



**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, September 24, 2024
11:00 a.m.
Boardroom
375 11th Street
Oakland, CA 94607

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

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):
 - a. *Ivette Rivera v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. C24-02491-AGT
2. Conference with Labor Negotiators Keith Fleming and Stacey Cue from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; and Adam Smyer, Manager of Employee Relations, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.
3. Conference with Board designated representatives President Lesa R. McIntosh, Vice-President William B. Patterson and Director Andy Katz regarding employment contracts of the General Manager and General Counsel pursuant to Government Code section 54957.6.

(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 Disability Employment Awareness Month and the Disability Advocacy and Rights Team Affinity Group

PRESENTATION:

National Association of Clean Water Agencies' Platinum Peak Performance Award for the Wastewater Department's 24 years of permit compliance at the Main Wastewater Treatment Plant.

ANNOUNCEMENTS FROM CLOSED SESSION:

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

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

1. Approve the Regular Meeting Minutes of August 27, 2024 and September 10, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after September 24, 2024 to the lowest responsive/ responsible bidder, RFI Enterprises, Inc., for supplying net video recorders and related software licenses for one year, with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$334,729 under Request for Quotation No. 2412.

CONSENT CALENDAR: (Continued)

4. Authorize actions related to dump truck services.
 - 4a. Authorize agreements beginning on or after September 24, 2024 with Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; Darrah Trucking & Excavating, Inc.; EM Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking Inc.; Gloria Washington Trucking, Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Northbay Logistics Group, Inc.; Royal Trucking / Maintenance; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam's Trucking; TGI Freight, LLC; Tri Valley Water Trucks, Inc.; and Wide Area, Inc. for one year in an aggregate amount not to exceed \$5,900,000 for dump truck services.
 - 4b. Authorize additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 24, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers 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.
5. Authorize an amendment to the agreement originally authorized under Board Motion No. 056-18 with AECOM Technical Services, Inc. to increase the agreement amount by \$1,142,687 to a total amount not to exceed \$3,161,550 for additional design services to complete design of the shortened tower alternative and engineering services during construction for the Lafayette Reservoir Tower Safety Upgrade Project.
6. Authorize an amendment to the contract previously awarded under Board Motion No. 166-20 with AqueoUS Vets dba American Veterans Products and Services, Inc. to increase the contract amount by \$7,000,000 to a total amount not to exceed \$24,500,000 and extend the contract term to February 28, 2026, for supplying ductile iron pipe and fittings for the District's pipeline replacement program.
7. Authorize the purchase of endpoint detection and security response software licensing and support beginning on or after September 24, 2024 from NuSpective, Inc., for three years and three months for a total amount not to exceed \$380,000. This purchase will be made under State of California contracts available for use by local governments.
8. Approve the August 2024 Monthly Investment Transactions Report.
9. Authorize the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to providing representation in the *Ivette Rivera v. East Bay Municipal Utility District, et al.*, matter.

CONSENT CALENDAR: (Continued)

10. Approve revisions to the following District policies Policy 4.04 – Financial Planning and Budgetary Control, Policy 6.08 – Contract Equity Program, Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity, Policy 7.03 – Emergency Preparedness/Business Continuity. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update.
- Receive Legislative Report No. 07-24 and consider a position on the following ballot measure: Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative).
 - Update on Legislative Issues of Interest to EBMUD
12. Adopt a resolution supporting Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative). (Resolution)
13. Adopt a resolution to declare October 2, 2024, to be “California Clean Air Day” at the District and to encourage all employees to participate in California Clean Air Day. (Resolution)
14. General Manager’s Report.

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 8, 2024.

Disability Notice

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

Document Availability

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

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, September 24	Finance/Administration Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Fiscal Year 2024 Key Performance Indicators Report • Revisions to District Policies • Draft Board of Directors Governance Policies and Proposed Board Governance Manual
	Recycled Water Strategic Plan Workshop No. 2	10:00 a.m. Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, October 8	Planning Committee	TBD Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Tuesday, October 22	Finance/Administration Committee	TBD Boardroom	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Sustainability Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	

2024 Board Committee Members

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



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/j/97065086667>

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

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

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

In person

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

Via Zoom

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

Submitting written comments or materials

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

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

MINUTES

**Tuesday, August 27, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:05 a.m. in the Administration Building Boardroom.

ROLL CALL

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

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

PUBLIC COMMENT

- Addressing the Board were the following: 1) Joe Pangelinan (online), Chief Steward, AFSCME Local 444, commented on workplace violence incidents; and improper handling of investigations by supervisors; 2) Ivette Rivera commented on an email dated August 27, 2024 9:34 a.m. she provided to the Board regarding response to EEO complaint; 3) Eric Larsen President, AFSCME Local 444 commented on increased interactions with the Office of General Counsel on arbitration and PERB complaints; 4) KC Evans (online), Chief Steward, AFSCME Local 2019 commented on increased issues going to arbitration and PERB complaints to consider when evaluating the General Counsel; and 5) Ivette Rivera commented the General Counsel's performance evaluation and how the Board should consider racism and discrimination at EBMUD.

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 Assistant to the General Manager Janetta M. Johnson.

BOARD OF DIRECTORS

President McIntosh led the pledge of allegiance.

Recognizing National Hispanic Heritage Month and EBMUD's Fuerza Latina Affinity Group

Director Gómez announced Fuerza Latina, also known as the Latin Heritage Committee, was founded in 1996 to promote Latin culture, enhance visibility, and educate District staff through art, food, music, crafts, and history. Fuerza Latina plays a vital role in our culturally diverse agency and supports the District's mission and goals of serving the public and representing our community. In honor of Latin Heritage Month from September 15 to October 15, Fuerza Latina is hosting events to highlight different aspects of the Latin and Hispanic culture. This year's theme is "Hispanic Influencers in Northern California." Planned activities include: Opening Ceremony featuring a performance by the District staff band "Los Lodos"; weekly trivia; jeopardy game; loteria; travel series: presentations on Costa Rica, Tijuana, and El Salvador at the Administration Building & upcountry; and Cafe con Leche Spanish Class. These events will provide opportunities for staff to learn about and celebrate our rich Latin & Hispanic history and culture. Encourage your support of Fuerza Latina and Latin Heritage Month.

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh announced due to time constraints the Board did not hold the annual performance evaluation of the General Counsel. The evaluation will continue to the September 10, 2024 Regular Closed Session meeting. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) KC Evans (online), Chief Steward Local 2019 who commented on retiring Board members efforts and contributions over the years; and 2) Ivette Rivera read an excerpt from an email dated August 27, 2024 regarding historic election costs of Board members.

CONSENT CALENDAR

- Motion by Director Patterson, seconded by Director Linney to approve the recommended actions for Items 1-8, on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 161-24** – Approved the Approve the Regular Meeting Minutes of June 25, 2024 and August 13, 2024, and the Special Meeting Minutes of August 20, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Los Vaqueros Reservoir Expansion Updates,” dated August 27, 2024; **2)** Presentation entitled, “Fiscal Year 2025 Financing Plan,” dated August 27, 2024; **3)** Speakers' Bureau and Outreach Record CY24, dated August 27, 2024; **4)** Email dated August 06, 2024 from Ivette Rivera to Board of Directors et. al, transmitting attachments titled Email from I. Rivera re: EEOC charges # 555-2024-01560 against & #555-2024-01436 against AFSCME444 & AFSCME COUNCIL 57 & AFSCME International; **5)** Email dated August 15, 2024 from Ivette Rivera to Board of Directors et. al, transmitting attachments titled, Rischa, Please distribute these two State of California Civil Rights Department,

(formally known as Department Of Fair Employment & Housing) Right to Sue letters to Board members attending the next EBMUD afternoon BOD Public Meeting on 8/25/2024 (sic): # 55... 6) Email dated August 27, 2024 from Ivette Rivera to Board of Directors et. al, titled, As you know, I have three years to file DFEH complaints for retaliation. Since I will be at EBMUD for at least 2 more years, I will let DFEH investigate the continued retaliation outside of the bad-faith class study. Re: Confidential: DIO Notification...; and 7) Email dated August 27, 2024 from Ivette Rivera to Rischa Cole et. al, titled, CPRA Request: 1. Please provide historical cost of having an incumbent Board Director's name on an election ballot ...”

3. **Motion No. 162-24** – Awarded 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. **Motion No. 163-24** – Authorized 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. **Motion No. 164-24** – Authorized 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. **Motion No. 165-24** – Approved the June and July 2024 Monthly Investment Transactions Reports.
7. **Resolution No. 35414-24** – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Congratulating The Town of Moraga On Its 50th Anniversary Celebration.
8. **Resolution No. 35415-24** – Authorizing Acquisition Of Hertzig Real Property In Calaveras County, California.

DETERMINATION AND DISCUSSION

- 9a. – **Direct the District to remain as a Los Vaqueros Reservoir Joint Powers Authority member**
- 9b. **but reduce the District’s allocated storage in the proposed Los Vaqueros Reservoir Expansion 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 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 Freepoint Regional Water Project.

Senior Civil Engineer Grace W. Su and Director of Water and Natural Resources Michael T. Tognolini provided the presentation. 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) have been reduced as noted in the Draft 2024 UWMP update. Next, he discussed potential supplemental water supply sources, the associated costs, and the qualitative assessment for each. Ms. Su reviewed the status of LVE agreements and current agreement issues. She then discussed staff's recommendation to not accept the current terms of the agreement and presented three participation options for the Board to consider: 1) District does not participate as a JPA member; 2) District participates as its original storage request of 30 TAF or less; and 3) District remains as a JPA member without any allocated storage. Staff responded to Board questions regarding cost of LVE participation after the dam is built; rationale for only considering dry year alternative costs when we may use it every year; when will Bayside Phase 2 be completed and the cost; status of wells on Oro Loma property; the cost of JPA administrative fees; advantage of being a JPA member with no storage allocation; and source of reallocated grant funds. The Board asked staff to negotiate fair share cost of JPA administrative fees for zero-storage allocation.

- President McIntosh left the meeting at 1:37 p.m. and returned at 1:39 p.m.

- Motion by Director Young, seconded by Director Gómez, 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 for Items 9a-9b carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 166-24 – Directed 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; and supported the Los Vaqueros Reservoir Expansion Project by negotiating mutually acceptable agreements to convey water for the Joint Powers Authority 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.**

Treasury Manager Robert L. Hannay provided the presentation and outlined the process for declaring the intention to authorize the issuance of bonds. He shared the District's current outstanding debt of \$2.7 billion for the Water System and \$348 million for the Wastewater System. The Board authorized a resolution in 2015 for bonds issuance that has a remaining balance of \$223 million. Based on the forecasted Capital Improvement Program needs for Fiscal Years 2025-2028 of \$875 million, redeeming Water Commercial Paper of \$261 million, five percent contingency for unforeseen changes of \$57 million there is a current need of \$970 million for authority is issue bonds. He noted the Board is required to authorize the issue and sell

of each bond series. Staff responded to Board question regarding declaring intention to authorize issuance of new bonds on the District's credit rating. The Board asked for additional information on the decision to reinstate utilizing Wells Fargo.

- Motion by Director Patterson, seconded by Director Young to approve the recommended actions for Item 10 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35416-24 - 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.

11. **Approve the proposed Fiscal Year 2025 Financing Plan.**

Treasury Manager Robert L. Hannay provided the presentation and reviewed the Fiscal Year (FY) 2024 financing activities. Next, he reviewed the proposed FY 2025 financing activities for the Water System including \$275 million in new money; refund up to \$528.4 million of 2015ABC bonds; de-risk up to \$400 million of 2010B Build America Bonds; and paydown at least \$10 million in commercial paper. For the Wastewater System including \$30 million in new money; refund up to \$54.8 million of 2015-A-1 bonds; and de-risk up to \$150 million of 2010B Build America Bonds.

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

Motion No. 167-24 – Approved the proposed Fiscal Year 2025 Financing Plan

12. **General Manager's Report.**

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

REPORTS AND DIRECTOR COMMENTS

13. **Committee Reports.**

- Filed with the Board were the Minutes for the August 13, 2024 Planning and Legislative/Human Resources Committees and the August 20, 2024 Special Finance/Administration Committee.

Chair Andy Katz reported the Finance/Administration Committee met earlier and received six items including the Monthly Transactions Report, Quarterly Financial Reports, Proposed Fiscal Year 2025 Financing Plan, Intention to Authorize Issuance of Additional Water System Revenue Bonds, Private Water Service Line Repair Plans Update, Draft Board of Directors Governance Policies and Proposed Governance Documents. Chair Katz stated there will be revisions to some of the policies, and the review at the next Finance/Administration Committee.

14. **Other Items for Future Consideration.**

- Director Young requested an update on Upper Mokelumne River Watershed Authority activities at an upcoming Planning Committee meeting.

15. **Director Comments.**

- Directors Chan, Gómez, Katz, Linney, Patterson, Young and President McIntosh had no reports.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:41 p.m.

SUBMITTED BY:

Janetta M. Johnson, Acting Secretary of the District

APPROVED: September 24, 2024

Lesa R. McIntosh, President of the Board

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MINUTES

**Tuesday, September 10, 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 11:14 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived at 11:20 a.m.

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

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Planning Committee earlier; a Public Records Request for historical costs to have unopposed incumbents placed on the ballot; language in 2014 and 2024 staff reports for the Board to consider exercising its authority under Assembly Bill 408 to appoint an unopposed candidate or have an election in a ward; the General Counsel Office's role in addressing District personnel matters; and the General Counsel's appraisal.

Director Linney pointed out Assembly Bill 408 allows the Board the option to either appoint an unopposed candidate or hold an election in a ward.

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

At 1:07 p.m., President Lesa R. McIntosh informed Secretary of the District Rischa S. Cole that due to an extended Closed Session meeting, the Regular Business Meeting would start at 1:30 p.m. President McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:40 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.

PRESENTATION

General Manager Clifford C. Chan announced the District received the Alliance for Water Efficiency's (AWE) 2024 Water Supplier Member of the Year award at the AWE annual symposium in August. The award recognizes leaders in the water efficiency community that have demonstrated consistent commitment to, and support for, AWE's mission. Mr. Chan congratulated the Water Conservation Division for representing EBMUD at the forefront of the District's water efficiency efforts. Director Linney presented the award to the following staff representing the Water Conservation Division: Charles M. Bohlig, Manager of Water Conservation; Geneva C. Gondak, Supervisor of Water Conservation; and Whitney E. Ray, Supervisor of Water Conservation. President McIntosh thanked staff on behalf of the Board.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on Assembly Bill 408 and the cost to have an unopposed candidate on the ballot and read an excerpt from the 2014 staff report for the Board to consider exercising its authority under Assembly Bill 408.

CONSENT CALENDAR

- Item 3 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Items 1-2 and 4-10 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. The following correspondence was filed with the Board: **1)** Presentation entitled, "Central Reservoir Replacement Project," dated September 10, 2024; **2)** Speakers' Bureau and Outreach Record CY24, dated September 10, 2024; **3)** Email dated August 27, 2024 from Ivette Rivera to Rischa Cole et. al, CPRA Request: 1. Please provide historical cost of having an incumbent Board Director's name on an election ballot ...; **4)** Email (with attachment) dated September 8, 2024 from Justin Young to Board of Directors regarding Consent Calendar Item 3 - Central Reservoir; and **5)** Handout from I. Rivera titled Leamy v. E. Bay Mun. Util. Dist. No. A167275 dated December 4, 2023.

2. **Motion No. 168-24** – Awarded a contract beginning on or after September 10, 2024 to the lowest responsive/responsible bidder, WestAir Gases & Equipment, Inc., for supplying carbon dioxide 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 \$432,309 under Request for Quotation No. 2504.
 - Addressing the Board was Ivette Rivera who commented on missing fiscal impact information in the staff report.

3. **Authorize an agreement beginning on or after September 10, 2024 with Brown and Caldwell, Inc. in an amount not to exceed \$15,663,478 for design services for the Central Reservoir Replacement Project.**
 - Addressing the Board was Eric Larsen, President AFSCME Local 444 who commented the union is concerned about the Board's ability to have proper oversight of capital spending and about the agreement costs. He recommended management provide an update to the Planning Committee on a project prior to asking the Board to approve project costs. He asked the Board to delay taking action on this item until staff provides a presentation on the project's scope of work and costs. President McIntosh announced Justin Young, EBMUD Electrical Engineer emailed comments and an attachment to Board members regarding this project. Secretary of the District Rischa S. Cole announced the email and attachment would be filed with the meeting minutes. Director Linney commented it would be helpful for staff to present an update on the project and costs. Associate Civil Engineer Roya Yazdani provided the presentation. The current 154-million-gallon open-cut reservoir, originally built in 1910, is at the end of its useful life, and will be replaced with three new 14-million-gallon concrete tanks within the existing reservoir basin. Resizing the reservoir will address water quality conditions and raise elevation to improve water distribution system operations. She reviewed the specialized design features for the substructure and the District's Fiscal Year 2025-2028 Reservoir Projects design phase schedule noting all projects except the Central Reservoir replacement are scheduled to be designed by staff. Design services in the agreement will include project management, document review, field verification, development of technical memoranda, preparation of drawings, development of construction sequencing, and cost estimates up to the 100 percent design milestone. Estimated construction costs are \$250 million to \$280 million. There was Board comment on the need to complete the project and staff was asked to provide another project update at a future Planning Committee meeting.

 - Motion by Director Linney, seconded by Director Young, to approve the recommended actions for Item 3 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 175-24 – Authorized an agreement beginning on or after September 10, 2024 with Brown and Caldwell, Inc. in an amount not to exceed \$15,663,478 for design services for the Central Reservoir Replacement Project.

4. **Motion No. 169-24** – Authorized an agreement beginning on or after September 10, 2024 with CSG Forte Payments, Inc. for one year, with nine options to renew for additional one-year periods for a total amount, including option years, not to exceed \$1,000,000 for online payment processing of Private Sewer Lateral Program fees.
5. **Motion No. 170-24** – Authorized an agreement beginning on or after September 10, 2024, with E & J Valueplus dba SendnLink for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$211,000 for mail and presort services for the District’s First-Class presort mail and back-up bill processing.
6. **Motion No. 171-24** – Authorized an agreement beginning on or after September 10, 2024, with S.P. Cramer & Associates, Inc. dba Cramer Fish Sciences in an amount not to exceed \$90,325 for one year for developing an artificial intelligence automation system for monitoring fish passage on the Mokelumne River.
7. **Motion No. 172-24** – Authorize a license agreement with City of Alameda for use of the Grandview Pavilion parking lot for temporary construction staging for the San Leandro Channel Crossing Project. The license agreement includes monetary commitments (in lieu of direct payment) in an amount not to exceed \$350,000.
8. **Motion No. 173-24** – Authorized the purchase of VMware license and support subscriptions beginning on or after September 10, 2024, from Computacenter United States, Inc., for one year, for a total amount not to exceed \$116,518. This purchase will be made under State of California contracts available for use by local governments.
9. **Motion No. 174-24** – Authorized the purchase of log management and analysis software licensing and support beginning on or after September 10, 2024 from NuSpective, Inc., for two years for a total amount not to exceed \$341,189. This purchase will be made under State of California contracts available for use by local governments.
10. **Resolution No. 35417-24** – Declaring Surplus Property.

DETERMINATION AND DISCUSSION

11. **General Manager’s Report.**

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

12. **Committee Reports.**

- Filed with the Board were the Minutes for the August 27, 2024 Finance/Administration Committee.

- Chair Marguerite Young reported the Planning Committee met earlier and received updates on the Regulatory Compliance Semi-Annual Report – January 1, 2024 through June 30, 2024, Sobrante Water Treatment Plant Reliability Improvements Project Update and Availability of the Draft Environmental Impact Report, and the Upper Mokelumne River Watershed Authority Update.

13. **Other Items for Future Consideration.**

None.

14. **Director Comments.**

- Director Chan commented the General Manager’s Monthly Report is a great overview of the District and suggested the reports be compiled for new, incoming Board members and be more accessible online.
- Director Gómez commented on the General Manager’s Monthly Report and thanked the General Manager for being responsive to issues of interest to the District. Director Gómez also commented on the UC Davis Environmental Policy and Management graduate program and recommended the District explore a potential partnership with the program.
- Director Katz reported meeting with General Manager Chan, Public Affairs staff, Director Chan, and East Bay Regional Park District’s Board President, General Manager, and staff on August 22 at the District for an update on the Park District’s long-term strategic plan. He pointed out the meeting was not a substitute for an EBMUD/EBRPD Liaison Committee meeting. The discussion also covered vegetation management, fire safety, land management use, furthering public education and providing transportation for youth for watershed tours.
- Director Linney reported touring the Station Zero hydrogen refueling station and riding the new hydrogen-powered ferry with General Manager Chan. The ferry’s bottle refilling station receives water from the ferry’s exhaust. He also reported attending the Green Belt Alliance 50th celebration at Preservation Park in Oakland on August 28.
- Director Patterson commented on the General Manager’s Monthly Report which announced as of August, there are more than 10,000 participants in the District’s Customer Assistance Program.
- Director Young reported participating in the Alameda Labor Council's 2024 Unionist of the Year Dinner which benefitted the Labor Council’s Fuerza Educational Coalition on August 23 in Oakland and the Oakland Pride Parade on September 8 in Oakland.
- President McIntosh had no report.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:14 p.m.

SUBMITTED BY:

Rischa S. Cole Secretary of the District

APPROVED: September 24, 2024

Lesa R. McIntosh, President of the Board

Title:	Net Video Recorders for Video System Upgrade	Meeting Date:	September 24, 2024
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ALTERNATIVES

Do not award this contract. This alternative is not recommended because the District must replace the existing set of NVRs, which have frequent hardware failures and are out of warranty.

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 meets all specifications and is reasonable for the needed NVRs.

I:\Sec\2024 Board Related Items\092424 Board Agenda Items\FIN – Net Video Recorders.docx



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Materials and Supplies Agreement - RFQ No. 2412 Net Video Recorders for Video System Upgrade						DATE: July 30, 2024						
CONTRACTOR: RFI Enterprises, Inc. San Jose, CA 95125				PERCENTAGE OF CONTRACT DOLLARS								
BID/PROPOSER'S PRICE: \$334,729 *				FIRM'S OWNERSHIP		White Men		25%		100.0%		
				Ethnicity		Gender		White Women		6%		
				White		Men		Ethnic Minorities		25%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: RFI Enterprises, Inc.		\$334,729	White	X		100.0%						
SUBS: None												
TOTAL		\$334,729				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
			White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:			INFORMATION NOT PROVIDED									
Percent of Total Employees:												
MSA Labor Market %:												
MSA Labor Market Location:												
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: One year contract, with two options to renew for additional one-year periods. *Total not to exceed: \$334,729												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
Net Video Recorders for Video System Upgrade		National	10.5	10.7	3.7	0.7	27.3			
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9			
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2			
Materials and Supplies Agreement - RFQ No. 2412	DATE:									
		7/30/2024								
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees								
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %		
RP	WM	INFORMATION NOT PROVIDED								
RFI Enterprises, Inc. Dana Smith 360 Turtle Creek San Jose, CA 95125 978-618-7393										
P	WM	Company Wide	5	26	2	0	33	35.5%	27.3%	
Enterprise Security, Inc. Joseph Emens 28660 Savi Ranch Parkway Yorba Linda, CA 92887 714-630-9100		Manager/Prof	0	1	2	0	3	11.5%		
		Technical/Sales	3	24	0	0	27	47.4%		
		Clerical/Skilled	2	1	0	0	3	30.0%		
		Semi/Unskilled	0	0	0	0	0	NA		
		Bay Area	0	0	0	0	0	NA		39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide: 93		Bay Area: 0			
P	WW: SBE	Company Wide	1	9	3	0	13	50.0%	43.6%	
SecSol, Inc. Brandon De Libro 10911 Bloomfield St. Los Alamitos, CA 90720 562-760-6442		Manager/Prof	1	2	1	0	4	40.0%		
		Technical/Sales	0	1	0	0	1	20.0%		
		Clerical/Skilled	0	6	1	0	7	70.0%		
		Semi/Unskilled	0	0	1	0	1	0.0%		
		Bay Area	0	0	0	0	0	NA		39.9%
		Co. Wide MSA:	Orange		# Employees-Co. Wide: 26		Bay Area: 0			
P	WW: LBE	Company Wide	10	38	11	0	59	28.6%	18.8%	
W. Bradley Electric, LLC Stephanie Medina 90 Hill Road Novato, CA 94945 415-898-1400		Manager/Prof	7	4	2	0	13	26.5%		
		Technical/Sales	0	0	1	0	1	16.7%		
		Clerical/Skilled	2	30	8	0	40	28.2%		
		Semi/Unskilled	1	4	0	0	5	55.6%		
		Bay Area	10	38	11	0	59	28.6%		39.9%
		Co. Wide MSA:	Marin		# Employees-Co. Wide: 206		Bay Area: 206			
P	WM	INFORMATION NOT PROVIDED								
Atlas Defense International, LLC Jeffrey Horne 539 W Commerce St. Ste 2522 Dallas, TX 75208 703-987-0768										

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



BOARD ACTION

Agenda Number:	4a.-4b.	Meeting Date:	September 24, 2024
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TITLE **DUMP TRUCK SERVICES**

ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION


- Authorize agreements beginning on or after September 24, 2024 with Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; Darrah Trucking & Excavating, Inc.; EM Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking Inc.; Gloria Washington Trucking, Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Northbay Logistics Group, Inc.; Royal Trucking / Maintenance; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam’s Trucking; TGI Freight, LLC; Tri Valley Water Trucks, Inc.; and Wide Area, Inc. for one year in an aggregate amount not to exceed \$5,900,000 for dump truck services.
- Authorize additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on September 24, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.

SUMMARY

The District uses dump truck services to haul trench soils and asphalt from job sites and to haul backfill material and hot asphalt to job sites. These resources are needed to supplement District staff during peak workload periods, during occasional long-haul projects, and to backfill planned and unplanned staff absences.

DISCUSSION

The District primarily uses dump truck services to support pipeline construction and repairs. The type and number of dump trucks required on any given day depends on available District resources, volume of excavation, planned activity (e.g., pipe installation), and length of haul. This variability is best resourced by contractors. District drivers and contractor drivers each support the District’s shift to increase direct hauling to beneficial reuse sites (avoiding temporary stockpiling at District owned sites). This work supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal J. Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2025; Award #7000003, page 32; Award #7000006, page 33; Award #7000005, page 29; Award #7000024, page 34	Budget Coding: 11.VariouS.VariouS.52970		Approved: 
Attachment(s): P-035; P-061			

Title:	Dump Truck Services	Meeting Date:	September 24, 2024
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SERVICE PROVIDER SELECTION

A request for proposals was posted on the District’s website and sent to three resource organizations and to 80 potential proposers. Twenty-four service providers submitted proposals. Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; Darrah Trucking & Excavating, Inc.; EM Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking Inc.; Gloria Washington Trucking, Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Northbay Logistics Group, Inc.; Royal Trucking / Maintenance; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam’s Trucking; TGI Freight, LLC; Tri Valley Water Trucks, Inc.; and Wide Area, Inc. were selected based on good performance and work history with other employers, such as Caltrans. The District establishes a base rate for dump truck services. The rate was increased to account for higher fuel costs. The District generally attempts to maximize the number of service providers to ensure peak workloads can be resourced, but caps the number of service providers to ensure a minimum amount of work is available to each. Service providers are assigned work on a rotational basis to fairly distribute opportunities. New service providers are put on a standby list and will be added to the active list as demand increases, service providers drop off, or service providers are released for poor performance.

SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2025 adopted operating budget and capital budget for the Pipeline Rebuild, Pipeline Relocations, Pipeline System Extensions, and Pipeline System Improvements.

Social

Local 444 was notified of these agreements on July 3, 2024 and did not raise any specific issues related to this agreement. The District will continue to meet with Local 444 to discuss future driver needs if use of direct hauling increases.

ALTERNATIVES

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

Conduct a competitive bid process. This alternative is not recommended because no single company has sufficient resources to address all the District’s requirements and needs. It would also reduce the District’s ability to provide business opportunities to local Small Business Enterprise companies.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Dump Truck Services						DATE August 20, 2024						
CONTRACTOR: Various Firms (See below)				PERCENTAGE OF CONTRACT DOLLARS								
				Availability Group		Contracting Objectives		Participation				
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		4.2%				
		Ethnicity	Gender	White Women		2%		4.2%				
\$5,900,000 *		See below		-		Ethnic Minorities		25%		87.4%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:												
Allied Materials, Inc.		\$245,833	White		X		4.2%					
Channa Trucking		\$245,833	Asian	X								
CIA Trucking		\$245,833	Asian	X				4.2%				
Curbside Trucking LLC		\$245,833	Black	X				4.2%				
Darrah Trucking & Excavating, Inc.		\$245,833	White	X		4.2%						
EM Blair Trucking		\$245,833	Black	X				4.2%				
East Bay Trans, Inc.		\$245,833	Asian	X				4.2%				
Edwards-Enterprise LLC		\$245,833	Black		X			4.2%				
Galray Trucking Inc.		\$245,833	Asian	X				4.2%				
Gloria Washington Trucking, Inc.		\$245,833	Black		X			4.2%				
Hills Trucking		\$245,833	Black	X				4.2%				
Robert Ibarra, Inc. dba Ibarra Trucking		\$245,833	Hispanic	X				4.2%				
Inder Trucking, Inc.		\$245,833	Asian	X				4.2%				
Total		\$5,900,000				4.2%	4.2%	87.4%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees		See Attached P-061 Forms										
Percent of Total Employees												
MSA Labor Market %												
MSA Labor Market Location												
COMMENTS												
Contract Equity Participation: 4.2% White Men, 4.2% White Women, and 87.4% Ethnic Minority participation. Contract Duration: Until September 24, 2025 *Total not to exceed: \$5,900,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE <i>General Services Agreement</i> Dump Truck Services		DATE August 20, 2024									
CONTRACT EQUITY PARTICIPATION (Continued from page 1)											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
Jackson Transportation	\$245,833	Black	X					4.2%			
Mae Trucking	\$245,833	Black	X					4.2%			
Northbay Logistics Group, Inc.	\$245,833	Black	X					4.2%			
Royal Trucking / Maintenance	\$245,833	Black	X					4.2%			
S & L Transport, LLC	\$245,833	Black	X					4.2%			
Sky Rock, Inc.	\$245,833	Asian	X					4.2%			
SMG Trucking	\$245,833	Asian	X					4.2%			
Sudden Sam's Trucking	\$245,833	Black	X					4.2%			
TGI Freight, LLC	\$245,833	Black	X					4.2%			
Tri Valley Water Trucks, Inc.	\$245,833	Hispanic		X				4.2%			
Wide Area, Inc.	\$245,833	Black	X					4.2%			
Total		See page 1 for total									



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Dump Truck Services		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
General Services Agreement	DATE:	Number of Ethnic Minority Employees							
	8/20/2024								
R=Recmmd P=Prime S=Sub	Composition of Ownership								
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WW: SBE	Company Wide	0	1	0	0	1	100.0%	47.6%
Allied Materials, Inc. Tammi Swafford 1850 Regency Pkwy. Dixon, CA 95620 707-479-6208		Manager/Prof	0	1	0	0	1	100.0%	
		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	1	0	0	1	100.0%	39.9%
Co. Wide MSA:		Solano	# Employees-Co. Wide: 1				Bay Area: 1		
RP	EMM: A/PI - L/SBE	Company Wide	0	0	1	0	1	100.0%	38.5%
Channa Trucking Charnjit Singh 2973 Pilar Ridge Drive Bay Point, CA 94565 925-567-6291		Manager/Prof	0	0	1	0	1	100.0%	
		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%	39.9%
Co. Wide MSA:		Contra Costa	# Employees-Co. Wide: 33				Bay Area: 1		
RP	EMM: A/PI - L/SBE	Company Wide	INFORMATION NOT PROVIDED						
CIA Trucking 1108 E. Leland Road, Apt. 183 Pittsburg, CA 94565 925-260-2432		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
Co. Wide MSA:									
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	53.9%
Curbside Trucking LLC Keith Butler 4200 Park Blvd., #105 Oakland, CA 94602 510-479-5583		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	0	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
Co. Wide MSA:		Oakland	# Employees-Co. Wide: 1				Bay Area: 1		
RP	WM: L/SBE	Company Wide	0	4	2	0	6	50.0%	39.9%
Darrah Trucking & Excavating, Inc. Debbie Robbins 4495 Pacheco Blvd. Martinez, CA 94553 510-993-9363		Manager/Prof	0	0	1	0	1	25.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	3	1	0	4	57.1%	
		Bay Area	0	4	2	0	6	50.0%	39.9%
Co. Wide MSA:		Alameda	# Employees-Co. Wide: 12				Bay Area: 12		
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	38.5%
EM Blair Trucking Ronald Blair 2914 Johnson Avenue Richmond, CA 94804 510-772-7312		Manager/Prof	1	0	0	0	1	100.0%	
		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	1	0	0	0	1	100.0%	39.9%
Co. Wide MSA:		Contra Costa	# Employees-Co. Wide: 1				Bay Area: 1		



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
		B	H	A/PI	AI/AN	TOTAL			
Dump Truck Services		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement		DATE:	8/20/2024						
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	EMM: A/PI - L/SBE	Company Wide							
East Bay Trans, Inc. 1070 Concord Avenue, Suite 109B Concord, CA 94524 510-800-0001		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	EMW: B - SBE	Company Wide							
Edwards-Enterprise LLC Pamela Edwards 943 Nightingale Drive Fairfield, CA 94533 707-246-3526		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	EMW: B - L/SBE	Company Wide	4	0	0	0	4	100.0%	38.5%
Gloria Washington Trucking, Inc. Gloria Washington 525 DeCarlo Ave. Richmond, CA 94801 415-298-9431		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	4	0	0	0	4	100.0%	
		Bay Area	4	0	0	0	4	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 4		Bay Area: 4		
RP	EMM: B - L/SBE	Company Wide							
Hills Trucking Abraham Hill 2337 Babcock Lane Tracy, CA 95337 510-693-7827		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	EMM: H	Company Wide	0	1	0	0	1	100.0%	47.6%
Robert Ibarra, Inc. dba Ibarra Trucking Robert Ibarra 280 Beston Way Vallejo, CA 94591 415-286-0615		Manager/Prof	0	1	0	0	1	100.0%	
		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%	39.9%
		Co. Wide MSA:	Solano		# Employees-Co. Wide: 1		Bay Area: 0		
RP	EMM: AI/AN	Company Wide							
Inder Trucking, Inc. Harinderpal Singh Sidhu 3 Karly Court American Canyon, CA 94503 925-250-5001		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Dump Truck Services		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
General Services Agreement	DATE:								
	8/20/2024								
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	EMM: B	Company Wide							
Jackson Transportation Alfred Jackson 1744 Keesler Circle Suisun City, CA 94585 510-213-2642		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
Co. Wide MSA:									
RP	EMM: A/PI - L/SBE	Company Wide	0	0	2	0	2	100.0%	47.6%
Galray Trucking Inc. Ashish Galray 43024 Everglades Park Drive Fremont, CA 94538 510-376-5023		Manager/Prof	0	0	2	0	2	100.0%	
		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	2	0	2	0.0%	
Co. Wide MSA:		# Employees-Co. Wide: 2						Bay Area: 2	
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	38.5%
Mae Trucking Kevin Moffett 268 Heron Dr. Pittsburg, CA 94565 925-427-9240		Manager/Prof	1	0	0	0	1	100.0%	
		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	1	0	0	0	1	100.0%	
Co. Wide MSA:		Contra Costa # Employees-Co. Wide: 1						Bay Area: 1	
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	53.9%
Royal Trucking / Maintenance Vaughn Royal P.O. Box 14785 Oakland, CA 94614 510-455-0642		Manager/Prof	1	0	0	0	1	100.0%	
		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	1	0	0	0	1	100.0%	
Co. Wide MSA:		Alameda # Employees-Co. Wide: 1						Bay Area: 1	
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	46.2%
S & L Transport, LLC Stanley K. Warren 79 Covington Dr. Pittsburg, CA 94565 925-980-7717		Manager/Prof	1	0	0	0	1	100.0%	
		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	1	0	0	0	1	100.0%	
Co. Wide MSA:		Alameda/Contra Costa # Employees-Co. Wide: 1						Bay Area: 1	
RP	EMM: A/IA - LBE	Company Wide							
Sky Rock Inc. Amritpal Singh 1852 W. 11th Street, #167 Tracy, CA 95376 925-200-7881		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
Co. Wide MSA:		Alameda/Contra Costa # Employees-Co. Wide: NA						Bay Area: NA	



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Dump Truck Services		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
General Services Agreement	DATE:	8/20/2024							
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM: A/PI - LBE	Company Wide	0	0	0	1	1	100.0%	53.9%
SMG Trucking Sapinder S. Grewal 1610 Lawndale Ave. San Leandro, CA 94579 925-200-7881		Manager/Prof	0	0	0	1	1	100.0%	
		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	1	1	100.0%	39.9%
		Co. Wide MSA:	Alameda/Contra Costa		# Employees-Co. Wide:		NA	Bay Area:	NA
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	50.0%	53.9%
Northbay Logistics Group, Inc. Cory A. Horton, Sr. 275 5th Street Oakland, CA 94607 415-610-9054		Manager/Prof	1	1	0	0	2	100.0%	
		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	1	1	0	0	2	100.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		2	Bay Area:	2
RP	EMM: B - L/SBE	Company Wide	1	1	0	0	2	100.0%	53.9%
Sudden Sam's Trucking Samuel E. Johnson 272 Euclid Ace., #105 Oakland, CA 94610 510-385-8594		Manager/Prof	1	1	0	0	2	100.0%	
		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	1	0	0	0	1	50.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		2	Bay Area:	2
RP	EMM: B - L/SBE	Company Wide	1	1	0	0	2	100.0%	38.5%
TGI Freight, LLC Nathaniel McGee, Jr. 1500 Goldenbay Avenue, Apt. 310 San Ramon, CA 94582 415-632-2202		Manager/Prof	1	1	0	0	2	100.0%	
		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	1	1	0	0	2	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		2	Bay Area:	2
RP	EMW: H - L/SBE	Company Wide	0	3	1	1	5	41.7%	39.9%
Tri Valley Water Trucks, Inc. Seth Bolyard 7665 Hawthorn Avenue Livermore, CA 94550 925-373-0603		Manager/Prof	0	1	0	0	1	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	1	1	3	30.0%	
		Semi/Unskilled	0	1	0	0	0	0.0%	
		Bay Area	0	3	1	1	5	41.7%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		12	Bay Area:	12
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	53.9%
Wide Area, Inc. Ronald Camese 1485 Bayshore Blvd. Oakland, CA 94614 510-593-3072		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	1	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		1	Bay Area:	1

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



BOARD ACTION

Agenda Number:	5.	Meeting Date:	September 24, 2024
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TITLE **AMEND AGREEMENT FOR DESIGN SERVICES OF LAFAYETTE RESERVOIR TOWER SAFETY UPGRADE PROJECT**

ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION Authorize an amendment to the agreement originally authorized under Board Motion No. 056-18 with AECOM Technical Services, Inc. (AECOM) to increase the agreement amount by \$1,142,687 to a total amount not to exceed \$3,161,550 for additional design services to complete design of the shortened tower alternative and engineering services during construction for the Lafayette Reservoir Tower Safety Upgrade Project.

SUMMARY In April 2018, an agreement for the design of retrofits to the Lafayette Reservoir Outlet Tower was authorized under Board Motion No. 056-18 for an amount not to exceed \$1,057,403. The first amendment authorized under Board Motion No. 135-22 increased the agreement by \$961,460 to a total amount not to exceed \$2,018,863. The amendment is required to perform a comprehensive potential failure mode analysis as part of the tower retrofit design process that assessed a range of risks to the facility and as a result determined a seismic retrofit to the outlet conduit would also be required along with improvements to the valve controls. This second amendment would provide funding for completing additional analyses responding to extensive detailed technical questions from the City of Lafayette and for additional civil, mechanical, electrical, and environmental services to complete design of the shortened tower retrofit. An update on this project was presented at the August 13, 2024 Planning Committee meeting as part of the Dam Safety Program Annual Report.

DISCUSSION Lafayette Reservoir is located in the City of Lafayette, south of Mount Diablo Boulevard. The reservoir and its appurtenances, including the outlet tower and conduits, were constructed between 1927 and 1933. The reservoir provides an emergency water supply and, together with the surrounding watershed, provides habitat for a variety of species and recreational opportunities. Although the dam itself is seismically safe, an evaluation determined the tower and conduits will be damaged during a major earthquake. This presents a significant dam safety concern because the tower and conduits function as the sole spillway for the facility and must remain operational after an earthquake. Specifically, debris from the damage to the tower could prevent safe release of water, tower cracking could also cause unplanned reservoir draining, and conduit damage could wash out soil with the potential to cause dam failure, impacting downstream communities including Concord, Lafayette, Martinez, Pleasant Hill, and Walnut Creek. As a temporary measure to mitigate hazards, the District has operated

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025; AWARD #7000034; Page 80	Budget Coding: 562/2012193/2012210: 22/7000034		Approved: 
Attachment(s): Location Map, P-035, P-061			

Title:	Amend Agreement for Design of Lafayette Reservoir Tower Safety Upgrade Project	Meeting Date:	September 24, 2024
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the reservoir under a restricted level until a retrofit can be completed, with concurrence from the California Department of Water Resources Office of Division of Safety of Dams (DSOD).

The District has studied the tower since the 1990s in an effort to maintain the full tower height, which ultimately did not meet DSOD requirements. In 2018, the District undertook analyses and design to meet a DSOD mandate to remediate the seismic risk at the Lafayette Reservoir facility. By the middle of 2022, the District and AECOM had developed a 60-percent-level design to shorten the tower and retrofit the conduits, which was approved by DSOD. In 2015, the District began an outreach program to inform the public of the project and provided updates in 2023 as the final alternatives selection process was completed. To date, the District has met with the City of Lafayette 15 times over 9 years. The project schedule was delayed by over a year to allow for additional time, incurring approximately \$380,000 consultant costs to complete analyses in response to questions raised by the City of Lafayette and a volunteer advisory group of technical professionals in the community. Also, additional environmental and permitting services are required. Due to these significant unanticipated efforts, additional funding is now required to advance the design from the 60-percent level to final design.

Additional services are required under this second amendment to complete final design of the tower retrofit which will include 1) shortening the tower, 2) strengthening the conduits, 3) performing mechanical, electrical and instrumentation upgrades, and 4) installing an aesthetic operating house that was designed based on community input. This amendment also includes additional support services required to coordinate the project with the City of Lafayette, public outreach, regulatory permitting, engineering services during construction and as-needed additional design services, environmental support, and biological monitoring.

This agreement supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

CONSULTANT SELECTION

In 2018, a request for proposals for the original agreement was posted on the District’s website and sent to 56 firms on the District’s Professional Services Roster, including several minority-owned firms. Two firms submitted proposals. AECOM was selected based on its teams’ qualifications, technical skills, project understanding, and experience in underwater construction and in designing tower retrofit projects similar to the Lafayette Reservoir Outlet Tower.

Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. The consultant, AECOM, is licensed to perform work in California, and is not on the State DIR debarment list. AECOM and its listed subcontractors are properly registered with the State DIR.

Title:	Amend Agreement for Design of Lafayette Reservoir Tower Safety Upgrade Project	Meeting Date:	September 24, 2024
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SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2025 adopted capital budget for the Reservoir Tower Modifications.

Social

Locals 2019 and 21 were notified of the amendment to the agreement on July 26, 2024. Local 21 did not raise any specific issues related to the amendment. Local 2019’s issues were addressed at a meeting on August 6, 2024 and resolved.

Environmental

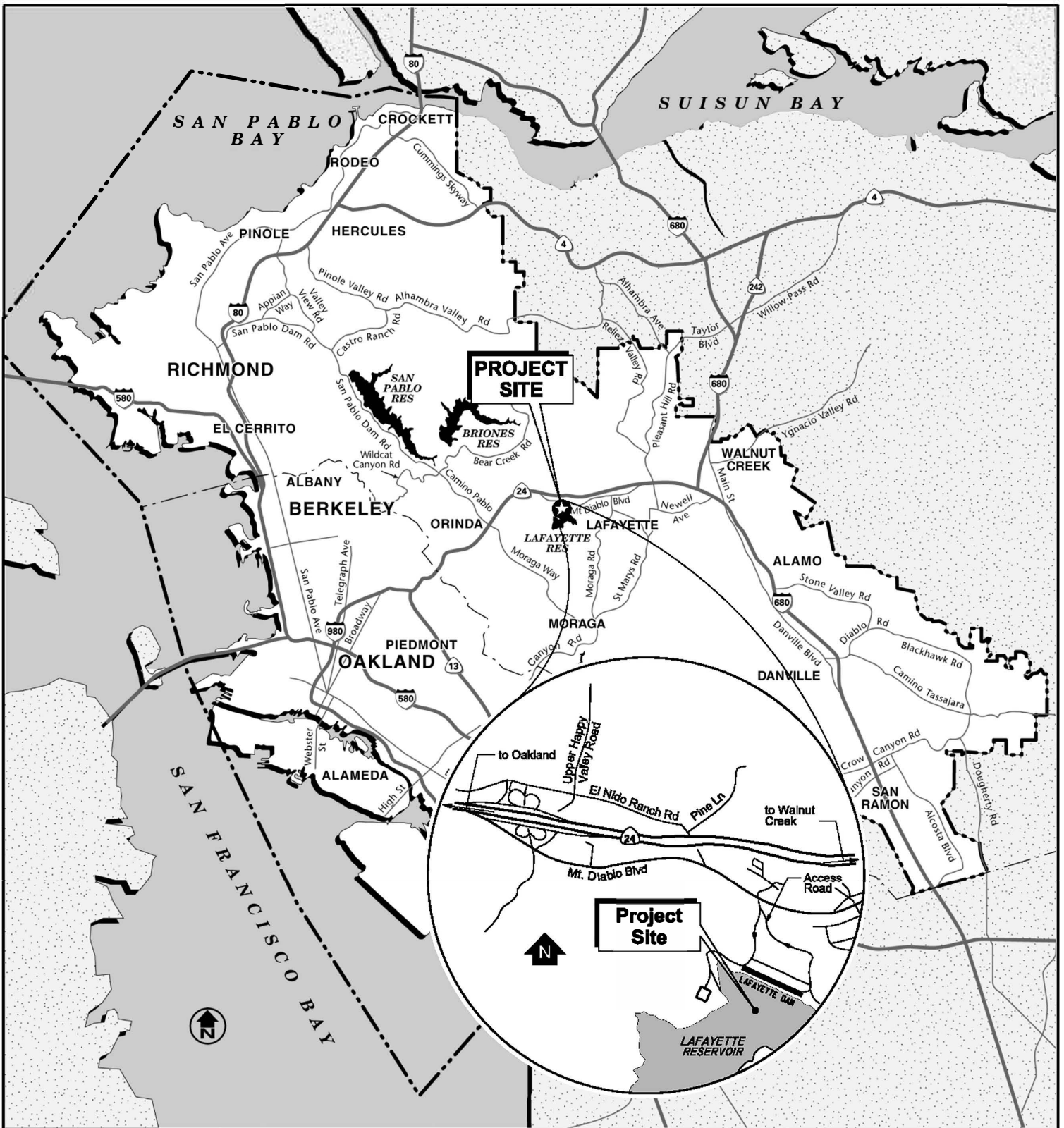
A California Environmental Quality Act Notice of Exemption was filed with Contra Costa County Clerk on August 16, 2022.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the resources with the necessary technical expertise required to perform the additional work.

Select a different consultant to perform the work. This alternative is not recommended because AECOM is the engineer of record, completed the 60 percent design, is already familiar with the work and has the technical expertise and experience to complete the additional design services.

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PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

LAFAYETTE RESERVOIR TOWER SAFETY UPGRADE PROJECT



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement - Amendment Amend Agreement for Design of Lafayette Reservoir Tower Safety Upgrade Project	DATE: September 5, 2024
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CONTRACTOR:	PERCENTAGE OF CONTRACT DOLLARS		
AECOM Technical Services, Inc. Local Business Oakland, CA	Availability Group	Contracting Objectives	Participation
BID/PROPOSER'S PRICE:	White Men	25%	75.6%
FIRM'S OWNERSHIP		White Women	6%
Price:	Ethnicity	Gender	Ethnic Minorities
\$1,142,687 *	White	Men	25%
			13.7%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
AECOM Technical Services, Inc.	\$792,412	White	X		69.3%						
SUBS:											
A3GEO, Inc.	\$122,000	White		X		10.7%					
Beyaz & Patel, Inc.	\$40,780	Asian	X				3.6%				
Underwater Resources, Inc.	\$72,000	White		X	6.3%						
Inspection Service, Inc.	\$15,495	Asian		X			1.4%				
YEI Engineers, Inc.	\$100,000	Asian	X				8.8%				
TOTAL		\$1,142,687			75.6%	10.7%	13.7%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	6,593	3,223	5,858	15,674
Percent of Total Employees:	42.1%	20.6%	37.4%	
MSA Labor Market %:	32.3%	27.8%	39.9%	
MSA Labor Market Location:	9 Bay Area Counties			

COMMENTS

Contract Equity Participation - 75.6% White Men, 10.7% White Women, and 13.7% Ethnic Minority participation.
Contract Duration: NA

*Total not to exceed: \$3,161,550 = \$2,018,863 (Original amount) + \$1,142,687 (Amendment)

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	YES	



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreement for Design of Lafayette Reservoir Tower Safety Upgrade Project		Ethnic Minority Percentages From U.S. Census Data								
				B	H	A/PI	AI/AN	TOTAL		
		National		10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - Amendment	DATE:	9/5/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM: LBE		Company Wide	707	1,140	1,839	55	3,741	23.9%	39.9%
AECOM Technical Services, Inc. Carrie Mullin 300 Lakeside Drive, Suite 400 Oakland, CA 94612 (510) 215-3620			Manager/Prof	596	998	1,754	55	3,403	25.2%	
			Technical/Sales	77	99	56	0	232	22.3%	
			Clerical/Skilled	34	43	29	0	0	37.9%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	9	32	140	1	182	36.7%	
			AA Plan on File:	NA		Date of last contract with District:		9/13/2019		
			Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		15,674	Bay Area: 496	
S	WW: L/SBE		Company Wide	0	0	0	0	0	0.0%	53.9%
A3GEO, Inc. Dona Mann 1331 Seventh Street, Unit E Berkeley, CA 94710 415-425-0247			Manager/Prof	0	0	0	0	0	0.0%	
			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:	Alameda		# Employees-Co. Wide:		7	Bay Area: 7	
S	EM-A/PI: L/SBE		Company Wide	0	0	8	0	8	57.1%	27.3%
Beyaz & Patel, Inc. Gary Ho 1280 Civic Drive, Suite 204 Walnut Creek, CA 94596 925-934-0707			Manager/Prof	0	0	7	0	7	100.0%	
			Technical/Sales	0	0	1	0	1	25.0%	
			Clerical/Skilled	0	0	0	0	0	0.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	0	6	0	6	75.0%	
			Co. Wide MSA:	USA		# Employees-Co. Wide:		14	Bay Area: 8	
S	WM: L/SBE		INFORMATION NOT PROVIDED							
Underwater Resources, Inc. Chris Levesque 866 Estabrook Street San Leandro, CA 94577 510-957-5097										
S	EMW-A/PI: L/SBE		Company Wide	5	14	12	0	31	29.8%	27.3%
Inspection Services, Inc. Antoine Megevand 1798 University Ave Berkeley, CA 94703 510-900-2100			Manager/Prof	0	1	3	0	4	36.4%	
			Technical/Sales	0	1	0	0	1	100.0%	
			Clerical/Skilled	5	12	9	0	26	28.3%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	14	12	0	0	0.0%	
			Co. Wide MSA:	Alameda County, CA		# Employees-Co. Wide:		104	Bay Area: 104	
S	EM-A/PI: L/SBE		Company Wide	2	1	16	0	19	76.0%	39.9%
YEI Engineers, Inc. Patrick Mallillin 7677 Oakport Street, Suite 200 Oakland, CA 94621 510-957-1613			Manager/Prof	1	0	14	0	15	83.3%	
			Technical/Sales	0	0	1	0	1	33.3%	
			Clerical/Skilled	1	1	1	0	3	75.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	2	1	16	0	19	76.0%	
			Co. Wide MSA:	Alameda County, CA		# Employees-Co. Wide:		25	Bay Area: 25	

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

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BOARD ACTION

Agenda Number:	6.	Meeting Date:	September 24, 2024
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TITLE **AMEND CONTRACT FOR DUCTILE IRON PIPE AND FITTINGS**
ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION Authorize an amendment to the contract previously awarded under Board Motion No. 166-20 with AqueoUS Vets dba American Veterans Products and Services, Inc. (AqueoUS Vets) to increase the contract amount by \$7,000,000 to a total amount not to exceed \$24,500,000 and extend the contract term to February 28, 2026, for supplying ductile iron pipe and fittings for the District’s pipeline replacement program.

SUMMARY In September 2020, the initial contract was awarded under Board Motion No. 166-20 for ductile iron pipe and fittings for the District’s pipeline replacement program for one year with four one-year options to renew for a total amount not to exceed \$17,500,000. Due to significant market-based price increases, and higher than originally anticipated usage of the material, this increase is necessary to support the District’s ongoing pipeline rebuild and new system installation needs.


DISCUSSION After a lengthy study, ductile iron pipe was adopted as the District standard pipe material in 2019, and subsequently approved by the Board under Motion No. 166-20. Since 2020, the Pipeline Rebuild Program has increased its annual replacements from approximately 17 miles per year to 25 miles per year; pipe and fittings are also used for repairs and other installations.

During and after the COVID-19 pandemic, a shortage of materials resulted in significant increases in the cost for ductile iron pipe and fittings. This resulted in higher than anticipated costs during the initial 3.5 years of the contract. The District is currently testing other types of ductile iron pipe and fittings with a goal of rebidding the material in Fiscal Year (FY) 2025. This rebid will allow the District to obtain new competitive pricing and increase supply chain stability by awarding contracts to multiple suppliers. In the meantime, this increase is required to maintain stock while the testing and bid processes are completed.

This purchase supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

VENDOR SELECTION In September 2020, a request for quotations was posted on the District's website and sent to three resource organizations and 132 potential proposers. Six bids were received. AqueoUS Vets was the lowest responsive/responsible bidder.

The District anticipates conducting a new competitive bid process to award contracts for these materials in FY 2025.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2025; Award#7000003; Page 32	Budget Coding: 11.000.0000.0000000.17750		Approved: 
Attachment(s): P-035; P-061			

Title:	Amend Contract for Ductile Iron Pipe and Fittings	Meeting Date:	September 24, 2024
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SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2025 adopted capital budget for Pipeline Rebuild.

Ductile iron pipe offers multiple benefits including an estimated service life of over 100 years according to the American Water Works Association, the longest of any pipe material on the market.

Social

The strength of ductile iron pipe allows it to withstand pressure surges, heavy traffic loads, and unstable soils resulting in fewer disruptions to the community from future pipe breaks.

Environmental

Ductile iron pipe is manufactured from recycled and scrap materials, and ductile iron pipe is recyclable.

ALTERNATIVE

Do not approve the amendment. This alternative is not recommended as remaining funds, current stock and on order quantities are not sufficient to complete the projects scheduled until the post-pilot formal bid process is completed.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Materials and Supplies - RFQ No. 2005 Amendment Amend Contract for Ductile Iron Pipe and Fittings						DATE: September 6, 2024						
CONTRACTOR: Aqueous Vets dba American Veterans Products and Services, Inc. Danville, CA				Disabled Veteran / Local / Small Business		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		Contracting Objectives		Participation				
\$7,000,000 *		White		Men		25%		100.0%				
		Ethnicity		Gender		White Women		2%				
		White		Men		Ethnic Minorities		25%				
						25%		0.0%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Aqueous Vets dba American Veterans Products and Services, Inc.		\$7,000,000	White	X		100.0%						
TOTAL		\$7,000,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		1		3		0		4				
Percent of Total Employees:		25.0%		75.0%		0.0%						
MSA Labor Market %:		39.0%		33.7%		27.3%						
MSA Labor Market Location:		USA										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: Until February 28, 2026.												
*Total contract amount: \$24,500,000 = \$17,500,000 (Original amount) + \$7,000,000 (Amendment)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Contract for Ductile Iron Pipe and Fittings		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Materials and Supplies - RFQ No. 2005 Amendment		DATE: 9/6/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: DV/L/SBE	Company Wide	0	0	0	0	0	0.0%	27.3%
Aqueous Vets dba American Veterans Products and Services, Inc. Sarah Johnson 668 Glen Road Danville, CA 94526 541-601-9504		Manager/Prof	0	0	0	0	0	0.0%	
		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%	
		AA Plan on File: NA	Date of last contract with District: 10/21/2021						
		Co. Wide MSA: USA	# Employees-Co. Wide: 3		Bay Area: 2				
P	WM	Company Wide	2,897	3,717	710	140	7,464	28.9%	27.3%
Ferguson Enterprises LLC Charlotte Murch 12500 Jefferson Avenue Newport News, VA 23602 757-989-2870		Manager/Prof	339	439	200	25	1,003	16.0%	
		Technical/Sales	406	1,036	175	44	1,661	20.1%	
		Clerical/Skilled	466	548	116	14	1,144	32.3%	
		Semi/Unskilled	1,686	1,694	219	57	3,656	47.0%	
		Bay Area	53	134	52	4	243	66.0%	
		Co. Wide MSA: USA	# Employees-Co. Wide: 25,861		Bay Area: 368				
P	WM	Company Wide	INFORMATION NOT PROVIDED						
Iconix Waterworks Inc. Michael Potter 1830 16th Street Snohomish, WA 98290 408-665-9112		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WM	Company Wide	209	497	39	22	767	20.9%	27.3%
Core & Main dba R&B Co. Laura Schneider 3486 Investment Blvd., Suite A Hayward, CA 94545 314-995-9148		Manager/Prof	14	76	10	8	108	9.9%	
		Technical/Sales	26	124	12	8	170	13.9%	
		Clerical/Skilled	50	111	7	2	170	38.5%	
		Semi/Unskilled	119	186	10	4	319	34.8%	
		Bay Area	3	71	8	3	85	59.9%	
		Co. Wide MSA: USA	# Employees-Co. Wide: 3,674		Bay Area: 142				
P	WM: L/SBE	Company Wide	5	3	1	0	9	28.1%	37.3%
Aviate Enterprises, Inc. Timothy Devine 5844 Price Avenue McClellan, CA 95652 916-993-4000		Manager/Prof	2	2	1	0	5	27.8%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	1	0	0	3	50.0%	
		Semi/Unskilled	1	0	0	0	1	33.3%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 32		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)

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BOARD ACTION

Agenda Number:	7.	Meeting Date:	September 24, 2024
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TITLE **ENDPOINT SECURITY SOFTWARE**

ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION Authorize the purchase of endpoint detection and security response software licensing and support beginning on or after September 24, 2024 from NuSpective, Inc., for three years and three months for a total amount not to exceed \$380,000. This purchase will be made under State of California contracts available for use by local governments.


SUMMARY Endpoint detection and response security software protects District systems from malicious cyber threats and is a key part of the District’s cyber defenses. Endpoint detection provides the ability to quickly identify, investigate, and mitigate cyber incidents on District servers and desktop systems.

DISCUSSION The District uses endpoint detection and response security software on all servers, desktops and laptops. This purchase replaces the existing endpoint detection and response security software with a leading product that has advanced features, functionality and capabilities to protect the District’s systems from continually evolving cyber threats through December 31, 2027. This item supports the District’s Long-Term Financial Stability Strategic Plan goal.

VENDOR SELECTION Public Contract Code, Section 10298, allows agencies, such as EBMUD, to purchase directly through State of California contracts or through State-authorized participating agreements without pursuing separate competitive bidding. NuSpective, Inc. holds State of California Department of General Services Contract No. 7-17-70-40-05/AR#2472. By leveraging the State of California contracts, the District was able to receive highly favorable quotes with pre-negotiated pricing.

SUSTAINABILITY **Economic**
 Funding for the first year of this contract is available in the FY 2025 adopted operating budget. Funding for the additional years will be considered as part of the associated budget development process.

Social
 Safeguarding the District’s systems is a high priority in the context of increasing cybersecurity threats. This purchase will help facilitate the District’s goal of providing uninterrupted services to its staff and ratepayers.

Originating Department: Information Systems	Department Director or Manager: Orlando W. Leon	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2025	Budget Coding: 11.255.1866.8877300.52430		Approved: 
Attachment(s): P-035; P-061			

Title:	Endpoint Security Software	Meeting Date:	September 24, 2024
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ALTERNATIVE

Do not authorize the purchase of the software. This alternative is not recommended because this software is a key part of District cyber defenses.

I:\Sec\2024 Board Related Items\092424 Board Agenda Items\ISD - Endpoint Security Software.docx



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Materials and Supplies Agreement Endpoint Security Software						DATE: September 4, 2024							
CONTRACTOR: NuSpective, Inc. Pleasanton, CA				State Contract/ Local/ Small Business		PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$380,000 *				FIRM'S OWNERSHIP Ethnicity: White Gender: Men		Availability Group White Men: 25% White Women: 2% Ethnic Minorities: 25%		Contracting Objectives		Participation 100.0% 0.0% 0.0%			
CONTRACT EQUITY PARTICIPATION													
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY		GENDER		CONTRACTING PARTICIPATION						
					M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: NuSpective, Inc.		\$380,000	White		X		100.0%						
SUBS: None													
TOTAL		\$380,000					100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)													
			White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:			4		2		1		7				
Percent of Total Employees:			57.1%		28.6%		14.3%						
MSA Labor Market %:			24.5%		21.6%		53.9%						
MSA Labor Market Location:			Alameda										
COMMENTS													
Contract Equity Participation: 100% White Men participation. Contract Duration: Thirty-nine months (ending December 31, 2027). *Total not to exceed: \$380,000													
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended					
NA				NA									



BOARD ACTION

Agenda Number:	8.	Meeting Date:	September 24, 2024
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TITLE **MONTHLY INVESTMENT TRANSACTIONS REPORT**

ACTION Motion: Resolution: Ordinance:


RECOMMENDED ACTION Approve the August 2024 Monthly Investment Transactions Report.

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 August 2024 report is being brought to the Board for consideration. This report was presented at the September 24, 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 August 2024, the portfolio increased from \$601.0 million to \$604.6 million. Net transactions increased the total by \$2.8 million. Interest received added approximately \$818,000 to the portfolio. Deposits into short-term liquidity funds totaled \$17.2 million, and withdrawals totaled \$61.5 million. The District purchased \$47.0 million in securities. No securities were called, matured, or sold. Net transactions at the District’s commercial bank resulted in an increase of approximately \$138,000.

I:\Sec\2024 Board Related Items\092424 Board Agenda Items\ FIN - Monthly Investment Transactions Report August 2024.docx

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

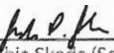
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Monthly Investment Transactions Report
August 2024

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 (Sep 11, 2024 08:57 PDT)
Approved by: Sophia D. Skoda, Finance Director

Sep 11, 2024
Date

SDS:KM:SLS



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
August 2024

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	454,233,339	1,000,000	503,256	455,736,595
007 - Wastewater Consolidated	94,817,221	(1,000,000)	239,650	94,056,871
049 - Ferc Partnership	2,136,883	-	-	2,136,883
009 - BACWA	2,417,460	-	6,198	2,423,657
015 - DERWA	1,068,444	-	14,934	1,083,378
002 - FRWA	1,068,444	-	13,645	1,082,089
014 - IICP	160,800	-	6,917	167,718
010 - UMRWA	68,379	-	2,824	71,203
003 - Employees Retirement	2,648,380	2,680,000	30,161	5,358,541
099 - Wells Fargo**	42,385,173	138,207	-	42,523,380
Total	601,004,523	2,818,207	817,586	604,640,316

* 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

9/9/2024
 Date

Sep 9, 2024
 Date

Sep 9, 2024
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
 Monthly Investment Activity
 August 2024

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	40,500,000	-	-	-	-	(39,500,000)	-	1,000,000
007 - Wastewater Consolidated	6,500,000	-	-	-	-	(7,500,000)	-	(1,000,000)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	17,228,000	-	-	-	(14,548,000)	-	2,680,000
Investment Activity Total	47,000,000	17,228,000	-	-	-	(61,548,000)	-	2,680,000
099 - Wells Fargo	(47,000,000)	(17,228,000)	-	-	-	61,548,000	2,818,207	138,207
Total	-	-	-	-	-	-	2,818,207	2,818,207

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

Sep 10, 2024

Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

Date

Sep 11, 2024

Approved by: Robert L. Hannay, Treasury Manager

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
 Monthly Investment Activity
 August 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	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	8/9/2024	8/12/2024	5/15/2025	40,500,000	39,934,215	269,358	40,203,573
					Total		40,500,000			
007 - Wastewater Consolidated	US Treasuries	T-Note 2.75 5/15/2025	91282CEQ0	8/9/2024	8/12/2024	5/15/2025	6,500,000	6,409,195	43,230	6,452,425
					Total		6,500,000			
							47,000,000	46,343,410	312,588	46,655,998



EAST BAY MUNICIPAL UTILITY DISTRICT
 Monthly Investment Activity
 August 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Deposits										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	8/16/2024	8/16/2024	N/A	5,572,000	5,572,000	-	5,572,000
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	8/6/2024	8/6/2024	N/A	500,000	500,000	-	500,000
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	8/2/2024	8/2/2024	N/A	5,573,000	5,573,000	-	5,573,000
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	8/29/2024	8/29/2024	N/A	5,583,000	5,583,000	-	5,583,000
					Total		17,228,000			
099 - Wells Fargo	Cash	WELLS FARGO Cash	CASH2017	8/31/2024	8/31/2024	N/A	138,207	138,207	-	138,207
					Total		138,207			
							17,366,207	17,366,207	-	17,366,207



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
August 2024

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
August 2024

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
August 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



EAST BAY MUNICIPAL UTILITY DISTRICT
 Monthly Investment Activity
 August 2024

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	8/12/2024	8/12/2024	N/A	7,500,000	7,500,000	-	7,500,000
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	8/12/2024	8/12/2024	N/A	17,000,000	17,000,000	-	17,000,000
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	8/12/2024	8/12/2024	N/A	7,500,000	7,500,000	-	7,500,000
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	8/12/2024	8/12/2024	N/A	7,500,000	7,500,000	-	7,500,000
						Total	39,500,000			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	8/29/2024	8/29/2024	N/A	14,548,000	14,548,000	-	14,548,000
						Total	14,548,000			
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	8/12/2024	8/12/2024	N/A	1,500,000	1,500,000	-	1,500,000
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	8/12/2024	8/12/2024	N/A	3,000,000	3,000,000	-	3,000,000
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	8/12/2024	8/12/2024	N/A	1,500,000	1,500,000	-	1,500,000
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	8/12/2024	8/12/2024	N/A	1,500,000	1,500,000	-	1,500,000
						Total	7,500,000			
							61,548,000	61,548,000	-	61,548,000



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
August 2024

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	503,256	-	503,256
007 - Wastewater Consolidated	239,650	-	239,650
049 - Ferc Partnership	-	-	-
009 - BACWA	6,198	-	6,198
015 - DERWA	14,934	-	14,934
002 - FRWA	13,645	-	13,645
014 - IICP	6,917	-	6,917
010 - UMRWA	2,824	-	2,824
003 - Employees Retirement	30,161	-	30,161
Interest Transactions Total	817,586	-	817,586
099 - Wells Fargo	-	-	-
Total	817,586	-	817,586

*Coupon and other interest received; reinvestment unavailable.

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

Sherry Sarcos
 Prepared by: Sherry Sarcos, Accounting Technician

9/9/2024
 Date

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

Sep 9, 2024
 Date

David Glasser
 Approved by: David Glasser, Controller

Sep 9, 2024
 Date

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
August 2024

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

No Transactions this Period

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Authorize Continued Employment of Liebert Cassidy Whitmore for Specialized Legal Services						DATE: September 4, 2024													
CONTRACTOR:				PERCENTAGE OF CONTRACT DOLLARS															
Liebert Cassidy Whitmore Los Angeles, CA				Direct Award				Availability Group		Contracting Objectives		Participation							
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		White Women		6%		Ethnic Minorities		25%		100.0%		0.0%	
\$0 *		White		Men		100.0%		0.0%		0.0%		0.0%		0.0%		0.0%			
CONTRACT EQUITY PARTICIPATION																			
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION													
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign							
PRIME: Liebert Cassidy Whitmore		\$0	White	X		100.0%													
SUBS: None																			
TOTAL		\$0				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%							
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)																			
			White Men		White Women		Ethnic Minorities		Total Employees										
No. of Employees:			50		71		85		206										
Percent of Total Employees:			24.3%		34.5%		41.3%												
MSA Labor Market %:			28.0%		23.6%		48.4%												
MSA Labor Market Location:			California																
COMMENTS																			
Contract Equity Participation: 100.0% White Men participation. Contract Duration: NA *Total not to exceed: \$0																			
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended											
NA				NA															

Title:	Revisions to District Policies	Meeting Date:	September 24, 2024
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Social

Policies 6.08 and 6.09 promote social responsibility by encouraging inclusive and equitable business relationships and by requiring contractors and subcontractors to adhere to Equal Employment Opportunity laws.

Environmental

Policy 7.03 promotes environmental stewardship by ensuring the District can respond and recover from emergencies to protect people, property, and the environment.

ALTERNATIVE

Do not update these policies. This alternative is not recommended because it would leave in place policies that do not reflect current operating practices and are not consistent with Board directives.

I:\Sec\2024 Board Related Items\092424 Board Agenda Items\FIN\Revisions to District Policies 092424.docx



Policy 4.04R

EFFECTIVE [24 SEP 24](#)
~~[27 SEP 22](#)~~

SUPERSEDES [27 SEP 22](#)
~~[22 SEP 20](#)~~

FINANCIAL PLANNING AND BUDGETARY CONTROL

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

Establish a financial plan and biennial budget for the Water System and ~~the Wastewater System, to include:~~

Financial Planning

- Prepare financial forecasts for a minimum of five years using reasonable assumptions and historical data to anticipate changes in revenues and expenses to plan for long-term financial stability.
 - Develop operating, capital, and debt service expenditure budgets including staffing, to meet the spending requirement during the biennial budget period.
 - Establish a budget which is based on fair and reasonable water and wastewater rates that promotes long-term financial stability.
-

Financial Monitoring

- Monitor the budget [and establish controls on spending](#) to ensure ~~that~~ the total amount expended and committed does not exceed the total ~~approved~~ budget [authorized for available during](#) the fiscal year. ~~Take corrective action before budget overages occur.~~
 - Provide periodic status reports on ~~expenditures,~~ revenues, [and on operating, capital, and debt expenses and investments.](#)
-

Transfers

The General Manager is authorized to transfer funds between the Capital Budget and Operating Budget within each of the Water and Wastewater systems' budgets as required, but not to exceed a variance of five percent from the originally budgeted sum, and provided that the total budget for each of the two systems remains unchanged. Budget transfers between the Water and Wastewater systems are prohibited.

Authority

Resolution No. 27058, August 27, 1974
As amended by Resolution No. 32874-94, August 9, 1994
As amended by Resolution No. 33177-99, November 23, 1999
As amended by Resolution No. 33577-07, January 9, 2007
As amended by Resolution No. 33710-09, April 28, 2009
As amended by Resolution No. 35099-18, June 26, 2018
As amended by Resolution No. 35203-20, September 22, 2020
As amended by Resolution No. 35315-22, September 27, 2022
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

- Public Utilities Code, section 11891.5 [budgeting legal authority]
- Annual Budget Resolution
- Policy 4.02 Cash Reserves
- Policy 4.13 Establishing Water and Wastewater Rates
- Policy 4.27 Debt Management
- Policy 7.03 Emergency Preparedness/Business Continuity
- Procedure 417 Financial Planning and Budgetary Control



Policy 4.04

EFFECTIVE 24 SEP 24

SUPERSEDES 27 SEP 22

FINANCIAL PLANNING AND BUDGETARY CONTROL

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

Establish a financial plan and biennial budget for the Water System and Wastewater System.

- Financial Planning**
- Prepare financial forecasts for a minimum of five years using reasonable assumptions and historical data to anticipate changes in revenues and expenses to plan for long-term financial stability.
 - Develop operating, capital, and debt service expenditure budgets including staffing, to meet the spending requirement during the biennial budget period.
 - Establish a budget which is based on fair and reasonable water and wastewater rates that promotes long-term financial stability.

- Financial Monitoring**
- Monitor the budget and establish controls on spending to ensure the total amount expended and committed does not exceed the total budget authorized for the fiscal year.
 - Provide periodic status reports on revenues and on operating, capital, and debt expenses.

Transfers

The General Manager is authorized to transfer funds between the Capital Budget and Operating Budget within each of the Water and Wastewater systems' budgets as required, but not to exceed a variance of five percent from the originally budgeted sum, and provided that the total budget for each of the two systems remains unchanged. Budget transfers between the Water and Wastewater systems are prohibited.

Authority

Resolution No. 27058, August 27, 1974
 As amended by Resolution No. 32874-94, August 9, 1994
 As amended by Resolution No. 33177-99, November 23, 1999
 As amended by Resolution No. 33577-07, January 9, 2007
 As amended by Resolution No. 33710-09, April 28, 2009
 As amended by Resolution No. 35099-18, June 26, 2018
 As amended by Resolution No. 35203-20, September 22, 2020
 As amended by Resolution No. 35315-22, September 27, 2022
 As amended by Resolution No. XXXXX-24, September 24, 2024

- References**
- Public Utilities Code, section 11891.5 [budgeting legal authority]
 - Annual Budget Resolution
 - Policy 4.02 Cash Reserves
 - Policy 4.13 Establishing Water and Wastewater Rates
 - Policy 4.27 Debt Management
 - Policy 7.03 Emergency Preparedness/Business Continuity
 - Procedure 417 Financial Planning and Budgetary Control



Policy 6.08R

EFFECTIVE [24 SEP 24](#)
~~24 JAN 23~~
SUPERSEDES [24 JAN 23](#)
~~27 APR 21~~

CONTRACT EQUITY PROGRAM

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

Create and maintain mutually beneficial business relationships with diverse, small, and/or local business enterprises for the District's contracting and procurement opportunities.

~~Prevent, discourage, and reduce discrimination in the marketplace or grant preferences based on race, sex, ethnicity and/or other protected categories as prohibited by Article 1, Section 31, of the California Constitution. Additionally, the District will encourage fairness and equity of equal opportunities among individuals and groups of all sexes, and raciales, and ethnicity groupsprotected categoriesethnicitiesyethnicity groups by establishing contract participation objectives based on the availability, in its geographic market areas, of businesses by race, sex, and ethnicity and/or other protected categories that are willing and able to do business with the District. The contracting objectives will be reviewed regularly and the progress towards the toward achievement of the objectives will be reported to the Board of Directors in order toto monitor achievement of equitable equity parity in contract participation.~~

Contract Equity Program

The primary goal of the Contact Equity Program is to provide equal opportunities to qualified diverse contractors, vendors, and suppliers that satisfy the District's contracting and procurement needs and standards. For businesses within the District's geographic market area that are willing and able to do business with the District, the program establishes contract participation objectives, categorized by business ownership, as available. The contracting objectives will be reviewed regularly and the progress towards the objectives will be reported to the Board of Directors to monitor achievement of equity in contract participation. The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities.

The District does not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, ethnicity, or national origin in the implementation of the Contract Equity Program as prohibited by Article 1, Section 31, of the California Constitution.

~~The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities. The Contract Equity Program has been established to implement these objectives and includes activities designed to promotespromote and facilitatofacilitatesofacilitate equal opportunities for small, local, minority, LGBTQIA+, disabled veteran, and women-owned business enterprises whoenterprises who want to do business with the District. The Contract Equity Program also promotes equal opportunities for small businesses including disabled veteran businesses and local businesses.~~

Departmental Monitoring System

The Contract Equity Program administers a~~A~~ departmental monitoring system of District contracts and expenditures to encourage balanced contract awards among all availability groups represented in the District's geographic market area ~~has been established.~~

Authority

Resolution No. 31008, August 28, 1984
As amended by Motion 88-144, November 22, 1988
As amended by Resolution No. 33104-98, June 9, 1998
Reaffirmed: Motion No. 176-06, October 10, 2006
As amended by Resolution No. 34029-15, April 28, 2015
As amended by Resolution No. 35099-18, June 26, 2018
As amended by Resolution No. 35221-21, April 27, 2021
As amended by Resolution No. 35335-23, January 24, 2023
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

[Policy 4.12 – Purchasing and Material Management](#)
Policy 6.04 – Ethics of the EBMUD Board of Directors
Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity
[Procedure 447 – Vendor Interactions and Procurement Integrity](#)
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.08

EFFECTIVE 24 SEP 24

SUPERSEDES 24 JAN 23

CONTRACT EQUITY PROGRAM

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

Create and maintain mutually beneficial business relationships with diverse, small, and/or local business enterprises for the District's contracting and procurement opportunities.

Contract Equity Program

The primary goal of the Contact Equity Program is to provide equal opportunities to qualified diverse contractors, vendors, and suppliers that satisfy the District's contracting and procurement needs and standards. For businesses within the District's geographic market area that are willing and able to do business with the District, the program establishes contract participation objectives, categorized by business ownership, as available. The contracting objectives will be reviewed regularly and the progress towards the objectives will be reported to the Board of Directors to monitor achievement of equity in contract participation. The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities.

The District does not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, ethnicity, or national origin in the implementation of the Contract Equity Program as prohibited by Article 1, Section 31, of the California Constitution.

Departmental Monitoring System

The Contract Equity Program administers a departmental monitoring system of District contracts and expenditures to encourage balanced contract awards among all availability groups represented in the District's geographic market area.

Authority

Resolution No. 31008, August 28, 1984
As amended by Motion 88-144, November 22, 1988
As amended by Resolution No. 33104-98, June 9, 1998
Reaffirmed: Motion No. 176-06, October 10, 2006
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As amended by Resolution No. 35099-18, June 26, 2018
As amended by Resolution No. 35221-21, April 27, 2021
As amended by Resolution No. 35335-23, January 24, 2023
As amended by Resolution No. XXXXX-24, September 24, 2024

References

Policy 4.12 – Purchasing and Material Management
Policy 6.04 – Ethics of the EBMUD Board of Directors
Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.09R

EFFECTIVE [24 SEP 24](#)
~~24 JAN 23~~

SUPERSEDES [24 JAN 23](#)
~~26 JUN 18~~

CONTRACTORS' COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY

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

Ensure that all contractors [and subcontractors](#) that do business with the District take lawful and adequate steps to ~~assure~~ [ensure](#) that employment practices comply with Equal Employment Opportunity (EEO) laws.

Definition

A contractor is defined as any individual, partnership, joint venture, corporation, not-for-profit agency, or government entity with which the District enters into a contractual agreement. ~~A~~ [For example, a](#) contractor may be a construction contractor, a consultant, a supplier, a trucker, a service provider, or similar entity.

Equal Employment Opportunity

All contractors [and subcontractors](#) doing business with the District ~~shall~~ agree not to discriminate against any employee, ~~or~~ applicant, ~~or subcontractor~~ for employment ~~because on the basis~~ of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (including cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, [reproductive health decision making](#), or military and veteran status, [which includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics](#) as these are defined in Government Code Section 12926; or because of any other status protected by federal, state and/or local laws, including, but not limited to family, medical, or pregnancy disability leave status. Contractors shall not establish or permit any such practice(s) of discrimination with reference to the contract.

There shall be no discrimination against any person, or groups of persons, per Government Code Section 12940, California Labor Code Section 1735, or any other applicable law or regulation in the performance of the contract.

Contractors shall include the nondiscrimination and compliance provisions of this clause in all subcontracts.

Monitoring Contractor Compliance

Contractors shall furnish all information and reports required by the District to ensure their compliance with this policy. Notification of this policy will be included in Contract Specifications, Request for Statement of Qualifications, Request for Quotation, and Request for Proposal; and will serve as official notice in determining responsiveness and compliance. Contractors who fail to comply with this policy may be denied contracts with the District or have their contracts terminated.

Contractors' Compliance with Equal Employment Opportunity

NUMBER 6.09

PAGE NO.: 2

EFFECTIVE DATE: [24 SEP 24](#)
~~[24 JAN 23](#)~~

Authority

Motion No. 88-024, March 8, 1988
Amended by Motion No. 92-058, April 28, 1992
Amended by Resolution No. 33259-01, July 24, 2001
Amended by Resolution No. 33497-05, October 11, 2005
Reaffirmed by Resolution Motion No. 176-06, October 10, 2006
Amended by Resolution No. 34029-15, April 28, 2015
Amended by Resolution No. 34094-16, July 26, 2016
Amended by Resolution No. 35099-18, June 26, 2018
Amended by Resolution No. 35335-23, January 24, 2023
[Amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

Policy 6.08 – Contract Equity Program
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.09

EFFECTIVE 24 SEP 24

SUPERSEDES 24 JAN 23

CONTRACTORS' COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY

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

Ensure that all contractors and subcontractors that do business with the District take lawful and adequate steps to ensure that employment practices comply with Equal Employment Opportunity (EEO) laws.

Definition A contractor is defined as any individual, partnership, joint venture, corporation, not-for-profit agency, or government entity with which the District enters into a contractual agreement. For example, a contractor may be a construction contractor, a consultant, a supplier, a trucker, a service provider, or similar entity.

Equal Employment Opportunity All contractors and subcontractors doing business with the District agree not to discriminate against any employee, applicant, or subcontractor for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (including cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, reproductive health decision making, or military and veteran status, which includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics as these are defined in Government Code Section 12926; or because of any other status protected by federal, state and/or local laws, including, but not limited to family, medical, or pregnancy disability leave status. Contractors shall not establish or permit any such practice(s) of discrimination with reference to the contract.

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Contractors' Compliance with Equal Employment Opportunity

NUMBER 6.09

PAGE NO.: 2

EFFECTIVE DATE: 24 SEP 24

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Reaffirmed by Resolution Motion No. 176-06, October 10, 2006
Amended by Resolution No. 34029-15, April 28, 2015
Amended by Resolution No. 34094-16, July 26, 2016
Amended by Resolution No. 35099-18, June 26, 2018
Amended by Resolution No. 35335-23, January 24, 2023
Amended by Resolution No. XXXXX-24, September 24, 2024

References

Policy 6.08 – Contract Equity Program
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

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

The EOP and BCPP shall include provisions to:

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

Emergency	An emergency includes actual or threatened existence of conditions of disaster or extreme peril to critical District operations, its infrastructure, and/or the health and safety of staff and/or the public. An emergency may be caused by an earthquake, power outage, cyber security breach, pandemic, dam failure, freeze, water supply contamination, national security incident, storm event, and other conditions that may be beyond the capability of District forces and may require support from other government agencies, non-profit organizations, or the private sector.
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Emergency Preparedness Program	The District's Emergency Preparedness Program will include an EOP written and administered in accordance with the guidelines of the National Response Framework (NRF), the National Incident Management System (NIMS), and the California Standardized Emergency Management System (SEMS). In accordance with NIMS and SEMS, the Emergency Preparedness Program will consist of five areas of readiness: prevention, protection, mitigation, response, and recovery. The EOP will describe the District's emergency response organization based on NIMS; include guidelines for identifying and training District staff in NIMS; designate District staff to critical positions identified in the EOP, and designate staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs. The Regulatory Compliance Office will facilitate progress on the Emergency Preparedness Program.
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Authorization of Contracts During District Emergency Response and Reporting of Emergency Contracts	When an emergency condition arises that necessitates immediate action to minimize damage and inconvenience resulting from such condition, the General Manager or his or her designee, in consultation with the President of the Board of Directors (Board) or their designee, may declare a District emergency. The Board may also declare a District emergency under the Municipal Utility District Act (Public Utilities Code) Section 12753. The General Manager or his or her designee is authorized, after a District-declared emergency, to enter into emergency contracts not to exceed \$500,000, per contract, without bids or notice during the emergency response period. For emergency contracts higher than \$500,000, Board approval is required. The Board shall meet to ratify the declaration of emergency by the General Manager as
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soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

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

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

**Emergency
Operations
Director**

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

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

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

**Mutual Aid/
Assistance**

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

**Business
Continuity
Program
Plan**

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

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

**Continuity of
Management**

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

Status Reports

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

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). [Standby Officer No. 1 must reside within each respective Board member's ward. Standby Officer No. 2 must reside outside of the member's ward and may reside outside the District's service area. A Board member may choose, and the Board has the option to appoint, a third Standby Officer \(Standby Officer No. 3\). That Standby Officer could reside inside or outside the same ward as the Board member, or outside the District's service area.](#)

The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will [endeavor to](#) fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
As amended by Resolution No. 33904-12, November 27, 2012
As amended by Resolution No. 33941-13, September 24, 2013
As amended by Resolution No. 34052-15, September 22, 2015
As amended by Resolution No. 34094-16, July 26, 2016
As amended by Resolution No. 35037-17, May 23, 2017
As amended by Resolution No. 35098-18, June 26, 2018
As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. 35168-20, March 24, 2020
As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. 35409-24, June 25, 2024
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

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



Policy 7.03

EFFECTIVE 24 SEP 24

SUPERSEDES 25 JUN 24

EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

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

The EOP and BCPP shall include provisions to:

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

Emergency

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

Emergency Preparedness Program

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

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

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

soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

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

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

**Emergency
Operations
Director**

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

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

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

**Mutual Aid/
Assistance**

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

**Business
Continuity
Program
Plan**

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

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

**Continuity of
Management**

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

Status Reports

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

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). Standby Officer No. 1 must reside within each respective Board member's ward. Standby Officer No. 2 must reside outside of the member's ward and may reside outside the District's service area. A Board member may choose, and the Board has the option to appoint, a third Standby Officer (Standby Officer No. 3). That Standby Officer could reside inside or outside the same ward as the Board member, or outside the District's service area.

The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will endeavor to fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33703-09, February 24, 2009
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As amended by Resolution No. 33941-13, September 24, 2013
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As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. 35409-24, June 25, 2024
As amended by Resolution No. XXXXX-24, September 24, 2024

References

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



RESOLUTION NO. _____

ADOPTING REVISED POLICY 4.04, FINANCIAL PLANNING AND BUDGETARY CONTROL; REVISED POLICY 6.08, CONTRACT EQUITY PROGRAM; REVISED POLICY 6.09, CONTRACTORS' COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY; AND REVISED POLICY 7.03, EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, it is the desire and intention of the Board of Directors to update and revise Policy 4.04, entitled "Financial Planning and Budgetary Control"; Policy 6.08, entitled "Contract Equity Program"; Policy 6.09, entitled "Contractors' Compliance with Equal Employment Opportunity"; and Policy 7.03, entitled "Emergency Preparedness/Business Continuity"; and

WHEREAS, Policy 4.04, Policy 6.08, Policy 6.09, and Policy 7.03 have so been updated and revised, and the revisions are reflected in Exhibits A through D, attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that Revised Policy 4.04, Revised Policy 6.08, Revised Policy 6.09, and Revised Policy 7.03, attached hereto as Exhibits A through D, are hereby adopted.

ADOPTED this 24th day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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Policy 4.04R

EFFECTIVE [24 SEP 24](#)
~~[27 SEP 22](#)~~

SUPERSEDES [27 SEP 22](#)
~~[22 SEP 20](#)~~

FINANCIAL PLANNING AND BUDGETARY CONTROL

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

Establish a financial plan and biennial budget for the Water System and ~~the Wastewater System, to include:~~

- Financial Planning**
- Prepare financial forecasts for a minimum of five years using reasonable assumptions and historical data to anticipate changes in revenues and expenses to plan for long-term financial stability.
 - Develop operating, capital, and debt service expenditure budgets including staffing, to meet the spending requirement during the biennial budget period.
 - Establish a budget which is based on fair and reasonable water and wastewater rates that promotes long-term financial stability.
-

- Financial Monitoring**
- Monitor the budget [and establish controls on spending](#) to ensure ~~that~~ the total amount expended and committed does not exceed the total ~~approved~~ budget [authorized for available during](#) the fiscal year. ~~Take corrective action before budget overages occur.~~
 - Provide periodic status reports on ~~expenditures,~~ revenues, [and on operating, capital, and debt expenses and investments.](#)
-

Transfers

The General Manager is authorized to transfer funds between the Capital Budget and Operating Budget within each of the Water and Wastewater systems' budgets as required, but not to exceed a variance of five percent from the originally budgeted sum, and provided that the total budget for each of the two systems remains unchanged. Budget transfers between the Water and Wastewater systems are prohibited.

Authority

Resolution No. 27058, August 27, 1974
 As amended by Resolution No. 32874-94, August 9, 1994
 As amended by Resolution No. 33177-99, November 23, 1999
 As amended by Resolution No. 33577-07, January 9, 2007
 As amended by Resolution No. 33710-09, April 28, 2009
 As amended by Resolution No. 35099-18, June 26, 2018
 As amended by Resolution No. 35203-20, September 22, 2020
 As amended by Resolution No. 35315-22, September 27, 2022
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

- Public Utilities Code, section 11891.5 [budgeting legal authority]
- Annual Budget Resolution
- Policy 4.02 Cash Reserves
- Policy 4.13 Establishing Water and Wastewater Rates
- Policy 4.27 Debt Management
- Policy 7.03 Emergency Preparedness/Business Continuity
- Procedure 417 Financial Planning and Budgetary Control



Policy 4.04

EFFECTIVE 24 SEP 24

SUPERSEDES 27 SEP 22

FINANCIAL PLANNING AND BUDGETARY CONTROL

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

Establish a financial plan and biennial budget for the Water System and Wastewater System.

- Financial Planning**
- Prepare financial forecasts for a minimum of five years using reasonable assumptions and historical data to anticipate changes in revenues and expenses to plan for long-term financial stability.
 - Develop operating, capital, and debt service expenditure budgets including staffing, to meet the spending requirement during the biennial budget period.
 - Establish a budget which is based on fair and reasonable water and wastewater rates that promotes long-term financial stability.

- Financial Monitoring**
- Monitor the budget and establish controls on spending to ensure the total amount expended and committed does not exceed the total budget authorized for the fiscal year.
 - Provide periodic status reports on revenues and on operating, capital, and debt expenses.

Transfers

The General Manager is authorized to transfer funds between the Capital Budget and Operating Budget within each of the Water and Wastewater systems' budgets as required, but not to exceed a variance of five percent from the originally budgeted sum, and provided that the total budget for each of the two systems remains unchanged. Budget transfers between the Water and Wastewater systems are prohibited.

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Resolution No. 27058, August 27, 1974
 As amended by Resolution No. 32874-94, August 9, 1994
 As amended by Resolution No. 33177-99, November 23, 1999
 As amended by Resolution No. 33577-07, January 9, 2007
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 As amended by Resolution No. 35099-18, June 26, 2018
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 As amended by Resolution No. 35315-22, September 27, 2022
 As amended by Resolution No. XXXXX-24, September 24, 2024

- References**
- Public Utilities Code, section 11891.5 [budgeting legal authority]
 - Annual Budget Resolution
 - Policy 4.02 Cash Reserves
 - Policy 4.13 Establishing Water and Wastewater Rates
 - Policy 4.27 Debt Management
 - Policy 7.03 Emergency Preparedness/Business Continuity
 - Procedure 417 Financial Planning and Budgetary Control



Policy 6.08R

EFFECTIVE [24 SEP 24](#)
~~24 JAN 23~~
SUPERSEDES [24 JAN 23](#)
~~27 APR 21~~

CONTRACT EQUITY PROGRAM

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

Create and maintain mutually beneficial business relationships with diverse, small, and/or local business enterprises for the District's contracting and procurement opportunities.

~~Prevent, discourage, and reduce discrimination in the marketplace or grant preferences based on race, sex, ethnicity and/or other protected categories as prohibited by Article 1, Section 31, of the California Constitution. Additionally, the District will encourage fairness and equity of equal opportunities among individuals and groups of all sexes, and raciales, and ethnicity groupsprotected categoriesethnicitiesyethnicity groups by establishing contract participation objectives based on the availability, in its geographic market areas, of businesses by race, sex, and ethnicity and/or other protected categories that are willing and able to do business with the District. The contracting objectives will be reviewed regularly and the progress towards the toward achievement of the objectives will be reported to the Board of Directors in order toto monitor achievement of equitable equity parity in contract participation.~~

Contract Equity Program

The primary goal of the Contact Equity Program is to provide equal opportunities to qualified diverse contractors, vendors, and suppliers that satisfy the District's contracting and procurement needs and standards. For businesses within the District's geographic market area that are willing and able to do business with the District, the program establishes contract participation objectives, categorized by business ownership, as available. The contracting objectives will be reviewed regularly and the progress towards the objectives will be reported to the Board of Directors to monitor achievement of equity in contract participation. The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities.

The District does not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, ethnicity, or national origin in the implementation of the Contract Equity Program as prohibited by Article 1, Section 31, of the California Constitution.

~~The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities. The Contract Equity Program has been established to implement these objectives and includes activities designed to promotespromote and facilitatofacilitatesofacilitate equal opportunities for small, local, minority, LGBTQIA+, disabled veteran, and women-owned business enterprises whoenterprises who want to do business with the District. The Contract Equity Program also promotes equal opportunities for small businesses including disabled veteran businesses and local businesses.~~

Departmental Monitoring System

The Contract Equity Program administers a~~A~~ departmental monitoring system of District contracts and expenditures to encourage balanced contract awards among all availability groups represented in the District's geographic market area ~~has been established.~~

Authority

Resolution No. 31008, August 28, 1984
As amended by Motion 88-144, November 22, 1988
As amended by Resolution No. 33104-98, June 9, 1998
Reaffirmed: Motion No. 176-06, October 10, 2006
As amended by Resolution No. 34029-15, April 28, 2015
As amended by Resolution No. 35099-18, June 26, 2018
As amended by Resolution No. 35221-21, April 27, 2021
As amended by Resolution No. 35335-23, January 24, 2023
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

[Policy 4.12 – Purchasing and Material Management](#)
Policy 6.04 – Ethics of the EBMUD Board of Directors
Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity
[Procedure 447 – Vendor Interactions and Procurement Integrity](#)
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.08

EFFECTIVE 24 SEP 24

SUPERSEDES 24 JAN 23

CONTRACT EQUITY PROGRAM

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

Create and maintain mutually beneficial business relationships with diverse, small, and/or local business enterprises for the District's contracting and procurement opportunities.

Contract Equity Program

The primary goal of the Contact Equity Program is to provide equal opportunities to qualified diverse contractors, vendors, and suppliers that satisfy the District's contracting and procurement needs and standards. For businesses within the District's geographic market area that are willing and able to do business with the District, the program establishes contract participation objectives, categorized by business ownership, as available. The contracting objectives will be reviewed regularly and the progress towards the objectives will be reported to the Board of Directors to monitor achievement of equity in contract participation. The program also seeks to support the development of emerging businesses from historically disadvantaged communities to effectively participate in the District's contracting and supplier opportunities.

The District does not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, ethnicity, or national origin in the implementation of the Contract Equity Program as prohibited by Article 1, Section 31, of the California Constitution.

Departmental Monitoring System

The Contract Equity Program administers a departmental monitoring system of District contracts and expenditures to encourage balanced contract awards among all availability groups represented in the District's geographic market area.

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Resolution No. 31008, August 28, 1984
As amended by Motion 88-144, November 22, 1988
As amended by Resolution No. 33104-98, June 9, 1998
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Policy 6.09 – Contractors' Compliance with Equal Employment Opportunity
Procedure 447 – Vendor Interactions and Procurement Integrity
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.09R

EFFECTIVE [24 SEP 24](#)
~~24 JAN 23~~

SUPERSEDES [24 JAN 23](#)
~~26 JUN 18~~

CONTRACTORS' COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY

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

Ensure that all contractors [and subcontractors](#) that do business with the District take lawful and adequate steps to ~~assure~~ [ensure](#) that employment practices comply with Equal Employment Opportunity (EEO) laws.

Definition

A contractor is defined as any individual, partnership, joint venture, corporation, not-for-profit agency, or government entity with which the District enters into a contractual agreement. ~~A~~ [For example, a](#) contractor may be a construction contractor, a consultant, a supplier, a trucker, a service provider, or similar entity.

Equal Employment Opportunity

All contractors [and subcontractors](#) doing business with the District ~~shall~~ agree not to discriminate against any employee, ~~or~~ applicant, ~~or subcontractor~~ for employment ~~because on the basis~~ of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (including cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, [reproductive health decision making](#), or military and veteran status, [which includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics](#) as these are defined in Government Code Section 12926; or because of any other status protected by federal, state and/or local laws, including, but not limited to family, medical, or pregnancy disability leave status. Contractors shall not establish or permit any such practice(s) of discrimination with reference to the contract.

There shall be no discrimination against any person, or groups of persons, per Government Code Section 12940, California Labor Code Section 1735, or any other applicable law or regulation in the performance of the contract.

Contractors shall include the nondiscrimination and compliance provisions of this clause in all subcontracts.

Monitoring Contractor Compliance

Contractors shall furnish all information and reports required by the District to ensure their compliance with this policy. Notification of this policy will be included in Contract Specifications, Request for Statement of Qualifications, Request for Quotation, and Request for Proposal; and will serve as official notice in determining responsiveness and compliance. Contractors who fail to comply with this policy may be denied contracts with the District or have their contracts terminated.

Contractors' Compliance with Equal Employment Opportunity

NUMBER 6.09

PAGE NO.: 2

EFFECTIVE DATE: [24 SEP 24](#)
~~[24 JAN 23](#)~~

Authority

Motion No. 88-024, March 8, 1988
Amended by Motion No. 92-058, April 28, 1992
Amended by Resolution No. 33259-01, July 24, 2001
Amended by Resolution No. 33497-05, October 11, 2005
Reaffirmed by Resolution Motion No. 176-06, October 10, 2006
Amended by Resolution No. 34029-15, April 28, 2015
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References

Policy 6.08 – Contract Equity Program
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



Policy 6.09

EFFECTIVE 24 SEP 24

SUPERSEDES 24 JAN 23

CONTRACTORS' COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY

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

Ensure that all contractors and subcontractors that do business with the District take lawful and adequate steps to ensure that employment practices comply with Equal Employment Opportunity (EEO) laws.

Definition A contractor is defined as any individual, partnership, joint venture, corporation, not-for-profit agency, or government entity with which the District enters into a contractual agreement. For example, a contractor may be a construction contractor, a consultant, a supplier, a trucker, a service provider, or similar entity.

Equal Employment Opportunity All contractors and subcontractors doing business with the District agree not to discriminate against any employee, applicant, or subcontractor for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (including cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, reproductive health decision making, or military and veteran status, which includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics as these are defined in Government Code Section 12926; or because of any other status protected by federal, state and/or local laws, including, but not limited to family, medical, or pregnancy disability leave status. Contractors shall not establish or permit any such practice(s) of discrimination with reference to the contract.

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Contractors' Compliance with Equal Employment Opportunity

NUMBER 6.09

PAGE NO.: 2

EFFECTIVE DATE: 24 SEP 24

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References

Policy 6.08 – Contract Equity Program
Procedure 615 – Contract Equity, Small Business Bid Discount, and Contractors' Compliance with Equal Employment Opportunity



EFFECTIVE [24 SEP 24](#)
~~[25 JUN 24](#)~~
SUPERSEDES [25 JUN 24](#)
~~[27 JUN 23](#)~~

EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

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

The EOP and BCPP shall include provisions to:

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

Emergency	An emergency includes actual or threatened existence of conditions of disaster or extreme peril to critical District operations, its infrastructure, and/or the health and safety of staff and/or the public. An emergency may be caused by an earthquake, power outage, cyber security breach, pandemic, dam failure, freeze, water supply contamination, national security incident, storm event, and other conditions that may be beyond the capability of District forces and may require support from other government agencies, non-profit organizations, or the private sector.
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Emergency Preparedness Program	The District's Emergency Preparedness Program will include an EOP written and administered in accordance with the guidelines of the National Response Framework (NRF), the National Incident Management System (NIMS), and the California Standardized Emergency Management System (SEMS). In accordance with NIMS and SEMS, the Emergency Preparedness Program will consist of five areas of readiness: prevention, protection, mitigation, response, and recovery. The EOP will describe the District's emergency response organization based on NIMS; include guidelines for identifying and training District staff in NIMS; designate District staff to critical positions identified in the EOP, and designate staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs. The Regulatory Compliance Office will facilitate progress on the Emergency Preparedness Program.
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Authorization of Contracts During District Emergency Response and Reporting of Emergency Contracts	When an emergency condition arises that necessitates immediate action to minimize damage and inconvenience resulting from such condition, the General Manager or his or her designee, in consultation with the President of the Board of Directors (Board) or their designee, may declare a District emergency. The Board may also declare a District emergency under the Municipal Utility District Act (Public Utilities Code) Section 12753. The General Manager or his or her designee is authorized, after a District-declared emergency, to enter into emergency contracts not to exceed \$500,000, per contract, without bids or notice during the emergency response period. For emergency contracts higher than \$500,000, Board approval is required. The Board shall meet to ratify the declaration of emergency by the General Manager as
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soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

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

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

**Emergency
Operations
Director**

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

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

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

**Mutual Aid/
Assistance**

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

**Business
Continuity
Program
Plan**

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

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

**Continuity of
Management**

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

Status Reports

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

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). [Standby Officer No. 1 must reside within each respective Board member's ward. Standby Officer No. 2 must reside outside of the member's ward and may reside outside the District's service area. A Board member may choose, and the Board has the option to appoint, a third Standby Officer \(Standby Officer No. 3\). That Standby Officer could reside inside or outside the same ward as the Board member, or outside the District's service area.](#)

The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will [endeavor to](#) fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
As amended by Resolution No. 33904-12, November 27, 2012
As amended by Resolution No. 33941-13, September 24, 2013
As amended by Resolution No. 34052-15, September 22, 2015
As amended by Resolution No. 34094-16, July 26, 2016
As amended by Resolution No. 35037-17, May 23, 2017
As amended by Resolution No. 35098-18, June 26, 2018
As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. 35168-20, March 24, 2020
As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. 35409-24, June 25, 2024
[As amended by Resolution No. XXXXX-24, September 24, 2024](#)

References

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



Policy 7.03

EFFECTIVE 24 SEP 24

SUPERSEDES 25 JUN 24

EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

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

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

The EOP and BCPP shall include provisions to:

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

Emergency

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

Emergency Preparedness Program

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

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

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

soon as possible after the declaration, but no later than the next regularly scheduled Board meeting.

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

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

**Emergency
Operations
Director**

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

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

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

**Mutual Aid/
Assistance**

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

**Business
Continuity
Program
Plan**

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

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

**Continuity of
Management**

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

Status Reports

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

**Board of Directors
Succession Plan**

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their place in the event of the Board Member's unavailability in an emergency, as defined by the California Emergency Services Act (CESA). Standby Officer No. 1 must reside within each respective Board member's ward. Standby Officer No. 2 must reside outside of the member's ward and may reside outside the District's service area. A Board member may choose, and the Board has the option to appoint, a third Standby Officer (Standby Officer No. 3). That Standby Officer could reside inside or outside the same ward as the Board member, or outside the District's service area.

The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will endeavor to fill vacancies in accordance with the Municipal Utility District Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, District business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's BCP.

Authority

Resolution No. 33014-96, November 12, 1996
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33460-05, February 8, 2005
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 33793-10, November 23, 2010
As amended by Resolution No. 33904-12, November 27, 2012
As amended by Resolution No. 33941-13, September 24, 2013
As amended by Resolution No. 34052-15, September 22, 2015
As amended by Resolution No. 34094-16, July 26, 2016
As amended by Resolution No. 35037-17, May 23, 2017
As amended by Resolution No. 35098-18, June 26, 2018

As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. 35168-20, March 24, 2020
As amended by Resolution No. 35355-23, June 27, 2023
As amended by Resolution No. 35409-24, June 25, 2024
As amended by Resolution No. XXXXX-24, September 24, 2024

References

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

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 24, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative Report No. 07-24

The following issue is being referred to the Board of Directors for action, as appropriate, on September 24, 2024.

RECOMMENDED ACTION

Approve a support position on ballot measure Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative).

BALLOT MEASURE

RECOMMENDED POSITION

PROPOSITION 4 AUTHORIZES BONDS FOR SAFE DRINKING WATER, WILDFIRE PREVENTION, AND PROTECTING COMMUNITIES AND NATURAL LANDS FROM CLIMATE RISKS (LEGISLATIVE INITIATIVE)

SUPPORT

On July 3, 2024, Senate President Pro Tempore Mike McGuire, serving as Acting Governor, signed into law SB 867 (Allen), known as the Safe Drinking Water Act, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024. SB 867 will appear on the November 5, 2024 general election ballot as Proposition 4.

At the August 13, 2024, Board of Directors meeting, staff was asked to bring Proposition 4 to the Board for consideration.

Summary

Proposition 4 is a \$10 billion general obligation bond that, if approved by voters, would fund various natural resources and climate activities. According to the Legislative Analyst's Office

(LAO), “much of the bond money would be used for loans and grants to local governments, Native American tribes, not-for-profit organizations, and businesses. Some bond money would be available for state agencies to spend on state-run activities.”

Proposition 4 would provide funding in eight broad funding chapters. The attached table provides information on the proposition’s funding chapters. Summaries of the funding chapters, goals, and main activities to be funded as reported by the LAO are below.

- Safe Drinking Water, Drought, Flood, and Water Resilience (\$3.8 billion) – This chapter would increase the amount and quality of water available for people to use and reduce the risk of flooding. About \$1.9 billion of funding would be for activities to increase the amount and quality of water available for people, including storing water so it can be used during future droughts, as well as cleaning polluted water to make it safe to drink. Approximately \$1.1 billion would be used to help reduce the risk of floods, such as capturing and reusing stormwater and by repairing dams. Remaining funding in this chapter would be available for other activities such as restoring rivers and lakes. EBMUD may be eligible to compete for funding from this chapter.
- Wildfire and Forest Resilience (\$1.5 billion) - This chapter provides \$1.5 billion to support activities to improve forest health and reduce the risk of wildfires. Activities that could be funded include thinning trees in overgrown forests, clearing vegetation, and helping homeowners make properties more resistant to wildfire damage. EBMUD partners including the East Bay Regional Park District and the Upper Mokelumne River Watershed Authority may be eligible to compete for funding from this chapter which would reduce the risk of wildfires in and around EBMUD’s service territory and watershed lands.
- Coastal Resilience (\$1.2 billion) – This chapter provides \$890 million in funding for activities to restore coastal areas and protect them from the sea level rise impacts, including restoring wetlands. The chapter also provides \$310 million of funding to improve ocean habitats and protect fish and other marine wildlife. Whether EBMUD would be eligible to compete for this chapter’s funding is uncertain at this time. Future appropriation legislation and program guidelines will likely establish guidance on eligibility.
- Extreme Heat Mitigation (\$450 million) – Much of the funding of this chapter (\$200 million) would pay for activities to protect communities from extreme heat, such as adding trees and greenspaces and to support places for people to go during heatwaves or disasters. \$150 million would be for grants for local communities to conduct activities that provide environmental benefits, such as reducing air pollution. It is unlikely that EBMUD would be eligible to compete for funding from this chapter.
- Protect Biodiversity and Accelerating Nature-Based Climate Solutions (\$1.2 billion) – This chapter provides \$1.2 billion to protect and restore land for the benefit of fish and

wildlife, such as purchasing land to be set aside so it is not developed. Whether EBMUD would be eligible to compete for this chapter's funding is uncertain at this time. Future appropriation legislation and program guidelines will likely establish guidance on eligibility.

- Climate Smart, Sustainable, and Resilient Farms, Ranches, and Working Lands (\$300 million) – This chapter would provide \$105 million for soil health, air pollution reduction, and water efficiency activities and programs, as well as to support community gardens and farmers' markets. The remaining funding would support a variety of activities such as purchasing vans to transport farmworkers and conserving farmland. Due to this chapter's focus on agriculture, EBMUD is unlikely to be eligible to compete for funding from this chapter.
- Park Creation and Outdoor Access (\$700 million) – This chapter would provide funding for the creation, expansion, and renovation of neighborhood parks in park poor neighborhoods; creation of outdoor recreation opportunities; state and public park recreation and public access to nonmotorized trails; and to repair state parks and provide nature education. Whether EBMUD would be eligible to compete for this chapter's funding is uncertain. Future appropriation legislation and program guidelines will likely establish guidance on eligibility.
- Clean Air (\$850 million) – This chapter would provide funding to support the development of wind turbines off the California coast, building infrastructure such as clean energy transmission lines projects, and projects for energy storage. Due to this chapter's focus on wind energy, EBMUD is unlikely to be eligible to compete for funding from this chapter.

Proposition 4 requires that at least 40 percent of the bond money be used for activities that directly benefit communities that have lower incomes or are more vulnerable to the impacts of climate change. Proposition 4 also requires regular public reporting of how the bond money is spent.

Fiscal Effects

According to the LAO, Proposition 4 would result in increased state costs of about \$400 million annually for 40 years to repay the bond. Local costs for natural resources and climate activities would likely be reduced though "the amount of these savings is uncertain but could average tens of millions of dollars annually over the next few decades." In addition, the LAO states that "to the extent the bond funds result in completing activities that reduce the risk or amount of damage from disasters, it could reduce state and local costs for responding to and recovering from those events."

Support and Opposition Arguments

Support and opposition arguments for Proposition 4 were taken from the Official Voter Information Guide for the November 5, 2024, General Election on the California Secretary of State's website.

Supporters of Proposition 4 state that:

- The proposition makes urgent, commonsense investments to protect our communities, health, economy and natural resources by cleaning up and protecting water supplies, preventing devastating wildfires, and protecting forests, beaches, fresh water sources, and wildlife habitat.
- California faces increasing threats from wildfires, water pollution, and extreme heat. Investments today can prevent future costs and damage from a changing climate and more frequent natural disasters.
- The proposition will clean up and protect drinking water supplies in all regions of California – remove toxic pollutants from drinking water, address infrastructure risks like weakened dams and levees, and increasing supplies.
- Nearly 1 million Californians lack access to safe and reliable drinking water and Proposition 4 helps ensure we all have safe water to drink.
- Recent wildfires have burned 2 million acres in California, released toxic smoke into the air, and polluted drinking water. Fire damage and smoke have harmed quality of life and health. Proposition 4 invests in projects to prevent wildfires, reduce their intensity when they do occur, and improve disaster response.
- Protecting natural areas and wildlife is urgent, as wildlife habitat, farm and ranchland are lost, and even beaches wash away. Proposition 4 protects these natural areas from wildfire, pollution, and other threats from a changing climate.
- Proposition 4 protects the health of vulnerable seniors and children by removing pollution from the air and toxins from our water.
- California is already paying for failing to adequately prepare for drought and changing climate and Proposition 4 helps shift from disaster response to prevention.
- Proposition 4 contains strict fiscal accountability and transparency including annual independent audits and full public disclosure of all future funding.

Opponents of Proposition 4 state that:

- Proposition 4 is too much debt with too little benefit.
- Proposition 4 would add \$10 billion of debt to the taxpayers plus an estimated \$9.3 billion in interest.
- At the beginning of 2024 California had over \$78 billion of bond debt. Proposition 1 in March added another \$6.38 billion, and Proposition 4 would “add an additional \$10 billion for ambiguous climate programs.”

- Taxpayers foot the bill, with tax dollars being diverted from essential services to cover interest payments and principal repayment of the bond.
- Bonds are borrowed money that, plus interest, must be paid back no matter what else the state must cut to do it. Governor Newsom already declared a budget emergency because the state spends more than it takes in. “How many programs will have to be cut in the future to pay for Proposition 4?”
- If these climate projects had been prioritized when California had a nearly \$100 billion surplus the entire cost of the bond could have been covered.
- Bonds should be reserved for essential projects that will build infrastructure lasting beyond the 30-year payoff period but many elements of Proposition 4 fail to meet that standard.
- Proposition 4 is full of money being funneled to unproven technologies that may sound promising but have no concrete evidence of success. Committing funds to speculative projects overlooks long-term water storage and critical wildfire fuel management programs in favor of short-term, unproven projects.
- Proposition 4 is a reckless increase in state debt with questionable benefits. Government should prioritize essential services and ensure that borrowing is reserved for projects that provide lasting, tangible benefits. Vital programs should be funded in the budget, not through costly borrowing.

Known supporters and opponents listed in the Official Voter Information Guide are as follows:

Support

Clean Water Action

CALFIRE Firefighters

National Wildlife Federation

The Nature Conservancy

Opposition

Howard Jarvis Taxpayers Association

Additional support information can be obtained from the official support campaign website – <https://yesonprop4ca.com/> and while there does not appear to an official opposition campaign website additional opposition information can be obtained from the Howard Jarvis Taxpayers Association website at <https://www.hjta.org/hjta-ballot-measure-recommendations/> .

CCC:KCV:JW

Attachment: Funding Provisions of Proposition 4 Table

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**Funding Provisions of Proposition 4 – Safe Drinking Water, Wildfire Prevention,
Drought Preparedness, and Clean Air Bond Act of 2024**

Attachment

<u>Chapter</u>	<u>Amount</u>	<u>Provisions</u>
2 – Safe Drinking Water, Drought, Flood, and Water Resilience	\$3,800,000,000	\$1.885B – Protect and increase water supply and water quality \$610M – SWRCB; grants and loans to improve water quality or help provide clean, safe, and reliable drinking water \$386.25M – DWR; groundwater storage, groundwater banking, groundwater recharge, or instream flow projects to support conjunctive use \$200M – Groundwater sustainability \$386.2M – SWRCB; water recycling grants and projects \$75M – Water Storage Investment Program \$62.5M – Desalination projects \$15M – Data Management \$75M – Regional conveyance projects or repairs \$75M – Water conservation \$1.140B – Reduce flood risk and improve stormwater management \$550M – Flood management projects \$480M – Dam Safety and Climate Resilience Local Assistance Program \$110M – Multiple-benefit urban stormwater management projects \$605M – Protect and restore rivers, lakes, streams, and to improve watershed resilience \$100M – Integrated regional water management to improve climate resilience \$335M – Protecting and restoring rivers, wetlands, streams, lakes and watersheds, and improve fish and wildlife resilience \$170M – Salton Sea \$150M – Streamflow enhancement program \$50M – Habitat Enhancement and Restoration Program \$20M – Nature and climate education and research
3 – Wildfire and Forest Resilience	\$1,500,000,000	\$135M – Wildfire mitigation grant program \$1.205B – Local fire prevention, improving forest health and resilience, reducing risk of wildfire spreading \$185M – Regional Forest and Fire Capacity Program \$170M – Regional projects including landscape-scale projects \$175M – CalFire’s Forest Health Program \$185M – CalFire’s local fire prevention grants \$25M – CalFire training center

**Funding Provisions of Proposition 4 – Safe Drinking Water, Wildfire Prevention,
Drought Preparedness, and Clean Air Bond Act of 2024**

Attachment

<u>Chapter</u>	<u>Amount</u>	<u>Provisions</u>
		\$50M – Grants for fuel reduction, structure hardening, defensible space, reforestation, or acquisitions to improve forest health and fire resilience \$33.5M – Sierra Nevada Conservancy \$25M – California Tahoe Conservancy \$33.5M – Santa Monica Mountains Conservancy \$33.5M – State Coastal Conservancy \$33.5M – San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy \$25.5M – San Diego Rivers Conservancy \$15M – Wildfire Conservancy \$15M – California Fire Foundation \$50M – Forest and vegetative waste removal project infrastructure \$25M – CalFire fire detection technology \$35M – Reduce wildfire risk related to electricity transmission \$50M – California Conservation Corps or non-profits for demonstrated jobs projects
4 – Coastal Resilience	\$1,200,000,000	\$415M – Coastal resilience projects and programs \$85M – San Francisco Bay Restoration Authority \$350M – State Coastal Conservancy for coastal and combined flood management \$135M – California Ocean Protection Trust Fund \$75M – Sea level Rise Mitigation and Adaption Act of 2021 implementation \$50M – Department of Parks and Recreation sea level rise adaptation \$75M – Island ecosystems, climate-ready fisheries management, and kelp ecosystems \$75M – Removal of outdated or obsolete dams \$25M – Fish hatchery upgrades and expansions
5– Extreme Heat Mitigation	\$450,000,000	\$50M – Office of Planning and Research’s Extreme Heat and Community Resilience Program \$150M – Strategic Growth Council’s Transformative Climate Communities Program \$100M – Urban greening \$50M – Urban forests \$60M – Community resilience centers \$40M – Fairgrounds modifications or upgrades to serve or improve capability to serve as community disaster staging or evacuation centers

**Funding Provisions of Proposition 4 – Safe Drinking Water, Wildfire Prevention,
Drought Preparedness, and Clean Air Bond Act of 2024**

Attachment

<u>Chapter</u>	<u>Amount</u>	<u>Provisions</u>
6 – Protect Biodiversity and Accelerating Nature-Based Climate Solutions	\$1,200,000,000	\$870M – Wildlife Conservation Board; protect and enhance fish and wildlife resources and habitat and achieve state’s biodiversity, public access, and conservation goals \$180M Habitat connectivity and wildlife crossings \$22M Ballona Creek Watershed health and resilience \$320M – Reduce risks of climate impacts \$48M – Baldwin Hills Conservancy \$29M – Tahoe Conservancy 11M – Coachella Valley Mountains Conservancy \$29M – Delta Conservancy \$48M – San Diego River Conservancy \$48M – San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy \$11M – San Joaquin River Conservancy \$48M – Santa Monica Mountains Conservancy \$48M – Sierra Nevada Conservancy \$10M – Tribal Nature-Based Solutions
7 – Climate Smart, Sustainable, and Resilient Farms, Ranches, and Working Lands	\$300,000,000	\$105M – Improving agricultural land climate resilience and ecosystem health \$65M – Soil health \$40M – State Water Efficiency and Enhancement Program \$20M – Invasive species projects and activities \$15M – Department of Conservation; projects for protection, restoration, conservation, and enhancement of farmland and rangeland \$90M – Grants for small and medium sized farms, socially disadvantaged farmers, beginning farmers or ranchers, and veteran farmers or ranchers \$20M – Mobile farmers markets \$20M – Certified farmers markets infrastructure \$20M – Urban agriculture \$15M – Regional farm sharing equipment \$15M – Advancing tribal food sovereignty \$30M – Improving land access for socially disadvantaged farmers or ranchers, tribal producers, and beginning farmers and ranchers \$15M – Deployment of vanpool vehicles, clean technologies, and related facilities \$15M – Developing research farms to improve climate resiliency

**Funding Provisions of Proposition 4 – Safe Drinking Water, Wildfire Prevention,
Drought Preparedness, and Clean Air Bond Act of 2024**

Attachment

<u>Chapter</u>	<u>Amount</u>	<u>Provisions</u>
		\$10M – Low-income farmworker household energy efficiency upgrades
8 – Park Creation and Outdoor Access	\$700,000,000	\$200M – Creation, expansion, and renovation of safe neighborhood parks in park poor neighborhoods \$200M – Reduction of climate impacts on disadvantaged communities and vulnerable populations; creation of outdoor recreation opportunities \$100M – Expanding state park and public park recreational opportunities and public access to nonmotorized trails \$175M – Department of Parks and Recreation; deferred maintenance backlog \$25M – Grants for museums, zoos, and aquariums
9 – Clean Air	\$850,000,000	\$325M – Public financing clean energy transmission projects \$50M – Long-Duration Storage Energy Program \$475M – Support development of offshore wind generation
TOTAL	\$10,000,000,000	

Title:	Resolution Supporting Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative)	Meeting Date:	September 24, 2024
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SUSTAINABILITY

Economic

The Legislative Analyst’s Office (LAO) estimates that Proposition 4 would result in increased state costs of about \$400 million annually for 40 years to repay the bond. Local costs for natural resources and climate activities would likely be reduced though “the amount of these savings is uncertain but could average tens of millions of dollars annually over the next few decades.” In addition, the LAO states that “to the extent the bond funds result in completing activities that reduce the risk or amount of damage from disasters, it could reduce state and local costs for responding to and recovering from those events.” EBMUD may be eligible to compete for funding from several funding chapters in Proposition 4.

Environmental

Proposition 4 could provide sources of revenue to assist the District in furthering its mission to “manage the natural resources with which the District is entrusted; to provide reliable, high quality water and wastewater services at fair and reasonable rates for the people of the East Bay; and to preserve and protect the environment for future generations.”

ALTERNATIVE

Do not adopt the resolution. This alternative is not recommended because support for Proposition 4 would provide statewide funding for projects consistent with District objectives “to identify and implement projects and plans that mitigate climate change impacts and reduce greenhouse gas emissions” in District Policy 7.05 – Sustainability and Resilience, as well as District Policy 7.15 – Climate Action.

RESOLUTION NO. _____

RESOLUTION SUPPORTING PROPOSITION 4 - AUTHORIZES BONDS FOR SAFE DRINKING WATER, WILDFIRE PREVENTION, AND PROTECTING COMMUNITIES AND NATURAL LANDS FROM CLIMATE RISKS (LEGISLATIVE INITIATIVE)

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) is a municipal utility district responsible for providing water service to 1.4 million customers in parts of Alameda and Contra Costa Counties, and wastewater treatment service to approximately 740,000 customers in the East Bay; and

WHEREAS, Senate Bill 867 the “Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024,” has been approved by the Legislature and signed by Acting Governor Senate President Pro Tempore Mike McGuire, which will appear as Proposition 4 on the November 5, 2024, general election ballot; and

WHEREAS, the measure would provide for \$10 billion in general obligation bonds to provide funding for a wide variety of safe drinking water, drought, flood, and water resilience; wildfire and forest resilience; coastal resilience; extreme heat mitigation; biodiversity and nature-based climate solutions; climate-smart, sustainable, and resilient farms, ranches, and working lands; park creation and outdoor access; and, clean air/energy programs and projects; and

WHEREAS, California has faced several severe, multi-year droughts in the recent past and faces a growing list of challenges associated with aging infrastructure, climate change, population growth and other factors; and

WHEREAS, California’s water quality, water supply, watersheds, and forests are vital to the social, economic and cultural well-being of California; and

WHEREAS, the District has adopted a Water Supply Management Program that takes an integrated approach to water management while preserving and enhancing the natural environment; and

WHEREAS, the District, with respect to wildfire and forest resilience, undertakes annual fuels reduction and wildfire mitigation efforts in its service area, including collaboration with partners like the East Bay Regional Park District and continues to work through the Upper Mokelumne River Watershed Authority on forest health in the Mokelumne River watershed; and

WHEREAS, Proposition 4 could provide a funding source for District projects as well as other programs and projects that could qualify for funding to indirectly benefit the District, including water quality projects, water recycling projects, water conservation projects, groundwater projects, wildfire and forest resilience projects, and flood management such as Delta levee protection activities; and

WHEREAS, a decision by the District’s Board of Directors to support Proposition 4 is not intended to influence or attempt to influence the action of voters for or against the initiative;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby express support for Proposition 4, also known as the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, which has been placed on the November 5, 2024, general election ballot.

BE IT FURTHER RESOLVED that the Secretary of the District is authorized to provide a copy of this Resolution upon request consistent with the provisions of state law.

ADOPTED this 24th day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

Title:	Resolution Supporting California Clean Air Day	Meeting Date:	September 24, 2024
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This resolution supports the District’s Water Quality and Environmental Protection Strategic Plan goal.

SUSTAINABILITY**Social**

Taking actions to reduce air pollution supports the health and well-being of the District’s customers, visitors, and workforce, and also helps to mitigate the impacts of climate change.

Environmental

Actions resulting from this resolution will help protect the District’s customers, workforce, visitors, and community at large from harmful air pollutants.

ALTERNATIVE

Do not adopt the resolution. This alternative is not recommended because the goals of California Clean Air Day are consistent with the District’s mission and policies 7.05 - Sustainability and Resilience, 7.15 - Climate Action, and 7.07- Energy.

I:\Sec\2024 Board Related Items\092424 Board Agenda Items\OMD – Resolution Supporting California Clean Air Day.docx



RESOLUTION NO. _____

RESOLUTION SUPPORTING DECLARATION OF CALIFORNIA CLEAN AIR DAY

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) is a municipal utility district responsible for supplying drinking water and providing wastewater treatment service to customers in parts of Alameda and Contra Costa Counties; and

WHEREAS, the District’s mission is to “manage the natural resources with which the District is entrusted; to provide reliable, high quality water and wastewater services at fair and reasonable rates for the people of the East Bay; and to preserve and protect the environment for future generations;” and

WHEREAS, the District has demonstrated leadership in environmental stewardship, including adopting Policy 7.05 – Sustainability and Resilience, Policy 7.07 – Energy, and Policy 7.15 – Climate Action; and

WHEREAS, the District updated its Climate Action Plan in early 2024 describing a plan to meet a goal of achieving carbon neutrality by 2030; and

WHEREAS, based on research by the American Lung Association, the Bay Area has some of the worst air quality in the United States; and

WHEREAS, air pollution contributes to higher rates of cancer and heart and lung diseases, and emissions from vehicles, industry, and household sources can significantly affect the natural environment, air quality, and well-being of East Bay residents; and

WHEREAS, the District has participated in the Bay Area Air Quality Management District’s Spare the Air Employer Program for many years, and through this Program educates employees about alternatives to driving alone and provides employees with notifications of Spare the Air Alerts; and

WHEREAS, the District’s Alternative Commute Program was created to decrease motor vehicle travel and traffic congestion and reduce emissions of greenhouse gases and other air pollutants; and

WHEREAS, the District’s implementation of a hybrid work environment during the COVID-19 pandemic and maintenance of a Work from Home program also reduces traffic and improves air quality; and

WHEREAS, this resolution supports the District’s Water Quality and Environmental Protection Strategic Plan goals; and

WHEREAS, the District has also adopted aggressive greenhouse gas reduction goals, purchased more fuel efficient and cleaner air vehicles, adopted renewable fuels, joined industry groups supporting clean transportation, and expanded its renewable energy generation; and

WHEREAS, individual actions such as limiting vehicle idling, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region and also help to mitigate the impacts of climate change; and

WHEREAS, District employees, vendors, and elected officials have tremendous power to help lower emissions; and

WHEREAS, pledges by individuals have shown to result in greater action; and

WHEREAS, the California Clean Air Day Clean Air Pledge asks Californians to pledge to commit to taking at least one action from a list of the most common things an individual can do to clean the air on October 2, 2024; and

WHEREAS, the District has participated in California Clean Air Day for the past three years; and

WHEREAS, education about air quality can raise community awareness, encourage our community to develop better habits, and improve our community health; and

WHEREAS, the District is committed to protecting the health of our customers, workforce, visitors, and community at large;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby declare that October 2, 2024, be “Clean Air Day” in the District.

BE IT FURTHER RESOLVED that District departments shall encourage their employees to take the Clean Air Pledge for California Clean Air Day.

BE IT FURTHER RESOLVED that the District encourages all customers, businesses,

employees, and community members to participate in Clean Air Day and help clear the air for all Californians.

ADOPTED this 24th day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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ITEM 14

GENERAL MANAGER'S
REPORT


WILL BE PROVIDED
AS AN ORAL REPORT


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 19, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Planning Committee Minutes – September 10, 2024

Chair Marguerite Young called to order the Planning Committee meeting at 9:30 a.m. in the Administration Building Boardroom. Director Doug A. Linney was present at roll call. Director April Chan arrived at 10:09 a.m. (excused). Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Operations and Maintenance David A. Briggs, Director of Engineering and Construction Serge V. Terentieff, Director of Water and Natural Resources Michael T. Tognolini, Manager of Regulatory Compliance David M. Woodard, Associate Civil Engineer Jae Y. Park, Environmental Affairs Officer Alice E. Towey, Treasury Manager Robert L. Hannay, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on two documents she provided to the Committee, the Leamy vs. EBMUD case, and language in the 2014 and 2024 staff reports for the Board to consider exercising its authority under Assembly Bill 408 to appoint an unopposed candidate or have an election in a ward.

Presentations/Documentation. 1) Presentation entitled, “Regulatory Compliance Semi-Annual Report: January through June 2024,” dated September 10, 2024; 2) Presentation entitled, “Sobrante Water Treatment Plant Reliability Improvements Project: Update and Notice of Availability of Draft EIR,” dated September 10, 2024; and 3) Presentation entitled, “Upper Mokelumne River Watershed Authority Update,” dated September 10, 2024; 4) Handout titled “Leamy V. E. Bay Mun. Util Dist,” dated December 4, 2023; and 5) Email dated August 27, 2024 from Ivette Rivera to Rischa Cole et. al, titled, CPRA Request: 1. Please provide historical cost of having an incumbent Board Director's name on an election ballot ...”

Regulatory Compliance Semi-Annual Report – January 1, 2024 through June 30, 2024. Manager of Regulatory Compliance David M. Woodard presented the report. He reviewed the cause and status of acute toxicity exceedances at the Orinda Water Treatment Plant (WTP) which began in 2022. The source of the toxicity was identified, the facilities were cleaned, and the San Francisco Regional Water Quality Control Board (SFRWQCB) was briefed. The SFRWQCB agreed on a timeline to submit a final investigation report and corrective actions by the end of October 2024. Mr. Woodard also discussed a joint demand letter from the U.S. Environmental Protection Agency Region IX and the SFRWQCB issued on April 2, 2024 for stipulated penalties for two previously reported incidents related to the wastewater collection system and wet weather facilities. The first penalty of \$25,000 was for a 47,000-gallon sanitary sewer overflow on March 21, 2023, from the Alice Street Overflow Structure. The second penalty of \$3,000 was for a total coliform effluent limit violation at Point Isabel Wet Weather Facility on December 27, 2022. Improvements and process updates have been made to avoid future incidents. In June 2024, approximately 47,000 cubic feet of digester gas released from the Main Wastewater Treatment Plant which resulted in a Notice of Violation from the Bay Area Air Quality

Management District on July 22, 2024. Corrective actions were implemented and further systemic corrections are being evaluated. Mr. Woodard reviewed the District's Lost-Time Injury Rate and current COVID-19 management efforts. Two Cal/OSHA inspections were conducted during the reporting period. In May, an employee was shocked by an underground electrical line hit by a backhoe. On July 2, 2024, Cal/OSHA issued a Notice of No Violation and closed the inspection. A second incident in February involved a personnel hoist system for a deep excavation used by the District's contractor on the Orinda Water Treatment Plant project. Cal/OSHA issued a partial shutdown for 20 working days and lifted the shutdown on March 21, 2024, following the installation and inspection of the personnel hoist. Cal/OSHA issued a Notice of No Violation to the District in July but imposed two citations on the contractor. Staff addressed Committee questions on whether the District would bear the costs from the Cal/OSHA work shutdown and California regulatory requirements for personnel hoist systems. It was moved by Director Linney, seconded by Director Young, and carried (2-0) by voice vote to accept the report. Director Chan was absent (excused).

Sobrante Water Treatment Plant (WTP) Reliability Improvements Project Update and Availability of the Draft Environmental Impact Report (EIR). Associate Civil Engineer Jae Y. Park provided the report on improvements to the Sobrante Water Treatment Plant (WTP), which treats water from San Pablo Reservoir. The project includes upgrades at the Sobrante WTP in El Sobrante and a new transmission pipeline in public roads in Richmond, San Pablo, and unincorporated areas of El Sobrante and Rollingwood. The project will be designed and constructed in two phases with an aim to increase the WTP's capacity from 45 million gallons per day (MGD) to 60 MGD (Phase 1) and 80 MGD (Phase 2). Phase 1 will occur at the Sobrante WTP while Phase 2 will include work at the WTP and the installation of a new transmission pipeline from Sobrante WTP to Road 20. Design is expected to take four years with Phase 1 construction slated from 2030-2034. Phase 2 will be based on future demands. Mr. Park reviewed the project locations, planned facilities, and the central north aqueduct pipeline work during Phase 2, as well as public outreach efforts conducted between July 2021 and August 2023. In response to community feedback, the project design was modified to increase the setback from Amend Road, change the perimeter fence design, adopt a mission revival architectural style for nearby buildings, and add additional landscaping. Most environmental impacts in the Draft Environmental Impact Report (EIR) were deemed less than significant or mitigated to that level. However, one significant and unavoidable impact is related to temporary noise increases during construction. Mr. Park discussed mitigation measures to address these impacts. The Draft EIR will be published on September 12, 2024, with a public review period ending on October 28, 2024. A virtual public meeting is scheduled for October 10, 2024, to gather comments. The Final EIR is scheduled for Board consideration in July 2025 and if certified, Phase 1 design will begin in 2027 with construction starting in 2030. In response to Committee questions, Mr. Park clarified a secondary, taller fence for security would be installed closer to the facilities and that noise impacts will be limited to the construction period. Director Young thanked staff for their work and for being responsive to the community. Staff was asked to conduct community outreach prior to starting Phase 2 construction. It was moved by Director Linney, seconded by Director Young, and carried (3-0) by voice vote to accept the report.

Upper Mokelumne River Watershed Authority (UMRWA) Update. Environmental Affairs Officer Alice E. Towey provided the presentation. EBMUD is a founding member of UMRWA, a Joint Powers Authority which focuses on regional water management and forest health projects. UMRWA's current forest health and resilience project includes a two-phase plan for fuel reduction and restoration in the watershed. Phase 1 covers approximately 26,000 acres of watershed land and Phase 2 covers 225,000

acres. UMRWA is funding this work predominately through via State and federal grants and to date has secured more than \$16 million in funding from the Sierra Nevada Conservancy and California Department of Forestry and Fire Protection (Cal Fire). Due to a lag between completion of work and receipt of grant reimbursement, UMRWA has sought bridge funding to make timely payments to contractors. UMRWA secured \$4 million in bridge funding from Blue Forest, a nonprofit conservation finance organization that uses a Forest Resilience Bond (FRB) to finance forest restoration projects. Blue Forest developed an FRB to support forest health work in the Upper Mokelumne River Watershed and has approached EBMUD and other agencies about participating in the FRB. She explained how FRBs work, highlighted the three proposals developed by Blue Forest for potential EBMUD participation, which staff has evaluated and does not recommend participation at this time. EBMUD is negotiating an Advance and Reimbursement Agreement with UMRWA to provide up to \$3 million in additional interim funding for grant-funded projects. Ms. Towey explained the agreement terms and that interest on advances would be charged at the Local Agency Investment Fund rate. Outside of grants for specific projects, UMRWA's budget for annual operations is funded by its member agencies. EBMUD currently provides 60 percent of UMRWA's annual budget, receiving a credit for "in-kind" contributions. At its October 4, 2024 meeting, the UMRWA Board will consider implementing a new fee of 20 cents per connection per month for each member agency to support forest health work; this new fee could cost EBMUD about \$1 million annually. Staff recommends EBMUD not support the proposed fee. Ms. Towey reviewed staff's recommendations regarding the information presented and there was significant Committee discussion. Staff responded to questions on whether the bridge funding in the Advance and Reimbursement Agreement will cover the work in UMRWA's Phase 2 plan; the complexity of the proposed Blue Forest FRB; total bridge funding needed by UMRWA; UMRWA's ability to repay interim funding; and EBMUD's liability. Committee members discussed the bridge funding, Proposition 218 considerations, and the benefits of forest restoration. Addressing the Committee was Nicholas Wobbrock, co-founder of Blue Forest, who commented on UMRWA, restoration needs in the watershed, working with District staff, and Blue Forest investors and financing options. He expressed appreciation as a ratepayer for the District's work. There was additional discussion by the Committee and staff was asked to evaluate potential Proposition 218 issues with UMRWA's fee proposal; request additional information from UMRWA on their total bridge funding needs; explore options with Blue Forest to support EBMUD and UMRWA needs; explore other investment opportunities to fund forest management work (e.g., mitigation investments, cap and trade); and provide additional information on forest restoration activities including the work involved, its effectiveness, and benefits. It was moved by Director Chan, seconded by Director Linney, and carried (3-0) by voice vote to accept the report with recommendations to not move forward with the proposed \$2-10 million investment in Blue Forest, but continue exploring collaboration options; not support the UMRWA fee proposal at this time, and request additional information on how the fee will be used, scope of work to be completed with the funds, and potential Proposition 218 issues; and confirm how UMRWA will use the Advance and Reimbursement Agreement before presenting it to the EBMUD Board for consideration.

Adjournment. Chair Young adjourned the meeting at 11:11 a.m.

CCC:RSC

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