not to exceed \$200,000.
14. **Motion No. 156-24** – Approved the Water Supply Assessment requested by the Lawrence Berkeley National Laboratory for the 2025 Long Range Development Plan pursuant to California Water Code, Sections 10910-10915.
15. **Adopt the Reporting Year 2023 Equal Employment Opportunity Program (EEOP).**
  - Addressing the Board was Ivette Rivera who commented on providing Director Gómez a copy of the District’s 2014 EEOP report and information and data in previous reports.
  - Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 15 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 158-24** – Adopted the Reporting Year 2023 Equal Employment Opportunity Program.

## **DETERMINATION AND DISCUSSION**

### 16. **Legislative Update.**

Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 06-24 which contained one bill – H.R. 8682 (Huffman) Water Conservation Rebate Tax Parity Act. The bill would amend the Internal Revenue Code to ensure that rebates provided to public utility customers for the purchase or installation of any water conservation, stormwater management, or wastewater management measure are exempt from federal taxes, similar to energy conservation rebates. The District provides rebates to its residential customers for the installation of water conservation improvements. Staff is recommending a support position on H.R. 8682. She reported the Legislative/Human Resources Committee met earlier today and voted to support the staff recommendation. Next, she provided updates on federal and state legislative activities and the status of SB 1255 (Durazo) Public Water Systems: Needs Analysis: Water Rate Assistance Program and SB 867 (Allen) Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024. Staff was asked to present SB 867 for Board consideration in September.

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

**Motion No. 159-24** – Received Legislative Report No. 06-24 and approved a position on the following bill: 1) SUPPORT H.R. 8682 (Huffman) Water Conservation Rebate Tax Parity Act.

### 17. **Conduct a second reading and adopt an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance, to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations.**

Manager of Wastewater Environmental Services Alicia R. Chakrabarti presented the second reading of the proposed amendments to the ordinance, which was last amended in 2013, and provides authority for the District to operate its Pretreatment Program as required by federal regulations and the National Pollutant Discharge Elimination System (NPDES) permit for the Main Wastewater Treatment Plant (MWWTP). The District established limits for certain constituents for wastewater discharges to the community sewer to ensure regulatory compliance and protect MWWTP processes. The MWWTP NPDES permit requires that these limits be evaluated every five years. A local limits study was completed in 2023 and staff proposes modifications to limits for volatile organics as well as oil and grease. The District did not receive any objections to the proposed changes to the local limits during the federally required public comment period. On March 28, 2024, the San Francisco Regional Water Quality Control Board (Regional Board) approved the proposed changes and advised the District to proceed with modifying the ordinance. These changes will help the District control pollutants at their source to protect treatment staff, maintain treatment processes, and prevent contaminants from being discharged to the San Francisco Bay. They will also ensure compliance with federal pretreatment requirements and maintain effective ordinance enforcement. Ms. Chakrabarti summarized the proposed changes, and highlighted minor edits made to the ordinance following the first reading

conducted during the July 9, 2024 Board meeting. If approved, in accordance with the Municipal Utility District Act, the amendments (or a summary of the amendments) must be published once a week for two successive weeks in a local newspaper of general circulation published within the Special District Number One service area. The ordinance amendments become effective on the 31<sup>st</sup> day after passage.

- Motion by Director Young, seconded by Director Linney to approve the recommended actions for Item 17 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Ordinance No. 377-24** – An Ordinance Amending Ordinance No. 355-11, As Previously Amended, Which Is The Wastewater Control Ordinance (*Second Reading and Vote*).

## 18. **General Manager's Report.**

### Update on Nutrient Watershed Permit

Director of Wastewater Amit K. Mutsuddy presented the update. The San Francisco Regional Water Quality Control Board (RWQCB) has regulated nutrient discharges from 40 Bay Area wastewater facilities that discharge treated wastewater into the Bay via one combined Nutrient Watershed Permit since 2014. The permit is reissued every five years. On July 10, 2024, the RWQCB adopted the third Nutrient Watershed Permit which requires significant reductions of nutrient levels in treated wastewater from the 40 Bay Area wastewater facilities within the next ten years. Mr. Mutsuddy reviewed discharge requirements in the previous two permits, and how requirements in the newly adopted permit will impact the District, noting the most impactful change is the adoption of a final effluent limit for nutrients beginning around October 1, 2034. The District's interim effluent limit is 11,000 kg/day of total inorganic nitrogen (TIN); its final effluent limit is 3,300 kg/day of TIN as a seasonal average for discharges between May 1 and September 30 each year. This limit reflects a reduction of approximately 65 percent of TIN from past discharges. He reviewed dry weather effluent TIN loading between 2012-2023 which averaged 9,170 kg/day, noting the 2023 values reflect nutrient reduction from the District's biological nutrient reduction (BNR) pilot project. Since 2020, the District has been conducting a BNR pilot to test different operating strategies for nutrient removal at the MWWTP. In 2023, the BNR pilot achieved up to 65 percent removal of nutrients in half of the plant being used for the pilot testing. In summer 2024 and summer 2025, the pilot will expand to test the nutrient removal capacity for the entire MWWTP. Based on results achieved in 2023, this expansion and optimization of the BNR process is expected to reduce seasonal nutrient loads by about 65 percent and achieve most, if not all of the required nutrient reductions in the TO. However, since this is a new and innovative process, back-up plans, including the design of alternate treatment systems will be planned to maintain dry weather capacity and future growth. Alternative analyses for redundancy and growth will be identified by 2026. He highlighted the RWQCB responses to the District's May 8, 2024 comment letter and reported they confirmed the District qualifies as an early actor, which means they will consider available regulatory mechanisms to provide additional time to the District to comply with the final effluent limits, if necessary. Next steps include rehabilitating or upgrading equipment and infrastructure, identifying and evaluating additional sidestream nutrient reduction alternatives, remaining involved with the Nutrients Science Program and other regional efforts, and adding two new reactor decks for redundancy and future growth. Mr. Mutsuddy and General Manager Clifford C. Chan responded

to Board questions on potential costs and funding in the capital budget for equipment upgrades, and whether recycling wastewater would help reduce the District's nutrient discharges. Staff was asked to consult with the RWQCB on a method for the District to earn credits by helping other agencies reduce their nutrient loads.

#### Monthly Report – July 2024

General Manager Clifford C. Chan announced the Monthly Report was included in the agenda materials and the Speakers' Bureau and Outreach Record CY24 had been provided at Board places.

### **REPORTS AND DIRECTOR COMMENTS**

#### **19. Committee Reports.**

- Filed with the Board were the Minutes for the June 25, 2024 Sustainability and Finance/Administration Committees and for the July 9, 2024 Planning and Legislative/Human Resources Committees.
- Chair Marguerite Young reported the Planning Committee met earlier and received updates on the Dam Safety Program Annual Report, the Los Vaqueros Reservoir Expansion Project, and Trench Soils Management.
- Chair Patterson reported the Legislative/Human Resources Committee met earlier and received updates on the Reporting Year 2023 Equal Employment Opportunity Program Report and Legislative Report No. 06-24.

#### **20. Other Items for Future Consideration.**

None.

#### **21. Director Comments.**

- Director Linney announced he will not seek re-election to the Board and expressed pride in his work and service to the community over the past 24 years. He commented on the Board's role as a liaison with the public and thanked fellow Board members and staff.
- Director Patterson announced that he will not seek re-election to the Board.
- Directors Chan, Gómez, Katz, Young and President McIntosh had no reports.

**ADJOURNMENT**

President McIntosh announced today's meeting will be closed in honor of Ellen M. Corbett who passed away on August 9. Director Patterson highlighted Ms. Corbett's life, career and many accomplishments as mayor of the City of San Leandro, California Assemblymember, and California State Senator. He noted she was a tireless advocate for environmental stewardship and a key partner in managing our vital watershed lands. Her contributions to both EBMUD and as an East Bay Regional Park District Board member have left a legacy.

President McIntosh adjourned the meeting at 2:28 p.m.

SUBMITTED BY:

---

Rischa S. Cole, Secretary of the District

APPROVED: August 27, 2024

---

Lesa R. McIntosh, President of the Board

This page is intentionally left blank.

## MINUTES

**Tuesday, August 20, 2024**  
**East Bay Municipal Utility District**  
**Board of Directors**  
**375 Eleventh Street**  
**Oakland, California**

### Special Business Meeting

President Lesa R. McIntosh called to order the Special Business Meeting of the Board of Directors at 9:10 a.m. in the Administration Building Boardroom. The Board met to take action pursuant to AB 408, codified as Public Utilities Code Section 11852.5, to either appoint the sole candidate running for election in Ward 2, or proceed with the election in the ward.

### ROLL CALL

Directors Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh (remote) were present at roll call. Director Andy Katz arrived at 9:12 a.m. Director April Chan was absent (excused)

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

### PUBLIC COMMENT

There was no public comment.

### DETERMINATION AND DISCUSSION

- 1. Take action pursuant to Assembly Bill (AB) 408, codified as Municipal Utility District (MUD) Act section 11852.5, to either: 1) appoint the sole candidate running for election in Ward 2; or 2) proceed with the election in Ward 2 scheduled for November 5, 2024.**

President McIntosh announced the Board would consider taking action to either appoint the sole candidate running for election in Ward 2 or proceed with the election in the ward. The term of office for the Director appointed on April 9, 2024 to represent Ward 2 expires on November 5, 2024. The regular election for Directors is scheduled for November 5, 2024. The nomination period for EBMUD Director seats opened July 15, 2024 and closed August 9, 2024. If an incumbent did not file nomination papers by August 9, the deadline for nonincumbent candidates in that ward extended to 5:00 p.m. on August 14. Pursuant to MUD Act section 11852.5 (AB 408), county elections officials were required to notify the District by August 14 if no one or only one person had filed a declaration of candidacy for a particular ward. If no one or only one person filed a declaration of candidacy for a particular ward by 5:00 p.m. on August 14, the Board has the authority to either appoint the sole unopposed candidate in those wards or proceed to election. On August 13, 2024, Contra Costa County elections officials notified the Secretary of the District that the appointed incumbent for Ward 2 (Luz Gómez) was the only candidate that filed a declaration of candidacy in the ward by the close of the nomination period (5:00 p.m. on August 9). Accordingly, the Board was asked to consider either appointing Director Gómez for

the remainder of the unexpired term in Ward 2 commencing December 10, 2024 through December 31, 2026 or vote to hold the election in Ward 2. Director Gómez commented on being appointed by the Board in April 2024 to fill the vacant seat in Ward 2 with plans to run for election in November for the remainder of the unexpired term. She said she is aware of the potential costs to hold an election in Ward 2 and while it would be an honor to be appointed by the Board to serve for the remainder of the unexpired term, her service on the Board would have more legitimacy if her name appeared on the ballot and she was elected by the voters in Ward 2. Board members commented on the purpose of AB 408 and on holding an election in lieu of an appointment and expressed support for Director Gómez's request to proceed with an election. Director Linney announced he would recuse himself from voting due to a potential conflict of interest.

- Motion by Director Young, seconded by Director Katz to take action pursuant to Assembly Bill 408, codified as Municipal Utility District Act section 11852.5 and voted to proceed with the election in EBMUD Ward 2, during the regular election for Directors scheduled for November 5, 2024, carried (5-0) by the following roll call vote: (Gómez, Katz, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (Linney); ABSENT (Chan).

**Motion No. 160-24** – Took action pursuant to Assembly Bill 408, codified as Municipal Utility District Act section 11852.5 and voted to proceed with the election in EBMUD Ward 2, during the regular election for Directors scheduled for November 5, 2024.

## **ADJOURNMENT**

President McIntosh adjourned the special meeting at 9:27 a.m.

SUBMITTED BY:

---

Rischa S. Cole, Secretary of the District

APPROVED: August 27, 2024

---

Lesa R. McIntosh, President of the Board



Title:	Medium Voltage Switchboard Purchase for Lafayette Water Treatment Plant	Meeting Date:	August 27, 2024
--------	---	---------------	-----------------

---

**SUSTAINABILITY****Economic**

Funding for this purchase is available in the Fiscal Year 2025 adopted capital budget for Treatment Plant Upgrades.

---

**ALTERNATIVES**

**Do not award this contract.** This alternative is not recommended because the Lafayette WTP has insufficient 480-volt power for the chemical system improvements (Specification 2194).

**Reject received bid and re-bid.** This alternative is not recommended because the District engaged in a fair and competitive bid process and the bid received met the specifications.

I:\Sec\2024 Board Related Items\082724 Board Agenda Items\FIN – Medium Voltage Switchboard.docx



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Materials and Supplies Agreement - RFQ No. 2406A</b> Medium Voltage Switchboard Purchase for Lafayette Water Treatment Plant						<b>DATE:</b> August 7, 2024						
<b>CONTRACTOR:</b> Tesco Controls, LLC Sacramento, CA				Local Business		PERCENTAGE OF CONTRACT DOLLARS						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>100.0%</b>				
\$158,066 *		White	Men	<b>White Women</b>		<b>2%</b>		<b>0.0%</b>				
		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>						
CONTRACT EQUITY PARTICIPATION												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Tesco Controls, LLC		\$158,066	White	X		100.0%						
<b>SUBS:</b> None												
<b>TOTAL</b>		\$158,066		100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		114		20		242		376				
<b>Percent of Total Employees:</b>		30.3%		5.3%		64.4%						
<b>MSA Labor Market %:</b>		32.7%		30.0%		37.3%						
<b>MSA Labor Market Location:</b>		Sacramento										
COMMENTS												
<b>Contract Equity Participation:</b> 100% White Men participation. <b>Contract Duration:</b> NA  *Total not to exceed: \$158,066												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
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: <b>Medium Voltage Switchboard Purchase for Lafayette Water Treatment Plant</b>		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
<b>Materials and Supplies Agreement - RFQ No. 2406A</b>		DATE:	National							
		8/7/2024	9 Bay Area Counties		10.5	10.7	3.7	0.7	27.3	
			Alameda/CC Counties		5.5	16.2	14.2	0.4	39.9	
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 %		
<b>RP</b>	<b>WM: LBE</b>	<b>Company Wide</b>	16	35	149	3	203	54.0%	37.3%	
Tesco Controls, LLC Esmeralda Pena 8440 Florin Road Sacramento, CA 95828  916-395-8800		Manager/Prof	5	16	45	0	66	38.6%		
		Technical/Sales	2	5	6	1	14	37.8%		
		Clerical/Skilled	3	6	20	0	0	59.2%		
		Semi/Unskilled	6	8	78	2	94	79.0%		
		<b>Bay Area</b>	0	0	0	0	0	0.0%		39.9%
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>4/12/2021</b>			
		Co. Wide MSA:	<b>Sacramento</b>		# Employees-Co. Wide:		<b>376</b>	Bay Area: <b>0</b>		
<b>P</b>	<b>EMM-H: SBE</b>	<b>Company Wide</b>	0	14	0	0	14	100.0%	63.5%	
GA Technical Services, Inc. Adriana Cervantes 1157 E Arrow Hwg, Ste 2 Glendora, CA 91740  909-981-8600		Manager/Prof	0	4	0	0	4	0.0%		
		Technical/Sales	0	6	0	0	6	0.0%		
		Clerical/Skilled	0	3	0	0	3	0.0%		
		Semi/Unskilled	0	1	0	0	1	0.0%		
		<b>Bay Area</b>	0	0	0	0	0	0.0%		39.9%
		Co. Wide MSA:	<b>Los Angeles</b>		# Employees-Co. Wide:		<b>14</b>	Bay Area: <b>0</b>		
<b>P</b>	<b>WM: LBE</b>	<b>Company Wide</b>	26	20	0	0	46	46.0%	42.4%	
Larson Electronics, LLC Robert Besnahan 9419 E US HWY 175 Kemp, TX 75143-3357  903-270-1187		Manager/Prof	7	6	0	0	13	38.2%		
		Technical/Sales	6	6	0	0	0	60.0%		
		Clerical/Skilled	4	5	0	0	9	45.0%		
		Semi/Unskilled	9	3	0	0	12	46.2%		
		<b>Bay Area</b>	0	0	0	0	0	0.0%		39.9%
		Co. Wide MSA:	<b>TX</b>		# Employees-Co. Wide:		<b>100</b>	Bay Area: <b>0</b>		
<b>P</b>	<b>Unclassified</b>	INFORMATION NOT PROVIDED								
Maddox Industrial Transformer Adam Berlin 865 Victor Hill Road Greer, SC 29651  866-984-1856										
		Co. Wide MSA:	<b>Sacramento</b>		# Employees-Co. Wide:		<b>0</b>	Bay Area: <b>0</b>		

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



# BOARD ACTION

Agenda Number:	4.	Meeting Date:	August 27, 2024
----------------	----	---------------	-----------------


TITLE	<b>FINANCIAL MODELING SOFTWARE FOR CAPITAL PROJECT PRIORITIZATION</b>
-------	---

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

RECOMMENDED ACTION	Authorize an agreement beginning on or after August 27, 2024 with InVizion, LLC (InVizion) for \$152,307 for three years, with three options to renew for additional one-year periods for a total amount, including option years, not to exceed \$225,525 for financial modeling software, as well as implementation, training and on-going support, to manage the capital prioritization process and perform financial modeling of the capital budget and rate scenarios.
--------------------	--

SUMMARY	The financial modeling software will support the District’s management of the Capital Improvement Program (CIP). The software is a part of the new prioritization process that will enable District staff to perform rapid scenario planning in a way that is not currently possible. The software will significantly improve decision-making across all capital projects and ensure the allocation of available resources meets the needs of both the systems and the community.
---------	---

DISCUSSION	<p>The CIP is developed biennially to provide a multi-year capital improvements plan for the Water and Wastewater systems. As part of an ongoing effort to enhance and improve the District’s budgeting practices, staff is proposing to introduce a new risk and benefit model to assess all capital projects District-wide. The CIP recommendations will be incorporated in the proposed Fiscal Year (FY) 2026 and FY 2027 biennial budget.</p> <p>The software will take the approximately 500 capital projects planned over the next decade and model their financial costs and staffing needs against available resources. It will allocate resources to the projects based on individual prioritization scores. The software can model changes in the plan if projects are moved forward or back in the ten-year CIP and how it would affect other dependent phases and projects, while escalating costs by inflation factors. This will inform long-range financial and rate planning, debt issuance, and other critical components of the District’s finances. These capabilities will improve the decision-making process for the District.</p> <p>This software is used by other large infrastructure agencies, including the Metropolitan Water District of Southern California. The District is benefiting from their previous work with InVizion as many of the customizations used for their process will be used as part of the District’s CIP process without additional cost.</p> <p>In addition to the software licenses and hosting services, the agreement includes implementation support, training for users, and on-going support and software updates.</p>
------------	--

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025	Budget Coding: 11.202.1775.8894000.52310.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Financial Modeling Software for Capital Project Prioritization	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

This work supports the District’s Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.

**CONSULTANT SELECTION**

A project-specific request for proposals (RFP) for financial modeling software was sent to two firms on the short list and two proposals were received. InVizion was selected based on their experience in program planning and analysis services, their ability to rapidly deploy this solution, and their experience with similar large California water utilities.

**SUSTAINABILITY**

**Economic**

The FY 2025 adopted operating budget does not include funding for this unplanned expense in the first year of this multi-year agreement. The fiscal impact associated with this action will be absorbed within the existing budget appropriation. Funding for the additional years will be considered as part of the budget development process.

**Social**

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

**Environmental**

This work will help optimize the District’s ability to prioritize capital projects to meet community needs and infrastructure goals. Among the criteria are items related to climate change adaptability and reducing environmental impact. This software will support better utilization of those criteria in selecting capital projects.

**ALTERNATIVE**

**Do not purchase the software.** This alternative is not recommended because it would impair the District’s ability to improve the capital project prioritization process.

I:\Sec\2024 Board Related Items\082724 Board Agenda Items\FIN – Financial Modeling Software for Capital Project Prioritization.docx



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <i>Professional Services Agreement</i> Financial Modeling Software for Capital Project Prioritization						<b>DATE:</b> August 14, 2024						
<b>CONTRACTOR:</b>				<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
InVizion, LLC Knoxville, TN				<b>Availability Group</b>			<b>Contracting Objectives</b>		<b>Participation</b>			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>			<b>25%</b>		<b>100.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>			<b>6%</b>		<b>0.0%</b>			
\$152,307 *		White	Men	<b>Ethnic Minorities</b>			<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> InVizion, LLC		\$112,307	White	X		73.7%						
<b>SUBS:</b> Load Spring Solutions, Inc.		\$40,000	White	X		26.3%						
<b>TOTAL</b>		\$152,307				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		168		89		40		297				
<b>Percent of Total Employees:</b>		56.6%		30.0%		13.5%						
<b>MSA Labor Market %:</b>		39.0%		33.7%		27.3%						
<b>MSA Labor Market Location:</b>		USA										
<b>COMMENTS</b>												
<b>Contract Equity Participation:</b> 100% White Men participation. <b>Contract Duration:</b> Three years, with three options to renew for additional one-year periods.												
*Total not to exceed: \$225,525												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
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: <b>Financial Modeling Software for Capital Project            Prioritization</b>		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		
<b>Professional Services Agreement</b>  R=Recmmd P=Prime S=Sub  Composition of Ownership		DATE: 8/14/2024	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		
Company Name, Owner/Contact Person, Address, and Phone Number		Number of Ethnic Minority Employees								
		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %		
RP	WM	Company Wide		11	16	4	3	34	11.4%	27.3%
InVizion, LLC Rusty Hall Sherrill Boulevard, Suite J Knoxville, TN 37932-3330  865-220-4474		Manager/Prof		9	14	4	2	29	0.0%	
		Technical/Sales		0	0	0	0	0	0.0%	
		Clerical/Skilled		2	2	0	1	5	0.0%	
		Semi/Unskilled		0	0	0	0	0	0.0%	
		Bay Area		0	2	2	0	4	36.4%	
		AA Plan on File:	NA		Date of last contract with District:			NA		
		Co. Wide MSA:	USA		# Employees-Co. Wide:			297	Bay Area:	11
S	WM	LoadSpring Solutions, Inc. Steve Kokol 1500 District Ave Burlington, MA 01803  877-562-3777 ext. 104  INFORMATION NOT PROVIDED								
P	WM	Company Wide		1	2	4	0	7	38.9%	13.4%
PFM Solutions, LLC Monique Prado Berke 1735 Market Street, 42nd Floor Philadelphia, PA 19103  215-567-6100		Manager/Prof		1	2	4	0	7	38.9%	
		Technical/Sales		0	0	0	0	0	0.0%	
		Clerical/Skilled		0	0	0	0	0	0.0%	
		Semi/Unskilled		0	0	0	0	0	0.0%	
		Bay Area		0	0	0	0	0	0.0%	
		Co. Wide MSA:	PA		# Employees-Co. Wide:			18	Bay Area:	0

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



Title:	North Richmond Water Recycling Plant Chlorine Contact Basin Tracer Study Contract Amendment	Meeting Date:	August 27, 2024
--------	---	---------------	-----------------

- The change in study methodology necessitates the addition of at least one additional day of testing during the implementation of the tracer study protocol, and additional associated data processing and reporting tasks.

Staff will still be involved in reviewing the tracer test plans/reports and supporting the physical testing at the NRWRP facility.

This project supports the District’s Long-Term Water Supply and Water Quality and Environmental Protection Strategic Plan goals by allowing the District to continue producing recycled water at NRWRP.

CONSULTANT SELECTION

Trussell Technologies, Inc. was selected in a direct award process based on their expertise of the District’s recycled water facilities and relevant experience conducting tracer studies for similar facilities.

SUSTAINABILITY

**Economic**

Funding for this item is included in the FY2025 capital budget for the North Richmond Water Recycling Plant.

**Social**

Locals 21 and 2019 were originally notified of this work on March 30, 2023. Local 2019’s issues were addressed on May 4, 2023 and resolved. Locals 21 and 2019 were notified of this proposed agreement amendment on July 12, 2024 and did not raise any specific issues related to this amendment.

**Environmental**

The NRWRP CCB tracer study must be completed to support transferring NRWRP’s permit coverage to the SWRCB’s current Order, as required by the SWRCB. Completing this tracer study will allow the District to continue producing recycled water at NRWRP and, thus, will help offset the use of potable water to meet the District’s water recycling goal and reduce discharges into the San Francisco Bay.

ALTERNATIVES

**Complete the work with District forces.** This alternative is not recommended because District staff do not have expertise in conducting tracer studies for a recycled water application.

**Do not authorize the amendment to the Agreement.** This alternative is not recommended because the tracer study must be completed to maintain the District’s permit coverage and continue operating the NRWRP facility. Continuing to produce recycled water at NRWRP is consistent with the District’s water recycling goal.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Professional Services Agreement - Amendment</b> North Richmond Water Recycling Plant Chlorine Contact Basin Tracer Study Contract Amendment						<b>DATE:</b> July 29, 2024							
<b>CONTRACTOR:</b>				<b>PERCENTAGE OF CONTRACT DOLLARS</b>									
Trussell Technologies, Inc. Pasadena, CA				Small Business				<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>	
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		25%		<b>White Women</b>		6%		<b>100.0%</b>	
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		6%		<b>Ethnic Minorities</b>		25%		<b>0.0%</b>	
\$45,000 *		White	Men	<b>Ethnic Minorities</b>		25%		<b>0.0%</b>				<b>0.0%</b>	
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Trussell Technologies, Inc.		\$45,000	White	X		100.0%							
<b>SUBS:</b> None													
<b>TOTAL</b>		\$45,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
			<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>			17		12		21		50				
<b>Percent of Total Employees:</b>			34.0%		24.0%		42.0%						
<b>MSA Labor Market %:</b>			28.0%		23.6%		48.4%						
<b>MSA Labor Market Location:</b>			California										
<b>COMMENTS</b>													
<b>Contract Equity Participation:</b> 100% White men participation. <b>Contract Duration:</b> NA													
*Total not to exceed: \$100,000 = \$55,000 (Original amount) + \$45,000 (Amendment)													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>					
NA				NA									





# BOARD ACTION

Agenda Number:	6.	Meeting Date:	August 27, 2024
----------------	----	---------------	-----------------

**TITLE**      **MONTHLY INVESTMENT TRANSACTIONS REPORTS**

**ACTION**       Motion:                                       Resolution:                                       Ordinance:

**RECOMMENDED ACTION**      Approve the June and July 2024 Monthly Investment Transactions Reports.


**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 June and July 2024 reports are being brought to the Board for consideration. These reports were presented at the August 27, 2024 Finance/Administration Committee meeting.

**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 June 2024, the portfolio decreased from \$621.1 million to \$597.7 million. Net transactions decreased the total by \$24.4 million. Interest received added approximately \$948,000 to the portfolio. Deposits into short-term liquidity funds totaled \$26.0 million, withdrawals totaled \$44.0 million, and \$6.0 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 approximately \$398,000.

In July 2024, the portfolio increased from \$597.7 million to \$601.0 million. Net transactions increased the total by \$1.8 million. Interest received added \$1.6 million to the portfolio. Deposits into short-term liquidity funds totaled \$13.5 million, withdrawals totaled \$14.5 million, and \$20.0 million in securities matured. The District purchased \$20.0 million in securities. No securities were called or sold. Net transactions at the District’s commercial bank resulted in an increase of \$2.8 million.

I:\Sec\2024 Board Related Items\082724 Board Agenda Items\ FIN - Monthly Investment Transactions Reports June July 2024.docx

<b>Originating Department:</b> Finance	<b>Department Director or Manager:</b> Sophia D. Skoda	<b>CEP Forms?</b> N/A	<b>Board Action Type:</b> Financial
<b>Funds Available:</b> N/A	<b>Budget Coding:</b> N/A		<b>Approved:</b> 
<b>Attachment(s):</b> June 2024 Monthly Investment Transactions Report; July 2024 Monthly Investment Transactions Report			


This page is intentionally left blank.

**Monthly Investment Transactions Report**  
**June 2024**

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

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

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

  
\_\_\_\_\_  
Sophia Skoda (Jul 15, 2024 13:25 PDT)  
Approved by: Sophia D. Skoda, Finance Director

Jul 15, 2024  
\_\_\_\_\_  
Date

SDS:KM:mr



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Transactions Summary**  
 June 2024

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	470,737,439.57	(18,000,000.00)	651,694.35	453,389,133.92
007 - Wastewater Consolidated	97,438,883.17	(3,000,000.00)	165,465.46	94,604,348.63
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	6,485,317.98	(2,968,000.00)	-	3,517,317.98
099 - Wells Fargo**	39,577,331.24	(397,912.19)	131,200.00	39,310,619.05
<b>Total</b>	<b>621,081,093.80</b>	<b>(24,365,912.19)</b>	<b>948,359.81</b>	<b>597,663,541.42</b>

\* 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 Rainondi*

Prepared by: Matt Raimondi, Accounting Technician

*Kevin Ma*

Reviewed by: Kevin Ma, Accounting Supervisor

*David Glasser*

Approved by: David Glasser, Controller

7/8/2024

Date

Jul 9, 2024

Date

Jul 15, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	-	12,000,000.00	(6,000,000.00)	-	-	(24,000,000.00)	-	(18,000,000.00)
007 - Wastewater Consolidated	-	3,000,000.00	-	-	-	(6,000,000.00)	-	(3,000,000.00)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	11,047,000.00	-	-	-	(14,015,000.00)	-	(2,968,000.00)
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
<b>Investment Activity Total</b>	-	<b>26,047,000.00</b>	<b>(6,000,000.00)</b>	-	-	<b>(44,015,000.00)</b>	-	<b>(23,968,000.00)</b>
099 - Wells Fargo	-	(26,047,000.00)	6,000,000.00	-	-	44,015,000.00	(24,365,912.19)	(397,912.19)
<b>Total</b>	-	-	-	-	-	-	<b>(24,365,912.19)</b>	<b>(24,365,912.19)</b>

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

*Steven Goodman-Leibof*

Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

Jul 15, 2024

Date

*Robert L. Hannay*

Approved by: Robert L. Hannay, Treasury Manager

Jul 15, 2024

Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 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



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Deposits</b>										
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	6/7/2024	6/7/2024	N/A	6,000,000.00	6,000,000.00	0.00	6,000,000.00
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/7/2024	6/7/2024	N/A	6,000,000.00	6,000,000.00	0.00	6,000,000.00
					Total		12,000,000.00			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/7/2024	6/7/2024	N/A	5,542,000.00	5,542,000.00	0.00	5,542,000.00
003 - Employees Retirement	Local Government Investment Pool	LAIF LGIP	LGIP1005	6/21/2024	6/21/2024	N/A	5,505,000.00	5,505,000.00	0.00	5,505,000.00
					Total		11,047,000.00			
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	6/7/2024	6/7/2024	N/A	1,500,000.00	1,500,000.00	0.00	1,500,000.00
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/7/2024	6/7/2024	N/A	1,500,000.00	1,500,000.00	0.00	1,500,000.00
					Total		3,000,000.00			
							26,047,000.00	26,047,000.00	0.00	26,047,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
 Monthly Investment Activity  
 June 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	Federal Agency Issues Coupon	FHLB 1.04 6/14/2024-22	3130APYA7	6/14/2024	6/14/2024	6/14/2024	6,000,000.00	6,000,000.00	-	6,000,000.00

\*\*\*CUSIP 91282CEX5 for \$20,000,000 matured 06/30/24, transferred to WFB 7/01/2024.\*\*\*

3,000,000.00      6,000,000.00      -      6,000,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Amount/Shares	Face Amount	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  
June 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



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Withdrawals</b>										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	6/7/2024	6/7/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	6/7/2024	6/7/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	6/7/2024	6/7/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	6/26/2024	6/26/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	6/26/2024	6/26/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	6/26/2024	6/26/2024	N/A	4,000,000.00	4,000,000.00	-	4,000,000.00
					<b>Total</b>		<b>24,000,000.00</b>			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/28/2024	6/28/2024	N/A	14,015,000.00	14,015,000.00	-	14,015,000.00
					<b>Total</b>		<b>14,015,000.00</b>			
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	6/7/2024	6/7/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	6/7/2024	6/7/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	6/7/2024	6/7/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	6/26/2024	6/26/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	6/26/2024	6/26/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	6/26/2024	6/26/2024	N/A	1,000,000.00	1,000,000.00	-	1,000,000.00
					<b>Total</b>		<b>6,000,000.00</b>			
							<b>44,015,000.00</b>	<b>44,015,000.00</b>	-	<b>44,015,000.00</b>



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**June 2024**

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	762,894.35	(111,200.00)	651,694.35
007 - Wastewater Consolidated	185,465.46	(20,000.00)	165,465.46
049 - Ferc Partnership	-	-	-
009 - BACWA	-	-	-
015 - DERWA	-	-	-
002 - FRWA	-	-	-
014 - IICP	-	-	-
010 - UMRWA	-	-	-
003 - Employees Retirement	-	-	-
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
<b>Interest Transactions Total</b>	<b>948,359.81</b>	<b>(131,200.00)</b>	<b>817,159.81</b>
<b>099 - Wells Fargo</b>	<b>-</b>	<b>131,200.00</b>	<b>131,200.00</b>
<b>Total</b>	<b>948,359.81</b>	<b>-</b>	<b>948,359.81</b>

\*Coupon and other interest received; reinvestment unavailable.

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

*Matthew Raimondi*

7/8/2024

Prepared by: Matt Raimondi, Accounting Technician

Date

*Kevin Ma*

Jul 9, 2024

Reviewed by: Kevin Ma, Accounting Supervisor

Date

*David Glasser*

Jul 15, 2024

Approved by: David Glasser, Controller

Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Interest Activity  
June 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Amount/Shares	Face Principal	Interest/Dividends	Total
<b>Interest Received (Transferred to Wells Fargo)</b>										
001 - Water System Consolidated	US Treasuries	T-Note 1 12/15/2024	91282CDN8	6/15/2024	6/15/2024	12/15/2024	-	-	80,000.00	80,000.00
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLB 1.04 6/14/2024-22	3130APYA7	6/14/2024	6/14/2024	6/14/2024	-	-	31,200.00	31,200.00
						<b>Total</b>			<b>111,200.00</b>	
007 - Wastewater Consolidated	US Treasuries	T-Note 1 12/15/2024	91282CDN8	6/15/2024	6/15/2024	12/15/2024	-	-	20,000.00	20,000.00
						<b>Total</b>			<b>20,000.00</b>	

0.00      0.00      131,200.00      131,200.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
 Monthly Interest Activity  
 June 2024


Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Reinvested)</b>										
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		6/3/2024	6/3/2024	N/A	-	-	169,130.41	169,130.41
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM GVMXX		6/3/2024	6/3/2024	N/A	-	-	175,334.64	175,334.64
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/30/2024	6/30/2024	N/A	-	-	132,036.83	132,036.83
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM GOFXX		6/3/2024	6/3/2024	N/A	-	-	175,192.47	175,192.47
						<b>Total</b>				<b>651,694.35</b>
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		6/3/2024	6/3/2024	N/A	-	-	41,059.79	41,059.79
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM GVMXX		6/3/2024	6/3/2024	N/A	-	-	46,418.27	46,418.27
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM GOFXX		6/3/2024	6/3/2024	N/A	-	-	46,171.24	46,171.24
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/30/2024	6/30/2024	N/A	-	-	31,816.16	31,816.16
						<b>Total</b>				<b>165,465.46</b>
							0.00	0.00	817,159.81	817,159.81

**Monthly Investment Transactions Report  
July 2024**

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

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

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

  
Sophia Skoda (Aug 13, 2024 11:27 PDT)  
Approved by: Sophia D. Skoda, Finance Director

Aug 13, 2024

Date

SDS:KM:SLS



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Transactions Summary**  
**July 2024**

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	453,389,133.92	-	844,204.91	454,233,338.83
007 - Wastewater Consolidated	94,604,348.63	-	212,872.67	94,817,221.30
049 - Ferc Partnership	2,112,706.20	-	24,176.84	2,136,883.04
009 - BACWA	2,390,109.37	-	27,350.20	2,417,459.57
015 - DERWA	1,056,357.93	-	12,086.14	1,068,444.07
002 - FRWA	1,056,357.93	-	12,086.14	1,068,444.07
014 - IICP	158,983.14	-	1,817.26	160,800.40
010 - UMRWA	67,607.27	-	771.65	68,378.92
003 - Employees Retirement	3,517,317.98	(1,006,000.00)	137,062.11	2,648,380.09
099 - Wells Fargo**	39,310,619.05	2,774,553.87	300,000.00	42,385,172.92
<b>Total</b>	<b>597,663,541.42</b>	<b>1,768,553.87</b>	<b>1,572,427.92</b>	<b>601,004,523.21</b>

\* 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.

*Sherry Sarcos*  
 Prepared by: Sherry Sarcos, Accounting Technician  
Kevin Ma  
 Reviewed by: Kevin Ma, Accounting Supervisor  
*David Glasser*  
 Approved by: David Glasser, Controller

8/7/2024  
 Date  
 Aug 7, 2024  
 Date  
 Aug 8, 2024  
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
July 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	16,000,000.00	-	(16,000,000.00)	-	-	-	-	-
007 - Wastewater Consolidated	4,000,000.00	-	(4,000,000.00)	-	-	-	-	-
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	13,456,000.00	-	-	-	-	-	-
Investment Activity Total	20,000,000.00	13,456,000.00	(20,000,000.00)	-	-	(14,462,000.00)	-	(1,006,000.00)
099 - Wells Fargo	(20,000,000.00)	(13,456,000.00)	20,000,000.00	-	-	14,462,000.00	1,768,553.87	2,774,553.87
<b>Total</b>	-	-	-	-	-	-	<b>1,768,553.87</b>	<b>1,768,553.87</b>

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

*Steven Goodman-Leibof*

Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

Aug 8, 2024

Date

Aug 13, 2024

Date

Approved by: Robert L. Hannay, Treasury Manager



EAST BAY MUNICIPAL UTILITY DISTRICT  
 Monthly Investment Activity  
 July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Buys	001 - Water System Consolidated	FHLB 0.5 6/13/2025	3130AJKW8	7/1/2024	7/2/2024	6/13/2025	16,000,000.00	15,320,000.00	4,222.22	15,324,222.22
		Total					16,000,000.00			
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 0.5 6/13/2025	3130AJKW8	7/1/2024	7/2/2024	6/13/2025	4,000,000.00	3,830,000.00	1,055.56	3,831,055.56
		Total					4,000,000.00			
							20,000,000.00	19,150,000.00	5,277.78	19,155,277.78



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/15/2024	7/15/2024	N/A	5,589,000.00	5,589,000.00	-	5,589,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/19/2024	7/19/2024	N/A	2,345,000.00	2,345,000.00	-	2,345,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/26/2024	7/26/2024	N/A	5,522,000.00	5,522,000.00	-	5,522,000.00
					Total		13,456,000.00			
							13,456,000.00	13,456,000.00	0.00	13,456,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
001 - Water System Consolidated	US Treasuries	T-Note 3 6/30/2024	91282CEXS	6/30/2024	6/30/2024	6/30/2024	16,000,000.00	16,000,000.00	-	16,000,000.00
				Total					16,000,000.00	
007 - Wastewater Consolidated	US Treasuries	T-Note 3 6/30/2024	91282CEXS	6/30/2024	6/30/2024	6/30/2024	4,000,000.00	4,000,000.00	-	4,000,000.00
				Total					4,000,000.00	
							20,000,000.00	20,000,000.00	0.00	20,000,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
June 2023

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  
July 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 Investment Activity  
 July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/31/2024	7/31/2024	N/A	14,462,000.00	14,462,000.00	-	14,462,000.00
<b>Total</b>							14,462,000.00	14,462,000.00	-	14,462,000.00
							14,462,000.00	14,462,000.00	-	14,462,000.00



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**July 2024**

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	1,084,204.91	(240,000.00)	844,204.91
007 - Wastewater Consolidated	272,872.67	(60,000.00)	212,872.67
049 - Ferc Partnership	24,176.84	-	24,176.84
009 - BACWA	27,350.20	-	27,350.20
015 - DERWA	12,086.14	-	12,086.14
002 - FRWA	12,086.14	-	12,086.14
014 - IICP	1,817.26	-	1,817.26
010 - UMRWA	771.65	-	771.65
003 - Employees Retirement	137,062.11	-	137,062.11
<b>Interest Transactions Total</b>	<b>1,572,427.92</b>	<b>(300,000.00)</b>	<b>1,272,427.92</b>
<b>099 - Wells Fargo</b>	-	300,000.00	300,000.00
<b>Total</b>	<b>1,572,427.92</b>	-	<b>1,572,427.92</b>

\* Coupon and other interest received; reinvestment unavailable.

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

*Sherry Sarcos*  
 Prepared by: Sherry Sarcos, Accounting Technician  
 Kevin Ma

8/7/2024  
 Date  
 Aug 7, 2024  
 Date

Reviewed by: Kevin Ma, Accounting Supervisor  
*David Glasser*  
 Approved by: David Glasser, Controller

Date  
 Aug 8, 2024  
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Interest Activity  
July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Amount/Shares	Face	Principal	Interest/Dividends	Total
<b>Interest Received (Transferred to Wells Fargo)</b>											
001 - Water System Consolidated	US Treasuries	T-Note 3 6/30/2024	91282CEX5	6/30/2024	6/30/2024	6/30/2024	240,000.00	240,000.00	240,000.00	-	240,000.00
					<b>Total</b>		<b>240,000.00</b>				
007 - Wastewater Consolidated	US Treasuries	T-Note 3 6/30/2024	91282CEX5	6/30/2024	6/30/2024	6/30/2024	60,000.00	60,000.00	60,000.00	-	60,000.00
					<b>Total</b>		<b>60,000.00</b>				

600,000.00      300,000.00      0.00      300,000.00



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Interest Activity  
July 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Amount/Shares	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Reinvested)</b>											
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	7/1/2024	7/1/2024	N/A	-	-	-	133,898.97	133,898.97
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley   MVRXX		7/1/2024	7/1/2024	N/A	-	-	-	127,894.94	127,894.94
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	7/1/2024	7/1/2024	N/A	-	-	-	134,164.09	134,164.09
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	302,865.77	302,865.77
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	7/31/2024	7/31/2024	N/A	-	-	-	145,381.14	145,381.14
									<b>Total</b>		<b>844,204.91</b>
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	7/1/2024	7/1/2024	N/A	-	-	-	35,556.22	35,556.22
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley   MVRXX		7/1/2024	7/1/2024	N/A	-	-	-	30,905.08	30,905.08
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	7/1/2024	7/1/2024	N/A	-	-	-	35,811.33	35,811.33
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	75,443.62	75,443.62
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	7/31/2024	7/31/2024	N/A	-	-	-	35,156.42	35,156.42
									<b>Total</b>		<b>212,872.67</b>
002 - FRWA	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	12,086.14	12,086.14
									<b>Total</b>		<b>12,086.14</b>
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/15/2024	7/15/2024	N/A	-	-	-	137,062.11	137,062.11
									<b>Total</b>		<b>137,062.11</b>
009 - BACWA	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	27,350.20	27,350.20
									<b>Total</b>		<b>27,350.20</b>
010 - UMRWA	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	771.65	771.65
									<b>Total</b>		<b>771.65</b>
014 - IICP	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	1,817.26	1,817.26
									<b>Total</b>		<b>1,817.26</b>
015 - DERWA	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	12,086.14	12,086.14
									<b>Total</b>		<b>12,086.14</b>
049 - Ferc Partnership	LAIF	LAIF LGIP	LGIP1001	7/15/2024	7/15/2024	N/A	-	-	-	24,176.84	24,176.84
									<b>Total</b>		<b>24,176.84</b>

0.00      0.00      1,272,427.92      1,272,427.92



This page is intentionally left blank.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY MUNICIPAL  
UTILITY DISTRICT CONGRATULATING THE TOWN OF MORAGA ON ITS 50TH  
ANNIVERSARY CELEBRATION

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the Saklans, a tribelet of the Bay Miwok group, were the original settlers of the Moraga Valley; and

WHEREAS, the Town of Moraga, incorporated on November 13, 1974, is celebrating its 50th anniversary; and

WHEREAS, the Town of Moraga has a rich history and tradition, and has demonstrated resilience, adaptability, and progress over the past five decades; and

WHEREAS, the Town of Moraga has fostered a strong sense of community through its commitment to enhancing the quality of life for its residents, promoting education, and preserving its natural beauty and open spaces; and

WHEREAS, the Town of Moraga is home to Saint Mary's College of California, founded in 1863, which has been an integral part of the community, contributing to its educational, cultural, and economic vitality; and

WHEREAS, the East Bay Municipal Utility District (EBMUD) has served the Town of Moraga residents with reliable and high-quality water; and

WHEREAS, EBMUD has worked closely with the Town of Moraga on numerous projects to improve and maintain vital infrastructure, while also serving as good stewards of the surrounding watershed, demonstrating a shared commitment to resilience, adaptability, and community well-being; and

WHEREAS, the 50th anniversary of the Town of Moraga is a milestone that merits recognition and celebration, honoring the achievements of the past and looking forward to a vibrant and sustainable future;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of EBMUD hereby congratulates the Town of Moraga on its 50th anniversary and commends the Town's leadership, residents, and community partners for their dedication, hard work, and contributions to making the Town of Moraga a wonderful place to live, work, and visit.

BE IT FURTHER RESOLVED that EBMUD remains steadfast in its commitment to supporting the Town of Moraga in its future endeavors by ensuring the continued provision of essential water services, safeguarding the surrounding natural environment, and actively participating in initiatives that promote sustainability. Together, we will contribute to the town's ongoing

success, prosperity, and ecological stewardship, fostering a thriving community for generations to come.

ADOPTED this 27th day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

---

President

---

Secretary

APPROVED AS TO FORM AND PROCEDURE:

---

General Counsel



Title:	Acquisition of Hertzig Property – Calaveras County	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

This purchase supports the District’s Water Quality and Environmental Protection Strategic Plan goal.

**SUSTAINABILITY**

**Economic**

Funding for this purpose is available in the FY 2025 adopted capital budget for the Watershed Properties.

**Environmental**

This acquisition will further preserve and protect the Camanche Watershed, prevent future development that could be harmful to the watershed and stock pond, and protect habitat that is home to the Western Pond Turtle and other native species.

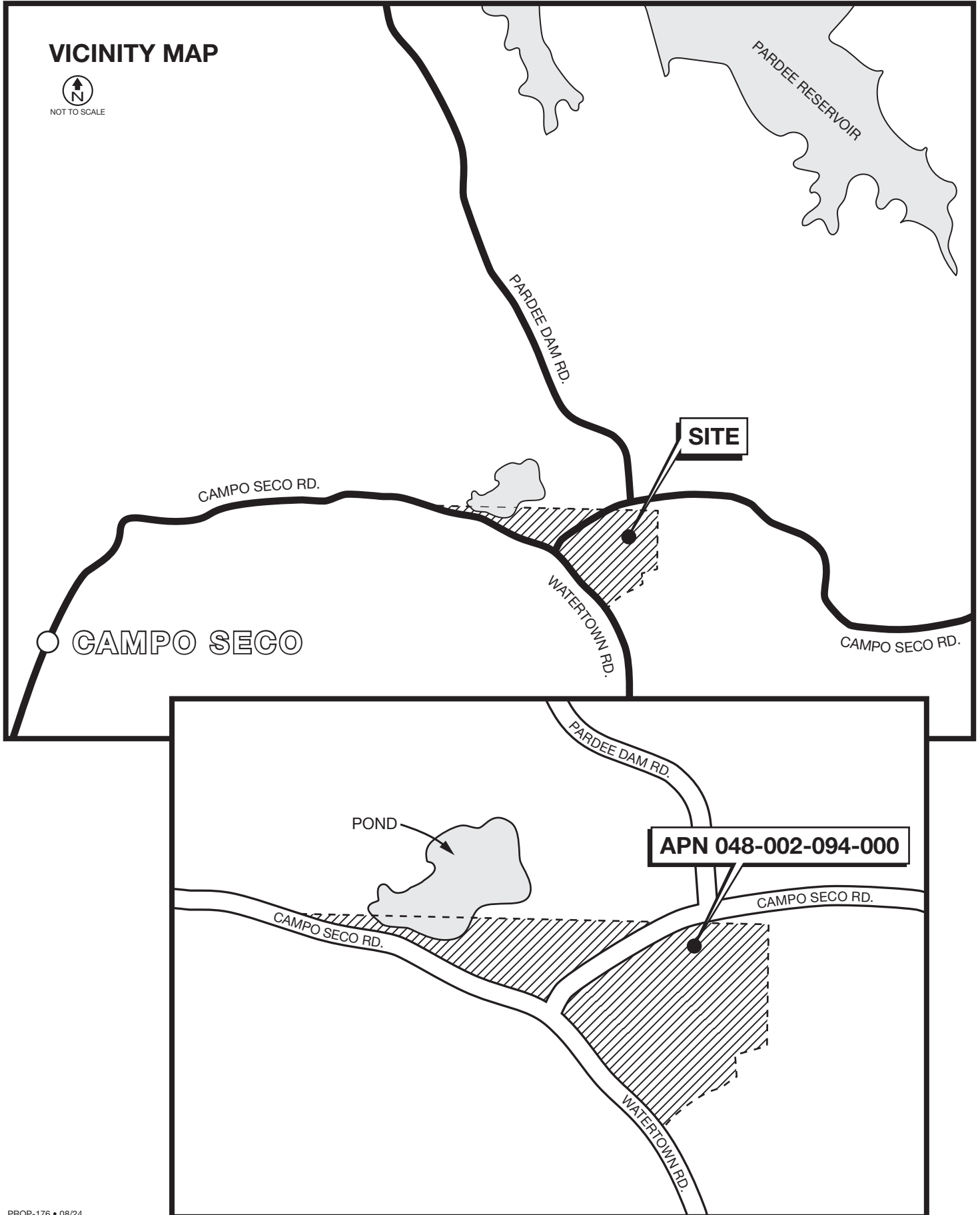
The action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15325, because this involves the acquisition of an interest in land in order to preserve the existing conditions and allow the continued use and preservation of open space and habitat. The action is also categorically exempt pursuant to CEQA Guidelines §15317, because it involves the acceptance of a fee interest in the property in order to maintain the character of the area. Currently planned activities on the property, particularly the installation of a fence to control illegal dumping, are exempt from CEQA pursuant to CEQA Guidelines §15304 because they involve minor alterations in the condition of the land.

**ALTERNATIVE**

**Do not purchase the Hertzig Property.** This alternative is not recommended because the District would miss an opportunity to acquire adjacent watershed land and associated water rights needed for watershed management and to support efficient grazing operations. Another purchaser could potentially develop the property in such way that is harmful to the watershed and native species.

# ACQUISITION OF HERTZIG PROPERTY CALAVERAS COUNTY

ATTACHMENT



This page is intentionally left blank.

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING ACQUISITION OF HERTZIG REAL PROPERTY IN  
CALAVERAS COUNTY, CALIFORNIA

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, John and Roxana Hertzig (Hertzigs) own a 20.7 acre property located at the intersection of Campo Seco Road and Watertown Road in Valley Springs (Hertzig Property), which is located within the Camanche Watershed and is surrounded on three sides by watershed land owned by East Bay Municipal Utility District (District), as more particularly described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, it is the desire and intent of the District to purchase the Hertzig Property in order to further preserve the District's Camanche Watershed; and

WHEREAS, there is an existing shared stock pond that is partially on the Hertzig Property and the District's watershed land to the north for which the Hertzigs filed a claim for the water right to the stock pond on December 31, 1997 and the State Water Resources Control Board certified the Hertzigs' water right for four-acre feet of water under Certificate 5734 (Stock Pond Certificate); and

WHEREAS, the Hertzigs' Stock Pond Certificate and all water and mineral rights associated with the Hertzig Property will be conveyed to the District under this acquisition upon the completion of this transaction; and

WHEREAS, the water rights accompanying this transaction would ensure the District full access to the stock pond to support the District's ongoing grazing operation, which plays an important role in the overall management of the District's Watershed Grazing Program; and

WHEREAS, the stock pond provides habitat for local wildlife including several amphibious species and a known population of Western Pond Turtles, which are being considered for listing status under the Endangered Species Act; and

WHEREAS, acquiring the Hertzig Property would provide the District control over maintenance activities for the stock pond, ensuring the native and endangered species in the stock pond are protected; and

WHEREAS, there has been illegal dumping in this area and acquiring the Hertzig Property will allow the District to install fencing closer to the adjacent roadway to prevent future illegal dumping; and

WHEREAS, District biologists have completed a survey of the stock pond, the District hired a consultant to complete a Phase I environmental assessment of the Hertzig Property, and both efforts concluded that there were no significant findings; and

WHEREAS, the action is categorically exempt from the California Environmental Quality Act (CEQA) because it involves the acquisition of an interest in land to preserve the existing conditions and allow the continued use and preservation of open space and habitat (CEQA Guidelines § 15325) and to maintain the character of the area (CEQA Guidelines § 15317); and

WHEREAS, the currently planned activities on the property, particularly the installation of a fence to control illegal dumping, are exempt from CEQA because they involve minor alterations in the condition of the land (CEQA Guidelines § 15304); and

WHEREAS, the purchase of the Hertzig Property supports the District’s Water Quality and Environmental Protection Strategic Plan goal, will further preserve the Camanche Watershed, prevent future development that could be harmful to the Camanche Watershed and stock pond, and protect habitat that is home to the Western Pond Turtle and other native species.

NOW, THEREFORE, BE IT RESOLVED that upon conveyance of the Hertzig Property to the District, in a form approved by the General Counsel, the proper officials of the District are hereby authorized and directed to issue payment to the Hertzigs for the Hertzig Property in the amount of \$270,000 plus closing costs for a total amount not to exceed \$300,000.

BE IT FURTHER RESOLVED that the Manager of Real Estate Services and the Secretary of the District are authorized to execute any and all documents, in a form approved by the General Counsel, prior to, in or after escrow, necessary or appropriate to the close of the transaction.

ADOPTED this 27th day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

\_\_\_\_\_  
General Counsel



# BOARD ACTION

Agenda Number:	9a.-9b.	Meeting Date:	August 27, 2024
----------------	---------	---------------	-----------------

## TITLE **LOS VAQUEROS RESERVOIR EXPANSION PROJECT UPDATES**

**ACTION**       Motion:                                       Resolution:                                       Ordinance:


- RECOMMENDED ACTION**
- Direct the District to remain as a Los Vaqueros Reservoir Joint Powers Authority (JPA) member but reduce the District’s allocated storage in the proposed Los Vaqueros Reservoir Expansion Project (LVE Project) from 30 thousand acre feet to zero.
  - Support the LVE Project by negotiating mutually acceptable agreements to convey water for the JPA member agencies when capacity is available, including supporting Contra Costa Water District (CCWD) during dam construction backstop operations, with full reimbursement to the District and subject to the 2017 Revised Principles for Use of Unassigned Capacity in the Freeport Regional Water Project.

**SUMMARY**                      The District has been evaluating potential participation in the LVE Project that would provide the District up to 30 thousand acre-feet (TAF) of new supplemental water storage for droughts and emergencies. Recently, CCWD requested each LVE Project JPA member decide on their participation in the LVE Project by this fall. The District is a regional partner with the Bay Area water agencies and is supportive of the regional benefits that the LVE Project provides. An evaluation of the supplemental water supply alternatives indicates that the LVE Project is currently the least favorable option, and that the District may be able to meet the need for water in 2050 without LVE if the District plans for other supplemental water supply options including additional water transfers or potentially potable reuse. These LVE Project updates were discussed at the August 13, 2024 Planning Committee meeting and the committee unanimously supported staff’s recommendation.

**DISCUSSION**                      The water supply portfolio alternatives to meet the need for water based on the District’s three-year drought planning sequence can be grouped into the following:

- Alternatives that provide supply every dry year: water transfers (when available), non-potable recycled water, and potable reuse. Note that future non-potable recycled water is accounted for in the need for water calculation.
- Options that provide supply during a third year of a drought: LVE Project, San Joaquin County (SJC) groundwater banking, and Bayside Phase 2.

A draft 2024 update to the need for water analysis in 2050 was conducted, which is based on the District’s 2050 Demand Study and accounts for conservation, water recycling, rationing, and Central Valley Project (CVP) supplies. The draft 2024 update indicated that in the third year of a drought, the amount of additional water that could

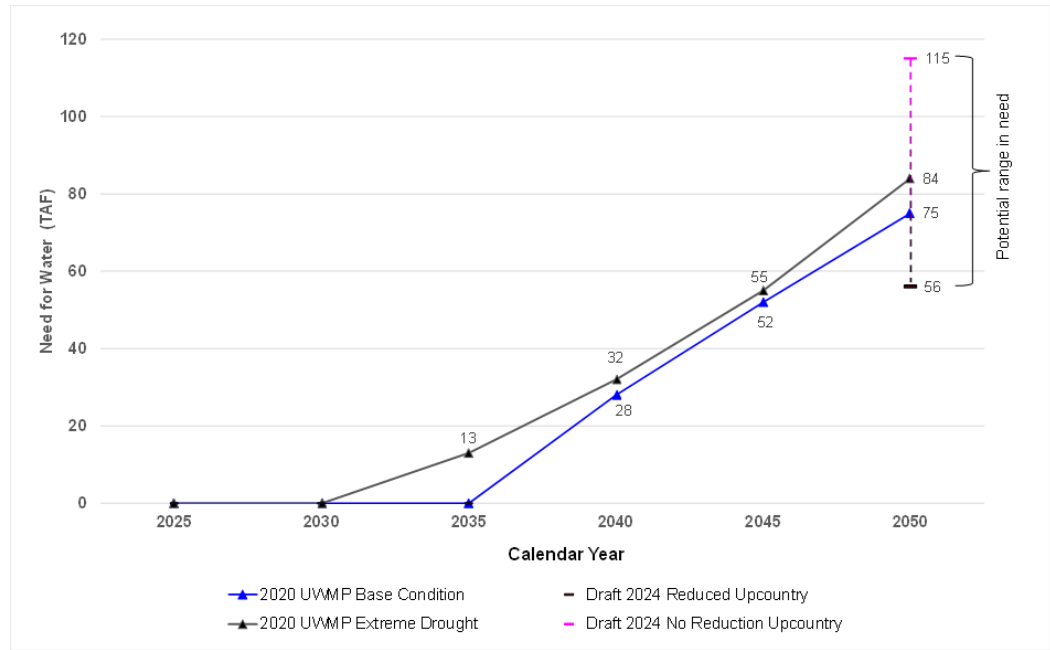
<b>Originating Department:</b> Water and Natural Resources	<b>Department Director or Manager:</b> Michael T. Tognolini	<b>CEP Forms?</b> N/A	<b>Board Action Type:</b> Administrative
<b>Funds Available:</b> FY2025; Award#7000324; Pg. 83	<b>Budget Coding:</b> 11.455.0000.2013295.55610.000000		<b>Approved:</b> 
<b>Attachment(s):</b> N/A			

Title:	Los Vaqueros Reservoir Expansion Project Updates	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

be needed is between 56 and 115 TAF under two scenarios, with and without a potential reduction in upcountry demands on Mokelumne River supplies. The 2024 draft update will be refined as the 2025 Urban Water Management Plan (UWMP) is developed, including updating the approach to modeling climate change.

Figure 1 shows the draft 2024 update in 2050 along with the need for water between 2025 and 2050 from the 2020 UWMP under the base condition and extreme drought scenarios.

Figure 1. Need for Water in Third Year of Drought: 2020 UWMP and Draft 2024 Update\*



\*Accounts for conservation, recycling, CVP supplies in Years 1 and 2, and 15 percentage rationing being implemented. Draft update assumes CVP supply is not available in drought Year 3.

The potential yield and key considerations of the supplemental supply alternatives are summarized in Table 1. Green, yellow, orange, and red and the corresponding numbers of 1, 2, 3, and 4 indicate the progression from more favorable to less favorable. Overall, the LVE Project is qualitatively the least favorable option.

Title:	Los Vaqueros Reservoir Expansion Project Updates	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

Table 1. Potential Future Supplemental Water Supply Sources

Supply Alternatives	Dry Year Yield (TAF)	Key Considerations	Outcome Control	Implementability	Supply Assurance	Unit Cost
Water Transfers	Up to 47 TAF when available	Quantities are variable; market transfers less reliable as drought deepens. Healthy Rivers and Landscapes Program relies on transfers, so future market will be tighter.	2	1	2	1
Future Non-potable Recycled Water	Up to 11 TAF	Included in the need for water analysis (to be updated in Recycled Water Strategic Plan).	1	1	1	3
Potable Reuse	TBD (9 to 34 TAF preliminary draft)	Long lead time for education and outreach and to develop project; complex permitting and operations.	2	3	1	4
LVE Project	20 TAF	Can be more resilient in year 3 and beyond of a drought; project risks.	4	3	3	3
SJC Groundwater Banking	TBD (Up to 20 TAF)	Permits, wells, and blending ratios in aqueducts may limit extraction capacity and required spreading over multiple years to achieve yield.	2	2	2	2
Bayside Phase 2	TBD (5 TAF)	Continued outreach to address community concerns.	1	3	1	2

*WSMP: Water Supply Management Program*

Based on the draft need for water and the water supply options available to the District, the District may be able to meet the future need without LVE if water transfers are available and SJC groundwater banking is implemented. However, to account for uncertainties in the future need for water, other supply options should also be evaluated including additional water transfers or potable reuse.

Dry Year Unit Costs

Dry year unit costs for the water supply alternatives are shown in Figures 2(a) and 2(b). Figure 2(a) provides the unit costs for future potential supplemental supplies that could

Title:	Los Vaqueros Reservoir Expansion Project Updates	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

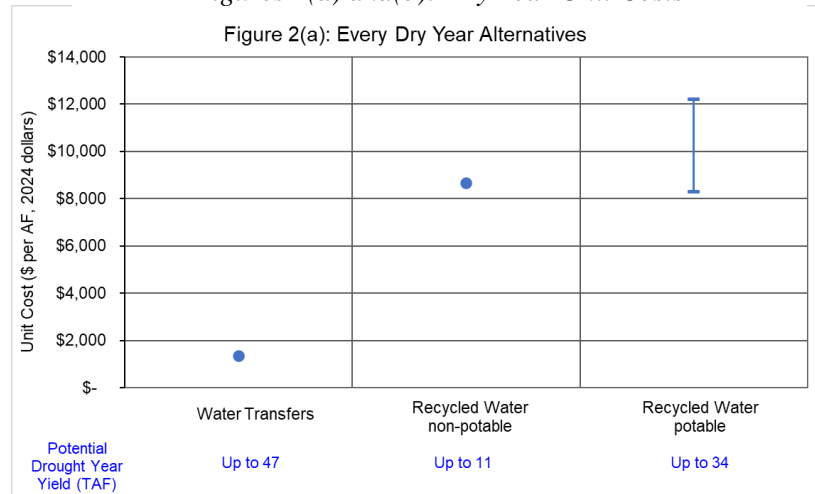
supply every dry year. Costs already incurred by the District (e.g., construction of the Freeport facilities) are not included in the unit costs for water transfers. Figure 2(b) provides the unit costs for potential future storage projects that would typically only operate during the third year of a drought.

The recycled water projects unit costs in Figure 2(a) are calculated assuming they operate for 3 dry years out of 10, an assumption that is used in the WSMP 2040. While these projects operate every year, the dry year unit cost is calculated using the yield in 3 dry years out of 10 for comparison to dry year only projects.

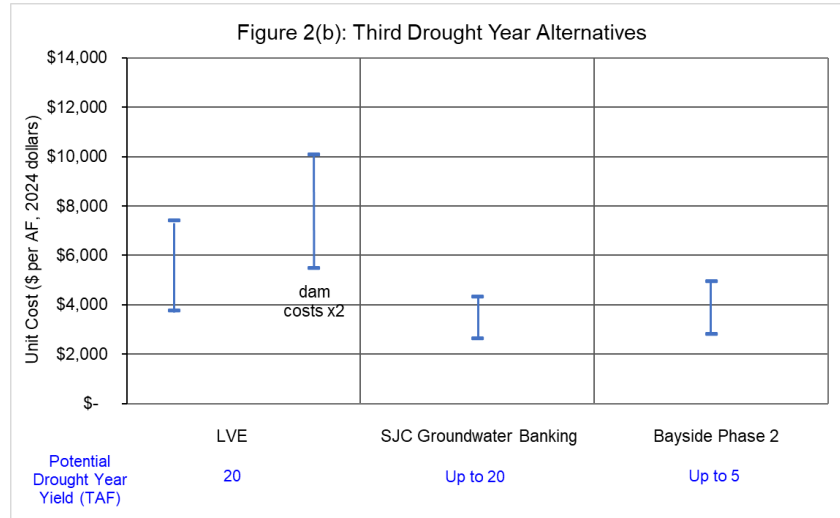
The alternatives in Figure 2(b) are provided as a range because of the uncertainty in the drought use frequency, which is assumed to range between 1 in 8 years to 1 in 15 years based on hydrology over the past 20 years and 90 years, respectively. To address dam construction risk associated with LVE, unit costs assuming the capital cost of the LVE dam construction doubles is also shown. The unit costs for SJC groundwater banking are based on preliminary concepts developed with North San Joaquin Water Conservation District and Stockton East Water District. The unit costs for Bayside were re-calculated using the WSMP 2040 capital and operations cost assumptions and the potential yield only during operation in a third year of drought.

Of the alternatives that provide supply in a third year of a drought, LVE is the most expensive option.

Figures 2(a) and(b): Dry Year Unit Costs



Title:	Los Vaqueros Reservoir Expansion Project Updates	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------



LVE Agreements Status

Staff spent a significant amount of time in the past year to develop and negotiate the key LVE Project agreements, and resolve other issues such as updating the Project cost evaluation and exploring the sources of water supply for the project. Staff, along with the other member agencies and the JPA, met multiple times with CCWD to resolve concerns with the agreements; however, the issues still remain.

On June 11, 2024, CCWD sent a letter to the General Managers of LVE JPA member agencies requesting clarification on their commitment to the Project. The letter also summarized CCWD’s firm position on the key outstanding issues in the agreements between the JPA and CCWD. Staff does not recommend the District accept the current terms of the agreement because they require the District and the other JPA member agencies to take on all the financial and liability risks of the dam construction along with the risk of not receiving expected supplies with no control to mitigate the risks.

LVE Participation Considerations

CCWD requested decisions on LVE Project participation by the fall of this year; however, the schedule calls for project commitments by April 2025.

With or without allocated storage in the LVE Project, the District can participate in the Project by conveying water for the JPA member agencies using Freeport and receiving appropriate financial compensation for services offered. Member agencies indicated that entering into the EBMUD Facility Usage Agreement for water conveyance using Freeport is more appropriate on a case-by-case basis and that an agreement between the JPA and the District is not needed at this time. The District can also convey water through Freeport as part of its Backstop Plan for CCWD during LVE construction.

The JPA allocated \$23.7 million of the California Water Commission (CWC) grant funding for the Project to the District to upgrade the Walnut Creek Pumping Plant (WCPP) so the District can better facilitate water conveyance for the member agencies using the Freeport facilities. Because the member agencies indicated that conveyance by the

Title:	Los Vaqueros Reservoir Expansion Project Updates	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

District is not needed in the near term, the JPA may decide to reallocate the \$23.7 million to other Project facilities, especially if the District is not a storage participant in the project. If the District does not receive the CWC grant funding and conveys water in the future for the member agencies, the full cost of the upgraded WCPP facilities will be used when calculating the District’s usage fees. Furthermore, if the facilities are not upgraded, the District will have more restrictions on conveying water for the member agencies.

SUSTAINABILITY

**Economic**

Funding for LVE Project evaluation is available in the Fiscal Year 2025 adopted capital budget for the Imported Water Facilities and can be used for continued involvement in the JPA.

**Social**

The District can pursue water transfers, groundwater banking, and recycled water to achieve its long-term water supply reliability goals. Supporting the LVE Project promotes regional collaboration and partnerships.

**Environmental**

The Project, if implemented, would improve adaptability to climate change and make water supply available for wildlife refuges in California’s Central Valley.

ALTERNATIVES

**Participate in LVE with storage.** This alternative is not recommended because LVE is the most expensive storage project option for the District and is qualitatively the least favorable option. The District’s share of the capital costs would be at least \$200 million (for 30 TAF). A reduced storage request would decrease the District’s cost share. However, in either case, the District would still pay a higher unit cost than other storage project alternatives.

**Do not participate in LVE.** This alternative is not recommended because the District may be excluded from participating in LVE in the future if the costs and other terms become more favorable. The District has other supplemental supply options, each has uncertainties and limitations that may impact the ability to meet the District’s future need for water. Limited supplemental supply alternatives exist for a third year of a drought (storage). The District may be excluded from participating in the Project in the future if it exits the JPA.

I:\Sec\2024 Board Related Items\082724 Board Agenda Items\WNR - LVR Expansion Project Updates.docx



Title:	Intention to Authorize Issuance of Additional Water System Revenue Bonds	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

Bonds will be \$1.19 billion. Refunding bonds issued to refinance outstanding bonds are not counted against Additional Bonds authority. The proposed resolution sets certain parameters for the Additional Bonds including the maximum term, interest rate or yield, and discount. These parameters are consistent with prior authorizations. Adoption of the proposed resolution does not replace approval of the individual bond financings. In the coming years, staff will return to the Board with resolutions to authorize issuance of individual bond series as funding is needed. Those resolutions will also include specific terms and forms of documents securing the sale of the bonds.

The adoption of the resolution "Declaring the Intention of the Board of Directors of East Bay Municipal Utility District to Authorize the Issuance of Water Bonds Payable Solely From Revenues and Directing the Publication of this Resolution" is subject to the right of referendum. Pursuant to the MUD Act, the referendum period, a period of 60 days for voters to protest the authorization of debt, commences with the second publication of the resolution. Should three percent of the voters in the District submit a signed referendum petition during that period demanding submission of the resolution to the voters of the District, the resolution shall be of no effect until it has been approved by the voters.

**SUSTAINABILITY**

**Economic**

The District's Budget and Forecast anticipates issuing the Additional Bonds.

**Social**

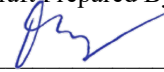
When issued, the District's financings are prudently structured to minimize costs to ratepayers and achieve intergenerational equity.

**Environmental**

The District plans to issue the new money bonds labeled as Green Bonds to fund qualified projects in accordance with the District's Guidance for Issuing Green Bonds.

**ALTERNATIVE**

The District could choose not to authorize additional bond issuances. This alternative is not recommended because without additional bonds, the District would not have sufficient funds to implement its projected CIP.



RESOLUTION NO. \_\_\_\_\_

DECLARING THE INTENTION OF THE BOARD OF DIRECTORS OF EAST BAY  
MUNICIPAL UTILITY DISTRICT TO AUTHORIZE THE ISSUANCE OF WATER BONDS  
PAYABLE SOLELY FROM REVENUES AND DIRECTING THE PUBLICATION  
OF THIS RESOLUTION

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the East Bay Municipal Utility District (the "District") finds it necessary and proposes to exercise the power to issue bonds pursuant to Section 12850 et seq. of the Public Utilities Code of the State of California for the purpose of financing the construction, reconstruction, replacement, acquisition or improvement of any facility or facilities necessary or convenient for the storage, transmission or distribution of water or the generation, transmission or distribution of electricity or incidental to, or in connection with, the operation of the water or electric system or facilities of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of East Bay Municipal Utility District, as follows:

Section 1. The Board hereby declares its intention to authorize the issuance of additional water system revenue bonds for the purpose of financing the construction, reconstruction, replacement, acquisition or improvement of any facility or facilities necessary or convenient for the storage, transmission or distribution of water or the generation, transmission or distribution of electricity or incidental to, or in connection with, the operation of the water or electric system or facilities of the District.

Section 2. The maximum principal amount of the additional revenue bonds proposed to be issued under this Resolution is \$970.0 million. In calculating such principal amount (i) the principal amount of "capital appreciation bonds" or "discount bonds" sold with an "original issue discount" in excess of 10% shall be based upon the "initial" principal amount or initial proceeds (as appropriate) and (ii) the principal amount of refunding bonds shall be disregarded. Such additional bonds issued pursuant to this Resolution may be issued in series from time to time, and it shall not be necessary that all of the bonds proposed to be issued shall be issued at any one time.

Section 3. The maximum term for any such bonds shall be 40 years. The maximum term shall be calculated in each case from the date of each series of bonds in the event the maximum authorized issue is divided into two or more series.

Section 4. The maximum rate of interest or yield to be payable over the term of such bonds (or any part thereof sold at any one time) shall not, after taking into account any swap or other hedging agreement entered into by the District in connection with such bonds, exceed the lesser of: (i) the maximum rate permitted by law or (ii) the interest rate set forth as The Bond Buyer

Revenue Bond Index published on the Monday next preceding the date of sale (or remarketing) of such bonds (or parts thereof) plus three percent (3%) (e.g., if the interest rate set forth as The Bond Buyer Revenue Bond Index is nine percent (9%), the maximum rate of interest or yield payable upon the revenue bonds of the District herein proposed to be issued shall not exceed the lesser of: (i) the maximum rate permitted by law or (ii) twelve percent (12%). If said index is not so published on said Monday, the maximum rate of interest or yield shall not exceed the lesser of: (i) the maximum rate permitted by law or (ii) the maximum rate of interest then allowed by law to be paid upon general obligation bonds of the State of California plus four percent (4%) (e.g., if the maximum rate of interest then allowed by law to be paid upon general obligation bonds of the State of California is nine percent (9%), the maximum rate of interest or yield payable upon the revenue bonds of the District herein proposed to be issued shall not exceed the lesser of: (i) the maximum rate permitted by law or (ii) thirteen percent (13%). For purposes of the foregoing, the interest rate limitation shall not apply to any reimbursement obligation (including, for example, reimbursement obligations characterized as bank bonds) owing to a liquidity or credit provider in connection with variable rate bonds, which shall be subject to the maximum interest rate set forth in the agreement between the District and the liquidity or credit provider providing for such reimbursement obligation. The foregoing statement of the methodology for determining the maximum rate of interest or yield described in this Section 4 is declaratory of the methodology applied for purposes of making such determination under prior bond authorization resolutions of the District and such resolutions have and shall be so construed.

Section 5. In the case of capital appreciation bonds or other discounted bonds, the maximum discount from par at which any of such bonds may be sold shall not result in a yield on such bonds in excess of the yield permitted by Section 4.

Section 6. This Resolution shall take effect immediately, subject only to the right of referendum provided in Article 6a of Chapter 6 of Division 6 of the Public Utilities Code of the State of California (beginning at Section 12850 thereof).

Section 7. The Secretary is hereby directed to publish a copy of this Resolution once a week for two successive weeks in The Oakland Tribune, a newspaper of general circulation printed and published within the District.

At any time within 60 days after the date of the second such publication a referendum petition, signed by voters in number equal to at least three percent (3%) of the total vote cast, as defined in Section 11507 of the Public Utilities Code of the State of California, demanding the submission of this Resolution to a vote of the voters of the District for their assent to the issuance of the proposed bonds, may be filed with the Secretary of the District. Upon presentation to the Secretary of the District of a referendary petition meeting the requirements of Section 12854 of

the Public Utilities Code of the State of California, this Resolution shall be of no effect unless and until it has been assented to by the voters.

ADOPTED this 27th day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

President

ATTEST:

---

Secretary

APPROVED AS TO FORM AND PROCEDURE:

---

General Counsel

This page is intentionally left blank.



Title:	Proposed Fiscal Year 2025 Financing Plan	Meeting Date:	August 27, 2024
--------	--	---------------	-----------------

meet the District’s Green Bond Criteria in the amounts of \$275 million for the Water System and \$27.5 million for the Wastewater System and to refinance \$213.3 million of outstanding, callable Series 2014ABC Water Bonds. The District also executed extensions of the two liquidity agreements supporting the Water CP to 2029 for Series A-1 and 2028 for Series A-2.

FY 2025 is expected to be a very busy year for debt activity. Per the FY 2025 Financing Plan, the District plans to issue bonds for the Water and Wastewater Systems to provide new money proceeds to fund the CIP and refunding proceeds to refinancing outstanding debt for debt service savings or derisking. The issuance is expected to take place in March 2025.

As described in the Budget, funding for the CIP includes issuance of new money bonds in the amounts of \$275 million for the Water System and \$30 million for the Wastewater System. The new money bonds will likely be labeled Green Bonds, and their proceeds will be used to fund qualified projects in accordance with the Guidance for Issuing Green Bonds adopted by the Board in March 2022. Concurrently, the District anticipates issuing refunding bonds to refinance up to \$528.4 million in outstanding, callable Series 2015ABC Water Bonds and \$54.8 million in outstanding, callable Series 2015A-1 Wastewater Bonds for significant debt service savings. The District is also exploring a derisking of up to \$550 million of outstanding BABs for the Water and Wastewater Systems if certain conditions are met.

More details are provided in the attached FY 2025 Financing Plan. The proposed financing activities in this plan support the District’s Long-Term Financial Stability Strategic Plan goal.

The FY 2025 Financing Plan was presented at the August 27, 2024 Finance/Administration Committee meeting.

SUSTAINABILITY

**Economic**

The FY 2025 Financing Plan includes new money bond issues that are consistent with the Budget. The bonds provide necessary CIP funding for the current fiscal year. The FY 2025 Financing Plan also includes potential refunding bonds to refinance outstanding bonds to reduce debt service costs and risk.

**Social**

The District’s financings are structured to spread out the cost of a portion of the District’s capital expenses over time and lessen the near-term impact to ratepayers.

**Environmental**

The District plans to issue the new money bonds labeled as Green Bonds to fund qualified projects in accordance with the District’s Guidance for Issuing Green Bonds.

ALTERNATIVE

**Do not adopt the FY 2025 Financing Plan.** This alternative is not recommended because the FY 2025 Financing Plan represents a sound, cost-effective approach to managing the District’s debt portfolio and provides necessary capital funding for the current fiscal year.

## **Fiscal Year (FY) 2025 Financing Plan**

### **Previous Year Debt Activity (FY 2024)**

In FY 2024, the District issued new money and refunding Water System Revenue Bonds (Water Bonds) and Wastewater System Revenue Bonds (Wastewater Bonds) and extended liquidity agreements supporting its Commercial Paper (Water Series) (Water CP). The new money bonds provided capital improvement program (CIP) funding for expenditures which met the District's Green Bond Criteria. The refunding bonds refinanced outstanding, callable bonds for significant debt service savings. Extending the two liquidity agreements provides required support for the Water CP at favorable terms. The debt activity for the fiscal year is provided in the tables below.

<b>Water System FY 2024 Debt Activity</b>	
<b>Date</b>	<b>Debt Activity</b>
March 2024	Issued \$245.3 million Series 2024A new money, Green Bonds generating (with premium) \$275.0 million in CIP funding
March 2024	Issued \$180.7 million Series 2024B refunding bonds (with premium) to refinance \$213.3 million in outstanding, callable Series 2014ABC bonds for present value debt service savings of \$35.4 million
April 2024	Executed extension of Standby Letter of Credit and Reimbursement Agreement with Sumitomo Mitsui Banking Corporation to May 2029 to provide required liquidity support for Series A-1 Water CP
April 2024	Executed extension of Revolving Credit Agreement with Bank of America, N. A. to June 2028 to provide required liquidity support for Series A-2 Water CP
May 2024	Paid down \$20.0 million in Water CP

<b>Wastewater System FY 2024 Debt Activity</b>	
<b>Date</b>	<b>Debt Activity</b>
March 2024	Issued \$25.0 million Series 2024A new money, Green Bonds generating (with premium) \$27.5 million in CIP funding

### **FY 2025 Financing Plan**

FY 2025 is expected to be a very busy year for debt activity. The District plans to issue new money and refunding Water and Wastewater Bonds and explore de-risking a portion of its debt portfolio. The new money bonds will provide CIP funding for the Water and Wastewater Systems. The refunding bonds will refinance outstanding, callable bonds for significant debt service savings or risk reduction. The debt activity for the fiscal year is provided in the following tables.

<b>Water System FY 2025 Debt Activity</b>	
<b>Activity Type</b>	<b>Debt Activity</b>
New Money	Issuance of new money, Green Bonds to provide \$275 million in CIP funding (budgeted)
Refunding	Issuance of refunding bonds to refinance \$528.4 million of outstanding, callable Series 2015ABC bonds for debt service savings

<b>Water System FY 2025 Debt Activity</b>	
<b>Activity Type</b>	<b>Debt Activity</b>
Refunding/ De-risking	Issuance of refunding bonds to refinance \$400.0 million of outstanding, callable Series 2010B Build America Bonds (“BABs”) for de-risking
CP Paydown	Pay down of at least \$10.0 million in Water CP

<b>Wastewater System FY 2025 Debt Activity</b>	
<b>Activity Type</b>	<b>Debt Activity</b>
New Money	Issuance of new money, Green Bonds to provide \$30 million in CIP funding (budgeted)
Refunding	Issuance of refunding bonds to refinance \$54.8 million of outstanding, callable Series 2015A-1 bonds for debt service savings
Refunding/ De-risking	Issuance of refunding bonds to refinance \$150.0 million of outstanding, callable Series 2010B BABs for de-risking

### ***New Money Bonds***

The District’s FY 2025 Budget includes \$447 million in appropriations for the CIP. Funding for this includes issuance of new money bonds in the amounts of \$275 million for the Water System and \$30 million for the Wastewater System. The District expects to issue the new money bonds in March 2025.

### ***Green Bonds***

The District plans to issue its new money bonds labeled as Green Bonds. Green Bonds are bonds issued to finance climate change resilient projects or other environmentally beneficial projects. Since 2015, the District has issued seven series of Green Bonds. The District will select projects for funding using the Guidance for Issuing Green Bonds adopted by the Board on March 22, 2022.

### ***Refunding Bonds***

Staff continually monitors the market to identify opportunities to refund debt for savings or de-risking. In conjunction with issuance of the new money bonds, the District expects to refund up to \$528.4 million in Series 2015ABC Water Bonds and \$54.8 million in Series 2015A-1 Wastewater Bonds which are callable at par on June 1, 2025. Staff will also explore a de-risking opportunity in refunding the \$400 million Series 2010B Water BABs and \$150 million Series 2010B Wastewater BABs. The District receives a Federal subsidy for the BABs’ interest costs. Refunding the BABs would protect against further loss of the subsidy due to sequestration.

### ***Underwriter Selection for 2025 Bonds***

The District established a pool of qualified underwriting firms in 2022 through a competitive request for qualifications process. A request for information related to the proposed FY 2025 financings was sent to the underwriter pool in July 2024 resulting in the selection of seven firms. For the Water Bonds, Wells Fargo, was selected as senior manager along with Bank of America as co-senior manager and Morgan Stanley and Ramirez & Co. as co-managers. For the Wastewater Bonds, Siebert Williams Shank was selected as senior manager along with Barclays as co-senior manager and Academy Securities as co-manager.

ITEM 12

GENERAL MANAGER'S  
REPORT

WILL BE PROVIDED  
AS AN ORAL REPORT


This page is intentionally left blank.


**EAST BAY MUNICIPAL UTILITY DISTRICT**

---

DATE: August 22, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Planning Committee Minutes – August 13, 2024

Chair Marguerite Young called to order the Planning Committee meeting at 9:00 a.m. in the Administration Building Boardroom. Directors April Chan and Doug A. Linney were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Engineering and Construction Serge V. Terentieff, Director of Water and Natural Resources Michael T. Tognolini, Manager of Maintenance and Construction/Water Operations Crystal J. Yezman, Engineering Manager Elizabeth Z. Bialek, Senior Civil Engineer Grace W. Su, Senior Civil Engineer Gus Cicala, and Secretary of the District Rischa S. Cole.

**Public Comment.** Addressing the Committee was Ivette Rivera who commented on a Facebook post announcing the San Francisco Trial Lawyers Association’s Trial Lawyers of the year and played an excerpt from an ABC News broadcast.

**Presentations/Documentation.** 1) Presentation entitled, “Dam Safety Program Annual Report,” dated August 13, 2024; 2) Presentation entitled, “Los Vaqueros Reservoir Expansion Updates,” dated August 13, 2024; and 3) Presentation entitled, “Trench Soils Management Update,” dated August 13, 2024.

**Dam Safety Program Annual Report.** Engineering Manager Elizabeth Z. Bialek provided the update. The District’s program covers 23 dams; the total number is less than what was reported in 2023 because Dingee Reservoir has been permanently removed from service. The California Department of Water Resources Division of Safety of Dams (DSOD) provides regulatory oversight of 18 dams. The Federal Energy Regulatory Commission (FERC) has joint jurisdiction with DSOD over two of the 18 dams (Pardee and Camanche) as they are hydroelectric power-generating facilities. Five District dams are not regulated by DSOD due to their small size. Based on this past year’s dam-safety related activities and inspections, the District’s dams are considered safe for continued operation. Ms. Bialek discussed inspection and surveillance activities; emergency response and preparedness; and seismic upgrades completed for San Pablo Dam (2010), Chabot Dam (2017), the Upper San Leandro Reservoir Tower (2018), and Briones Outlet Tower (2024). As reported in previous years, the tower at Lafayette Reservoir presents a significant dam safety concern. DSOD rated the facility as “fair” and mandated tower upgrades including a proposal to reduce the tower height by 40 feet. The District has performed extensive analyses of the tower and evaluated several retrofit alternatives over the years, including some that would maintain the tower’s original height. Those tall tower alternatives were, unfortunately, not able to meet the seismic loads. Based on evaluation results and an alternatives analysis, the District and DSOD agreed the safest and most reliable way to address the seismic risk is to

shorten the tower. She reported on collaborating with the City of Lafayette beginning in 2015 and with its citizen's advisory committee beginning in 2023 on their proposals for an alternative design to maintain the tall tower. The District considered the alternative and findings indicate it presents higher constructability risks, does not improve operations, would rely on additional infrastructure components, would be significantly more costly, and is therefore not recommended. The City disagreed with the findings and at its request, met with DSOD on August 7 with District staff present, to discuss the community proposal. During the meeting, DSOD reaffirmed their criteria and opined that although they would consider other alternatives if proposed by the District, reducing the tower height is an efficient solution. While the City still opposes reducing the tower height, the District is proceeding with design of the DSOD-approved shortened tower, with a lightweight metal operating house based on community input. Staff will continue public outreach and construction is planned for 2025. Next, she discussed probable maximum flood studies at upcountry and local reservoirs and upcoming program activities. Ms. Bialek and General Manager Clifford C. Chan responded to Committee questions regarding the community's continued objection to shortening the tower, options to construct another type of landmark for the City, District expenditures over the years to evaluate options, and projected costs to construct a shortened tower. It was moved by Director Linney, seconded by Director Chan, and carried (3-0) by voice vote to accept the report, support the recommendation to construct a shortened tower and continued discussions between the District and the City.

**Los Vaqueros Reservoir Expansion Project (LVE) Update.** Senior Civil Engineer Grace W. Su and Director of Water and Natural Resources Michael T. Tognolini provided the updates. The District, along with seven other agencies, has been evaluating potential participation in the proposed LVE Project that would provide the District up to 30 thousand acre-feet (TAF) of new supplemental water storage for droughts and emergencies. Ms. Su discussed the status of Joint Powers Authority (JPA) member agencies and their storage requests, noting requests are currently oversubscribed by 10 TAF. Mr. Tognolini highlighted the District's supplemental water needs based on the 2020 Urban Water Management Plan (UWMP) and draft 2024 update; potential yield and key considerations of future supplemental supply sources; dry year unit costs for every dry year and third drought year alternatives; a qualitative assessment of supply alternatives; and supplemental supply options to meet the District's need for water. District staff, along with the other member agencies and the JPA, have met multiple times with Contra Costa Water District (CCWD) to resolve concerns with the LVE agreements; however, issues remain regarding cost and construction liability risks, risk of not receiving expected supplies, and CCWD's proposed amendment to the JPA agreement to include a term that gives them veto rights over the JPA. Mr. Tognolini reviewed three options and considerations for the District to continue participating in the project. Staff recommends remaining a JPA member without any allocated storage which allows the District to support the project and remain in the JPA. This would also allow time for the District to complete its updated demand study and UWMP to determine its future need for water, while still preserving the District's access to storage in LVE if it becomes available in the future under better agreement terms. Staff also recommends participating by potentially conveying water for the JPA member agencies including supporting CCWD and the JPA during construction and refill of LVE with full reimbursement to the District. If supported by the Committee, staff will present its recommendations for Board consideration at its meeting on August 27, 2024. The Committee asked about District costs to date to participate in the JPA, how

the District would address upgrades for the Walnut Creek Pumping Plant if JPA grant funding is reallocated from the project, and if District administration costs will be reimbursed if the District conveys water for JPA member agencies and supports CCWD during backstop. It was moved by Director Chan, seconded by Director Linney, and carried (3-0) by voice vote to accept the report, and to support the staff recommendation for the District to retain membership in the JPA as a member without any allocated storage.

**Trench Soils Management Update.** Senior Civil Engineer Gus Cicala provided the update. Replacement and maintenance of the District's water distribution pipelines currently generates approximately 50,000 cubic yards (CY) of trench soils annually. During construction and maintenance of the District's pipelines, excavated soil is hauled to one of the District's three temporary stockpiles (Briones in Orinda, Miller Road near Upper San Leandro Reservoir, and Amador Reservoir in San Ramon). Soil is typically hauled twice when temporary stockpile sites are used; for permanent disposal, soil is off hauled every one to two years from the Briones and Miller Road sites. The District prepared a Trench Soils Master Plan in 2020 and began evaluating and piloting strategies to improve management of the trench soils. Mr. Cicala reviewed existing practices, the off haul project at Briones that started in April 2024 to remove a total of 211,000 CY of soil to be used at beneficial reuse sites, and the status of off hauling soil from the Miller Road site. The site has a capacity of 123,100 CY and an estimated 114,000 CY is currently stockpiled. Use of this site was suspended in 2023 while an off haul permit is being pursued. An application for a conditional use permit is needed and will be submitted to Alameda County in spring 2025; the District initiated California Environmental Quality Act review in March 2024 to support acquiring the off haul permit. Public meetings regarding the project are planned for early 2025. Next, Mr. Cicala discussed the pros and cons of other trench soils management options being evaluated including direct hauling to end use sites, amending native soil for reuse in the trench, and trenchless pipeline installation to reduce soil produced during construction. A direct haul pilot to the Dumbarton Quarry in Fremont started in January 2024 and through July 31, 2024, has directly disposed 5,760 CY (576 truckloads); staff is exploring future opportunities to direct haul to various locations for projects throughout Alameda County. He reviewed next steps and said staff will continue piloting and evaluating alternative trench soils management methods. Mr. Cicala and General Manager Clifford C. Chan responded to Committee questions on obtaining the permit for the Miller Road off haul project, the estimated time needed to complete 2.5 miles of trenchless pipeline installation, and potential community impacts during trenchless pipeline installation. Director Chan requested information on upcoming cured-in-place pipe projects planned for San Leandro. It was moved by Director Linney, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

**Adjournment.** Chair Young adjourned the meeting at 10:36 a.m.

CCC:RSC


This page is intentionally left blank.


## EAST BAY MUNICIPAL UTILITY DISTRICT

---

DATE: August 22, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Legislative/Human Resources Committee Minutes – August 13, 2024

Chair William B. Patterson called to order the Legislative/Human Resources Committee meeting at 10:41 a.m. in the Administration Building Boardroom. Directors Luz Gómez and Lesa R. McIntosh were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Manager of Legislative Affairs Kathy Viatella, Special Assistant to the General Manager Derry L. Moten, and Secretary of the District Rischa S. Cole.

**Public Comment.** Addressing the Committee was Ivette Rivera who commented on the Pierce/Bland case, a Facebook post announcing the San Francisco Trial Lawyers Association’s Trial Lawyers of the year, and a document she provided to the Committee. She played an excerpt from a newscast.

**Presentations/Documentation.** 1) Presentation entitled, “Reporting Year 2023 Equal Employment Opportunity Program Report,” dated August 13, 2024; and 2) Document from Ivette Rivera containing a picture collage of comments and articles regarding the Pierce/Bland case (undated).

**Reporting Year (RY) 2023 Equal Employment Opportunity Program (EEOP) Report.** Special Assistant to the General Manager Derry L. Moten provided the presentation. As a federal contractor, the District is required by federal regulations to have an EEOP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. The EEOP report is an element of the District’s overall workforce development strategies and contains a labor force analysis of the District’s recruitment area, EEOP goals for any District job group that is underutilized by the District based on the labor force analysis, performance towards EEOP goals, and a summary of Action-Oriented Programs for cultivating workforce diversity. Mr. Moten discussed the District’s Action-Oriented Programs and EEOP goals met during RY 2023 for the following: Heavy Equipment/Truck Operators (minorities); Rangers (minorities); Water Distribution Plumbing & Maintenance (minorities); Mechanical Maintenance (women); hiring benchmark for protected veterans; and hiring rate for individuals with disabilities. He noted that during Fiscal Year 2024, the hiring rate for employees identifying as people of color was 63 percent. The Board will consider adopting the report at its meeting in the afternoon. Staff will continue implementation of the District’s Diversity, Equity, and Inclusion Strategic Plan and Action-Oriented Programs. In response to Committee questions about efforts to hire or attract formerly incarcerated individuals, Mr. Moten and General Manager Clifford C. Chan highlighted previous efforts to work with agencies that assist this demographic. There were considerable comments from the Committee regarding the report and underrepresentation and underutilization of African Americans and Hispanics/Latinos. Addressing the Committee was Ivette Rivera who thanked Director McIntosh for her comments, commented on the EEOP report, and training and recruitment for existing staff to

promote from Janitor to Grounds Maintenance Specialist positions. Staff was asked to look into working with projects and programs that assist formerly incarcerated people, and to provide information on efforts to address underrepresented and underutilized groups identified in the EEOP report. It was moved by Director McIntosh, seconded by Director Gómez, and carried (3-0) by voice vote to adopt the report.

**Legislative Update.** Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 06-24 which contained one bill – H.R. 8682 (Huffman) Water Conservation Rebate Tax Parity Act. If approved, the bill would amend the Internal Revenue Code to ensure that rebates provided to public utility customers for the purchase or installation of any water conservation, stormwater management, or wastewater management measure are exempt from federal taxes, similar to energy conservation rebates. The District provides rebates to its residential customers for the installation of water conservation improvements. Staff is recommending a support position on H.R. 8682. It was moved by Director McIntosh, seconded by Director Gómez, and carried (3-0) by voice vote to support the staff recommendation.

**Adjournment.** Chair Patterson adjourned the meeting at 11:24 a.m.

CCC/RSC

**EAST BAY MUNICIPAL UTILITY DISTRICT**

---

DATE: August 22, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Special Finance/Administration Committee Minutes – August 20, 2024

Chair Andy Katz called to order the Special Finance/Administration Committee meeting at 9:39 a.m. in the Administration Building Boardroom. Directors April Chan and William B. Patterson were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Internal Auditor Supervisor Barry N. Gardin, and Secretary of the District Rischa S. Cole.

**Public Comment.** Addressing the Committee was Ivette Rivera who commented on documents she provided the Committee and recommended the District consider including language from one document (Rules of Professional Conduct) in its policies and procedures pertaining to the General Manager and General Counsel.

**Presentations/Documentation.** 1) Presentation Entitled “Board Governance Policies,” dated August 20, 2024; 2) Document titled Comments on Annotated Governance Policies Director Young, dated August 19, 2024; 3) Document titled Rules of Professional Conduct (undated); 4) EBMUD’s Policy 6.04 – Ethics of the EBMUD Board of Directors; and 5) Document titled Declaration of D. Jan Duffy ISO Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgement filed 01/13/23.

**Draft Board of Directors Governance Policies.** General Counsel Derek T. McDonald provided the presentation. At the November 3, 2023 Board Retreat, the Board discussed the need for Governance Policies to serve as guiding documents for the role of the Board and the conduct of its affairs. Staff prepared ten draft policies based on existing Board practices captured in various resolutions and other District documents, as well as a review of governance documents from many other California local government entities. Initial drafts were presented at the June 11 Legislative/Human Resources Committee meeting and the July 9 regular Board meeting. Some Directors provided comments on the following draft policies: Role of the Board of Directors; Board Member Code of Conduct; Board Meetings; Election of Board Officers and Committee Assignments; Board Member Orientation and Training; Ethics of the Board of Directors; and Board Member Compensation and Benefits. Mr. McDonald said staff is seeking direction from the Committee on development of the draft policies and on whether to maintain individual policies or integrate some policies or sections into a handbook. He highlighted key issues in formation of the policies and reviewed the general comments received. The Committee discussed the direction received during the July 9 Board meeting to review the comments received, identify policies that are either ready for Board approval or contain gaps or areas to address, and have staff present their findings to the full Board for discussion. There was additional discussion on incorporating information from some of the draft policies into the existing Policy 6.04 – Ethics of the EBMUD Board of Directors to and the Internal Auditor Supervisor’s review of the draft policies.

General Manager Clifford C. Chan reiterated the direction staff is seeking and Mr. McDonald began reviewing comments received, referencing the staff report attachments and written comments from Director Young that had been provided at Committee members' places. There was considerable discussion about comments received on the draft policies about the role of the Board of Directors and code of conduct. Internal Auditor Supervisor Barry N. Gardin highlighted his review and proposed revisions for the policies. There was additional discussion and Mr. Chan announced staff would revisit the draft policies and based on all feedback received, determine if the policies or sections of some policies should be incorporated into Policy 6.04, developed into a new policy, or included in a handbook. Staff will provide an update at the August 27 Finance/Administration Committee meeting and seek additional direction with a goal to present the next iteration of draft policies for discussion at a future Board meeting.

**Adjournment.** Chair Katz adjourned the meeting at 11:29 a.m.

CCC/RSC