



**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, October 8, 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. *Saji Pierce, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
2. 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

PRESENTATION:

- United States Environmental Protection Agency WaterSENSE Partner of the Year Award

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 9 recommendations and 2 resolutions.)

1. Approve the Regular Meeting and Special Meeting Minutes of September 24, 2024.
2. File correspondence with the Board.
3. Award a contract beginning on or after October 8, 2024, to Cenveo Worldwide Limited for supplying billing envelopes to the District for one year, with four options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$425,986 under Request for Quotation No. 2502.
4. Award a contract beginning on or after October 8, 2024 to the lowest responsive/responsible bidder, WestAir Gases & Equipment, Inc., for supplying liquid oxygen (LOX) at the District's Main Wastewater Treatment Plant (MWWTP) for two years and one preliminary inspection, with one option to renew the contract for supplying LOX at the MWWTP and to supply additional LOX for top-offs or emergency outages for an additional one-year period, for a total cost, after the addition of taxes, not to exceed \$726,644 under Request for Quotation No. 2501.

CONSENT CALENDAR: (Continued)

5. Authorize actions related to concrete repair services.
 - 5a. Authorize agreements beginning on or after October 8, 2024 with Arrowhead Concrete Construction; Bruce Enterprises; Gary Golobe dba Cornerstone Paving; Pacific General Engineering; Solid Ground Masonry & Concrete Inc.; and Sonnikson and Stordahl Construction for one year in an aggregate amount not to exceed \$2,060,000 for concrete repair services.
 - 5b. Authorize additional agreements for concrete repair services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
6. Authorize actions related to hydro/air-vacuum excavation services.
 - 6a. Authorize agreements beginning on or after October 8, 2024 with Bradley Tanks, Inc.; Diede Construction, Inc. dba Hydro X Services; and Presidio Systems, Inc. for one year in an aggregate amount not to exceed \$1,150,000 for hydro/air-vacuum excavation services.
 - 6b. Authorize additional agreements for hydro/air-vacuum excavation services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
7. Authorize the Office of General Counsel to continue the employment of the law firm of Complex Appellate Litigation Group LLP, for services of special counsel related to providing representation in the appeal in the *Pierce, et al. v. East Bay Municipal Utility District, et al.*, matter.
8. Adopt a resolution authorizing the District to submit two grant applications to the California Department of Water Resources Dam Safety and Climate Resilience Local Assistance Program for the Lafayette Tower Seismic Retrofit Project in an amount up to \$8,000,000 and for the Chabot and Upper San Leandro Spillways Flood Studies Project in an amount up to \$1,250,000 and designate a representative to execute the agreements and any amendments for the projects.

(Resolution)

CONSENT CALENDAR: (Continued)

9. Adopt a resolution authorizing the District to submit an application to U.S. Bureau of Reclamation under the WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2025 program, in the amount of \$500,000 to expand the District’s Commercial Landscape Rebate Program and authorize execution of the grant agreement if the District is awarded the grant.
(Resolution)

DETERMINATION AND DISCUSSION:

10. Legislative Update.
- Final Status of EBMUD Position Bills for the 2023-24 State Legislative Session and Additional Bills of Interest
 - Update on Legislative Issues of Interest to EBMUD
11. Adopt a resolution to recognize and commemorate October 17, 2024, as “Imagine a Day Without Water” and to encourage all employees, customers, and community members to participate in this national day of action.
(Resolution)
12. General Manager’s Report.
- Monthly Report – September 2024

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, October 22, 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, October 8	Planning Committee	9:30 a.m. Boardroom	<ul style="list-style-type: none"> • Water Quality Program Semi-Annual Update – 2024 • Backflow Protection Program Update • Placer County Water Agency-EBMUD Memorandum of Understanding Amendment No. 4 • <i>Cancelled</i> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee		
	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	
Monday, November 11	Veteran’s Day Holiday		<ul style="list-style-type: none"> • <i>Offices Closed</i>
Tuesday, November 12	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	

2024 Board Committee Members

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



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

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

Online*

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

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

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

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

In person

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

Via Zoom

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

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- 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, September 24, 2024

**East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Special Meeting

President Lesa R. McIntosh called to order the Special Meeting of the Board of Directors at 10:29 a.m. in the Administration Building Boardroom. The Board met in workshop session to receive an update on the Recycled Water Strategic Plan Update, staff recommendations for future recycled water projects to meet the District's recycled water goal, and information requested by the Board during the March 26, 2024 Recycled Water Strategic Plan Workshop.

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, Director of Water and Natural Resources Michael T. Tognolini, Manager of Water Supply Improvements Linda H. Hu, Supervisor of Water Recycling Florence T. Wedington, Associate Civil Engineer Reena G. Thomas, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled "Recycled Water Strategic Plan Update Workshop No. 2," dated September 24, 2024.

General Manager Clifford C. Chan introduced the workshop and Manager of Water Supply Improvements Linda H. Hu reviewed the agenda.

Supervisor of Water Recycling Florence T. Wedington reviewed tasks completed since the March 26, 2024 workshop; direct potable reuse regulations approved in 2023 to be effective October 1, 2024; and types of indirect and direct potable reuse. She discussed the status of significant potable reuse projects in California including Orange County's 130 million gallons per day (MGD) groundwater augmentation project, Monterey One's 5 MGD groundwater augmentation project, San Diego's planned 83 MGD reservoir augmentation project, Pure Water Southern California's planned groundwater/raw water augmentation project, and Valley Water's groundwater augmentation project, which includes an 8 MGD demonstration facility operating since 2014. As part of their education program, Valley Water bottled samples of purified water, which staff provided at Board places. She highlighted the timeline of San Diego's purified water project (Pure Water San Diego) which began in 1993 noting construction of their 30 MGD reservoir augmentation project began in 2024. Next, she

reported on completing stakeholder outreach for the strategic plan update and receiving positive feedback from various stakeholders including cities, agencies, customers, and NGOs.

Associate Civil Engineer Reena G. Thomas discussed the criteria used to evaluate non-potable and purified water alternatives which considered environmental and social objectives, complexity and risks, as well as capital costs, operations and maintenance costs, and relative unit costs. She highlighted significant changes to non-potable reuse irrigation projects at the East Bay Shore Recycled Water Project; the San Ramon Valley Recycled Water Project; and satellite projects being developed by Diablo Country Club, Rossmoor, Sequoyah Country Club, and UC Berkeley as well as changes to non-potable reuse industrial projects at the Chevron/RARE site and Phillips 66 refinery. She reviewed evaluation results for non-potable reuse projects and costs to move forward with expanding the East Bayshore Recycled Water Project to Oakland, Alameda and Emeryville; working with Phillips 66; and a phased San Ramon Valley Recycled Water Project. Capital costs for these preferred projects total about \$134 million and would serve 4.8 MGD in demand. Purified water alternatives evaluated included obtaining different supply sources, augmenting reservoirs and groundwater with purified water, and adding purified water to drinking water plants, aqueducts, or the District's distribution system. Potential alternatives for further evaluation include indirect and direct potable reuse projects with Central Contra Costa Sanitary District and indirect and direct potable reuse projects at the District's Main Wastewater Treatment Plant. Capital costs for these projects could range from \$655 million to \$1.2 billion, with production capacities between 18 to 30 MGD.

Manager of Water Supply Improvements Linda H. Hu highlighted changed conditions for the various projects and an update on the forecast of 2040 recycled water demand provided at the March 26 workshop. In March, staff reported preferred projects could support up to 19 MGD in demand; the updated forecast indicates the preferred projects can support demands up to 14.2 MGD or 13 MGD if satellite projects are excluded. Some considerations and challenges for the District's recycled water program include increased customer conservation, declining wastewater flows, and refinery changes. A reduction in the District's recycled water goal to less than 20 MGD would be offset by an increase in conservation, so the combined net reduction in demands remains about the same. Purified water is a future opportunity but has significant challenges including high project capital costs, complex permitting and operations, and the need for extensive public outreach. Ms. Hu noted future analyses still need to be completed. Near-term studies include updating the need for water analysis to 2050 to reflect demand changes, availability of supplies, and climate change; updating the District's water supply management portfolio; comparing recycling to other water supply portfolio elements; and updating the 2025 Urban Water Management Plan (UWMP). Future studies include 5-year UWMP updates as well as a comprehensive update of the Water Supply Management Program in 2032-2033 with an updated need for water and supply options. These updates will depend on the status of the Voluntary Agreements and conditions of the District's Federal Energy Regulatory Commission relicensing. She discussed preliminary water supply option costs and potential yields (dry year unit costs) and presented two options for the Board to consider. The first option would reduce the District's recycled water goal to 13 MGD of non-potable reuse by 2050. Under option two, the District would maintain the 20 MGD goal but extend the date to 2050. Staff recommends noting the District would need to add potable reuse in the long-term to meet the goal. She reiterated that for either option, it would be important for the District to develop messaging and implement outreach and education plans well in advance to support future purified water projects. The Board's feedback will be incorporated into the Recycled Water Strategic Plan Update which is scheduled to be finalized by December 2024. Results and recommendations will be included in the 2025 UWMP.

The Board discussed the staff recommendation; the timeline to bring potable reuse online at the District; the project in San Diego; the estimated time needed to conduct outreach and educate customers on potable reuse and purified water; and the potential to conduct a pilot project before implementing a full potable reuse project. Board members expressed support for the staff recommendation to maintain the 20 MGD recycled water goal and to extend the goal to 2050. The Board also acknowledged that the District would need to add potable reuse to its water supply portfolio in the long-term to meet this goal.

The Board thanked staff for the information and requested the following:

- Enlarged versions and a PDF of the maps on slide 6 and slide 18. For the slide 18 map, include labels and arrows indicating the flow direction of purified water
- Information on how climate change is evaluated in modeling the District’s need for water and consider looking at outside resources (e.g., City of Santa Cruz’s work with the University of Massachusetts Amherst to model its future water supply in the face of climate change)
- Consider other ways to compare every year and dry year only supplemental supply projects
- Ensure sufficient funds are budgeted to conduct public outreach on potable reuse/purified water and include information on why non-potable demand has decreased in the messaging

ADJOURNMENT

President McIntosh adjourned the Special Meeting at 11:33 a.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: October 8, 2024

Lesa R. McIntosh, President of the Board

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MINUTES

**Tuesday, September 24, 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 11:36 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 was Ivette Rivera who commented on documents she provided to the Finance/Administration Committee, her comments to the Committee regarding the draft Board Governance Manual and policies, and the General Manager's and General Counsel's performance appraisals.

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 1:22 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.

Recognizing National Disability Employment Awareness Month and the District's Disability Advocacy and Rights Team Affinity Group.

Director Young announced EBMUD is recognizing National Disability Employment Awareness Month and the District's Disability Advocacy and Rights Team Affinity Group, also known as DART. Founded in 2022 for disabled employees, caretakers of disabled people, and employees interested in learning more about disability, DART supports the District's efforts to promote hiring of qualified individuals with disabilities. Each October, the U.S. Department of Labor recognizes National Disability Employment Awareness Month (NDEAM). Director Young highlighted the activities DART will host throughout October which will reflect the NDEAM 2024 theme "Access to Good Jobs for All." On behalf of the Board of Directors, Director Young thanked DART for all their work at the District supporting individuals with disabilities and encouraged all staff to participate in NDEAM activities. A proclamation will be signed by President McIntosh on behalf of the Board of Directors to recognize and commemorate the 79th anniversary of NDEAM.

PRESENTATION

General Manager Clifford C. Chan announced the District received the National Association of Clean Water Agencies (NACWA) Platinum Peak Performance Award at the July 2024 NACWA Annual Summer Conference. The award recognizes wastewater agencies with 100 percent compliance with their discharge permit over a consecutive five-year period. Platinum Award status continues when 100 percent compliance is maintained beyond the initial award. This award represents the 19th consecutive Platinum Award for the District and celebrates 24 years of perfect permit compliance at the Main Wastewater Treatment Plant. He also reported that as of August 2024, the District achieved 25 years of perfect permit compliance for which staff will request recognition from NACWA. Director Patterson thanked staff for their achievements and presented the award to the following staff representing the Wastewater Department: Ernesto Dimitri Araica, Assistant Civil Engineer; Evan Klein-Corman, Wastewater Plant Operator II; Genesis Castellanos, Laboratory Technician III; Kevin Dickison, Wastewater Treatment Superintendent; Khi Lai, Senior Wastewater Control Inspector; Lauren McQuiston, Laboratory Technician III; Raul Ruiz, Assistant Civil Engineer; Vincent Castleman, Wastewater Plant Operator II; Vladimir Rankovic, Laboratory Technician III; and Zoe Lake, Wastewater Control Representative.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) George Cleveland commented on ongoing employee concerns in the District's Contact Center; thanked the District and Special Assistant to the General Manager Kelly Zito for sponsoring El Sobrante's 1st annual Pride event on September 22; and congratulated Directors McIntosh, Linney, and Patterson on their upcoming retirements; 2) Ivette Rivera commented on documents she provided to the Board, General Manager, and General Counsel and on information from Government Code section 53296 et al. not being referenced in the District's draft Protection of Whistleblowers policy. She read an excerpt from the District's proposed Board Governance Manual.

CONSENT CALENDAR

- Items 4a-4b were pulled from the Consent Calendar for separate discussion.
 - Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Items 1-3 and 5-10 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 176-24** – Approved the Regular Meeting Minutes of August 27, 2024 and September 10, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Proposition 4,” dated September 24, 2024; **2)** Speakers' Bureau and Outreach Record CY24, dated September 24, 2024; **3)** Revised Policy 7.03 – Emergency Preparedness/Business Continuity; **4)** Revised Policy 4.04 – Financial Planning and Budgetary Control; **5)** EBMUD Organization Chart dated January 2024; **6)** Memo dated January 8, 2015 from Delores Turner, Manager of Human Resources to the Board of Directors regarding Employer-Employee Relations Policy (Employer-Employee Relations Policy effective 3/13/73 attached); and **7)** Document titled Disclosure of Information: Local Government 53296-53299.
 3. **Motion No. 177-24** – Awarded 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.
 - 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; and 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.**
 - 4b. – Addressing the Board was Eric Larsen, President, AFSCME Local 444 who commented the language in the staff report that said Local 444 did not raise specific issues related to the agreements was inaccurate. He commented on meetings and communications with management regarding the need to hire staff and purchase equipment to perform this work

with District forces and to reduce contracting out. The Board discussed Mr. Larsen's comments and amending the staff report to reflect that the union did raise specific issues related to the agreements. General Manager Clifford C. Chan commented that while the union did express concerns during meetings with management, the union did not object to contracting out under these agreements. Mr. Larsen confirmed Local 444 did not object to the agreements being considered by the Board but reiterated the union did express concerns about vacancies and allocating resources to reduce contracting out for these services. There was additional Board discussion. Manager of Maintenance and Construction/Water Operations Crystal J. Yezman provided information on available equipment, current vacancy levels, and efforts to reduce costs for contracting for these services. There was additional discussion on amending the staff report to document Local 444 concerns. Secretary of the District Rischa S. Cole stated the meeting minutes will reflect Local 444's position and that future staff reports for fully maintained and operated services will reflect any concerns raised by the unions.

- Motion by Director Patterson, seconded by Director Gómez to approve the recommended actions for Items 4a-4b carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 183-24 Authorized 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; and authorized 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. **Motion No. 178-24** – Authorized 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. **Motion No. 179-24** – Authorized 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. **Motion No. 180-24** – Authorized 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. **Motion No. 181-24** Approved the August 2024 Monthly Investment Transactions Report.
9. **Motion No. 182-24** – Authorized 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.
10. **Resolution No. 35418-24** – 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.
 - General Manager Clifford C. Chan reported additional modifications to Policy 4.04 and Policy 7.03 were reviewed with the Finance/Administration Committee earlier in the day and the Committee unanimously supported the revisions to all four policies. Copies of the modifications to Policy 4.04 and Policy 7.03 had been provided at Board places.
11. **Legislative Update.**

Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 07-24 which discussed Proposition 4. 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, a \$10 billion general obligation bond that, if approved by voters, would fund various natural resources and climate activities. She highlighted the eight main funding categories in Proposition 4 and noted under which categories EBMUD or its partners, including East Bay Regional Park District and the Upper Mokelumne River Watershed Authority may be eligible to compete for funding. Ms. Viatella discussed the proposition’s fiscal effects and support and opposition arguments. Staff is recommending the Board approve a support position on Proposition 4. Next, she provided updates on federal and state legislative activities.

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

Motion No. 184-24 – Received Legislative Report No. 07-24 and approved a position on the following: SUPPORT Proposition 4 – Authorizes Bonds for Safe Drinking Water, Wildfire Prevention, and Protecting Communities and Natural Lands from Climate Risks (Legislative Initiative).

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).**

- Motion by Director Gómez, seconded by Director Chan to approve the recommended actions for Item 12 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35419-24 – Resolution Supporting Proposition 4 - Authorizes Bonds For Safe Drinking Water, Wildfire Prevention, And Protecting Communities And Natural Lands From Climate Risks (Legislative Initiative).

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.**

Environmental Affairs Officer and Co-Chair of the District’s Employee Sustainability Committee Alice E. Towey said the Board is being asked to adopt a resolution to declare October 2, 2024 to be California Clean Air Day at the District. She provided background on California Clean Air Day, the importance of improving air quality for the planet and human health as well as actions that individuals and communities can take to decrease air pollution. If the Board approves the resolution, staff will invite District employees to participate in programs in support of California Clean Air Day.

- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 13 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35420-24 – Resolution Supporting Declaration Of California Clean Air Day.

DETERMINATION AND DISCUSSION

14. **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

15. **Committee Reports.**

- Filed with the Board were the Minutes for the September 10, 2024 Planning Committee.
- President Lesa R. McIntosh reported the Board met earlier for the Recycled Water Strategic Plan Workshop No. 2 where staff provided recommendations for future recycled water projects to meet the District’s recycled water goal and information requested by the Board during the March 26, 2024 Recycled Water Strategic Plan Workshop.

- Director April Chan reported the Dublin San Ramon Services District-EBMUD Recycled Water Authority Board (DERWA) met on September 23, 2024 and approved meeting minutes; Treasurer Reports; Quarterly Investment Reports; a Task Order for ICF Jones & Stokes, Inc. for Public Information Services; and Proclamations for Jan Lee and Richard Sykes.
- Chair Andy Katz reported the Finance/Administration Committee met earlier and received an update on the Monthly Investment Transactions Report; Fiscal Year 2024 Key Performance Indicators Report; Revisions to District Policies; and Draft Board of Directors Governance Policies and Proposed Board Governance Manual. Director Katz recommended Board members review the Committee materials which includes a timeline for them to review and provide feedback on the governance policies and proposed Board Governance Manual. General Manager Clifford C. Chan advised staff will provide copies of the documents for the Board to review and provide feedback by October 8.

16. Other Items for Future Consideration.

None.

17. Director Comments.

- Director Gómez reported attending the 2024 WateReuse California Conference September 15 – September 17, 2024 in Garden Grove.
- Directors Chan, Katz, Linney, Patterson, Young and President McIntosh had no reports.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:16 p.m.

SUBMITTED BY:

Rischa S. Cole Secretary of the District

APPROVED: October 8, 2024

Lesa R. McIntosh, President of the Board

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BOARD ACTION

Agenda Number:	3.	Meeting Date:	October 8, 2024
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TITLE **BILLING ENVELOPES**

ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION Award a contract beginning on or after October 8, 2024, to Cenvo Worldwide Limited for supplying billing envelopes to the District for one year, with four options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$425,986 under Request for Quotation (RFQ) No. 2502.

SUMMARY The contract shall provide billing envelopes for the District’s customer billing and payment mailing process.

DISCUSSION The billing envelopes required under this RFQ are used for the District’s customer billing and payment mailing process, as well as other First-Class mail to customers. The District is not committed to purchase the total amount of material described in this contract, but purchases will be made to meet actual District needs and may exceed the estimated quantities. The estimated quantities are based on historical data and departmental input. One hundred percent of the materials purchased, pursuant to this agreement, will include 30 percent post-consumer recycled content.

This procurement supports the District’s Long -Term Financial Stability and Customer and Community Service Strategic Plan goals.

VENDOR SELECTION An RFQ was posted on the District’s website, sent to five potential bidders, and advertised in the Oakland Tribune. One bid was received. Cenvo Worldwide Limited was the lowest responsive/responsible bidder.

SUSTAINABILITY

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

Social
This contract ensures reliable and timely mail service for our customers.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025	Budget Coding: 11.000.0000.0000000.17750.000000		Approved:
Attachment(s): P-035; P-061			

Title:	Billing Envelopes	Meeting Date:	October 8, 2024
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ALTERNATIVES

Do not award this contract. This alternative is not recommended because these envelopes are critical in the District billing and payment mailing process.

Purchase the material on the open market. This alternative is not recommended because the District will receive better pricing and supply reliability through a contractual agreement.

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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 Agreement - RFQ No. 2502 Billing Envelopes	DATE: September 17, 2024
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CONTRACTOR:	PERCENTAGE OF CONTRACT DOLLARS				
Cenveo Worldwide Limited City of Industry, CA	Sole Bidder	Availability Group	Contracting Objectives	Participation	
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	100.0%
	Ethnicity	Gender	White Women	2%	0.0%
\$425,986 *	White	Men	Ethnic Minorities	25%	0.0%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Cenveo Worldwide Limited	\$425,986	White	X		100.0%						
SUBS: None											
TOTAL		\$425,986			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:	15	7	163	185
Percent of Total Employees:	8.1%	3.8%	88.1%	
MSA Labor Market %:	20.2%	16.4%	63.5%	
MSA Labor Market Location:	Los Angeles			

COMMENTS

Contract Equity Participation: 100% White Men participation.

Contract Duration: One year, with four options to renew for additional one-year periods.

*Total not to exceed: \$425,986

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

Title:	Liquid Oxygen Supply and Inspection for Main Wastewater Treatment Plant	Meeting Date:	October 8, 2024
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Environmental

The use of LOX in the wastewater treatment process will reduce pollutant discharges into San Francisco Bay. LOX is also considered critical in the biological nutrient removal study that is currently being performed, to meet the requirements of the Regional Water Quality Control Board’s San Francisco Bay Nutrients Watershed Permit, which requires the reduction of nutrients discharged to the San Francisco Bay.

ALTERNATIVES

Purchase LOX on the open market. This alternative is not recommended because the District participated in a fair and competitive bidding process. The process ensures consistent material availability and volume pricing as well as continuous maintenance and repair. The bid received meets all specifications and is reasonable for the equipment being purchased.

Do not operate the oxygen production plant. This alternative is not recommended because the wastewater secondary treatment process heavily relies on LOX to maintain the bacteria used for breaking down organic waste and removing nutrients.

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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 Agreement - RFQ No. 2501 Liquid Oxygen Supply and Inspection for Main Wastewater Treatment Plant	DATE: September 9, 2024
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CONTRACTOR:	PERCENTAGE OF CONTRACT DOLLARS				
WestAir Gases & Equipment, Inc. San Diego, CA	Sole Bidder	Availability Group	Contracting Objectives	Participation	
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	100.0%
	Ethnicity	Gender	White Women	2%	0.0%
\$726,644 *	White	Men	Ethnic Minorities	25%	0.0%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: WestAir Gases & Equipment, Inc.	\$726,644	White	X		100.0%						
SUBS: None											
TOTAL	\$726,644				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:	91	16	190	297
Percent of Total Employees:	30.6%	5.4%	64.0%	
MSA Labor Market %:	32.4%	27.5%	40.2%	
MSA Labor Market Location:	San Diego			

COMMENTS

Contract Equity Participation: 100% White Men participation.
Contract Duration: Two years, with one option to renew for an additional one-year period.

*Total not to exceed: \$726,644

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



BOARD ACTION

Agenda Number:	5a.-5b.	Meeting Date:	October 8, 2024
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TITLE CONCRETE REPAIR SERVICES

ACTION Motion: Resolution: Ordinance:

RECOMMENDED ACTION

- Authorize agreements beginning on or after October 8, 2024 with Arrowhead Concrete Construction; Bruce Enterprises; Gary Golobe dba Cornerstone Paving; Pacific General Engineering; Solid Ground Masonry & Concrete Inc.; and Sonnikson and Stordahl Construction for one year in an aggregate amount not to exceed \$2,060,000 for concrete repair services.
- Authorize additional agreements for concrete repair services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.

SUMMARY

The District uses concrete repair services to restore concrete streets, sidewalks, curbs, and gutters following repair and replacement of water distribution infrastructure. Emergencies, unplanned work, and seasonal variations in workload require the District to contract out for a portion of concrete repair services to augment District staff.


DISCUSSION

The District has used concrete repair services to supplement District forces since the early 1990s. The use of these services is necessary to address the existing backlog of sidewalk repair jobs. In Fiscal Year 2021, the District hired four concrete finishers and purchased necessary equipment to allow the District to complete regular work and smaller repair jobs. However, contracted services are still required to reduce the backlog of concrete orders, complete peak workload and perform large jobs outside of the scope of work for District forces. This work supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

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

SERVICE PROVIDER SELECTION

In July 2021, a request for proposals (RFP) was posted on the District’s website and sent to seven potential proposers. Five service providers submitted proposals. Arrowhead Concrete

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 and Award #7000024, page 34	Budget Coding: 11.Variou.Variou.53110		Approved: 
Attachment(s): P-035; P-061			

Title:	Concrete Repair Services	Meeting Date:	October 8, 2024
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Construction, Bruce Enterprises, Gary Golobe dba Cornerstone Paving, Pacific General Engineering, and Sonnikson and Stordahl Construction were selected based on the ability to provide services and meet the minimum requirements. In September 2023, Solid Ground Masonry & Concrete Inc. was added as a service provider, and the Board was notified in the General Manager’s monthly report. Specific jobs will be completed on a job-by-job basis based on location and vendor availability.

The District plans to issue an RFP for these services in calendar year 2026.

SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2025 adopted operating budget and capital budget for Pipeline Rebuild, Pipeline Relocations, Pipeline System Extensions, and Pipeline System Improvements. Funding for the additional months will be considered as part of the associated budget development process.

Social

Local 444 was notified of these agreements on July 16, 2024. The District and Local 444 met on September 3, 2024 and September 16, 2024 to discuss their concerns. The District will continue to meet with Local 444 to discuss their concerns; however, Local 444 does not oppose these agreements.

ALTERNATIVES

Complete the work with District forces. This alternative is not recommended because the District does not have sufficient resources to complete the backlog of concrete repair orders in a timely manner.

Do not authorize these amendments for services. This alternative is not recommended because this service is critical to District operations.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Concrete Repair Services						DATE: September 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%		50.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
\$2,060,000 *		See Below		-		Ethnic Minorities		25%		50.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:												
Arrowhead Concrete Construction		\$343,333	Hispanic	X				16.7%				
Bruce Enterprises		\$343,333	White	X		16.7%						
Gary Golobe dba Cornerstone Paving		\$343,333	White	X		16.7%						
Pacific General Engineering		\$343,333	Hispanic	X				16.7%				
Sonnikson and Stordahl Construction		\$343,333	White	X		16.7%						
Solid Ground Masonry & Concrete Inc.		\$343,333	American Indian	X				16.7%				
TOTAL		\$2,060,000				50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
				White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:				See Attached Form P-061								
Percent of Total Employees:												
MSA Labor Market %:												
MSA Labor Market Location:												
COMMENTS												
Contract Equity Participation: 50% White Men and 50% Ethnic Minority participation. Contract Duration: Until October 8, 2025 *Total not to exceed: \$2,060,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
Concrete Repair 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			
General Services Agreement		DATE:								
		9/20/2024								
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-H: SBE	Company Wide	0	5	0	0	5	71.4%	48.4%	
Arrowhead Concrete Construction Matthew Zepeda 12653 E. Jahant Road Acampo, CA 95220 209-400-1942		Manager/Prof	0	2	0	0	2	100.0%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	0	2	0	0	2	100.0%		
		Semi/Unskilled	0	1	0	0	1	33.3%		
		Bay Area	0	0	0	0	0	0.0%		39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/11/2021			
		Co. Wide MSA:	California		# Employees-Co. Wide:		7	Bay Area:	0	
RP	WM: SBE	Company Wide	0	3	0	0	3	42.9%	23.4%	
Bruce Enterprises Donna Simnick 1475 Petaluma Blvd., South Petaluma, CA 94953 707-781-9686		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	3	0	0	3	60.0%		
		Bay Area	0	0	0	0	0	0.0%		39.9%
		Co. Wide MSA:	Sonoma		# Employees-Co. Wide:		7	Bay Area:	7	
RP	WM: SBE	Company Wide	0	4	0	0	4	80.0%	23.4%	
Gary Golobe dba Cornerstone Paving Gary Golobe 1415 Fulton Road, Suite 205 A-1 Santa Rosa, CA 95403 707-763-3407		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	4	0	0	4	100.0%		
		Bay Area	0	4	0	0	4	0.0%		39.9%
		Co. Wide MSA:	Sonoma		# Employees-Co. Wide:		5	Bay Area:	5	
RP	EMM-H: L/SBE	Company Wide	2	3	0	0	5	71.4%	38.5%	
Pacific General Engineering James Akridge 2934 Pacheco Blvd. Martinez, CA 94553 925-260-3307		Manager/Prof	0	1	0	0	1	50.0%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	1	1	0	0	2	66.7%		
		Semi/Unskilled	1	1	0	0	2	100.0%		
		Bay Area	2	3	0	0	5	0.0%		39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		7	Bay Area:	7	
RP	WM: L/SBE	Company Wide	1	34	3	0	38	57.6%	38.5%	
Sonnikson and Stordahl Construction Karen Lynch 4858 Sunrise Drive Martinez, CA 94553 925-229-4028		Manager/Prof	0	3	0	0	3	30.0%		
		Technical/Sales	0	1	0	0	1	0.0%		
		Clerical/Skilled	1	30	3	0	34	61.8%		
		Semi/Unskilled	0	0	0	0	0	0.0%		
		Bay Area	1	34	3	0	38	0.0%		39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		66	Bay Area:	66	
RP	EMM-AI: L/SBE	Company Wide	0	3	0	1	4	66.7%	46.2%	
Solid Ground Masonry & Concrete Inc. Ashley Richards 3170 Robinson Dr. Oakland, CA 94602 510-301-7035		Manager/Prof	0	0	0	1	1	100.0%		
		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	0	1	0	0	1	33.3%		
		Semi/Unskilled	0	2	0	0	2	100.0%		
		Bay Area	0	0	0	0	0	0.0%		39.9%
		Co. Wide MSA:	Contra Costa/Alameda		# Employees-Co. Wide:		6	Bay Area:	6	

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:	6a.-6b.	Meeting Date:	October 8, 2024
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TITLE **HYDRO/AIR-VACUUM EXCAVATION SERVICES**


ACTION Motion: Resolution: Ordinance:

- RECOMMENDED ACTION**
- Authorize agreements beginning on or after October 8, 2024 with Bradley Tanks, Inc.; Diede Construction, Inc. dba Hydro X Services; and Presidio Systems, Inc. for one year in an aggregate amount not to exceed \$1,150,000 for hydro/air-vacuum excavation services.
 - Authorize additional agreements for hydro/air-vacuum excavation services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on October 8, 2024, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager’s monthly report.

SUMMARY The District uses hydro/air-vacuum excavation services as needed to excavate around buried utilities when digging with a backhoe is unsafe and hand digging is inefficient. Under these agreements, the recommended service providers will operate hydro/air-vacuum excavation equipment in various sizes to meet the specific jobsite requirements.

DISCUSSION The District primarily uses hydro/air-vacuum excavation services to support pipeline construction and repair. Hydro/air-vacuum excavation utilizes water or air to safely and efficiently remove soil near underground utilities as an alternative to hand digging or use of mechanical equipment. Workload varies year to year depending on how much excavation occurs adjacent to other utilities. Service providers typically supplement District staff during peak workload periods. The services contracted for in the agreements cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This work supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION In August 2024, a request for proposals was posted on the District’s website and sent to two resource organizations and six potential proposers. Three service providers submitted proposals. All proposers were selected based on the ability to provide services with one-day

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000003, Page 32; Award #7000006, Page 33; Award# 7000033, Page 57; and Award# 7000024, Page 34	Budget Coding: 11.Variou.Variou.52970		Approved: 
Attachment(s): P-035; P-061			

Title:	Hydro/Air-Vacuum Excavation Services	Meeting Date:	October 8, 2024
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notice and availability. Jobs will be rotated between service providers depending on availability and District needs.

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 Systems Extensions, and Pipeline System Improvements.

Social

Local 444 was notified of these agreements on August 15, 2024. The District and Local 444 met on September 3, 2024 and September 16, 2024 to discuss their concerns. The District will continue to meet with Local 444 to discuss their concerns; however, Local 444 does not oppose these agreements.

ALTERNATIVE

Complete the work with District forces. This alternative is not recommended because services under these agreements are needed when District forces are not available.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Hydro/Air-Vacuum Excavation Services						DATE September 16, 2024						
CONTRACTOR: Various Firms (See below)				PERCENTAGE OF CONTRACT DOLLARS								
				Local Businesses		Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		33.3%				
		Ethnicity	Gender	White Women		2%		33.3%				
\$1,150,000 *		See below		-		Ethnic Minorities		25%		33.3%		
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:												
Diede Construction, Inc. dba Hydro X Services		\$383,333	White	X		33.3%						
Bradley Tanks, Inc.		\$383,333	Asian		X			33.3%				
Presidio Systems, Inc.		\$383,333	White		X		33.3%					
Total		\$1,150,000				33.3%	33.3%	33.3%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees		See Attached P-061 Forms										
Percent of Total Employees												
MSA Labor Market %												
MSA Labor Market Location												
COMMENTS												
Contract Equity Participation: 33.3% White Men, 33.3% White Women, and 33.3% Ethnic Minority participation. Contract Duration: One year. *Total not to exceed: \$1,150,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

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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 Complex Appellate Litigation Group, LLP, as Special Counsel						DATE: September 20, 2024						
CONTRACTOR: Complex Appellate Litigation Group LLP San Francisco, CA				Direct Award/ Small Business		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		Availability Group		Contracting Objectives		Participation				
\$TBD *		White		Men		White Men		25%		100.0%		
		Ethnicity		Gender		White Women		6%		0.0%		
		White		Men		Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES: Complex Appellate Litigation Group LLP SUBS: None			White	x		100.0%						
TOTAL		TBD				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:			2		5		0		7			
Percent of Total Employees:			28.6%		71.4%		0.0%					
MSA Labor Market %:			28.0%		23.6%		48.4%					
MSA Labor Market Location:			California									
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: Confidential												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

Title:	Authorize Grant Applications for the Dam Safety and Climate Resilience Local Assistance Program	Meeting Date:	October 8, 2024
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Funding is made available under the terms and conditions of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund Act of 2018 (Proposition 68; Water Code, § 80000 et seq.). The required agreement terms include indemnification of the State for claims and damages related to the project and will require contractors and subcontractors to name the State and related parties as additional insureds on liability insurance for activities undertaken pursuant to this agreement. Other terms of the agreement will be manageable for the District and are not expected to materially increase costs.

In order to apply for the program, a Board resolution is required. The resolution must specify authorization for a representative who can execute the funding agreement with DWR and any amendments thereto. The authorized representative shall be the General Manager or designee.

The submission deadline for grant applications is Monday, October 21, 2024. This item supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

SUSTAINABILITY

Economic

Both projects are included in the FY 2024-2028 Capital Improvement Program. Grant funding will offset the District funds needed for the projects.

Social

The grant program includes supplemental points to projects that directly benefit disadvantaged communities using the Federal Government’s Climate and Economic Justice Screening Tool. Portions of the District’s service area are eligible for these criteria.

Environmental

The Lafayette Tower Seismic Retrofit Project will support improved climate change resiliency by increasing available water storage. A California Environmental Quality Act (CEQA) Notice of Exemption was filed with the Contra Costa County Clerk on August 16, 2022.

The USL and Chabot Spillways Flood Studies Project will support the District’s goals of mitigating climate change impacts and providing downstream flood risk reductions. The submission of the grant funding application is exempt from the requirements of CEQA under CEQA Guidelines section 15061 because there is no possibility that this action may have a significant effect on the environment. The activities to be conducted pursuant to the grant are also exempt from the requirements of CEQA under Categorical Exemption Section 15306 – Class 6 Information Collection because this project is in the engineering studies/planning-phase for potential upgrades at USL and Chabot reservoirs.

ALTERNATIVE

Do not authorize applying for and accepting the grant, if awarded. This alternative is not recommended because the compliance requirements for the grant are not expected to materially increase the costs of the projects, and therefore accepting the funding will directly benefit the District’s ratepayers through lower bond or revenue funding for the projects.

RESOLUTION NO. _____

AUTHORIZING APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF WATER
RESOURCES FOR THE DAM SAFETY AND CLIMATE RESILIENCE LOCAL
ASSISTANCE PROGRAM AND DESIGNATING AN AUTHORIZED REPRESENTATIVE
TO PERFORM CERTAIN ACTIONS IN FURTHERANCE THEREOF

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) is a public agency formed under the Municipal Utility District Act that provides water service to approximately 1.4 million customers in Alameda County and Contra Costa County; and

WHEREAS, the District owns, operates, and maintains twenty-three dams for the purpose of providing water service to its customers, and maintains a comprehensive dam safety program to that end; and

WHEREAS, the California Department of Water Resources, through the Division of Safety of Dams (DSOD), administers the Dam Safety and Climate Resilience Local Assistance Program (DSCR), which provides funding for repairs, rehabilitation, enhancements, and other dam safety projects at existing state jurisdictional dams and associated facilities; and

WHEREAS, DSCR grant funding is made available under the terms and conditions of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68; Water Code § 80000 *et seq.*); and

WHEREAS, the District is currently engaged in the Lafayette Reservoir Tower Safety Upgrades Project, for the purpose of restoring water storage to full capacity at Lafayette Reservoir, retrofitting for seismic improvements, and implementing other dam safety improvements identified by the DSOD; and

WHEREAS, the District is eligible to apply for DSCR grant funding of up to \$8,000,000 to support the Lafayette Reservoir Tower Safety Upgrades Project; and

WHEREAS, the District is also currently engaged in the Chabot and Upper San Leandro (USL) Spillways Flood Studies Project, which is intended to study the capacity of spillway structures at Lake Chabot and USL Reservoir to pass overflows that may increase as a result of climate change, evaluate the impacts of climate change on flood hazard levels and the development of a site-specific probable maximum flood, enhancement of water supply, reduction of downstream flood risk, and other goals identified by DSOD; and

WHEREAS, the District is eligible to apply for DSCR grant funding of up to \$1,250,000 to support the Chabot and USL Spillways Flood Studies Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that applications be made to the Department of Water Resources to obtain grants under the Dam Safety and Climate Resilience Local Assistance Program pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code § 80000 *et seq.*).

BE IT FURTHER RESOLVED that the Board of Directors of the East Bay Municipal Utility District has the authority and shall enter into funding agreements with the Department of Water Resources to receive grants for the Lafayette Reservoir Tower Safety Upgrades Project and the Chabot and USL Spillways Flood Studies Project.

BE IT FURTHER RESOLVED that the General Manager of the East Bay Municipal Utility District or the General Manager's designee is hereby authorized and directed to prepare the necessary data, conduct investigations, file such applications, accept grant funds in an aggregate amount of up to \$9,250,000, execute funding agreements and any future amendments thereto, submit invoices, and submit any reporting requirements with the Department of Water Resources.

ADOPTED this 8th day of October, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

Title:	Application for U.S. Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant	Meeting Date:	October 8, 2024
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This grant application supports the District’s Long-Term Water Supply Strategic Plan goal.

SUSTAINABILITY

Economic

If awarded, the grant requires a 50 percent cost share, which the District will meet through in-kind staff services and rebates.

Social

Commercial customers who participate in the lawn conversion program will reduce water use, turning lawns into aesthetically pleasing regenerative landscapes, and help to achieve the District’s water conservation objectives.

Environmental

The submission of the grant funding application is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because there is no possibility that this action may have a significant effect on the environment. If the District accepts funding under the grant, prior to undertaking any actions funded by the grant, the District will ensure compliance with CEQA and will institute measures to ensure that staff, customers, and partners will comply with any environmental requirements.

There are broader project environmental benefits that include reduced water and energy use, reduced use of chemicals, and an increase of biodiversity and carbon sequestration.

ALTERNATIVE

Do not submit the USBR grant application. This alternative is not recommended because the grant funds will support the District’s water conservation activities to achieve its long-term water conservation goals.

RESOLUTION NO. _____

AUTHORIZING AN APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION FOR A WATERSMART WATER AND ENERGY EFFICIENCY GRANT FOR FISCAL YEAR 2025 AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE A GRANT AGREEMENT

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) is a public agency formed under the Municipal Utility District Act that provides water service to approximately 1.4 million customers in Alameda County and Contra Costa County in California; and

WHEREAS, under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law 111-11 (42 U.S.C. 10364), the U.S. Department of Interior Bureau of Reclamation's WaterSMART Program offers Water and Energy Efficiency Grants to eligible recipients to support water and energy efficiency projects under Funding Opportunity R24AS00052; and

WHEREAS, pursuant to the WaterSMART Program, the District is eligible as a water district in the western United States to receive an award under Funding Opportunity R24AS00052 for projects that seek to conserve and use water more efficiently outdoors and accomplish other benefits that contribute to sustainability in the West; and

WHEREAS, the District proposes to use the funds that are being made available to expand its Commercial Landscape Rebate Program to help commercial customers conserve and use water more efficiently in order to obtain quantifiable water savings and comply with California Assembly Bill 1572;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby authorizes the General Manager to submit an application, in a form approved by the Office of General Counsel, to the United States Bureau of Reclamation Financial Assistance Operations Section for up to \$500,000 in grant funding under the 2024-2025 WaterSMART Energy and Efficiency Grant Program Funding Opportunity R24AS00052, to assist in funding the expansion of the District's Commercial Landscape Rebate Program.

BE IT FURTHER RESOLVED that the Board of Directors of the East Bay Municipal Utility District authorizes the General Manager to enter into an agreement if the District is offered such grant funding.

BE IT FURTHER RESOLVED that if the East Bay Municipal Utility District is offered such grant funding, the District shall work with the United States Bureau of Reclamation to meet established deadlines for entering into a grant agreement, and the General Manager shall review the terms and

conditions of any grant agreement presented by the United States Bureau of Reclamation, in consultation with the Office of General Counsel, and approve and execute the grant agreement and accept the funds.

ADOPTED this 8th day of October, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: October 8, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Final Status of EBMUD Position Bills for the 2023-24 State Legislative Session and Additional Bills of Interest

The 2023-24 state legislative session concluded on August 31, 2024, and the deadline for Governor Newsom to act on all bills that passed out of the legislature was September 30, 2024. This memo provides a summary of the final status of those bills EBMUD adopted a formal position on during the 2023-24 legislative session, as well as the status of additional bills of direct interest. The final status of bills is reported as “chaptered,” “vetoed,” or “failed to advance.”

All statutes will take effect as noted. Copies of the relevant legislation will be made available upon request.

EBMUD POSITION BILLS

AB 30 (Ward) – Atmospheric rivers: research: reservoir operations
 Status: Chaptered – Chapter 134; September 1, 2023
 Effective Date: January 1, 2024
 EBMUD Position: Support

AB 30 updated and broadened the Department of Water Resources (DWR) atmospheric rivers program to ensure DWR could continue improving atmospheric river prediction capabilities and forecast models, to better inform reservoir operations and flood management.

AB 178 (Committee on Budget) – Public resources trailer bill
 Status: Chaptered – Chapter 1000; September 30, 2024
 Effective Date: September 30, 2024
 EBMUD Position: Support/Sponsor

AB 178 (Committee on Budget), the public resources trailer bill, contains an important conforming change to EBMUD’s enabling act, the Municipal Utility District (MUD) Act, in Section 3 of the bill. Since AB 178 is a budget trailer bill, the bill and its provisions take immediate effect upon signature.

Prior to AB 178, the MUD Act contained a 12-month limitation on how long EBMUD could extend a payment plan to a customer who was struggling to pay their drinking water bills and had accrued debt to pay off. Existing law, the Water Shutoff Protection Act (SB 998 (Dodd), Chapter 891, Statutes of 2018) contains language that if a customer has an undue hardship, community water systems can opt to go beyond the normal 12-month limitation in setting up a payment plan for that customer. EBMUD was governed by this narrower 12-month limitation in the MUD Act instead of the Water Shutoff Protection Act provisions.

The Board voted to support or sponsor legislation to make this important conforming change to the MUD Act at the June 11, 2024 Board Meeting.

AB 388 (Connolly) – Wildfire and Forest Resilience Action Plan: implementation strategies: roadmap
Status: Failed to Advance
EBMUD Position: Support

AB 388 would have required the Department of Conservation, in consultation with various agencies, to develop guidelines for funding the implementation of regional priority strategies to support the goals and key actions identified in California’s Wildfire and Forest Resilience Action Plan and would have allowed the state to provide regional block grants to eligible entities.

AB 460 (Bauer-Kahan) – State Water Resources Control Board: water rights and usage: civil penalties
Status: Chaptered – Chapter 342; September 22, 2024
Effective Date: January 1, 2025
EBMUD Position: Concerns; Oppose unless Amended; Support

AB 460 strengthens the State Water Resources Control Board’s (SWRCB) ability to impose stricter penalties for violations of its rules, orders, regulations, and permits.

AB 460 requires the SWRCB, as specified, to adjust for inflation the amounts of civil and administrative liabilities or penalties imposed by the SWRCB. The bill also increases the maximum civil penalty for a person who violates certain cease and desist orders from \$1,000 to \$2,500 for each day the violation occurs and increases the maximum civil penalty from \$500 to \$1,000 for each day a person or entity violates a term or condition of a permit, license, certification, registration, an order or regulation, and a condition or reporting requirement for the diversion of floodwaters for groundwater recharge. Additionally, AB 460 provides a person or an entity that violates a curtailment order may be liable in an amount not to exceed an additional \$10,000 for each day the violation occurs, and \$2,500 for each acre-foot of water diverted in violation of the curtailment order, beginning on the first day on which the violation occurs.

In prior versions of the bill, AB 460 took a broad and ambiguous approach to interim relief that would have put water rights holders in the position of not knowing which uses the SWRCB would prohibit and enforce and would not allow a water right holder sufficient time to respond once an interim relief order had been issued.

EBMUD sought amendments to address the broad and ambiguous reasons for issuing interim relief and protect water rights holders due process rights. The amendments EBMUD sought would: 1) limit the circumstances for issuance of interim relief orders; 2) require notice of a violation and allow sufficient time for a water user to develop a response before a hearing; 3) protect water users rights to a hearing except in specified instances; 4) limit the duration of an interim relief order; and 5) maintain the independent standard of review in any superior court case involving judicial review of an order granting interim or permanent relief. AB 460 was substantially amended and narrowed to remove the interim relief provision in the final weeks of the legislative session, addressing EBMUD's concerns and EBMUD moved to a support position.

AB 727 (Weber) – Product safety: cleaning products: perfluoroalkyl and polyfluoroalkyl substances

Status: Vetoed, October 9, 2023

EBMUD Position: Support

AB 727 was a pollution prevention measure to reduce the exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would have helped reduce the use of PFAS by banning the sale of cleaning products containing PFAS beginning January 1, 2026, and floor finishers and sealers containing PFAS beginning January 1, 2028.

Governor Newsom's veto message stated that while the governor supports the intent and has signed similar legislation in the past, the bill did not "identify or require any regulatory agency to determine compliance with, or enforce, the proposed statute" and that the bill falls "short of providing enhanced protection to California consumers due to lack of regulatory oversight. Previously enacted single-product chemical bans, which also lack oversight, are proving challenging to implement..." The veto message also said that "In order to instill consumer confidence and effectively address public health and environmental concerns, I am directing the Department of Toxic Substances Control to engage with the author and the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products."

AB 735 (Berman) – Workforce development: utility careers

Status: Failed to Advance

EBMUD Position: Support

AB 735, a workforce development bill, would have established the High Road Utility Careers program, to be administered by the California Workforce Development Board, to connect individuals from underserved and unrepresented communities interested in careers in the utility

sector with existing training programs and other resources. The bill was intended to ensure a continued reliable workforce for California utilities, including utilities that provide water and wastewater service.

AB 754 (Papan) – Water management planning: water shortages
Status: Failed to Advance
EBMUD Position: Oppose unless Amended

AB 754 was intended to assist water management planning and would have required urban water suppliers that have a reservoir constituting at least 50 percent of total water supply to develop a target water supply storage curve, compare storage levels monthly to the target storage curve, and describe operational practices that include carryover targets and potential actions to be taken under a range of potential future hydrological conditions. This approach did not account for how urban water suppliers, including EBMUD, manage reservoir operations for multiple purposes such as water supply, flood control, and cold-water pool for downstream fisheries.

EBMUD sought amendments to do the following: 1) ensure the bill did not take a one-size fits all approach to reservoir management that conflicts with managing reservoirs for multiple purposes and other existing requirements; 2) remove requirements for automatic consumer conservation based on whether the target storage curve is being met regardless of a water suppliers need for conservation; and 3) remove language referencing water rights. While amendments were taken that addressed two of the three major concerns, amendments to address the one-size fits all approach to reservoir management were not taken.

AB 755 (Papan) – Water: public entity: water usage demand analysis
Status: Chaptered – Chapter 542; October 8, 2023
Effective Date: January 1, 2024
EBMUD Position: Oppose unless Amended; Neutral

AB 755 is intended to provide a method to determine how high-water users are driving up water system costs. The bill requires public entities providing retail water service to conduct a water usage demand analysis prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service. EBMUD sought and secured amendments to ensure the bill's approach does not subject retail water service providers to Proposition 218 liability and to remove language that would have applied service area wide water-use efficiency goals to individual households. Therefore, EBMUD moved to a neutral position.

AB 1337 (Wicks) – State Water Resources Control Board: water diversion curtailment
Status: Failed to Advance
EBMUD Position: Oppose unless Amended

AB 1337 would have expanded the State Water Resources Control Board's (SWRCB) authority to issue curtailment orders to apply during any water year type when water is not available under the diverter's priority of right and would have allowed curtailments outside of a drought

emergency. Expanding the SWRCB's curtailment authority beyond drought emergencies could have impacts for EBMUD and the Mokelumne River fishery.

EBMUD sought amendments to do the following: 1) limit the issuance of curtailment orders to critically dry years; 2) define critically dry year based on water year-types in existing water right decisions; and 3) require the SWRCB to identify in regulations the curtailment methodologies upon which decisions will be based and to consider watershed priorities and existing settlement agreements or contractual arrangements. The requested amendments were not amended into the bill.

AB 1423 (Schiavo) – Product safety: perfluoroalkyl and polyfluoroalkyl substances: artificial turf or synthetic surfaces
Status: Vetoed, October 9, 2023
EBMUD Position: Support

AB 1423 was a pollution prevention measure that would have promoted the reduction of exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would have prohibited the sale of artificial turf containing PFAS beginning January 1, 2026. AB 1423 would also have prohibited public entities including schools from purchasing or installing artificial turf containing PFAS beginning January 1, 2026.

Similar to the veto message for AB 727, the governor's AB 1423 veto message noted that the bill did not identify a regulatory agency to enforce the bill's prohibitions and directed the Department of Toxic Substances Control to work with the author and the legislature to consider alternative approaches to regulating PFAS in consumer products.

AB 1798 (Papan) – Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters
Status: Failed to Advance
EBMUD Position: Support

AB 1798 would have helped protect the water quality of salmon and steelhead trout-bearing surface waters. AB 1798 would have required Caltrans, in conjunction with the State Water Resources Control Board, to develop a programmatic environmental review process to prevent the chemical compounds known as 6PPD and 6PPD-quinone (6PPD-q), used in automotive tires and known to be toxic to aquatic life, from entering salmon and steelhead trout-bearing streams and rivers. Five pilot projects would have studied the cost and effectiveness of bioretention and biofiltration along Caltrans rights-of-ways to control the discharge of 6PPD and 6PPD-q, as well as microplastics and other pollutants, from state roads into surface waters. Information from the pilot projects would have helped with understanding whether bioretention and biofiltration can intercept stormwater runoff from state roads to prevent 6PPD and 6PPD-q from entering surface waters, including streams, rivers, and reservoirs to protect water quality and fish.

AB 1827 (Papan) – Local government: fees and charges: water: higher consumptive water parcels

Status: Chaptered – Chapter 359; September 22, 2024

Effective Date: January 1, 2025

EBMUD Position: Support

AB 1827 is intended to help water agencies address the impact of high-water users in cost-of-service studies and subsequent adoption of fees and charges. AB 1827 makes clarifications to the Proposition 218 Omnibus Implementation Act to provide that fees or charges for property-related water service can include the incrementally higher costs of water service due to higher water usage demand, maximum potential water use, projected peak water usage, or any combination of these factors. Additionally, the bill specifies that the incrementally higher costs of water service associated with higher water usage demands, maximum potential water use, or projected peak water usage may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels.

AB 1827 also provides that in addition to any other method consistent with the California Constitution, the incrementally higher costs of water service associated with these factors may be allocated among customer classes, within customer classes, or both, based on meter size or peaking factors, as those methods reasonably assess the water service provider's cost of serving parcels that increase water usage demand, maximum potential water use, or projected peak water usage.

AB 2257 (Wilson) – Local government: property-related water and sewer fees and assessments: remedies

Status: Chaptered – Chapter 561; September 25, 2024

Effective Date: January 1, 2025

EBMUD Position: Support

AB 2257 benefits water agencies, including EBMUD, by establishing a process for ratepayers to raise concerns or questions during the public noticing process leading up to the decision to adopt rates or assessments, creating more upfront public engagement to address issues, thereby reducing "surprise" litigation. Specifically, AB 2257 establishes an optional exhaustion of administrative remedies procedure to be included as part of a public agency's rate or assessment consideration process. The bill prohibits, if the local agency implements the procedure, a person or entity from bringing a judicial action or proceeding alleging noncompliance with specified constitutional provisions for any new, increased, or extended fee or assessment, unless that person or entity has timely submitted to the local agency a written objection that specifies the grounds for alleging noncompliance.

AB 3023 (Papan) – Wildfire and Forest Resilience Task Force: interagency funding strategy: multiple benefit projects: grant program guidelines
Status: Vetoed, September 23, 2024
EBMUD Position: Support

AB 3023 would have required the California Wildfire and Forest Resilience Task Force to align watershed restoration plans and initiatives with forest resilience actions to achieve outcomes more aligned with an ecosystem-based approach. AB 3023's provisions could have broadened eligibility criteria, and better coordinated and streamlined state grant application processes in future years, which could have benefitted the Upper Mokelumne River Watershed Authority's ongoing work in forest health.

Governor Newsom vetoed the bill due to duplication with existing efforts already underway to achieve integrated outcomes and the bill's impact on the state's General Fund.

ACA 1 (Aguiar-Curry) – Local government financing: affordable housing and public infrastructure: voter approval
Status: Chaptered – Chapter 173; September 20, 2023; Pending approval by voters
EBMUD Position: Support

ACA 1, as introduced, is a constitutional amendment, pending voter approval, that would provide an exception to the 1 percent cap on ad valorem property taxes to service bonded indebtedness for cities, counties, and certain special districts if the bonded indebtedness is for specific projects; lower the voter threshold to allow a city, county, or special district to incur general bond indebtedness; and to allow the imposition, extension, or increase of special taxes with a lower 55 percent voter approval threshold to fund affordable housing, permanent supportive housing for persons at risk of chronic homelessness, and public infrastructure. Public infrastructure, as defined in ACA 1, includes water and wastewater treatment projects. ACA 1 will go before voters as Proposition 5 on the November 5, 2024, general election ballot with amendments noted below.

Subsequent to ACA 1's passage, the legislature passed ACA 10 (Aguiar-Curry) in 2024 which amended the provisions of ACA 1 (Proposition 5) to remove the language that would have allowed the 55 percent lower voter threshold for imposing, extending, or increasing special taxes. Proposition 5 would still, pending voter approval, allow cities, counties, and certain special districts to impose ad valorem property taxes over the 1 percent limit to service bonded indebtedness for specified projects and lower the voter threshold from two-thirds to 55 percent to incur general bond indebtedness for specific purposes.

SB 361 (Dodd) – Water resources: stream gages
Status: Failed to Advance
EBMUD Position: Support

SB 361 would have required the Department of Water Resources and the State Water Resources Control Board, upon appropriation of funds by the legislature, to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022, to reactivate, upgrade, install, and maintain stream gages across California’s watersheds and to establish minimum operations and maintenance standards by 2030 to improve data collection. This bill would have helped facilitate the collection of comprehensive streamflow information and other water data statewide.

SB 878, SB 879, and SB 880 (Committee on Governance and Finance) – Validations
Status: SB 878 Chaptered – Chapter 30; June 29, 2023: Effective Date – June 29, 2023
SB 879 Chaptered – Chapter 31; June 29, 2023: Effective Date – September 1, 2023
SB 880 Chaptered – Chapter 32; June 29, 2023: Effective Date – January 1, 2024
EBMUD Position: Support

These bills enacted the First, Second, and Third Validating Acts of 2023. These acts retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may have made inadvertently and validates the organization, boundaries, acts, proceedings, and bonds of the state, cities, counties, and special districts. Enactment of these Validating Acts ensures the continued highest possible bond rating, resulting in the lowest possible interest rates on the sale of bonds. The three acts were enacted at different times to validate actions of the state and local government agencies that occur throughout the year.

SB 903 (Skinner) – Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances
Status: Failed to Advance
EBMUD Position: Support

SB 903 was a pollution prevention measure aimed at ending the use of unnecessary perfluoroalkyl and polyfluoroalkyl substances (PFAS) in products distributed or sold in California. SB 903 would have primarily prohibited the distribution, sale, or offer for sale in the state of any product that contains intentionally added PFAS, beginning January 1, 2032, unless the use of PFAS is an unavoidable use as determined by the Department of Toxic Substances Control (DTSC). The bill also directed DTSC to adopt regulations by January 1, 2027, to implement the bill, and establish a process for manufacturers, or a group of manufacturers, to petition DTSC for a determination; and directed DTSC to evaluate and determine whether the use of PFAS in a product category is currently unavoidable.

SB 1255 (Durazo) – Public water systems: needs analysis: water rate assistance program
Status: Failed to Advance
EBMUD Position: Support if Amended

SB 1255 was intended to address water affordability for low-income ratepayers in California. SB 1255 would have required water systems with over 3,300 residential connections to begin providing low-income rate assistance (LIRA) to eligible low-income ratepayers by July 1, 2027, funded by a voluntary contribution placed on the bill of each ratepayer (with specified exemptions). SB 1255 would have also required the State Water Resources Control Board, on or before July 1, 2026, to update a needs analysis of the state’s public water systems to include an assessment of the funds necessary to provide a 20 percent bill credit for low-income households served by community water systems with fewer than 3,300 service connections and for community water systems with fewer than 3,300 service connections to meet a specified affordability threshold.

EBMUD sought amendments to protect and ensure the future viability of EBMUD’s two established, successful programs (the Customer Assistance Program and the Water Lifeline Program) in the context of SB 1255’s requirements on water systems to provide rate assistance and its subsequent implementation. The bill was held on suspense in the Assembly Appropriations Committee before such amendments could be added by the author.

SB 1515, SB 1516, and SB 1517 (Committee on Local Government) – Validations
Status: SB 1515 Chaptered – Chapter 31; June 26, 2024: Effective Date – June 26, 2024
SB 1516 Chaptered – Chapter 32; June 26, 2024: Effective Date – June 26, 2024
SB 1517 Chaptered – Chapter 33; June 26, 2024: Effective Date – January 1, 2025
EBMUD Position: Support

These bills enact the First, Second, and Third Validating Acts of 2024. These acts retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may have made inadvertently and validates the organization, boundaries, acts, proceedings, and bonds of the state, cities, counties, and special districts. Enactment of these Validating Acts ensures the continued highest possible bond rating, resulting in the lowest possible interest rates on the sale of bonds. The three acts were enacted at different times to validate actions of the state and local government agencies that occur throughout the year.

ADDITIONAL BILLS OF INTEREST

SB 3 (Dodd) – Discontinuation of residential water service: covered water system
Status: Chaptered – Chapter 855; October 13, 2023
Effective Date: January 1, 2024

SB 3 expanded the scope of the Water Shutoff Protection Act by applying the act’s protections for customers to small community water systems (those with fewer than 200 service connections). The bill expanded requirements for a water system to provide deferred or reduced

payments and alternative payment schedules to all customers, not just those meeting certain conditions. Additionally, the bill expanded the authority of the attorney general to bring an action in state court for specified actions declared to be unlawful by the bill's provisions. The bill, subject to the availability of funding, also required the State Water Resources Control Board to make funds available for providing training statewide to community water systems with between 15 and 200 service connections to assist in compliance with the Water Shutoff Protection Act.

SB 122 (Committee on Budget and Fiscal Review) – Public resources trailer bill

Status: Chaptered – Chapter 51; July 10, 2023

Effective Date: July 10, 2023

SB 122 extended the California Water and Wastewater Arrearage Payment Program (CWWAPP) to cover eligible customer arrearages through December 31, 2022. There was an estimated \$600 million remaining after the first round of CWWAPP to address qualifying customer arrearages through this extended date.

SB 389 (Allen) – State Water Resources Control Board: investigation of water right

Status: Chaptered – Chapter 486; October 8, 2023

Effective Date: January 1, 2024

SB 389 authorized the State Water Resources Control Board (SWRCB) to investigate and ascertain whether a water right is valid. The bill authorized the SWRCB to issue an information order in furtherance of an investigation, as executed by the executive director of the SWRCB, as specified. The bill authorized a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

Connection Fee and Capacity Charge Legislation

These items were previously discussed with the Board as information items. Status updates are provided below.

AB 1820 (Schiavo) – Housing development projects: applications: fees and exactions

Status: Chaptered – Chapter 358; September 22, 2024

Effective Date: January 1, 2025

AB 1820 requires fee schedules for connection fees and capacity charges to be provided to development proponents upon request. Staff successfully worked with the author of the bill, as well as our associations, to address EBMUD's concerns with earlier versions of the bill.

AB 2729 (Patterson, Joe) – Development projects: permits and other entitlements
Discontinuation of residential water service: covered water system
Status: Chaptered – Chapter 737; September 27, 2024
Effective Date: January 1, 2025

An early version of AB 2729 would have limited when utility fees for developments could be collected. The bill did not impact water and wastewater connection fees and capacity charges. The bill was subsequently amended to deal with development project entitlements.

SB 937 (Wiener) – Development projects: fees and charges
Status: Chaptered – Chapter 290; September 19, 2024
Effective Date: January 1, 2025

SB 937 makes various changes to the process for local agencies to collect developer impact fees. Earlier this year, staff successfully worked with the author and sponsors of the bill, as well as our associations, to address EBMUD's concerns that the bill would have prohibited collection of connection fees and capacity charges for certain housing developments at the time of application for water and wastewater service and delay collection of those fees until issuance of the certificate of occupancy. In the final weeks of the legislative session, the bill was amended to include ambiguous language that could preclude the imposition of capacity charges for certain housing developments until a development has received a certificate of occupancy rather than at the time of application for water and wastewater service.

SB 1210 (Skinner) – New housing construction: electrical, gas, sewer, and water service: service connection information
Status: Chaptered – Chapter 787; September 27, 2024
Effective Date: January 1, 2025

SB 1210 requires utilities, including EBMUD, to publicly post on the utility's website the schedule of connection fees and capacity charges for each housing development type and to post estimated timeframes for completing typical service connections for each housing development type. Utilities that post fee schedules as required by existing law would not have to post separate or new fee information. Staff successfully worked with the author and sponsors of the bill, as well as our associations, to address EBMUD's concerns with earlier versions of the bill.

CCC:KCV:DM/JW

Attachment: Table for 2023-24 Final Legislative Session – Status of EBMUD Position Bills by Topic

2023-2024 Final Legislative Session – Status of EBMUD Position Bills by Topic

Topic	Bills	EBMUD Final Position	Status
Customer Assistance	AB 178 (Committee on Budget)	Support/Sponsor	Chaptered
	SB 1255 (Durazo)	Support if Amended	Failed to Advance
Local Government Finance	ACA 1 (Aguiar-Curry)	Support	Chaptered
	AB 1827 (Papan)	Support	Chaptered
	AB 2257 (Wilson)	Support	Chaptered
PFAS	AB 727 (Weber)	Support	Vetoed
	AB 1423 (Schiavo)	Support	Vetoed
	SB 903 (Skinner)	Support	Failed to Advance
Water Quality Protection	AB 1798 (Papan)	Support	Failed to Advance
Water Rights/Water Supply/Resource Management	AB 30 (Ward)	Support	Chaptered
	AB 460 (Bauer-Kahan)	Concerns; Oppose unless Amended; Support	Chaptered
	AB 754 (Papan)	Oppose unless Amended	Failed to Advance
	AB 755 (Papan)	Oppose unless Amended; Neutral	Chaptered
	AB 1337 (Wicks)	Oppose unless Amended	Failed to Advance
	SB 361 (Dodd)	Support	Failed to Advance
Wildfire and Forest Restoration	AB 388 (Connolly)	Support	Failed to Advance
	AB 3023 (Papan)	Support	Vetoed
Workforce Development	AB 735 (Berman)	Support	Failed to Advance

Validations	SB 878 (Committee on Governance and Finance)	Support	Chaptered
	SB 879 (Committee on Governance and Finance)	Support	Chaptered
	SB 880 (Committee on Governance and Finance)	Support	Chaptered
	SB 1515 (Committee on Local Government)	Support	Chaptered
	SB 1516 (Committee on Local Government)	Support	Chaptered
	SB 1517 (Committee on Local Government)		
Additional Bills of Interest (no position taken):			
Budget Bill – Water Arrearages	SB 122 (Committee on Budget and Fiscal Review)	N/A	Chaptered
Discontinuation of water service	SB 3 (Dodd)	N/A	Chaptered
System Capacity Charges	AB 1820 (Schiavo)	N/A	Chaptered
	AB 2729 (Patterson, Joe)	N/A	Chaptered
	SB 937 (Wiener)	N/A	Chaptered
	SB 1210 (Skinner)	N/A	Chaptered
Water Rights/Resources	SB 389 (Allen)	N/A	Chaptered

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Title:	Resolution Supporting Imagine a Day Without Water	Meeting Date:	October 8, 2024
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SUSTAINABILITY**Social**

Promoting water conservation and resilience supports the health and well-being of the District’s customers, workforce, and the community by ensuring a reliable water supply for future generations.

Environmental

Actions resulting from this resolution will help protect the District’s water systems from overuse and degradation, supporting long-term sustainability and resilience in the face of climate change.

ALTERNATIVE

Do not adopt the resolution. This alternative is not recommended because the goals of Imagine a Day Without Water are consistent with the District’s mission and policies 7.05 - Sustainability and Resilience and 7.15 - Climate Action.

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RESOLUTION NO. _____

RECOGNIZING AND COMMEMORATING THE 2024
“IMAGINE A DAY WITHOUT WATER” CAMPAIGN

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, water is an essential, vital resource that sustains life, supports public health, and drives economic growth; and

WHEREAS, the “Imagine a Day Without Water” Campaign, organized by the U.S. Water Alliance’s Value of Water Campaign, will take place on October 17, 2024, and is a nationwide day of education and advocacy focused on the critical role water plays in our lives and the importance of continuous investment in water infrastructure; and

WHEREAS, communities across the United States, including water agencies, businesses, governments, and educational institutions will participate in “Imagine a Day Without Water” to raise awareness about the challenges of water scarcity, aging infrastructure, and climate change impacts; and

WHEREAS, the East Bay Municipal Utility District (District) has long been committed to maintaining and improving water infrastructure, ensuring the reliable delivery of high-quality water to over 1.4 million customers, and has embarked on the largest capital improvement program in its history; and

WHEREAS, the District continues to invest in water conservation programs, develops and implements long term planning including collaborations with regional partners, uses innovative technologies to ensure the long-term sustainability and resilience of its water systems, and advocates for stronger investment in water systems nationwide for the benefit of current and future generations; and

WHEREAS, the District places a priority on cultivating and building a knowledgeable, diverse, and service-oriented workforce to carry out its mission; and

WHEREAS, participating in “Imagine a Day Without Water” aligns with the District’s mission to provide reliable, high-quality water and to protect the natural environment through responsible resource management and environmental stewardship;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby recognizes and commemorates October 17, 2024, as “Imagine a Day Without Water,” and encourages all employees, customers, and community members to participate in the campaign by engaging in water conservation practices and raising awareness about the importance of water infrastructure.

BE IT FURTHER RESOLVED that the District supports the awareness, action, and investment necessary to ensure a healthy water future for all and reaffirms its commitment to continuing

investments in water infrastructure and ensuring the long-term reliability and sustainability of water resources for the benefit of the community, the environment, and future generations.

ADOPTED this 8th day of October, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary


APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: October 8, 2024

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Monthly Report – September 2024

HIGHLIGHTS

Between September 18-19, the District conducted four public meetings in Lodi for the District's Lower Mokelumne River Project Federal Energy Regulatory Commission relicensing effort. The meetings provided an overview of the relicensing process and engagement opportunities as well as information specific to fisheries and wildlife, extreme hydrology/climate change, operations/energy generation, and recreation. Approximately 35 people attended.

On September 21, the District hosted two cleanup events. The Great Sierra River Cleanup included cleanup of trash from the shoreline of Camanche Reservoir and the banks of the Mokelumne River. The annual Coastal Cleanup event in Oakland included cleanup of litter and recyclables from the Martin Luther King Jr. Regional Shoreline Park. Approximately 100 people attended both events.

WATER SUPPLY

On September 5, staff presented at the Eastern Water Alliance (EWA) meeting. The presentation highlighted the Demonstration, Recharge, Extraction, and Aquifer Management (DREAM) Project. Staff updated the EWA on the DREAM Project press release planned for winter 2024 and received feedback for the larger groundwater banking project. The EWA recognized the need for new designated groundwater monitoring wells and communicated the desire to maintain the 50 percent credit to the Eastern San Joaquin groundwater subbasin for the larger groundwater banking project. Approximately 10 people attended.

On September 18, Contra Costa Water District's (CCWD) Board directed staff to develop an approach to end CCWD's participation in the Los Vaqueros Reservoir Expansion Project. CCWD's Board is expected to vote on exiting the project in November 2024.

Precipitation. The East Bay precipitation for September was 0.02 inches (7 percent of average) and the season total was 0.06 inches (16 percent of average). The Mokelumne precipitation for September was 0.40 inches (51 percent of average) and the season total was 0.86 inches (67 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for September was 443 cfs (0 cfs generation, 428 cfs sluice, and 15 cfs through the hatchery), and the average flow below Woodbridge Dam was 199 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" water year criteria.

East Bay Reservoirs. Releases were made from Upper San Leandro and Chabot Reservoirs in anticipation of winter operating storage ranges from September 1-30.

Water Storage

Mokelumne reservoirs storage is 120 percent of average. As of September 30, 2024, Pardee was at 559.3 feet or 98 percent of average, and Camanche was at 227.8 feet or 136 percent of average. Combined Pardee and Camanche reservoir storage was 547,000 acre-feet compared to 540,000 acre-feet last year.

East Bay reservoirs storage is 106 percent of average. As of September 30, 2024, USL was at 455.0 feet or 131 percent of average, San Pablo was at 292.0 feet or 84 percent of average, and Briones was at 568.0 feet or 107 percent of average. Total terminal reservoir storage was 123,000 acre-feet compared to 129,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for September 2024 was 152 MGD. Walnut Creek, Moraga, and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for September:

	September 2024	September 2023	September 2020	Average of FY 2005-2007
East of Hills	61 MGD	56 MGD	67 MGD	87 MGD
West of Hills	123 MGD	123 MGD	133 MGD	174 MGD
Total	184 MGD	179 MGD	200 MGD	261 MGD
Max Day Production	197 MGD (9/5/2024)	190 MGD (9/8/2023)	229 MGD (9/7/2020)	

Note: Data are all from preliminary daily operational reports and are subject to revision

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In September, seasonal salmonid field monitoring was conducted in the Mokelumne River. The first fall-run Chinook salmon passed the Woodbridge Irrigation District fish ladder on September 13. As of September 14, nine Chinook salmon have been counted migrating through the fish ladder.

On September 9, staff met with the San Francisco Regional Water Quality Control Board (SFRWQCB) to provide a technical overview of our drinking water system, water loss control efforts and infrastructure renewal program. SFRWQCB has new staff enforcing the National Pollutant Discharge Elimination System (NPDES) Drinking Water Discharges permits. Staff provided an orientation to allow SFRWQCB staff to better understand District operations.

On September 9, the District Laboratory received an updated certification for seven compounds, incorporating new analytical methods for assessing five regulated haloacetic acids (HAAs), total phosphorus, and heterotrophic bacteria. These new methods enable quicker delivery of analytical results, which supports the District's regulatory compliance, process control monitoring, and operational and capital improvement needs. The new methods use less chemicals during analysis, enhancing safety for laboratory analysts and promoting environmental sustainability.

On September 10, staff completed biological monitoring and submitted an emergency notification to the California Department of Fish and Wildlife (CDFW) for the Bear Creek Crossing Repair Project. The trail creek crossing developed a sinkhole that was dangerous for hikers and equestrians and staff made immediate repairs. Staff completed an emergency notification to CDFW as required by Fish and Game Code 1610.

On September 12, staff attended the Los Vaqueros Reservoir Joint Powers Authority (LVR JPA) and Contra Costa Water District (CCWD) meeting to discuss updates to the Endangered Species Act (ESA) coverage for project operations. U.S. Bureau of Reclamation (Reclamation) informed CCWD that it will not initiate a Section 7 consultation for operations under the federal ESA. CCWD will therefore be required to obtain incidental take coverage for operations under Section 10 of the ESA. ESA Sections 7 and 10 limit harm to listed species that could occur from actions taken by an agency or entity. Section 7 applies to federal agencies, whereas Section 10 covers non-federal agencies and private landowners.

On September 13, staff completed a biological assessment for the EBMUD Low Effect East Bay Habitat Conservation Plan (HCP) amendment. The biological assessment is required for the District's recent acquisitions of the Carr Ranch and Indian Valley properties to add these properties to the amended HCP. The biological assessment will be used by the U.S. Fish & Wildlife Service to complete National Environmental Policy Act review as required for the amendment.

On September 18, staff completed replacement of a culvert on Sobrante Fire Road within the San Pablo Reservoir watershed. The project included the removal of a 48-inch metal culvert with drop structure which was replaced with a 36-inch double walled plastic culvert pipe.

On September 22, staff completed biological monitoring and submitted an emergency notification to the California Department of Fish and Wildlife (CDFW) for the San Pablo Sediment Pond Repair Project. The pond developed a sinkhole near the pond's outlet. The pond needed immediate repairs to avoid failure of the pond embankment which could result in a large discharge of sediment into San Pablo Reservoir. Staff completed monitoring for the project

as the pond was repaired and an emergency notification to CDFW as required by Fish and Game Code 1610.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of September. This is the 301st consecutive month that the MWWTP experienced no exceedances.

The District received one odor report from the public in September. Staff investigated and was not able to detect any unusual odors at the site; however, the complaint was considered verified based on the prevailing wind direction and conditions at the Main Wastewater Treatment Plant solid-liquid waste receiving station at the time. Chemical dosing was maintained at the influent pump station to mitigate potential odors.

INFRASTRUCTURE INVESTMENT

On September 9, the first phase of the Tappan Terrace Pipeline Relocation Project in Orinda was completed. This is a significant milestone following several years of collaborative design and construction efforts between the District, the hillside restoration contractor Engineered Soil Repairs, Inc., and the homeowners. The newly installed pipeline, which traverses a challenging steep hillside, is now ready for Phase 2 which will connect this pipeline to the distribution system. Phase 2 has commenced and is on track to complete by the end of the calendar year.

Between September 11-13, staff performed the annual dam safety inspections of the Pardee and Camanche facilities with representatives from the Federal Energy Regulatory Commission. The inspections included a review of the dams, dikes, spillways, outlets, and instrumentation. No significant items of concern were noted.

In September, staff completed a pipeline replacement project in the Normandie Avenue area in Oakland. This project replaced cast iron pipe with approximately 2,310 feet of 6- and 8-inch structurally enhanced polyvinyl chloride pipe.

In September, staff began two pipeline replacement projects in Oakland. The Lakeshore Avenue portion of the Lester Avenue area project was started in advance of Oakland's bicycle lane construction project in the same area. This project will replace cast iron pipe with approximately 835 feet of 8-inch mortar-lined and zinc coated ductile iron pipe. This section is expected to be completed in October 2024. The Magellan Drive area project will replace cast iron pipe with approximately 1,430 feet of 6-inch mortar-lined and zinc coated ductile iron pipe. This project is expected to be completed in November 2024.

In September, staff began a pipeline replacement project in the Huston Road and Pleasant Hill Road areas in Pleasant Hill. This project will replace cast iron pipe with 6- and 8-inch mortar-lined and zinc coated ductile iron pipe. This project is expected to be completed in November 2024.

In September, staff began a pipeline replacement project in the Carlson Boulevard area in Richmond. This project will replace cast iron pipe with 5,550 feet of 12-inch mortar-lined and zinc coated ductile iron pipe. This project is expected to be completed in February 2025.

In September, staff began a pipeline replacement project in the Neptune Drive area in San Leandro. This project will replace cast iron pipe with 1,445 feet of 6-inch mortar-lined and zinc coated ductile iron pipe. This project is expected to be completed in October 2024.

Design of the Pump Station H Rehabilitation Phase 2 Project was completed under SD-444. This \$10 million construction project will rehabilitate Wastewater Pump Station H located in Oakland, and will include replacement of main sewage pumps, effluent gate valve, sluice gates; installation of lining and protective coatings on the pump discharge header and influent channels; and associated mechanical, electrical, and instrumentation work. The project will also include the installation and operation of a temporary bypass system while the pump discharge header is out of service. Construction is expected to be completed in 2026.

Mains repaired in September totaled 87. The attached table lists the mains repaired by staff in September, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

In September, the District received two awards from the American Society of Civil Engineers for Outstanding Environmental Engineering Project and for Outstanding Water Project of the Year for the San Pablo Reservoir Hypolimnetic Oxygenation System Project. These awards will be presented at the October 22, 2024 Board meeting.

In September, the District received the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2023 Annual Comprehensive Financial Report from the Government Finance Officers Association. This is the 19th consecutive year the District has received this award.

In September, the District began the debt collection outreach process to single-family account holders identified as renters who have not paid their bills for more than 93 days. There are 10,663 renter accounts with an overall arrearage of approximately \$16.4 million. As the first step of the debt collection outreach process, the District will focus on 2,670 customers with balances over \$2,000 (with a total arrearage of \$8.5 million). These 2,670 customers were mailed a postcard in multiple languages, informing them their bill is past due and urging them to contact the District to make arrangements. The postcard also includes information about available assistance programs. A follow-up written notice indicating the intent to install a flow restrictor will be mailed to non-responsive customers in batches of 500. If no payment or payment plan is arranged, an urgent service interruption notice will be mailed seven days before installation, and a door hanger will be left at the property until the flow restrictor is installed.

On September 3, staff attended the East Bay Regional Parks District’s board meeting to read into record EBMUD’s condolence letter for Ellen Corbett.

On September 3, staff attended the Fairview Municipal Advisory Council meeting to learn more about community issues.

On September 3, staff presented at the North Richmond Municipal Advisory Council meeting. The presentation highlighted information on the District’s residential non-payment policy. Approximately 20 people attended.

On September 4, staff met with the Blackhawk Country Club to discuss updates to the District’s Recycled Water Strategic Plan, Dublin San Ramon Services District-EBMUD Recycled Water Authority supplemental supplies, and planned schedule for expansion of the San Ramon Valley Recycled Water Project. Blackhawk staff is preparing to present plans for irrigation improvements, including provisions for future recycled water, to their Board for long-term budget planning approval.

Between September 4-5, staff conducted a tour of the Main Wastewater Treatment Plant for students from Oakland’s Latitude High School. The tour provided an overview of the District, career opportunities, pollution prevention messaging, and an in-depth look at the wastewater treatment process. Transportation was subsidized by the District for Title 1 high schools in the wastewater service area. Approximately 75 people attended.

On September 5, staff presented at the Contra Costa Mayors Conference in Walnut Creek. The presentation highlighted information on the District’s residential non-payment policy. Approximately 150 people attended.

On September 7, staff participated in the Castro Valley Fall Festival in Castro Valley. Staff provided information on water conservation, rebates, leaks, help with customer bills, and careers at the District. Approximately 10,000 people attended.

On September 8, staff participated in the Oakland Pride event. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. A District pick-up truck was featured in the parade. Approximately 50,000 people attended.

On September 8, staff participated in the Solano Avenue Stroll. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. The Water on Wheels trailer was present. Approximately 425,000 people attended.

On September 9, staff presented at the Castro Valley Municipal Advisory Council Land Use meeting. The presentation highlighted information on the agreement between Alameda County and EBMUD for use of trench soils from the Miller Road site to repair the landslide on Redwood Road.

On September 10, staff attended Bayworks' Bay Area Water/Wastewater Workforce Reliability Women in Engineering Panel discussion in Orinda.

On September 10, staff conducted a tour of the San Pablo Reservoir and Sobrante Water Treatment Plant for fifth-grade students from Alameda's Bay Farm Elementary School. Staff provided information on the water system, stewardship, water treatment, and careers. Approximately 20 people attended.

On September 10, staff presented at the Eden Municipal Advisory Council meeting. The presentation highlighted information on the District's residential non-payment policy. Approximately 20 people attended.

On September 10, staff met with the Contra Costa County Public Works Department to coordinate construction activities. The two agencies shared information on current and upcoming work.

On September 11, staff attended the El Sobrante Municipal Advisory Council meeting to provide information on the District's residential non-payment policy. A Q&A session will be scheduled on this topic for the next meeting.

On September 11, staff attended the Alameda County Mayors Conference in Fremont to provide information on the District's residential non-payment policy. Approximately 45 people attended.

On September 12, staff presented at the U.S. Environmental Protection Agency's Climate Change and Financial Strength of Water Sector Utilities webinar. The presentation addressed the growing concern about climate change risk at water sector utilities. Approximately 115 people attended.

On September 12, staff met with the City of Orinda to coordinate construction activities. The two agencies shared information on current and upcoming work.

On September 12, staff presented at the Construction Management Association of America's NorCal Education Seminar. The presentation highlighted sustainability in process selection for the Orinda Water Treatment Plant Disinfection Improvements Facility. Approximately 50 people attended.

On September 12, staff attended the West County Forum in Richmond to learn more about community issues. Approximately 50 people attended.

On September 12, staff met with the City of Hercules to coordinate construction activities. The two agencies shared information on current and upcoming work.

On September 13, staff participated in the UC Berkeley CE 112 Water and Wastewater Systems Design and Operations – Fall 2024 Lab 3 Briones Dam and Watershed Tour. This

year there was a large group, with several students from other departments interested in the watershed and trench soils topics.

On September 13, staff led a tour of the Mokelumne River Day Use Area habitat restoration projects for the National Marine Fisheries Service (NMFS). The tour was an opportunity to meet the new NMFS Regional Administrator Jen Quan and to highlight our restoration work and long-term monitoring programs. Approximately 15 people attended.

On September 14, staff led a tour of EBMUD reservoir management and Mokelumne River Fish Hatchery operations for UC Berkeley engineering students. The tour focused on the District's stewardship efforts to benefit lower Mokelumne River fisheries, in particular fall-run Chinook salmon and steelhead.

On September 15, staff participated in the El Sobrante Chamber Stroll. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. The Water on Wheels trailer was present. Approximately 30,000 people attended.

On September 16, staff attended the Castro Valley Municipal Advisory Council General Purpose meeting to provide information on the District's residential non-payment policy. A presentation on the same topic is scheduled for October.

On September 16, staff conducted an education field trip for fifth-grade students from Oakland's Laurel Elementary School. The field trip included a visit to Lafayette Reservoir and Lafayette Water Treatment Plant. Staff provided information on the water system, stewardship, water treatment, and careers. Approximately 35 people attended.

On September 19, staff met with the City of San Ramon to coordinate construction activities. The two agencies shared information on current and upcoming work.

On September 19, the District sponsored the Community Kitchen Gala and Night Market at the Oakland Museum of California. This event celebrated the nonprofit's work with unhoused residents. Approximately 200 people attended.

Between September 21-22, staff participated in the Lafayette Art and Wine Festival. Staff provided information on the Lafayette Reservoir Tower Seismic Upgrade Project, emergency preparedness, and water conservation. The Water on Wheels trailer was present. Approximately 200,000 people attended.

On September 23, staff attended the Castro Valley Municipal Advisory Council Land Use meeting to learn more about community issues.

Between September 23-25, staff attended the California Water and Environmental Modeling Forum's Annual meeting in Folsom. Key topics discussed at the meeting included connecting physical and fishery modeling and the Central Valley Project water temperature platform.

Between September 23-26, staff presented at the Association of State Dam Safety Officials' Annual Conference in Denver, Colorado. The presentation highlighted a more robust, probabilistic based approach to doing dam breach analysis. Approximately 100 people attended.

On September 24, staff met with the City of San Leandro to coordinate construction activities. The two agencies shared information on current and upcoming work.

On September 24, staff conducted an education field trip for fifth-grade students from Berkeley's Washington Elementary School. The field trip included a visit to San Pablo Reservoir and Sobrante Water Treatment Plant. Staff provided information on the water system, stewardship, water treatment, and careers. Approximately 30 people attended.

On September 26, staff participated in the Healthy Living Festival in Oakland. Staff provided pollution prevention messages and distributed tools including grease scrapers to encourage proper disposal of fats, oils, and grease. Approximately 2,500 people attended.

On September 26, the District sponsored the Alameda Chamber's and Economic Alliance's Alameda Economic Forecast event. Staff attended the event to learn about Alameda's future and the business development plans in the city.

Between September 27-28, staff participated in the Walnut Creek Oktoberfest. Staff provided information on water conservation, the watershed, and the Lafayette Reservoir Tower Seismic Upgrade Project. The Water on Wheels trailer was present. Approximately 10,000 people attended.

Media. Multiple outlets covered the hydrogen fuel event hosted by the Port of Oakland and attended by dignitaries, including the Governor, EBMUD's Director Linney, and General Manager Clifford Chan (Gulf Oil and Gas, Fresh Fruit Portal, Container News, Hydrogen Central). Election forum listings included EBMUD positions (Oaklandside). A COVID update included wastewater surveillance (Oaklandside). An article on an ethics probe for campaign contributions regarding Libby Schaaf included mention of an EBMUD Board of Director as campaign consultant (SF Chronicle).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
X	River habitat restoration	216	4,013	24
Facebook	Admin clerk recruitment	2,062	2,203	15
Instagram	Admin clerk recruitment	2,366	2,444	28
LinkedIn	Admin clerk recruitment	3,070	10,367	74
Nextdoor	Water Wednesday – Bracing for Impact	74,807		

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Bonanza Street Cluster Pipeline Replacement (Walnut Creek)
- Happy Valley Pumping Plant and Pipeline Replacement (Orinda)
- La Espinal Phase 1 (Orinda)
- Lafayette Reservoir Tower Seismic Upgrade (Lafayette)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Ridgewood Road Pipeline Replacement and Facility Demo (Alamo)
- Tappan Terrace (Orinda)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek)

Contract Equity

On September 23 the District hosted the Business Matchmaking and Financing Workshop at its Administration Building. Staff and other industry partners led multiple panel discussions on topics including upcoming contracting opportunities with the District, the City of Oakland, and other agencies. Staff also provided information on access to financing. Invited agencies provided information on mentorship opportunities, matchmaking interviews, and access to the City of Oakland’s Contractor Capital Solution Program. Staffed resource tables also provided technical assistance with completing Contract Equity forms and registering as a supplier for the District. Approximately 65 people attended.

Contract Equity staff participated in the following customer events and outreach activities:

- September 11 – Women’s Business Enterprise Council, Construction Industry Event – 10 attendees
- September 12 – University of California’s Small & Diverse Business Advisory Council – 35 attendees
- September 12 – Multi-Chamber (San Leandro, Oakland Chinatown, Oakland Latino, and San Leandro Black Chamber of Commerce) Multicultural Mixer – 85 attendees

- September 19 – Oakland Latino Chamber of Commerce Board of Directors Meeting – 11 attendees
- September 24 – Oakland Latino Chamber of Commerce Mixer – 250 Attendees

Water Conservation

On September 19, staff presented at the Educational Community for Homeowners HOA event in San Ramon. The presentation highlighted the District’s water conservation programs, rebates, and services. Approximately 40 people attended.

Between September 23-24, staff participated in the Water Research Foundation’s Project 5242 (Residential End Uses of Water, Version 3: A Single-Family and Multi-Family Study) Advisory Committee Meeting in Las Vegas, Nevada. Topics discussed included the progress of the End-Use Study being conducted to determine water consumption patterns throughout the nation.

Between September 25-26, staff participated in the American Water Works Association’s Water Smart Innovations Conference in Las Vegas, Nevada. Staff served as session moderators: Protecting Source Waters, Commercial Outdoor Landscape Education Programs, and Commercial, Institutional and Industrial AMI and Submetering Program. Staff also accepted the U.S. Environmental Protection Agency (EPA) WaterSense Partner of the Year Award on behalf of the District. Approximately 300 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

In September, staff attended the Argent Communications Group’s 38th Annual California Water Law & Policy Conference in San Diego. The conference focused on multiple statewide concerns: managing flood control and water storage; water project operations and species protection; the status of the Delta project proposal; issues with dwindling Colorado River supplies; and the administration of groundwater under the Sustainable Groundwater Management Act.

Staff participated in events/activities that support the District’s long-term efforts to develop a diverse pipeline of candidates for future workforce needs and expand collaborative relationships with local partner organizations:

- **In September, staff coordinated District-wide Workforce Development (WFD) Month events.** Staff provided information on the District’s long-term WFD strategy and how to get involved with enhanced outreach at the District. The month’s events included meet-and-greets at the Adeline Maintenance Center and the Administration Building, weekly virtual trivia, a digital scavenger hunt, and a new SharePoint site for WFD Ambassadors. Approximately 150 people attended.
- **On September 13, staff participated in Civicorp’s Mock Interviews in Oakland.** Staff participated in mock interviews for corpsmembers and provided information on District

employment, career pathways, internships, and upcoming recruitments. Approximately 15 people attended.

Tuition Reimbursement

	September 2024	FY 2025 Total
# of Employees	9	41
# of Classes	10	55
Total Reimbursed	\$9,763.01	\$59,076.83

Employment Information

	September 2024	FY 2025 Total
Retirements – Regular	5	19
Retirements – Vested	0	0
Hires/Rehires	12	66
Other Separations	9	25

FINANCIAL STABILITY

Capital Budget Transfers. In September 2024, there were no capital transfers. Through September 30, 2024, there have been three capital transfers in FY 2025, for a total of \$1.5 million in the Water system and \$7.3 million in the Wastewater system.

In September, two additional qualified service providers were added to the agreements for bare equipment rentals. Tri Valley Water Trucks Inc. and Darrah Trucking & Excavating both meet District standards and have been added to increase flexibility and ensure service provider availability.

In September, two additional qualified service providers were added to the agreements for vehicle/equipment repair and other related services. Auto Glass Techs and Gold Country Auto Body both meet District standards and have been added to increase flexibility and ensure service provider availability.

In September, an additional qualified vendor was added to the agreements for fleet aftermarket vehicle and equipment parts. Next Level Parts, Inc. meets District standards and has been added to increase flexibility and ensure vendor availability.

An additional amendment to the agreement with Woodard & Curran, Inc., originally authorized under Board Motion No. 033-21, with an amendment authorized by the Director, will be requested to increase the agreement amount by \$2,500,000 to a total amount not to exceed \$5,077,733 and extend the agreement by two years. The original agreement amount was \$2,246,768. A first amendment was authorized in May 2024 to add \$330,965 to a total not to exceed \$2,577,733. The Main Wastewater Treatment Plant Oxygen Plant Rehabilitation project will address the long-term replacement of capital equipment, improve worker efficiency and time savings by reducing maintenance costs, and improve worker

safety and workspaces. The first amendment was required for additional scope of work identified during the design. The second amendment is needed to provide additional engineering services during construction and to support the development of the new controls. The Board will be asked to consider approval at its October 22, 2024 meeting.

An amendment to the agreement with Synagro-WWT, Inc. (Synagro) originally authorized under Board Motion No. 128-22 will be requested to increase the agreement amount by \$14,062,000 to a total amount not to exceed \$29,152,000 and extend the agreement term by one year. The original biosolids handling agreements were issued for two firms, Synagro to handle District biosolids generated during the wet weather months and Denali to handle biosolids during the dry weather months for an aggregate amount, including option years not to exceed \$24,240,000. Recently, Synagro acquired Denali's entire California biosolids handling business, so Denali is no longer available to handle the District's biosolids during dry weather. This amendment will transfer the dry weather season handling responsibilities to Synagro. It will increase Synagro's agreement amount by \$14,062,000 which includes \$8,412,000 to add dry weather services for the remaining term of the agreement and \$5,650,000 to add one year of services to Synagro's agreement to a total amount not to exceed \$29,152,000. The District's agreement with Denali will be terminated with a separate Settlement and Release Agreement.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for September is \$86,102. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$18,752 from the Port of Oakland. Earned revenue for FY 2025 to date is estimated at \$210,974 or 53 percent of the total FY 2025 budget of \$400,000.

The estimated earned revenue from Mokelumne power sales for September is \$1,708,330. The District sold renewable power and related Renewable Energy Certificates (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$61,880 from MCE. Resource Adequacy capacity sales to NRG Business Marketing LLC, Ava Community Energy and Shell Energy earned \$972,400, \$12,960, and \$362,880, respectively. Estimated earned revenue to date through September is \$4,831,382 or 47 percent of the FY 2025 budgeted revenue \$10,200,000. The forecasted revenue for FY 2025 is \$11,575,991.

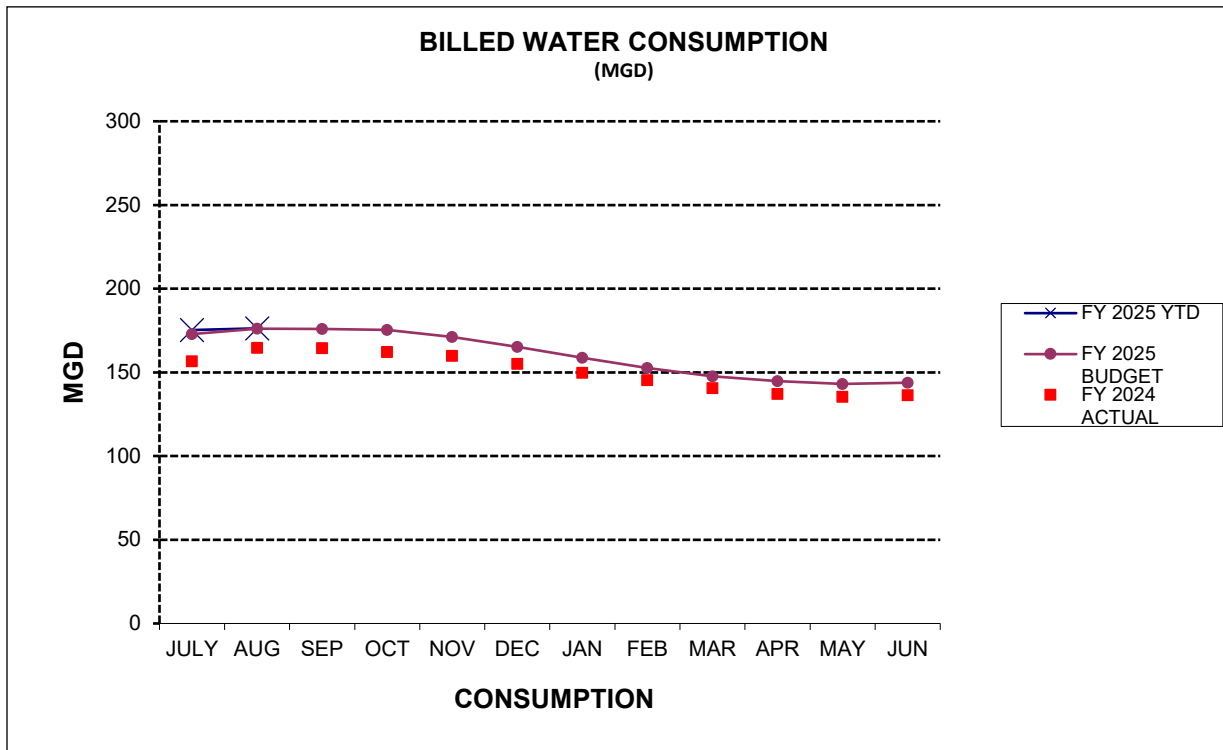
There was one material, supply, or construction contract from \$80,001 to \$100,000 and one general and professional service agreement from \$30,001 up to \$80,000 approved by the General Manager in September 2024.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
ImageTech, LLC	9/5/2024	White Men	Purchase of Roland VersaObject CO-640i-F3 UV Printer	N/A	N/A	\$84,413
Crushpix Video Prod. Co. LLC	9/24/2024	Unclassified	Amendment to increase previously awarded agreement by \$20,000 and extend to June 30, 2025 under Purchase Order No. EBM207022 for video production services for the New Employee Orientation (NEO) video project.	NEO Video Project	N/A	\$50,000

Water Sales (Consumption)

The following consumption information is the average water consumption in millions of gallons per day (MGD) for the first two months of FY 2025¹. Budgeted average daily water consumption for FY 2025 is 143.9 MGD, noting that summer month consumption is generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2024 data for the same period of time.

Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY 2025 (MGD)	FY 2024 (MGD)	Year-over-Year (% change)
Residential	89.8	82.8	8.5%
Commercial	59.3	54.2	9.4%
Industrial	19.1	19.7	-3.0%
Public Authority	8.1	8.0	1.3%
Total Billed Water Consumption	176.3	164.7	7.0%

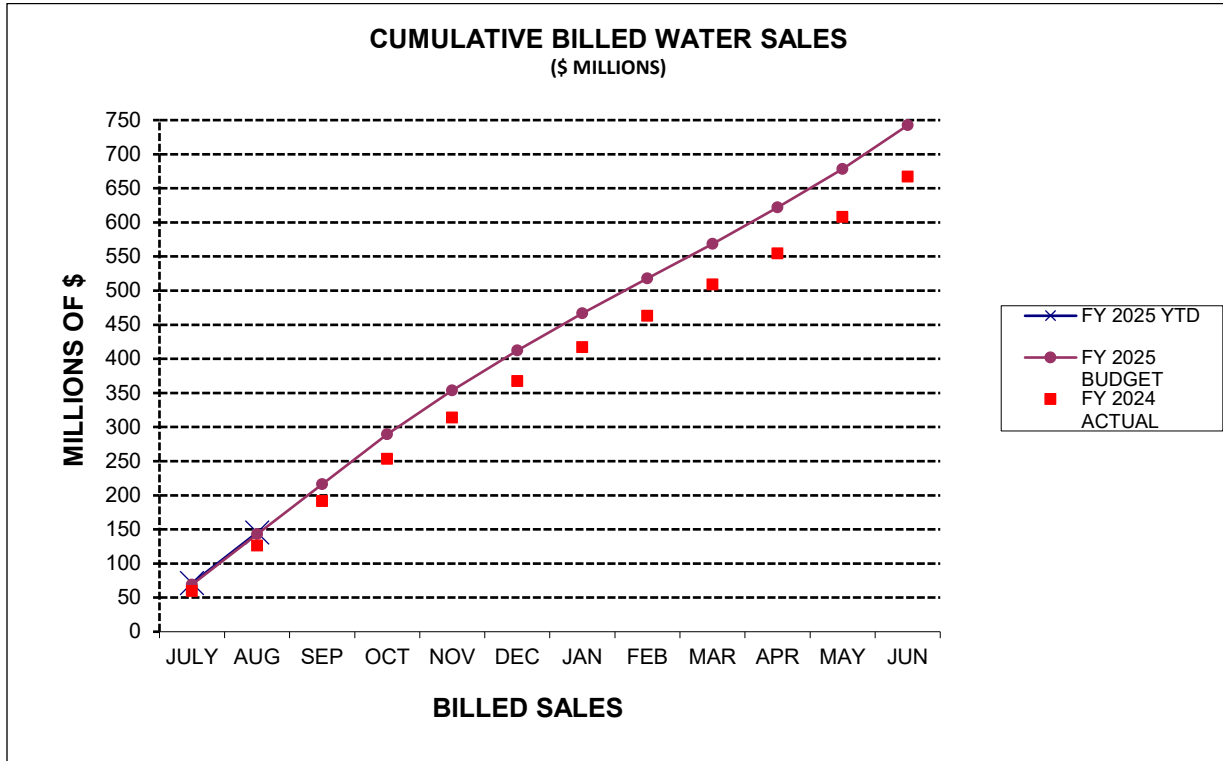


Source: Customer Information System

¹ Billed consumption is the amount of potable and non-potable water use for which EBMUD billed customers during the month and not actual customer usage within that month. During any month, roughly half of all EBMUD customers are billed for the prior two months of consumption. For example, a customer bill sent in early August would generally contain charges for water consumed in June and July.

Water Sales (Expected Revenue)

Water revenues billed through the end of August were \$145.3 million² or 15.0% more than the FY 2024 revenue for the same period of \$126.3 million. This increase in water revenues is a result of higher consumption and an 8.5% rate increase (effective July 1, 2024). Total FY 2025 water revenues through August are \$2.4 million (1.7%) more than the budgeted water revenue of \$142.9 million.



Source: Customer Information System

² Water sales includes potable and non-potable water sales.

SEPTEMBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
ALAMEDA		WEBSTER	ST	CAST IRON	8	1880	0	9/16/2024	9/17/2024	Y
ALAMO		ANGELA	AVE	ASBESTOS CEMENT	6	1962	13,500	9/10/2024	9/10/2024	Y
ALAMO		RIDGEWOOD	RD	STEEL	12	1961	90,000	9/28/2024	9/29/2024	Y
ALAMO		ROYAL OAKS	DR	ASBESTOS CEMENT	8	1963	900	9/2/2024	9/3/2024	Y
ALAMO		STONE VALLEY	RD	ASBESTOS CEMENT	6	1978	1,350	9/2/2024	9/3/2024	Y
BERKELEY		DERBY	ST	CAST IRON	4	1929	8,640	9/19/2024	9/24/2024	Y
BERKELEY		MENDOCINO	AVE	CAST IRON	4	1911	8,640	9/11/2024	9/16/2024	Y
CASTRO VALLEY		CARLTON	AVE	ASBESTOS CEMENT	6	1965	21,600	9/21/2024	9/23/2024	Y
CASTRO VALLEY		SOMERSET	AVE	STEEL	6	1955	9,000	9/21/2024	9/22/2024	Y
CASTRO VALLEY		VERONICA	AVE	ASBESTOS CEMENT	6	1952	23,040	9/3/2024	9/10/2024	Y
DANVILLE		BRIGHAM	LN	ASBESTOS CEMENT	6	1960	1,800	9/26/2024	9/27/2024	Y
DANVILLE		MISSION	PL	ASBESTOS CEMENT	6	1981	1,350	9/12/2024	9/12/2024	Y
DANVILLE		MONTAIR	DR	STEEL	6	1964	0	8/29/2024	9/4/2024	Y
DANVILLE		SENCA	CT	ASBESTOS CEMENT	6	1974	1,080	9/8/2024	9/8/2024	Y
DANVILLE		SIERRA VISTA	PL	ASBESTOS CEMENT	4	1959	0	9/26/2024	9/26/2024	Y
DANVILLE		TIVOLI	LN	STEEL	12	1989	0	8/27/2024	9/12/2024	Y
DIABLO		EL NIDO		ASBESTOS CEMENT	8	1977	2,700	9/1/2024	9/2/2024	Y
DIABLO		LA CADENA		ASBESTOS CEMENT	6	1960	0	8/27/2024	9/9/2024	Y
EL CERRITO		GLADYS	AVE	CAST IRON	4	1935	0	9/5/2024	9/5/2024	Y
EL CERRITO		RICHMOND	ST	CAST IRON	6	1961	0	9/17/2024	9/24/2024	Y
EL SOBRANTE		SAN PABLO DAM	RD	CAST IRON	8	1932	18,000	9/8/2024	9/8/2024	Y
EMERYVILLE		45TH	ST	ASBESTOS CEMENT	6	1958	450	9/10/2024	9/10/2024	Y
HAYWARD		MAROLYN	CT	CAST IRON	4	1950	5,760	9/6/2024	9/9/2024	Y
LAFAYETTE		GLORIA	TER	CAST IRON	6	1952	5,400	9/1/2024	9/1/2024	Y
LAFAYETTE		HAPPY VALLEY	RD	STEEL	6	1956	12,960	9/3/2024	9/11/2024	Y
LAFAYETTE		MARION	CT	ASBESTOS CEMENT	8	1976	9,000	9/17/2024	9/18/2024	Y
LAFAYETTE		RELIEZ VALLEY	CT	ASBESTOS CEMENT	6	1976	1,350	9/30/2024	9/30/2024	Y
LAFAYETTE		RELIEZ VALLEY	RD	CAST IRON	4	1941	1,800	9/3/2024	9/4/2024	Y
LAFAYETTE		SANTA MARIA	WAY	CAST IRON	6	1939	13,500	9/24/2024	9/24/2024	Y

**KPI = turn around time to repair the leak*

SEPTEMBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
MORAGA		RHEEM	BL	CAST IRON	8	1948	9,000	9/9/2024	9/9/2024	Y
MORAGA		SAINT MARYS	RD	STEEL	6	1966	1,800	9/22/2024	9/23/2024	Y
OAKLAND		4TH	AVE	CAST IRON	4	1936	18,000	9/22/2024	9/22/2024	Y
OAKLAND		13TH	AVE	CAST IRON	6	1962	11,520	8/28/2024	9/4/2024	Y
OAKLAND	E	21ST	ST	CAST IRON	6	1925	0	9/4/2024	9/10/2024	Y
OAKLAND		3RD	ST	STEEL	8	1967	0	9/9/2024	9/24/2024	Y
OAKLAND		73RD	AVE	CAST IRON	8	1930	1,350	9/2/2024	9/3/2024	Y
OAKLAND		84TH	AVE	CAST IRON	6	1924	0	9/8/2024	9/18/2024	Y
OAKLAND		ALMA	PL	ASBESTOS CEMENT	6	1961	9,000	9/1/2024	9/2/2024	Y
OAKLAND		BROADWAY	TER	CAST IRON	6	1951	2,250	9/25/2024	9/25/2024	Y
OAKLAND		CAPRICORN	AVE	CAST IRON	6	1938	9,000	9/25/2024	9/25/2024	Y
OAKLAND		CAPRICORN	AVE	CAST IRON	8	1938	9,000	9/26/2024	9/26/2024	Y
OAKLAND		CHANCELLOR	PL	STEEL	6	1959	9,000	9/6/2024	9/7/2024	Y
OAKLAND		COLISEUM	WAY	ASBESTOS CEMENT	12	1957	18,000	9/24/2024	9/24/2024	Y
OAKLAND		FOOTHILL	BL	CAST IRON	4	1936	9,000	9/3/2024	9/4/2024	Y
OAKLAND		GRACE	AVE	CAST IRON	4	1932	7,200	9/7/2024	9/11/2024	Y
OAKLAND		HAWLEY	ST	CAST IRON	6	1924	20,160	9/4/2024	9/17/2024	Y
OAKLAND		HEAFEY	RD	CAST IRON	6	1949	90,000	9/13/2024	9/13/2024	Y
OAKLAND		LAS AROMAS		CAST IRON	6	1952	0	9/4/2024	9/9/2024	Y
OAKLAND		MAGELLAN	DR	CAST IRON	6	1939	0	9/10/2024	9/13/2024	Y
OAKLAND		MORPETH	ST	CAST IRON	6	1931	15,840	8/26/2024	9/5/2024	Y
OAKLAND		NORFOLK	RD	CAST IRON	8	1926	22,500	9/16/2024	9/16/2024	Y
OAKLAND		OAKMORE	RD	CAST IRON	6	1926	11,520	9/19/2024	9/26/2024	Y
OAKLAND		ROCKRIDGE	BL	CAST IRON	4	1910	5,760	9/26/2024	9/27/2024	Y
OAKLAND		TELEGRAPH	AVE	CAST IRON	4	1932	20,160	9/11/2024	9/17/2024	Y
OAKLAND		TRAFALGAR	PL	CAST IRON	8	1956	0	9/6/2024	9/11/2024	Y
ORINDA		CAMINO SOBRANTE		CAST IRON	6	1934	1,800	9/23/2024	9/23/2024	Y
ORINDA		LA ESPIRAL		CAST IRON	4	1934	23,040	9/17/2024	9/24/2024	Y
PIEDMONT		MORAGA	AVE	CAST IRON	6	1934	18,000	9/12/2024	9/12/2024	Y

**KPI = turn around time to repair the leak*

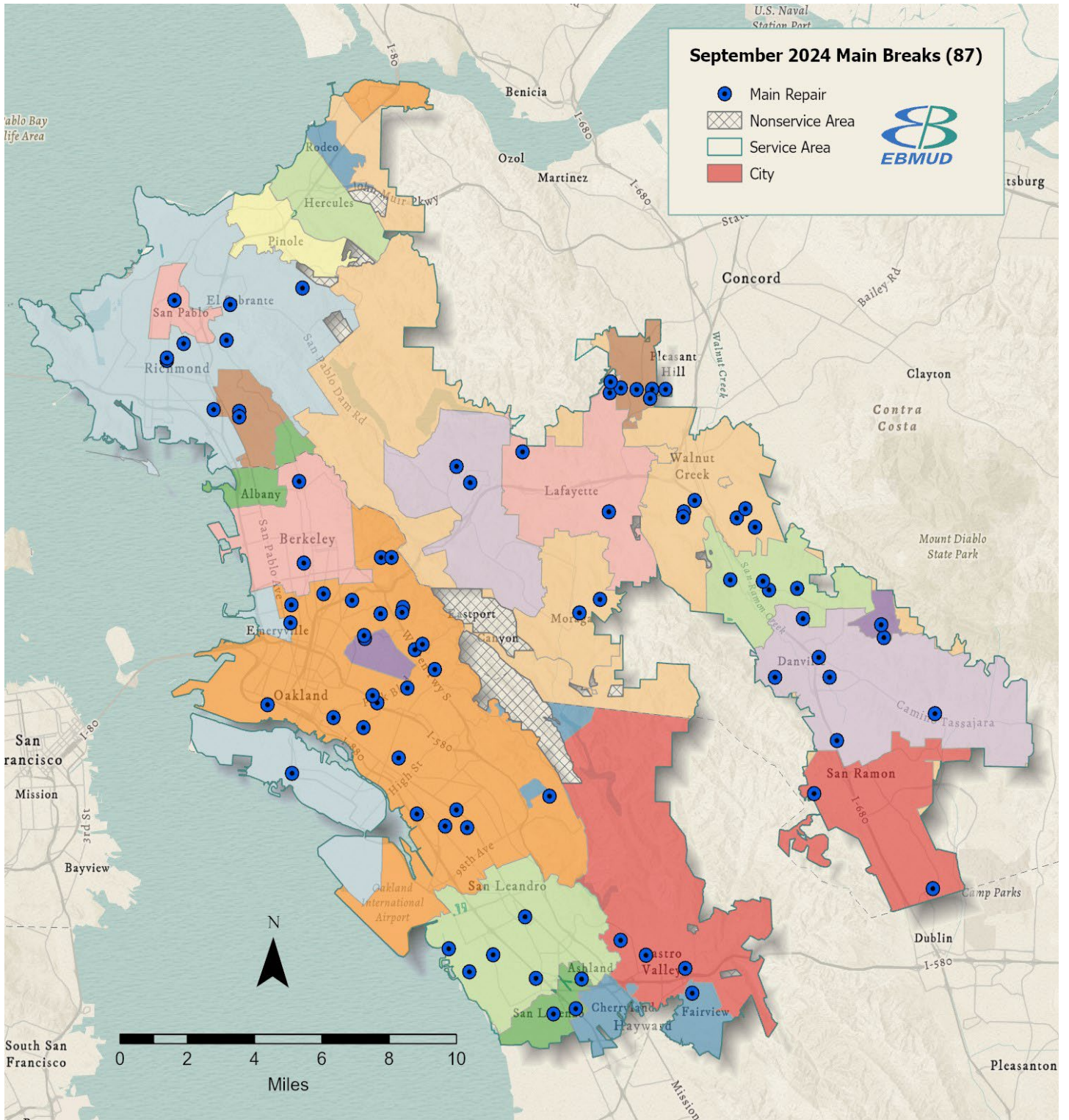
SEPTEMBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
PIEDMONT		RAMONA	AVE	STEEL	6	1918	8,640	9/5/2024	9/10/2024	Y
PLEASANT HILL		BARNETT	CIR	NON METALLIC / PLASTIC	6	2015	17,280	9/6/2024	9/17/2024	Y
PLEASANT HILL		OAK PARK	BL	CAST IRON	4	1941	3,600	9/23/2024	9/24/2024	Y
PLEASANT HILL		OAK PARK	BL	CAST IRON	4	1941	5,760	9/24/2024	9/24/2024	Y
PLEASANT HILL		PLEASANT HILL	RD	CAST IRON	6	1941	0	8/15/2024	9/3/2024	Y
RICHMOND		22ND	ST	CAST IRON	4	1937	36,000	9/4/2024	9/4/2024	Y
RICHMOND		22ND	ST	CAST IRON	4	1937	900	9/4/2024	9/5/2024	Y
RICHMOND		HUMPHREY	AVE	CAST IRON	6	1941	45,000	9/23/2024	9/23/2024	Y
RICHMOND		MCBRYDE	AVE	CAST IRON	6	1941	4,320	9/24/2024	9/26/2024	Y
RICHMOND		MORNINGSIDE	DR	ASBESTOS CEMENT	6	1979	18,000	9/7/2024	9/7/2024	Y
RICHMOND		MORNINGSIDE	DR	ASBESTOS CEMENT	6	1979	5,400	9/7/2024	9/8/2024	Y
RICHMOND		REID	CT	ASBESTOS CEMENT	6	1965	2,700	9/10/2024	9/10/2024	Y
SAN LEANDRO		ACAPULCO	RD	ASBESTOS CEMENT	8	1964	0	9/4/2024	9/4/2024	Y
SAN LEANDRO		ALEXANDRIA	ST	CAST IRON	4	1947	18,000	9/12/2024	9/12/2024	Y
SAN LEANDRO		BLACKPOOL	PL	ASBESTOS CEMENT	6	1979	1,440	9/6/2024	9/6/2024	Y
SAN LEANDRO		MERCED	ST	ASBESTOS CEMENT	12	1954	4,500	9/18/2024	9/18/2024	Y
SAN LEANDRO		NEPTUNE	DR	CAST IRON	4	1941	13,500	9/21/2024	9/21/2024	Y
SAN LORENZO		ELGIN	ST	CAST IRON	6	1938	17,280	9/7/2024	9/10/2024	Y
SAN LORENZO		VIA ARROYO		CAST IRON	6	1950	0	9/17/2024	9/23/2024	Y
SAN LORENZO		VIA PINALE		CAST IRON	6	1944	9,000	9/26/2024	9/26/2024	Y
SAN PABLO		SAN PABLO	AVE	CAST IRON	6	1940	10,080	9/3/2024	9/9/2024	Y
SAN RAMON		ANZA	CT	ASBESTOS CEMENT	6	1975	28,800	8/31/2024	9/3/2024	Y
SAN RAMON		FIRCREST	LN	ASBESTOS CEMENT	8	1964	50,400	9/19/2024	9/25/2024	Y
WALNUT CREEK		ARLENE	DR	CAST IRON	6	1948	17,280	9/8/2024	9/13/2024	Y
WALNUT CREEK		DEL MONTE	CT	ASBESTOS CEMENT	6	1952	13,500	9/22/2024	9/22/2024	Y
WALNUT CREEK		MONTECILLO	DR	ASBESTOS CEMENT	6	1977	4,500	9/30/2024	9/30/2024	Y
WALNUT CREEK		PALMER	RD	ASBESTOS CEMENT	6	1959	18,000	9/29/2024	9/30/2024	Y
WALNUT CREEK		SAN MIGUEL	DR	ASBESTOS CEMENT	6	1959	1,350	9/27/2024	9/28/2024	Y
WALNUT CREEK		WESTMORELAND	CIR	ASBESTOS CEMENT	6	1972	1,800	9/30/2024	9/30/2024	Y

**KPI = turn around time to repair the leak*

SEPTEMBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
							951,750			

Non-surfacing leaks discovered by leak detection technologies	3
Breaks caused by contractors or other agencies	0
Other main breaks	84
Total water main repairs	87

**KPI = turn around time to repair the leak*



Customer Account Delinquency Information September 2024													
(Data collection began September 1, 2017 - CAP applications processed through Sep 27 24)													
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24 ⁴⁹	Totals (since 9/1/2017)						
New CAP Participants	244	227	211	252	250	258	15,003						
CAP Renewals	279	285	236	216	210	196	15,725						
CAP Departures	425	447	414	434	362	438	21,811						
Total Active CAP Participants w/Active Accounts	9,474	9,592	9,674	9,965	10,135	10,234	-						
PAYMENT PLANS	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Totals (since 9/1/2017)						
Approved Payment Plans	1,927	1,830	1,730	1,831	1,952	2,224	237,924						
Payment Plans Established After Service Interruptions	-	-	-	-	-	-	1,320						
SERVICE INTERRUPTIONS - RESIDENTIAL	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Totals (since 9/1/2017)						
15-day Final Collection Notices	18,321	17,839	17,204	17,075	18,632	17,997	1,360,907						
48-hr Service Interruptions Notices ³	12,867	10,974	11,583	11,748	12,052	10,409	812,151						
Service Interruption Orders Created	-	-	-	-	-	-	82,689						
Service Interruptions Completed (Actual)	-	-	-	-	-	-	22,712						
CAP Enrolled Service Interruptions	-	-	-	-	-	-	802						
WATER THEFT	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Totals (since 9/1/2017)						
No. of Incidents	10	3	1	2	10	14	552						
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	41						
No. Water Theft Penalties Issued	-	-	-	-	-	-	228						
No. of Appeals Received	-	-	-	-	-	-	10						
No. of 1st Appeals Approved	-	-	-	-	-	-	5						
No. of 1st Appeals Denied	-	-	-	-	-	-	8						
Multi-Family Liens¹	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Totals (since 9/1/2017)						
Liens Filed	58	259				62	6,819						
Released	23	22	35	178	131	228	6,081						
Transferred to Alameda Cty.					224		2,418						
Transferred to Contra Costa Cty.					44		444						
Total/Month	81	281	35	178	399	290	15,762						
BAD DEBT - WRITE OFFS²	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Totals (since 9/1/2017)						
Total Referred to Collection Agency	\$379,355	\$512,874	\$259,360	\$267,680	\$512,874	TBD	19,039,073						
Write-Off % to Billed Revenue	0.72%	0.83%	0.39%	0.34%	TBD	TBD							
¹ Liens filed monthly represent delinquent accounts 4-6 months in arrears.													
³ 48-hour notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.													
⁴⁹ Report dated 2024-10-01. CAP applications processed through 9/27/24. Updates: Total referred amount(s) for Aug 24, Write Off % for Jun 24 & Jul 24.													
<i>*Notes: Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shut off as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.</i>													
Water Theft													
Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Lafayette
Meter	7	1	2	19	4	3	1	2	3	1	8	6	2
Illegal Connection	0	1	0	3	0	0	0	0	0	0	0	0	0
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	7	2	2	22	4	3	1	2	3	1	8	6	2
Water Theft Type/City	Oakland	Orinda	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Total as of 9/1/2017	
Meter	346	1	1	6	97	7	2	12	6	2	2	541	
Illegal Connection	4	1	0	0	0	1	0	0	0	0	1	11	
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	
Total	350	2	1	6	97	8	2	12	6	2	3	552	

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: October 3, 2024

MEMO TO: Board of Directors

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

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

SUBJECT: Finance/Administration Committee Minutes – September 24, 2024

Director April Chan called to order the Finance/Administration Committee meeting at 9:11 a.m. in the Administration Building Boardroom. Director William B. Patterson was present at roll call. Chair Andy Katz arrived at 9:24 a.m. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Principal Management Analyst Nathan P. Hood, Internal Auditor Supervisor Barry N. Gardin, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on documents she provided to the Committee; information from Government Code section 53296 et al. not being referenced in the District’s draft Protection of Whistleblowers policy; the District’s organization chart; and concerns with language in Section 4.04(d) of the proposed Board Governance Manual.

Presentations/Documentation. 1) Presentation entitled “Key Performance Indicators for Fiscal Year 2024,” dated September 24, 2024; 2) Presentation entitled “Board Governance Documents,” dated September 24, 2024; 3) Revised Policy 7.03 – Emergency Preparedness/Business Continuity; 4) EBMUD Organization Chart dated January 2024; 5) Memo dated January 8, 2015 from Delores Turner, Manager of Human Resources to the Board of Directors regarding Employer-Employee Relations Policy (Employer-Employee Relations Policy effective 3/13/73 attached); and 6) Document titled Disclosure of Information: Local Government 53296-53299.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the August 2024 report noting the overall investment portfolio is currently earning approximately 4.6 percent interest. She reported the September 2024 report will reflect a decrease in the investment portfolio as the District is required to return \$20 million in California Water and Wastewater Arrearage Payment Program funds that could not be applied to open accounts in accordance with program criteria. It was moved by Director Patterson, seconded by Director Chan, and carried (2-0) by voice vote to accept the report. Chair Katz was not present.

Key Performance Indicators (KPIs) for Fiscal Year (FY) 2024. Principal Management Analyst Nathan P. Hood provided the presentation. The FY 2023/2024 KPIs were established in May 2022; the FY 2025/2026 KPIs were discussed at the May 28, 2024 Mid-Cycle Budget Update Workshop. For FY 2024, the District met or was on track to meet 91 percent of its measurable targets, compared to 94 percent in FY 2023. He reviewed seven KPIs that improved from FY 2022 as well as 14 FY 2024 KPIs that were either not met or not met, but on track. KPIs for the following seven targets were not met and

not on track: biogas recapture for on-site energy production at the Main Wastewater Treatment Plant (MWWTP); number of concrete digesters and concrete aerated grit tanks rehabilitated; MWWTP Administrative Facilities Seismic Retrofits design completion; Wastewater capital expenditures as a percentage of capital budgeted cash flow; percent of customers rating the District's services as "good" or "excellent" in Recreation; Contact Center percent of calls answered within less than or equal to 60 seconds; and Injury and Illness Investigations completed within 10 working days. Staff began measuring FY 2025 KPIs on July 1, 2024 and is scheduled to provide a report in October 2025. The FY 2025/2026 KPIs have been restructured, numbered for ease of reference, and are being measured using leading and lagging indicators. The Committee discussed the information presented and staff responded to questions regarding the targets that were not met and not on track. The Committee requested information on why progress has not changed on supplemental supply projects in the last 5 years; staff to meet with the unions to discuss proposed changes to calculating the KPI for completing injury and illness investigations; and a summary of survey comments received regarding customer experience at recreation facilities including information on specific recreation areas, if available. Director of Finance Sophia D. Skoda pointed out the entire KPI report is available on the District's website and provides additional details on KPIs that were met or are on track to meet 91 percent of measurable targets. Ms. Skoda said staff will explore having subject matter experts on KPI targets available during future updates. It was moved by Director Chan, seconded by Director Patterson, and carried (3-0) by voice vote to accept the report.

Revisions to District Policies. Internal Auditor Supervisor Barry N. Gardin reviewed proposed revisions to Policy 4.04 – Financial Planning and Budgetary Control; Policy 6.08 – Contract Equity Program; Policy 6.09 – Contractor Compliance with Equal Employment Opportunity; and Policy 7.03 – Emergency Preparedness and Business Continuity. The Committee asked staff to keep the sentence "*Take corrective action before budget overages occur*" which was deleted from the Financial Monitoring section of Policy 4.04 and commented on the extensiveness of the revisions to Policy 6.08. Staff confirmed the Office of General Counsel reviewed Policy 6.08 as it pertains to law and that the content is largely the same. The proposed revisions restate the policy with more succinct language. The Committee discussed postponing a recommendation on Policy 6.08 until it had been reviewed by the Legislative/Human Resources Committee. There was additional discussion and General Manager Chan said he would confer with the Legislative/Human Resources Committee Chair before the Regular meeting in the afternoon on reviewing Policy 6.08. Mr. Gardin pointed out additional modifications were made to Policy 7.03 to further clarify residency requirements for Board Standby Officers. A copy of the additional modifications had been provided at Committee places. Staff confirmed the deleted language will be added back to Policy 4.04 and the General Manager will confer with the Legislative/Human Resources Committee Chair on reviewing Policy 6.08 before the Board takes action on the policies at its Regular meeting in the afternoon. It was moved by Director Chan, seconded by Director Patterson, and carried (3-0) by voice vote to support the staff recommendation.

Draft Board of Directors Governance Policies and Proposed Board Governance Manual.

General Counsel Derek T. McDonald provided the presentation and reviewed actions taken prior to the August 27, 2024 Finance/Administration Committee meeting. At that meeting, staff presented an update on proposed governance documents, including a draft outline for a Board Governance Manual and three District policies (revised Policy 6.04 - Ethics of the EBMUD Board of Directors; revised Policy 4.14 - Reimbursement of Director Expenses; and a new policy on the Protection of Whistleblowers), which

were developed based on feedback from the Finance/Administration Committee and Board members. At the August 27 meeting, the Committee provided additional feedback, which staff incorporated into the draft documents being discussed today. He reviewed a proposed timeline for the Board to review and staff to finalize the manual and policies. If the Committee supports the proposed timeline, staff will provide copies of the draft manual and policies to the Board for review and feedback by October 8. On October 22, staff will update and present the final manual and policies to the Finance/Administration Committee for recommendation to the Board and to the Board for discussion and approval at its meeting that afternoon. Addressing the Committee was Ivette Rivera who commented on the documents she provided to Committee members; information from Government Code section 53296 et al. not being referenced in the draft Protection of Whistleblowers policy; including the District's organization chart in the manual; and concerns with language in Section 4.04(d) of the manual. The Committee discussed the timeline; including cross references in the manual; the format of the District's current organization chart; and potentially allowing time for the public to review and comment on the draft governance documents before the Board takes action. Staff advised the manual will include cross references and an appendix that will contain important District governance documents as well as general information for Board members. There was additional discussion about meeting the timeline, providing the Board with a copy of the draft appendix, and providing a list of the feedback received to all Board members. The Committee expressed support for the recommended review process and timeline.

Adjournment. Chair Katz adjourned the meeting at 10:26 a.m.

CCC/RSC

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