



**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, November 12, 2024
11:00 a.m.
Boardroom
375 11th Street
Oakland, CA 94607

*The public will be able to participate via teleconference from
32B Haji Iskender Street, Buzovna, Baku, Azerbaijan*

*****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. *Adel Soltan Kashefi, et al. v. EBMUD, et al.*
Alameda County Superior Court, Case No. 24CV069180
 - b. Protest of East Bay Municipal Utility District to Water Rights Application
by Orinda Country Club State Water Resources Control Board, Application No. A033345
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
one matter.

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

REGULAR BUSINESS MEETING
1:15 p.m.

*The public will be able to participate via teleconference from
32B Haji Iskender Street, Buzovna, Baku, Azerbaijan*

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- Annual Presentation Honoring EBMUD Veterans

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 16 recommendations.)

1. Approve the Regular Meeting Minutes of October 22, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$15,981,900 for the construction of the Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition Project under Specification 2183.
4. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$1,480,683 for the construction of the Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480 Project under Specification 2184.
5. Authorize an agreement beginning on or after November 12, 2024 with Alameda County Public Works Agency in an amount not to exceed \$200,000 for the Meekland Bridge Pipeline – Contract Services for Pipeline Replacement.
6. Authorize an agreement beginning on or after November 12, 2024 with Blocka Construction, Inc. in an amount not to exceed \$229,000 for the construction of the Adeline Maintenance Center Carpentry Shop Dust Collection System Upgrade.
7. Authorize an agreement beginning on or after November 12, 2024, with Carollo Engineers, Inc. in an amount not to exceed \$1,965,088 for engineering design services for rehabilitation of the South Interceptor at South Coliseum Way between maintenance holes S08 and S10 by the Oakland Coliseum and for rehabilitation and lining of maintenance holes S08, S09, and S10.

CONSENT CALENDAR: (Continued)

8. Authorize an agreement beginning on or after March 1, 2025 with Central Contra Costa Solid Waste Authority for five years and four months, with two options to renew for additional one-year periods by mutual agreement for the acceptance and digestion of preprocessed food waste at the District's Main Wastewater Treatment Plant.
9. Authorize an agreement beginning on or after November 12, 2024 with COSCO Fire Protection for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$405,000 for fire sprinkler and fire pump testing, inspecting, and maintenance.
10. Authorize agreements beginning on or after November 12, 2024, with MCK Americas, Inc., Consor PMCM, Inc., and Kennedy/Jenks Consultants, Inc., in an aggregate amount not to exceed \$9,000,000 for three years with one option to renew for an additional two-year period for as-needed construction management and inspection support.
11. Authorize an agreement beginning on or after November 12, 2024 with Well Industries, Inc. in an amount not to exceed \$411,263 for the construction of two required monitoring wells and one optional monitoring well in the East Bay Plain Subbasin.
12. Authorize an amendment to the agreement previously authorized under Board Motion No. 073-20 with Sherwood Design Engineers to increase the agreement amount by \$950,000 to a total amount not to exceed \$3,970,129 for additional engineering services during construction for the Recreation Area Water and Wastewater Collection System Improvements Projects to support Specification 2165 – Pardee Recreation and Pardee Center Water Treatment Plant Improvements.
13. Authorize an amendment to the agreement previously authorized under Board Motion No. 128-22 with Synagro-WWT, Inc. to increase the agreement amount by \$14,060,000 to a total amount not to exceed \$29,150,000 and extend the agreement term to June 30, 2028, for biosolids handling services at the Main Wastewater Treatment Plant.
14. Authorize an amendment to the agreement previously authorized under Board Motion No. 033-21 with Woodard & Curran, Inc. to increase the agreement amount by \$2,540,720 to a total amount not to exceed \$5,118,453 and extend the agreement term to December 31, 2027, for additional engineering services during construction for the Main Wastewater Treatment Plant Oxygen Plant Rehabilitation Project under SD-428.

CONSENT CALENDAR: (Continued)

15. Authorize actions related to flagging services.
 - 15a. Authorize amendments to the agreements previously authorized under Board Motion No. 218-22 with City Rise, LLC; Cal-Safety, Inc.; CMC Traffic Control Specialists Inc.; TPR Traffic Solutions; Traffic Control Pros; and Traffic Management Inc. to increase the aggregate amount of those agreements by \$1,800,000 to a total aggregate amount not to exceed \$8,250,000 and extend the term of the agreements to November 11, 2025 for flagging services.
 - 15b. Authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on November 12, 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.
16. Cancel the December 24, 2024 meetings of the Board of Directors.

DETERMINATION AND DISCUSSION:

17. Authorize an amendment to the Agreement for Employment of General Counsel Derek T. McDonald to extend the agreement for an additional two-year term through July 4, 2027.
(Resolution)
18. File the Report and Recommendation of the General Manager for Revisions to the existing Recreation Fee Schedule for Calendar Year 2024 to Calendar Year 2025 and set a Public Hearing.
 - 18.1. File the Report and Recommendation of the General Manager for Revisions to the existing Recreation Fee Schedule for Calendar Year 2024 to CY 2025 based on the U.S. Department of Housing and Urban Development Fair Market Rents index for 2-bedroom homes averages for Amador and Calaveras counties Not Subject to Proposition 218, and Regulations.
 - 18.2. Set a Public Hearing for Tuesday, December 10, 2024 during the Board's regular meeting, to consider the Report and Recommendation.
19. Adopt a resolution to update the District Regulations Governing Water Service Section 15A: Nonpayment of Bills by Single-Family Residential Customers.
(Resolution)
20. Review Board of Directors comments on a draft Board Governance Manual and policies and provide direction to staff on finalizing the documents for adoption by the Board at future Board meetings.
21. Appoint the Manager of Maintenance and Construction/Water Operations.
(Resolution)

CONSENT CALENDAR: (Continued)

22. General Manager's Report.

- Fiscal Year 2025 Employee Experience Survey
- Monthly Report – October 2024

REPORTS AND DIRECTOR COMMENTS:

23. Committee Reports:

- Planning
- Finance/Administration
- Sustainability

24. Other Items for Future Consideration.

25. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 26, 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, November 12	Planning Committee	9:30 a.m. Boardroom	- Fiscal Year 2024 Annual Readiness Report - Update on the GreenGen Pumped Storage Project - Proposed Revisions to Watershed and Recreation Rules and Regulations and Camanche Recreation Area Seasonal Alcohol Prohibition
	Legislative/Human Resources Committee		<i>Canceled</i>
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Tuesday, November 26	Finance/Administration Committee	TBD Boardroom	- Closed Session - Regular Meeting
	Infrastructure Workshop	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	
Thursday, November 28 & Friday, November 29	Thanksgiving Holiday		<i>Offices closed</i>
Tuesday, December 10	Planning Committee	TBD Boardroom	- 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}, McIntosh
Planning	Young {Chair}, Chan, Linney
Sustainability	Linney {Chair}, Katz, Young

APPENDIX

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

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

Online*

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

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 12, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Derry L. Moten, Special Assistant to the General Manager 

SUBJECT: Annual Presentation Honoring EBMUD Veterans

In recognition of Veterans Day, the November 12, 2024 Board meeting will include a presentation honoring employees who have indicated they serve or have served in the United States military.

CCC:DLM:yhd

I:\SEC\2024 Board Related Items\111224 Board Agenda Items\ODEC – Honoring Veterans.docx

This page is intentionally left blank.

MINUTES

**Tuesday, October 22, 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 11:13 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

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

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

ROLL CALL

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

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

BOARD OF DIRECTORS

President McIntosh led the Pledge of Allegiance.

EBMUD Service Award Recipients – July through September 2024

Senior Human Resource Analyst Siobhan M. Tuvo highlighted the employees that reached service award milestones ranging from five to 40 years of service. These employees were also recognized by their organizational leadership through the Employee Recognition and Service Award Program and received a service award on behalf of the District. Ms. Tuvo read the names of the recipients including the following in attendance: Senior Software Engineer Milagros Landicho; Plant Maintenance Mechanic Chun Shum; Senior Construction Inspector Jack Alexan; Public Information Representative III Tracie Morales; Senior Software Engineer Danny Pham; Grounds Maintenance Specialist II Emmett Cadigan; and Associate Civil Engineer Kevin Jim.

PRESENTATION

General Manager Clifford C. Chan announced Water Conservation Representative Kristin C. Bowman received Sustainable Contra Costa's 2024 Leadership in Sustainability Award. He highlighted Kristin's work with EBMUD's Landscape Advisory Committee, in the community, and with many of the District's large-landscape customers. Director Andy Katz presented the award and congratulated Kristin on her achievements.

Next, General Manager Clifford C. Chan announced the District received the American Society of Civil Engineers San Francisco Section's 2024 Outstanding Water Project of the Year and Outstanding Environmental Engineering Project of the Year awards for the San Pablo Reservoir Hypolimnetic Oxygenation System Project. Director Marguerite Young presented the awards to the following staff representatives from several departments: Senior Construction Inspector Jack Alexan; Senior Construction Inspector Faentine Bell; Assistant Engineer Joe Kacyra; Associate Civil Engineer Mario Martinez; Senior Civil Engineer Javier Prospero; Associate Civil Engineer Chloe Cheok; Senior Civil Engineer Michael Hartlaub; Assistant Engineer Elaine Horng; and Associate Electrical Engineer Justin Young.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Young, seconded by Director Patterson, to approve the recommended actions for Items 1-10 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 191-24** – Approved the Regular Meeting Minutes of October 8, 2024.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Board Governance Documents,” dated October 22, 2024; **2)** Speakers' Bureau and Outreach Record CY24, dated October 22, 2024; and **3)** Email dated October 21, 2024 from Ivette Rivera to SecOffice@ebmud.com et. al regarding Please provide the two emails below to the EBMUD Board of Directors for Open Board meeting held on October 22, 2024: Due Process in Employment Context/Impact v. Intent.
3. **Motion No. 192-24** – Authorized an agreement beginning on or after October 22, 2024 with Comprehensive Construction Services, Inc. in an amount not to exceed \$930,507 for the replacement of two potable water tanks at Camanche North Shore Recreation Area and Pardee Center.
4. **Motion No. 193-24** – Authorized an agreement beginning on or after October 22, 2024 with D&M Utility Services of CA in an amount not to exceed \$104,500 for utility locating and mapping services at the Camanche North Shore Recreation Area.
5. **Motion No. 194-24** – Authorized an agreement beginning on or after October 22, 2024, with Hazen and Sawyer, Inc. in an amount not to exceed \$2,490,016 for engineering design services for infrastructure and process improvements and engineering services during construction for wastewater Pump Stations B, C, G, J, and R.
6. **Motion No. 195-24** – Authorized agreements beginning on or after October 22, 2024, with Jacobs Engineering Group, Inc. in an amount not to exceed \$2,428,230 for engineering design services for the rehabilitation of the Alameda Interceptor at Mariner Square Drive (between maintenance holes A47-A48) and South Interceptor at Second Street (between maintenance holes S51-S55).
7. **Motion No. 196-24** – Authorized an amendment to the agreement previously authorized under the General Manager’s authority with Inspection Services, Inc. to increase the agreement amount by \$200,000 to a total amount not to exceed \$280,000 for special inspection services during construction for the Main Wastewater Treatment Plant Digester Upgrade, Phase 3 Project under SD-356.
8. **Motion No. 197-24** – Authorized an amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water between the Dublin San Ramon Services District (DSRSD)/East Bay Municipal Utility District (EBMUD) Recycled Water Authority (DERWA), DSRSD, and EBMUD to allow EBMUD and DSRSD to connect and serve specific customers via DERWA’s recycled water system while preserving the existing moratorium on new customer connections to DERWA’s system.
9. **Motion No. 198-24** – Approved the September 2024 Monthly Investment Transactions Report.
10. **Motion No. 199-24** – Authorized the Office of General Counsel to continue the employment of the Law Offices of Curtis T. White for specialized legal services in Federal Communications Commission licensing related matters in an additional amount not to exceed \$40,000.

DETERMINATION AND DISCUSSION

11. **Authorize an amendment to the Agreement for Employment of General Manager Clifford C. Chan, to add an indemnification provision effective October 22, 2024.**

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

Resolution No. 35424-24 – Authorizing Third Amendment To General Manager Employment Agreement.

12. **Appoint an ad hoc committee comprised of members of the Board of Directors to advise staff on selecting a facilitator and developing an agenda for a Board retreat in 2025.**

General Manager Clifford C. Chan said as briefly mentioned at the October 8, 2024 Board meeting, there will be at least three new members joining the Board next year. To support Board members, it will be helpful to have a retreat in early 2025 to be led by an outside facilitator. If appointed, the ad hoc committee would advise staff on selecting the facilitator and assist with developing the retreat agenda. Directors April Chan, Luz Gómez, and Marguerite Young volunteered to serve on the ad hoc committee.

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

Motion No. 200-24 – Appointed Directors April Chan, Luz Gómez, and Marguerite Young to serve as the ad hoc committee to advise staff on selecting a facilitator and developing an agenda for a Board retreat in 2025.

13. **Review Board of Directors (Board) comments on a draft Board Governance Manual and policies and provide direction to staff on further revisions and a timeline for the Board to adopt the documents.**

General Manager Clifford C. Chan reported staff reviewed the draft Board Governance Manual and policies at the Finance/Administration Committee meeting earlier and that the Committee discussed and agreed with the proposed revisions regarding three key comments in the manual. There were no additional comments on the policies. He noted that Director Chan had additional comments on the manual which she briefly highlighted during the Finance/Administration Committee meeting for consideration by the Board. General Counsel Derek T. McDonald presented an overview of actions taken between June 2024 to date to develop the manual and three 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). At the September 24, 2024 Finance/Administration Committee meeting, staff presented a proposed timeline for Board members to review and provide comments on the draft manual and policies by October 8. Staff received feedback from Board members on the manual which were addressed in the version included in the agenda materials; no additional comments were received on the policies. He reviewed key comments in the manual that are policy considerations for the

Board regarding reporting communications with elected officials or their staff about EBMUD matters; onboarding and training for new Board members; and consequences for a new Board member's failure to complete onboarding and ongoing training. Staff is seeking Board direction on these topics. Director Young provided clarification on her comments on manual section 4.05 – Relationship with Union Representatives – to ensure the language reflects that Board members should not take individual perspectives or opinions offered by union members as a position or policy of the union. There was considerable Board discussion on reporting communications with elected officials or their staff about EBMUD matters. The Board directed staff to maintain the existing language in Policy 6.04 under the Fair and Open Processes Involving the Public Section regarding disclosure of communications. Next, the Board discussed at length the language related to meeting attendance requirements and compensation and whether some of the proposed requirements are policy or past practice. Staff clarified the language in sub-section 13.01 – Determination of Compensation is stated in Policy 6.04 and codified in Board Resolution No. 35000-16. Board members commented the language in the third bullet of sub-section 13.01 codifies existing Board practices. The Board agreed to requiring onboarding and training for new Board members and the updated language to sub-section 9.04 – Failure to Complete Required Onboarding and Ongoing Training. There was additional discussion regarding Director Chan's comments and proposed revisions to the manual which included incorporating additional language from the Municipal Utility District Act regarding the powers and duties of the Board. Following additional discussion, General Manager Chan said staff will incorporate today's feedback and Director Chan's comments into a redline copy of the manual and send it to the Board by Thursday, October 24 for review. The final manual and policies will be presented for adoption by the Board at its meeting on November 12 unless additional issues are raised by Board members. The Board agreed with this approach.

- Director Linney left the meeting at 1:45 p.m.
- Director Patterson left the meeting at 1:45 p.m. and returned at 1:50 p.m.

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 October 8, 2024 Planning Committee.
- Chair Andy Katz reported the Finance/Administration Committee met earlier and received updates on the Monthly Investment Transactions Report; Quarterly Financial Reports; Fiscal Year 2024 Annual Power Revenue Report; Fiscal Year 2024 Total Annual Budget and Performance Report; Annual Internal Audit Report; Camanche Mobilehome Park Rent – Stabilization Bank Proposal; and the Draft Board Governance Manual and Policies.
- Chair Doug A. Linney reported the Sustainability Committee met earlier and received an update on the Calendar Year 2023 Greenhouse Gas Inventory.

16. **Other Items for Future Consideration.**

None.

17. **Director Comments.**

- Director Patterson reported attending several community meetings and highlighted some of the discussions and concerns expressed. He also reported attending the Pardee Home Museum celebration of the 100th Anniversary of George Pardee assuming leadership of EBMUD in Oakland on October 19 and commended General Manager Clifford C. Chan on providing a historical account of George Pardee during the event.
- Director Young reported attending the Ward 3 briefing at San Pablo Reservoir on October 10. She thanked staff including General Manager Clifford C. Chan, Director of Water and Natural Resources Michael T. Tognolini, Director of Operations and Maintenance David A. Briggs, Director of Engineering Serge V. Terentieff, Senior Community Affairs Representative Mona L. Favorite Hill, Manager of Fisheries and Wildlife Michelle L. Workman, Community Affairs Representative Joseph J. Voelker, and Special Assistant to the General Manager Kelly A. Zito and her team for their support.
- President McIntosh announced that due to provisions in the Municipal Utility District Act, Director Luz Gómez's current term on the Board will end on November 5. If re-elected as Director for Ward 2 on November 5, Director Gómez will take office again immediately after the election results are certified by the Secretary of the District in December.
- Directors Chan, Gómez, Katz, and Linney had no reports.

ADJOURNMENT

President McIntosh adjourned the meeting at 2:33 p.m.

SUBMITTED BY:

Rischa S. Cole Secretary of the District

APPROVED: November 12, 2024

Lesa R. McIntosh, President of the Board



BOARD ACTION

Agenda Number:	3.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	FAY HILL PUMPING PLANT REPLACEMENT; RHEEM AND SCENIC EAST PUMPING PLANTS IMPROVEMENTS; FAY HILL ROAD AND RIGHT OF WAY 3363 PIPELINE IMPROVEMENTS; AND RIDGEWOOD REGULATOR INSTALLATION, PUMPING PLANT AND PRESSURE TANK DEMOLITION
-------	---

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$15,981,900 for the construction of the Fay Hill Pumping Plant (PP) Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way (R/W) 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition Project (Project), under Specification 2183.
--------------------	--

SUMMARY	This contract covers the construction of various water distribution system improvements, including the relocation of Fay Hill PP, improvements to Rheem and Scenic East PPs, demolition of Ridgewood PP and Pressure Tank, installation of Ridgewood Regulator, and various pipeline improvements, including those along R/W 3363 and Fay Hill Road. The Project will upgrade existing water distribution facilities to ensure more efficient, reliable, and safer operation. It will also address maintenance concerns while meeting future demands. This project was discussed at the October 11, 2022 Long-Term Infrastructure Investment Workshop.
---------	--

DISCUSSION	This project is part of the District's PP Rehabilitation Program, which identifies the highest priority pumping plants for rehabilitation, replacement, or demolition and ranks them based on age, safety, criticality, maintenance, and operational reliability criteria. The Fay Hill PP in Moraga, originally built in 1965 within a buried concrete vault, has exceeded its useful life. After evaluation of Fay Hill PP, it was determined that replacement of the existing facility would best address safety and operational reliability issues while meeting regulatory requirements. The new Fay Hill PP will require new suction and discharge pipelines which will be constructed in Rheem Boulevard and Moraga Road. The new Fay Hill PP will be located adjacent to Rheem PP in Moraga, which will receive various upgrades to support the addition of the new pumping plant. The Ridgewood PP and hydropneumatic pressure tank (PT) system in Alamo was originally built in 1963 and is one of the last two hydropneumatic systems at the District. The system has electrical, mechanical, and access issues. A new Ridgewood intertie pipeline installed by District forces will connect the Ridgewood Pressure Zone (PZ) to the Holly PZ; eight customers will be
------------	--

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? Yes	Board Action Type: Construction
Funds Available: FY2025; Award #7000033; Page #57	Budget Coding: 11.570.2015177.2020025	Approved: 	
Attachment(s): Bid Summary; Location Map; P-035; P-061			

Title:	Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements, Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

re-zoned to the Holly PZ, and the proposed Ridgewood regulator will serve the remainder of the Ridgewood PZ, allowing for the Ridgewood PP and PT to be demolished.

The Scenic East PP in Blackhawk was originally built in 1986. Scenic East PP lacks the necessary valves and experiences leaking of existing valves, which limit the District's ability to maintain the PP equipment. The improvements will resolve these issues.

The Fay Hill Road pipeline improvements (totaling 575 feet) in Lafayette will address very low pipeline pressure experienced when the Fay Hill reservoir level drops, by lowering the pipeline elevation in two sections.

The R/W 3363 pipeline improvements in Danville will provide a permanent solution to an emergency leak that was identified in August 2022. This work is necessary to restore water flow and system capacity back to original conditions and remove the temporary bypass from service.

This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal by upgrading critical infrastructure components.

BID RESULTS

Bid documents were posted on the District's website and issued to 22 resource organizations and 7 prospective bidders. Four bids were received, ranging from \$15,981,900 to \$20,223,541. The bid summary is attached. The engineer's estimate for this work is \$17,676,744.

The lowest responsive/responsible bidder, Mountain Cascade, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Mountain Cascade, Inc. and its listed subcontractors are properly registered with the State DIR.

In the past five years, Mountain Cascade, Inc. has not filed a Government Code Claim nor initiated any litigation against the District.

SUSTAINABILITY**Economic**

Funding for this work is available in the FY 2025 adopted capital budget for Pumping Plant Rehabilitation.

Social

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations of the State of California.

Local 444 was notified of this contract on December 14, 2021, July 6, 2023, and February 8, 2024. Local 444's issues were addressed at meetings on August 3, 2023, September 14, 2023, October 5, 2023, and December 4, 2023 and the issues were resolved.

Title:	Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements, Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

Environmental

A California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the Water Treatment and Transmission Improvements Program (WTTIP), which includes the Fay Hill Pumping Plant and Pipeline Improvements covered by this contract, was certified by the Board on December 19, 2006. An addendum to the Environmental Impact Report covering design changes was approved on December 16, 2019. The following scope elements have also been determined to be exempt and CEQA Notices of Exemption were filed with the Contra Costa County Clerk as follows:

- Ridgewood Regulator and Scenic East Pumping Plant – Exempt pursuant to CEQA Guidelines sections 15282(k), 15302 & 15303 – NOE filed July 10, 2023
- R/W 3363 Water Pipeline Replacement – Exempt pursuant to CEQA Guidelines sections 15301 & 15302 - NOE filed August 4, 2023
- Fay Hill Road Pipeline Relocation Project – Exempt pursuant to CEQA Guidelines sections 15282 & 15302 – NOE filed January 4, 2024

ALTERNATIVES

Do not complete the project. This alternative is not recommended because this work is required to address aging infrastructure and address safety and operational reliability issues.

Perform the work with District forces. this alternative is not recommended because the scope and complexity of the required work is beyond District in-house capabilities and District forces are fully committed to other capital and maintenance work and cannot support the project in the required timeframe. District forces have provided support for this project, including installation of 4,410 linear feet of pipeline.

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

SPECIFICATION 2183

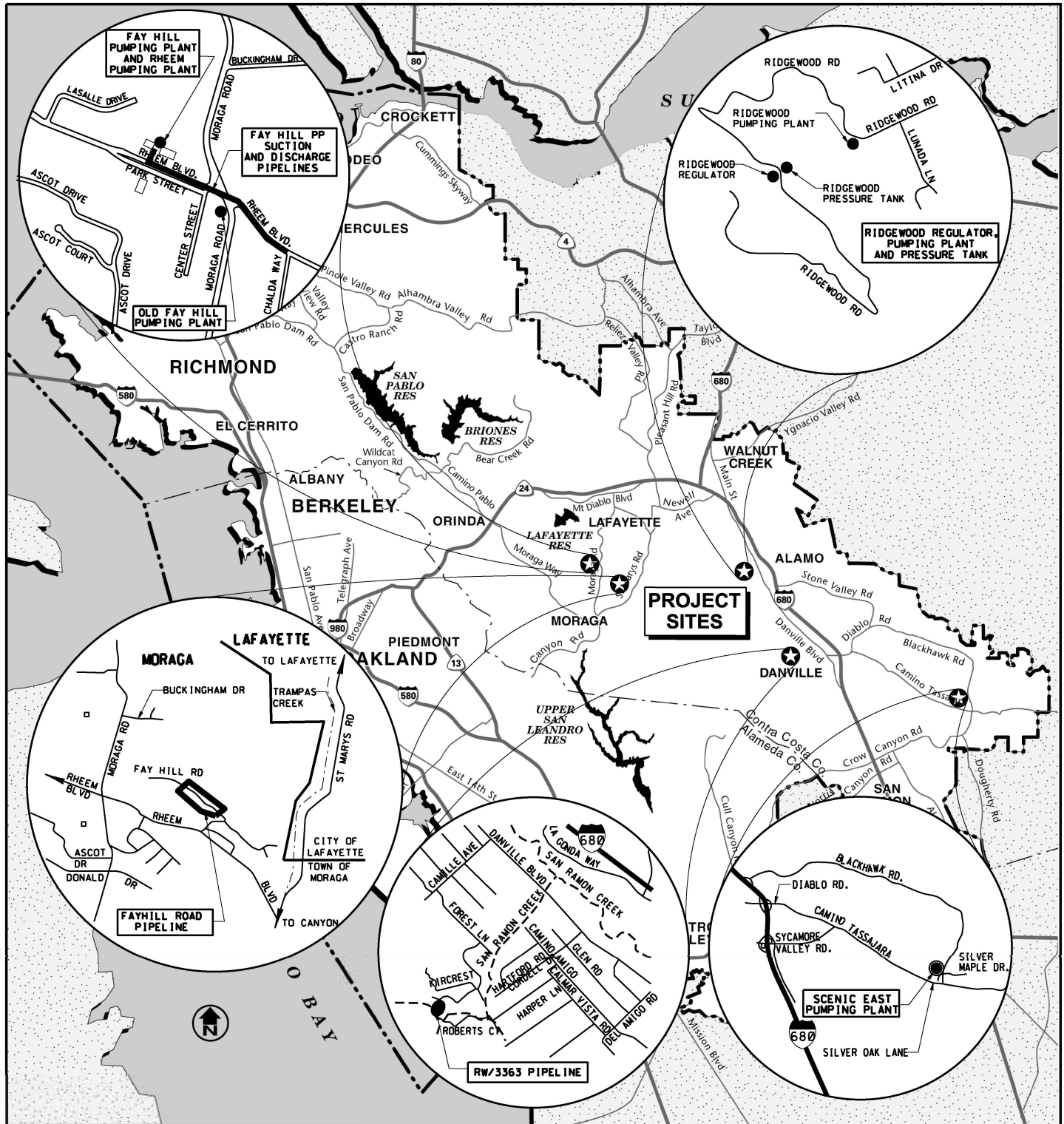
Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition

Bids Opened Wednesday, October 9, 2024

	BIDDER	TOTAL AMOUNT BID
1.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$15,981,900
2.	Steve P. Rados 2002 E. McFadden Ave., Ste. 200 Santa Ana, CA 92705 (916) 475-1654	\$17,844,575
3.	Anvil Builders, Inc. 1550 Park Ave. Emeryville, CA 94608 (415) 285-5000	\$18,139,680
4.	Andrew M. Jordan, Inc. dba A&B Construction 225 3 rd St. Oakland, CA 94607 (510) 999-6000	\$20,223,541

Engineer's Estimate:

\$17,676,744



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

FAY HILL PUMPING PLANT REPLACEMENT;
RHEEM AND SCENIC EAST
PUMPING PLANTS IMPROVEMENTS,
AND FAY HILL ROAD AND
RIGHT OF WAY 3363 PIPELINE IMPROVEMENTS;
AND RIDGEWOOD REGULATOR INSTALLATION,
PUMPING PLANT AND PRESSURE TANK
DEMOLITION
SPECIFICATION 2183



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2183 Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition						DATE: October 17, 2024							
CONTRACTOR: Mountain Cascade, Inc. Local Business Livermore, CA					PERCENTAGE OF CONTRACT DOLLARS								
BID/PROPOSER'S PRICE: \$15,981,900 *		FIRM'S OWNERSHIP			White Men		25%		99.3%				
		Ethnicity		Gender		White Women		9%		0.7%			
		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: Mountain Cascade, Inc.		\$10,494,449		White		X		65.7%					
SUBS: Courtney Inc.		\$114,517		White		X		0.7%					
American Pavement Systems		\$229,000		White		X		1.4%					
American Equipment Systems		\$125,000		White		X		0.8%					
Malcolm Drilling		\$359,964		White		X		2.3%					
Cal West Acoustics		\$92,670		White		X		0.6%					
Certified Coatings Company		\$158,900		White		X		1.0%					
Alta Group Inc		\$115,000		White		X		0.7%					
James Long Construction Services		\$72,400		White		X		0.5%					
TOTAL		\$15,981,900						99.3% 0.7% 0.0%		0.0% 0.0% 0.0%			
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)													
				White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:				148		11		141		300			
Percent of Total Employees:				49.3%		3.7%		47.0%					
MSA Labor Market %:				24.5%		21.6%		53.9%					
MSA Labor Market Location:				Alameda									
COMMENTS													
Contract Equity Participation: 99.3% White Men participation and 0.7% White Women participation. Contract Duration: NA *Total not to exceed: \$15,981,900													
Workforce Profile & Statement of Nondiscrimination Submitted						Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended				
NA						YES							

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

[illegible]



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: SPECIFICATION NO.: 2183 Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2183		DATE: 10/17/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	2	138	1	0	141	47.0%	53.9%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	8	0	0	8	19.5%	
		Technical/Sales	0	2	0	0	2	28.6%	
		Clerical/Skilled	0	7	1	0	8	42.1%	
		Semi/Unskilled	2	121	0	0	123	52.8%	
		Bay Area	2	138	1	0	141	47.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/4/2021		
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		300	Bay Area:	25
S	WM	Company Wide	5	480	4	0	489	91.9%	48.4%
Courtney Inc. Robert Gilbert 16781 Millikan Ave. Irvine, CA 92606 949-222-2050 Ext 114		Manager/Prof	0	4	0	0	4	40.0%	
		Technical/Sales	0	5	1	0	6	35.3%	
		Clerical/Skilled	5	466	3	0	474	95.6%	
		Semi/Unskilled	0	5	0	0	5	55.6%	
		Bay Area	3	182	0	0	185	93.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		532	Bay Area:	199
S	WM	Company Wide	0	0	0	0	0	0.0%	28.6%
American Pavement Systems, Inc. Ryan Banglo 1012 11th Street, Suite 1000 Modesto, CA 95354 209-522-2277		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Stanislaus		# Employees-Co. Wide:		10	Bay Area:	0
S	WM	Company Wide	INFORMATION NOT PROVIDED						
American Equipment Systems Richard De Nijs 900 E Orangefair Lane Anaheim, CA 92801 925-864-0080		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
Bay Area									
		Co. Wide MSA:							
S	WM: LBE	Company Wide	5	62	13	2	82	44.8%	53.9%
Malcolm Drilling Company, Inc. Laurie Iseri 3503 Breakwater Court Hayward, CA 94545 415-901-4400		Manager/Prof	1	5	3	0	9	20.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	3	18	5	0	26	36.6%	
		Semi/Unskilled	1	39	5	2	47	69.1%	
		Bay Area	5	62	13	2	82	44.8%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		183	Bay Area:	183
S	WM: SBE	Company Wide	0	2	0	0	2	20.0%	39.9%
Cal West Acoustics Katlyne Wester 1435 Technology Ln., Suite B6 Petaluma, CA 94954 415-656-6454		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	2	0	0	2	20.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		10	Bay Area:	10

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: SPECIFICATION NO.: 2183 Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2183		DATE: 10/17/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM	Company Wide	2	54	0	0	56	47.9%	47.6%
Certified Coatings Company		Manager/Prof	0	0	0	0	0	0.0%	
David Morris-Gooding		Technical/Sales	0	1	0	0	1	50.0%	
2320 Cordelia Road		Clerical/Skilled	2	50	0	0	52	52.0%	
Fairfield, CA 94534		Semi/Unskilled	0	3	0	0	3	21.4%	
707-639-4419		Bay Area	2	54	0	0	56	47.9%	39.9%
		Co. Wide MSA:	Solano		# Employees-Co. Wide:		117	Bay Area:	117
S	WW	Company Wide	49	0	0	0	49	100.0%	48.4%
Alta Group Inc		Manager/Prof	7	0	0	0	7	100.0%	
Genele Oberrich		Technical/Sales	0	0	0	0	0	0.0%	
1 Ave of the Palms Ste 134		Clerical/Skilled	42	0	0	0	42	100.0%	
San Francisco, CA 94130		Semi/Unskilled	0	0	0	0	0	0.0%	
415-914-0466		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		49	Bay Area:	0
S	WM: L/SBE	Company Wide	0	1	0	0	1	7.7%	37.3%
James Long Construction Services		Manager/Prof	0	0	0	0	0	0.0%	
Matt Tucker		Technical/Sales	0	0	0	0	0	0.0%	
8560 Younger Creek Dr.		Clerical/Skilled	0	1	0	0	1	16.7%	
Sacramento, CA 95828		Semi/Unskilled	0	0	0	0	0	0.0%	
916-379-9524		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		0	Bay Area:	0
S	WM: LBE	Company Wide	10	39	8	0	57	45.2%	47.4%
Con J Franke Electric, Inc.		Manager/Prof	0	3	0	0	3	25.0%	
Shannon Martin		Technical/Sales	0	0	0	0	0	0.0%	
317 N Grant Street		Clerical/Skilled	10	36	8	0	54	48.6%	
Stockton, CA 95202		Semi/Unskilled	0	0	0	0	0	0.0%	
209-462-0717		Bay Area	0	6	0	0	6	50.0%	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		126	Bay Area:	12
S	WM	Company Wide	5	167	25	0	197	68.9%	54.0%
Trillium Pumps USA		Manager/Prof	1	37	8	0	46	49.5%	
Andy Doan		Technical/Sales	2	21	4	0	27	61.4%	
2495 S. Golden State Blvd		Clerical/Skilled	0	29	3	0	32	76.2%	
Fresno, CA 93619		Semi/Unskilled	2	80	10	0	92	86.0%	
559-443-6406		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Fresno		# Employees-Co. Wide:		286	Bay Area:	0
S	WM	Company Wide	0	3	1	0	4	26.7%	54.0%
South West Valves & Equipment, LLC		Manager/Prof	0	2	0	0	2	18.2%	
Alanna Prats		Technical/Sales	0	0	1	0	1	100.0%	
4002 W Bedford Ave #111		Clerical/Skilled	0	0	0	0	0	0.0%	
Fresno, CA 93711		Semi/Unskilled	0	1	0	0	1	50.0%	
559-261-2703		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Fresno		# Employees-Co. Wide:		15	Bay Area:	0

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: SPECIFICATION NO.: 2183 Fay Hill Pumping Plant Replacement; Rheem and Scenic East Pumping Plants Improvements; Fay Hill Road and Right of Way 3363 Pipeline Improvements; and Ridgewood Regulator Installation, Pumping Plant and Pressure Tank Demolition		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2183		DATE: 10/17/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM: LBE	Company Wide	0	47	5	0	52	83.9%	53.9%
Jifco Inc. Jay Fiorni 571 Exchange Court Livermore, CA 94550 925-449-4665		Manager/Prof	0	7	2	0	9	56.3%	
		Technical/Sales	0	1	0	0	1	33.3%	
		Clerical/Skilled	0	32	3	0	35	97.2%	
		Semi/Unskilled	0	7	0	0	7	100.0%	
		Bay Area	0	47	5	0	52	83.9%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 62		Bay Area: 62		
P	WM	Company Wide	1	83	7	1	92	56.1%	48.4%
Steve P. Rados, Inc. Stephen S. Rados 2002 E. McFadden Avenue, Suite 200 Santa Anna, CA 92705 916-475-1654		Manager/Prof	0	1	0	0	1	25.0%	
		Technical/Sales	0	17	3	0	20	48.8%	
		Clerical/Skilled	1	53	3	1	58	59.2%	
		Semi/Unskilled	0	12	1	0	13	61.9%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide: 164		Bay Area: 0		
P	WM: LBE	Company Wide	16	113	65	0	194	85.8%	53.9%
Anvil Builders, Inc. Maria Zaval 1550 Park Ave Emeryville, CA 94608 415-285-5000		Manager/Prof	0	16	0	0	16	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	4	0	9	90.0%	
		Semi/Unskilled	16	92	61	0	169	91.8%	
		Bay Area	16	113	65	0	194	85.8%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 226		Bay Area: 226		
P	WM: LBE	Company Wide	1	112	8	0	121	80.1%	39.9%
Andrew M Jordan Inc dba A & B Construction Dana Smith-Green 225 3rd St. Oakland, CA 94607 510-999-6000		Manager/Prof	0	3	2	0	5	38.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	32	6	0	39	65.0%	
		Semi/Unskilled	0	77	0	0	77	98.7%	
		Bay Area	1	112	8	0	121	80.1%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 151		Bay Area: 151		

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	4.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	MOKELUMNE AQUEDUCT NO. 1 BENT REPLACEMENTS AT STATION 2480
-------	---

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$1,480,683 for the construction of the Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480 Project (Project), under Specification 2184.
--------------------	--

SUMMARY	The Project is located on Woodward Island in the Sacramento-San Joaquin Delta (Delta) approximately 0.5 mile west of Middle River (see attached map). The Project includes construction of access road improvements along the Mokelumne Aqueducts, two new pile-supported concrete bents for Mokelumne Aqueduct No. 1 (MOK1), a new electrical grounding system, and demolition of the two existing, failing bents.
---------	---

DISCUSSION	MOK1 is a 65-inch coal tar lined and coated steel pipeline installed in 1929. MOK1 conveys raw water from Pardee Reservoir to the District's service area. Approximately 10 miles of MOK1 travels aboveground across the Delta, in an area that is subject to ground subsidence, and is supported by concrete bents on timber piles. Timber piles for two adjacent bents at Station 2480 on Woodward Island are failing. The Project will replace the failed bents with new concrete bents and piles, including replacement of an electrical grounding system and demolition of the old bents. The Project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
------------	---

BID RESULTS	Bid documents were posted on the District's website and issued to 22 resource organizations and 12 prospective bidders. Six bids were received, ranging from \$1,480,683 to \$3,110,000. The bid summary is attached. The engineer's estimate for this work is \$2,439,502. The lowest responsive/responsible bidder, Mountain Cascade, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Mountain Cascade, Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, Mountain Cascade, Inc. has not filed a Government Code Claim nor initiated any litigation against the District.
-------------	--

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? Yes	Board Action Type: Construction
Funds Available: FY2025; Award #7000061; Page #60	Budget Coding: 11-570-3100012-2020072:25-7000061	Approved: 	
Attachment(s): Bid Summary; Location Map; P-035; P-061			

Title:	Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

SUSTAINABILITY**Economic**

Funding for this work is available in the FY 2025 adopted capital budget for Raw Water Infrastructure.

Social

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the DIR of the State of California.

Local 444 was notified of this contract on June 16, 2022 and did not raise any specific issues related to this contract.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the San Joaquin County Clerk on August 18, 2022.

ALTERNATIVES

Do not complete the project. This alternative is not recommended because ongoing failure of the bent and pile system will eventually lead to a failure of MOK1. In addition, any unplanned discharge into the Delta may be a hazard to the agricultural land and waterways.

Perform the work with District forces. This alternative is not recommended because the District does not have the resources, experience or specialized equipment to construct the Project.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\ECD - Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480.docx

EAST BAY MUNICIPAL UTILITY DISTRICT

SPECIFICATION 2184

Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480

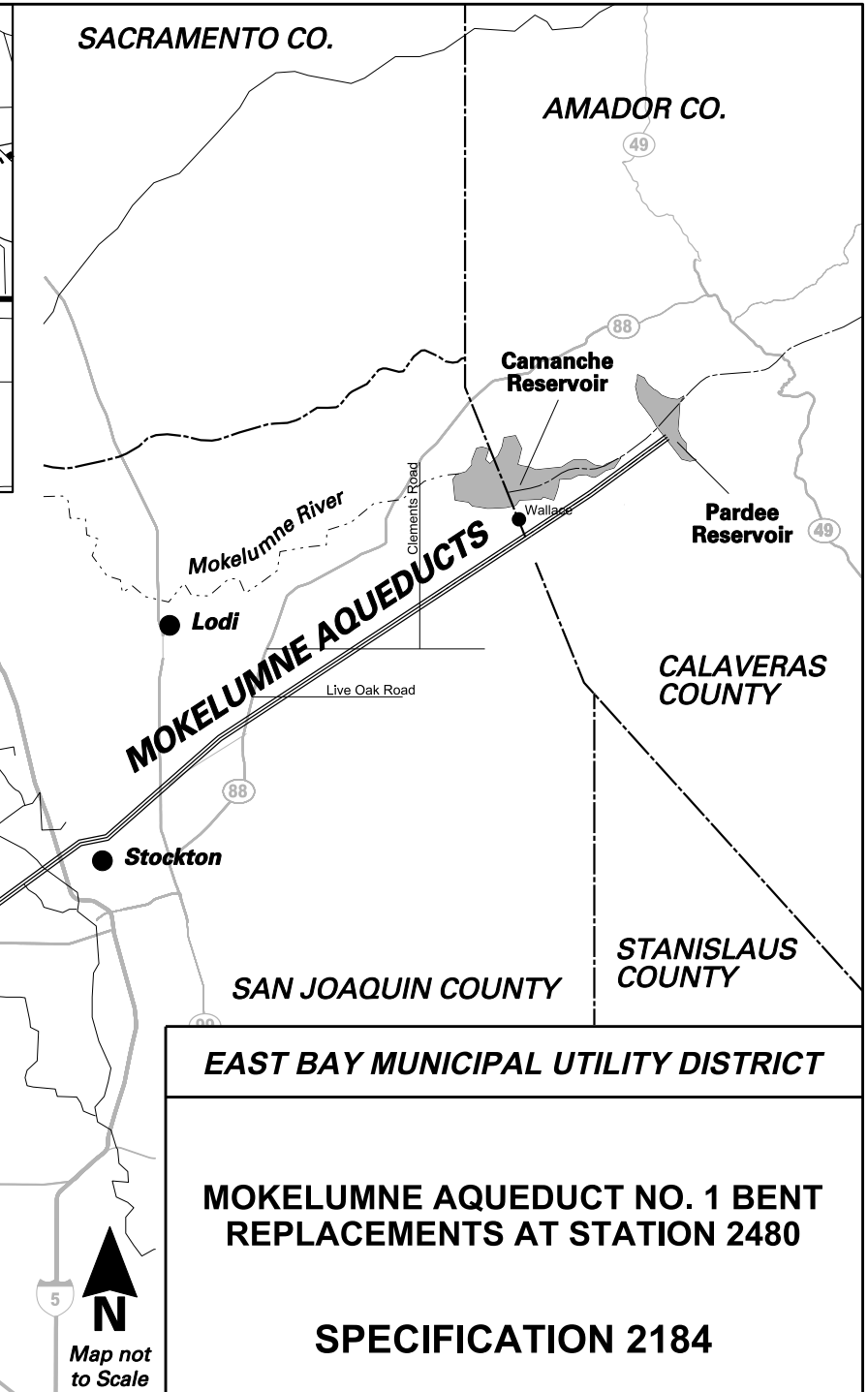
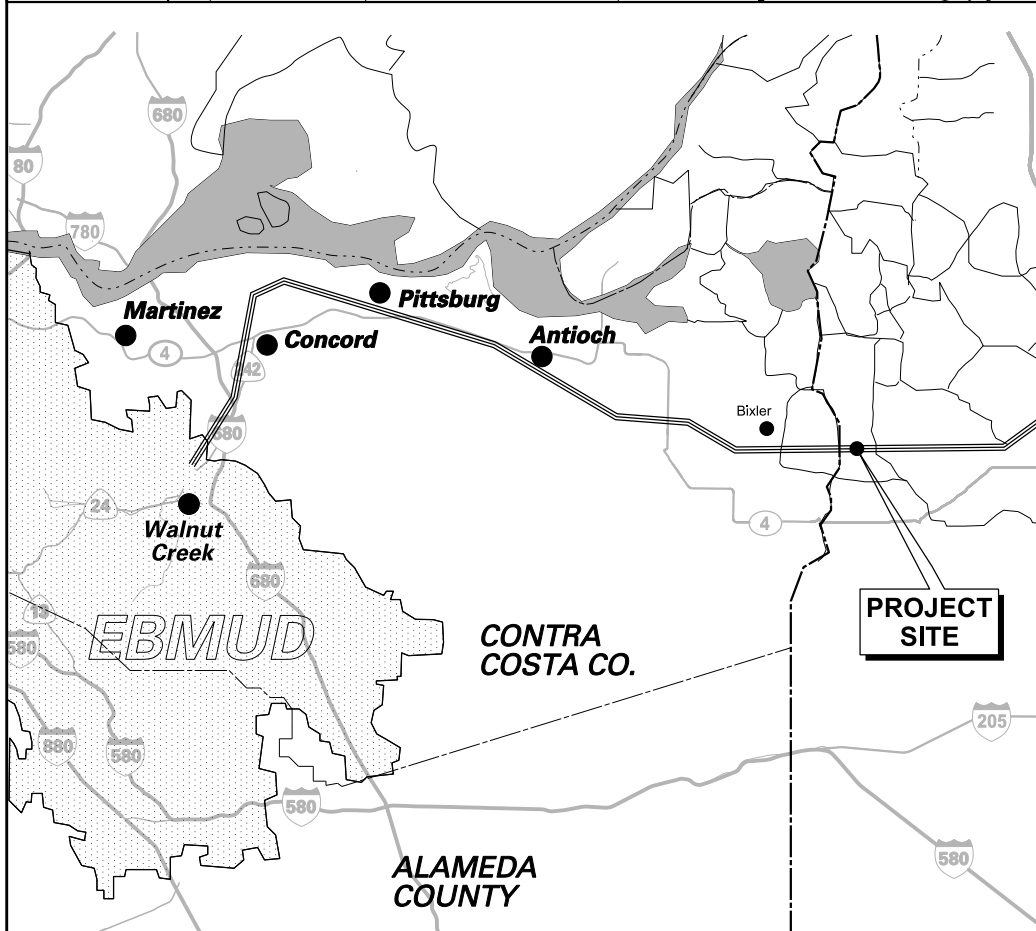
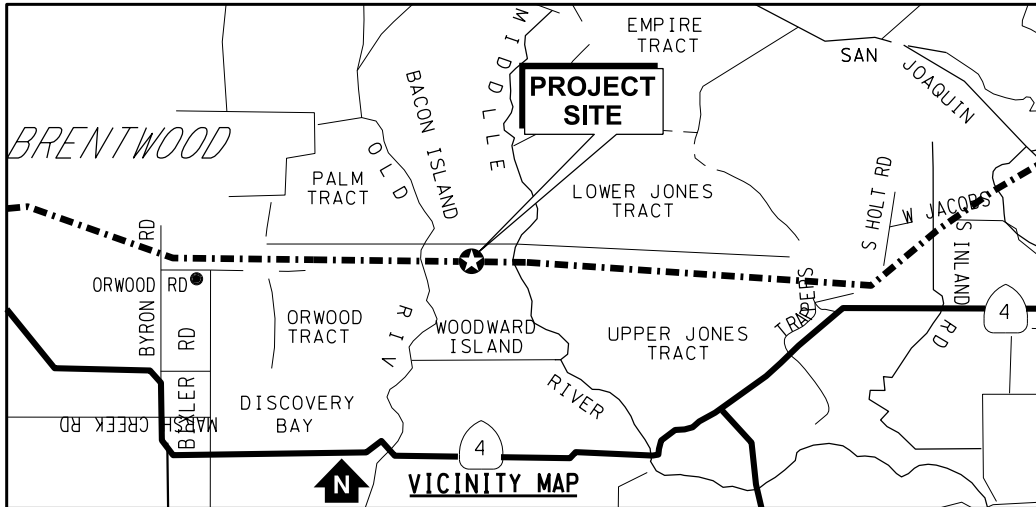
Bids Opened Wednesday, October 9, 2024

	BIDDER	TOTAL AMOUNT BID
1.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$1,480,683
2.	Performance Mechanical, Inc. 701 Willow Pass Rd., Ste. 2 Pittsburg, CA 94565 (925) 432- 4080	\$1,594,686
3.	Valentine Corporation (SBE/DVBE) 111 Pelican Wy. San Rafael, CA 94901 (415) 453-3732	\$1,597,369 / \$1,493,721.20*
4.	Sierra Mountain Construction, Inc. 19500 Nugget Blvd. Sonora CA 95370 (209) 928-1900	\$2,600,500
5.	Joseph J. Albanese, Inc. 851 Martin Ave. Santa Clara, CA 95050 (408) 727-5700	\$2,611,063
6.	Saboo, Inc. (SBE/DVBE) 415 Beatrice Ct., Ste. H Brentwood, CA 94513 (626) 260-2849	\$3,110,000 / \$3,006,352.20*

SBE/DVBE – Small Business Enterprise or Disabled Veteran Business Enterprise

*Effective Bid Amount due to SBE/DVBE discount (7% of the low bid amount, not to exceed \$150,000)

Engineer's Estimate: \$2,439,502





CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2184 Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480					DATE: October 18, 2024						
CONTRACTOR: Mountain Cascade, Inc. Local Business Livermore, CA					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE: \$1,480,683 *		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity		Gender	White Women		9%		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
PRIME: Mountain Cascade, Inc.		\$1,062,310	White	X		71.7%					
SUBS: Drill Tech Inc		\$207,070	White	X		14.0%					
Certified Coatings Company		\$98,978	White	X		6.7%					
Bear Electrical Solutions		\$44,950	White	X		3.0%					
Mission City Rebar		\$13,127	White	X		0.9%					
Precast Unlimited		\$22,248	White	X		1.5%					
Triangle Rock/Vulcan		\$32,000	White	X		2.2%					
TOTAL		\$1,480,683				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			148		11		141		300		
Percent of Total Employees:			49.3%		3.7%		47.0%				
MSA Labor Market %:			24.5%		21.6%		53.9%				
MSA Labor Market Location:			Alameda								
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: \$1,480,683											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2184		DATE: 10/18/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	2	138	1	0	141	47.0%	53.9%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	8	0	0	8	19.5%	
		Technical/Sales	0	2	0	0	2	28.6%	
		Clerical/Skilled	0	7	1	0	8	42.1%	
		Semi/Unskilled	2	121	0	0	123	52.8%	
		Bay Area	2	138	1	0	141	47.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/4/2021		
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		300 Bay Area: 25		
S	WM: LBE	Company Wide	9	245	-	-	254	40.6%	38.5%
Drill Tech Drilling & Shoring, Inc. Chris Scifres 220 Wymore Way Antioch, CA 94509 925-978-2060		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	1	7	0	0	0	15.4%	
		Clerical/Skilled	3	33	0	0	0	24.3%	
		Semi/Unskilled	5	205	0	0	210	51.1%	
		Bay Area	4	108	0	0	112	45.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		626 Bay Area: 249		
S	WM	Company Wide	2	54	11	2	69	59.0%	47.6%
Certified Coatings Company David Morris-Gooding 2320 Cordelia Road Fairfield, CA 94534 707-639-4419		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	1	1	0	2	100.0%	
		Clerical/Skilled	2	50	7	0	59	59.0%	
		Semi/Unskilled	0	3	3	2	8	57.1%	
		Bay Area	2	54	8	0	64	54.7%	39.9%
		Co. Wide MSA:	Solano		# Employees-Co. Wide:		117 Bay Area: 117		
S	WM	Company Wide	INFORMATION NOT PROVIDED						
Bear Electrical Solutions Fillipe Calderon 1252 State St. Alviso, CA 95002 408-449-5178		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area	INFORMATION NOT PROVIDED						
		Co. Wide MSA:							
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED						
Mission City Rebar Robin Kumens 542 McGraw Ave Livermore, CA 94551 925-449-6999		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area	INFORMATION NOT PROVIDED						
		Co. Wide MSA:							
S	WM: SBE	Company Wide	INFORMATION NOT PROVIDED						
Precast Unlimited Arthur Templeman PO Box 641296 San Jose, CA 95164 408-799-8888		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area	INFORMATION NOT PROVIDED						
		Co. Wide MSA:							

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2184		DATE: 10/18/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
S	WM: LBE	Company Wide							
Triangle Rock/Vulcan Chris Mathias 50 El Charro Road Pleasanton, CA 94588 925-409-6144		INFORMATION NOT PROVIDED							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	PHC: LBE	Company Wide							
Performance Mechanical, Inc. Kevin Parker 701 Willow Pass Rd., Suite 2 Pittsburg, CA 94565 925-473-3006		5	26	2	0	33	30.6%	38.5%	
		INFORMATION NOT PROVIDED							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Bay Area							
		Co. Wide MSA:							
		Contra Costa							
		# Employees-Co. Wide: 108							
		Bay Area: 108							
P	WM: SBE	Company Wide							
Valentine Corporation Maria Castillo 111 Pelican Way San Rafael, CA 94901 415-453-3732 ext. 17		1	17	1	0	19	47.5%	39.9%	
		INFORMATION NOT PROVIDED							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Bay Area							
		Co. Wide MSA:							
		9 Bay Area Counties							
		# Employees-Co. Wide: 40							
		Bay Area: 40							

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Mokelumne Aqueduct No. 1 Bent Replacements at Station 2480		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2184		DATE: 10/18/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	EMM-H	Company Wide	0	16	0	0	16	19.8%	48.4%
Sierra Mountain Construction, Inc. Tanya Benton 19500 Nugget Blvd Sonora, CA 95370 209-928-1900		Manager/Prof	0	4	0	0	4	14.8%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	3	0	0	3	12.5%	
		Semi/Unskilled	0	9	0	0	9	30.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		81	Bay Area: 0	
P	WM	Company Wide	7	652	15	4	678	82.5%	52.1%
Joseph J. Albanese, Inc. Nicole Sunseri 851 Martin Ave. Santa Clara, CA 95050 408-200-5333		Manager/Prof	3	56	7	2	68	46.6%	
		Technical/Sales	0	3	0	0	3	75.0%	
		Clerical/Skilled	3	316	6	1	326	88.6%	
		Semi/Unskilled	1	277	2	1	281	92.4%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Santa Clara		# Employees-Co. Wide:		0	Bay Area: 0	
P	EMW-A/PI: L/SBE	Company Wide	0	17	0	0	17	100.0%	38.5%
Saboo, Inc. Toheed Asghar 415 Beatrice Ct. Brentwood, CA 94513 626-260-2849		Manager/Prof	0	3	0	0	3	100.0%	
		Technical/Sales	0	14	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	17	0	0	0	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		3	Bay Area: 17	

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



BOARD ACTION

Agenda Number:	5.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	MEEKLAND BRIDGE PIPELINE – CONTRACT SERVICES FOR PIPELINE REPLACEMENT
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after November 12, 2024 with Alameda County Public Works Agency (County) in an amount not to exceed \$200,000 for the Meekland Bridge Pipeline – Contract Services for Pipeline Replacement.
--------------------	---

SUMMARY	This agreement allows for the replacement of the District’s existing water distribution pipeline on Meekland Bridge to be incorporated into the County’s construction contract for the replacement of Meekland Bridge. The Meekland Bridge Pipeline Project is located on Meekland Avenue in San Lorenzo and is bounded by East Lewelling Boulevard and Loma Verde Drive (see attached Project Site Location Map).
---------	--

DISCUSSION	The District maintains a 6-inch cast iron pipeline along Meekland Bridge located between East Lewelling Boulevard and Loma Verde Drive in San Lorenzo. The District’s pipeline was installed in 1924 and is suspended from the existing bridge by pipeline hangers. The County is finalizing plans to replace Meekland Bridge, which requires removal of the existing bridge along with the District’s pipeline. To comply with the County’s requirements of relocating the existing pipeline, staff developed a utility agreement with the County to include the water pipeline replacement as part of the County’s project. The replacement includes the installation of a new 8-inch diameter high density polyethylene (HDPE) water pipeline with a 12-inch steel casing and pipeline hangers. County staff will manage the construction contract and District staff will perform construction inspections for the pipeline replacement.
------------	---

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

SERVICE PROVIDER SELECTION	The District’s pipeline replacement will be included in the County’s construction contract for the overall bridge replacement project. The County will formally bid the construction, and an award will be made to the lowest responsive/responsible bidder licensed to perform work in California.
----------------------------	---

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? No	Board Action Type: General Services
Funds Available: FY 2025; CIP #7000006; Page 33	Budget Coding: 532-7999-5231-2011887	Approved: 	
Attachment(s): Location Map			

Title:	Meekland Bridge Pipeline – Contract Services for Pipeline Replacement	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

SUSTAINABILITY

Economic

Funding for this agreement is available in the FY 2025 adopted capital budget for the Pipeline Relocations Project.

Social

Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations of the State of California.

Local 444 and Local 21 were notified of this project on November 9, 2022 and did not raise any specific issues related to this project.

The County's contractor is exempt from the District's Contract Equity Program process because they will perform the pipeline replacement for the District under the Utility Agreement.

Environmental

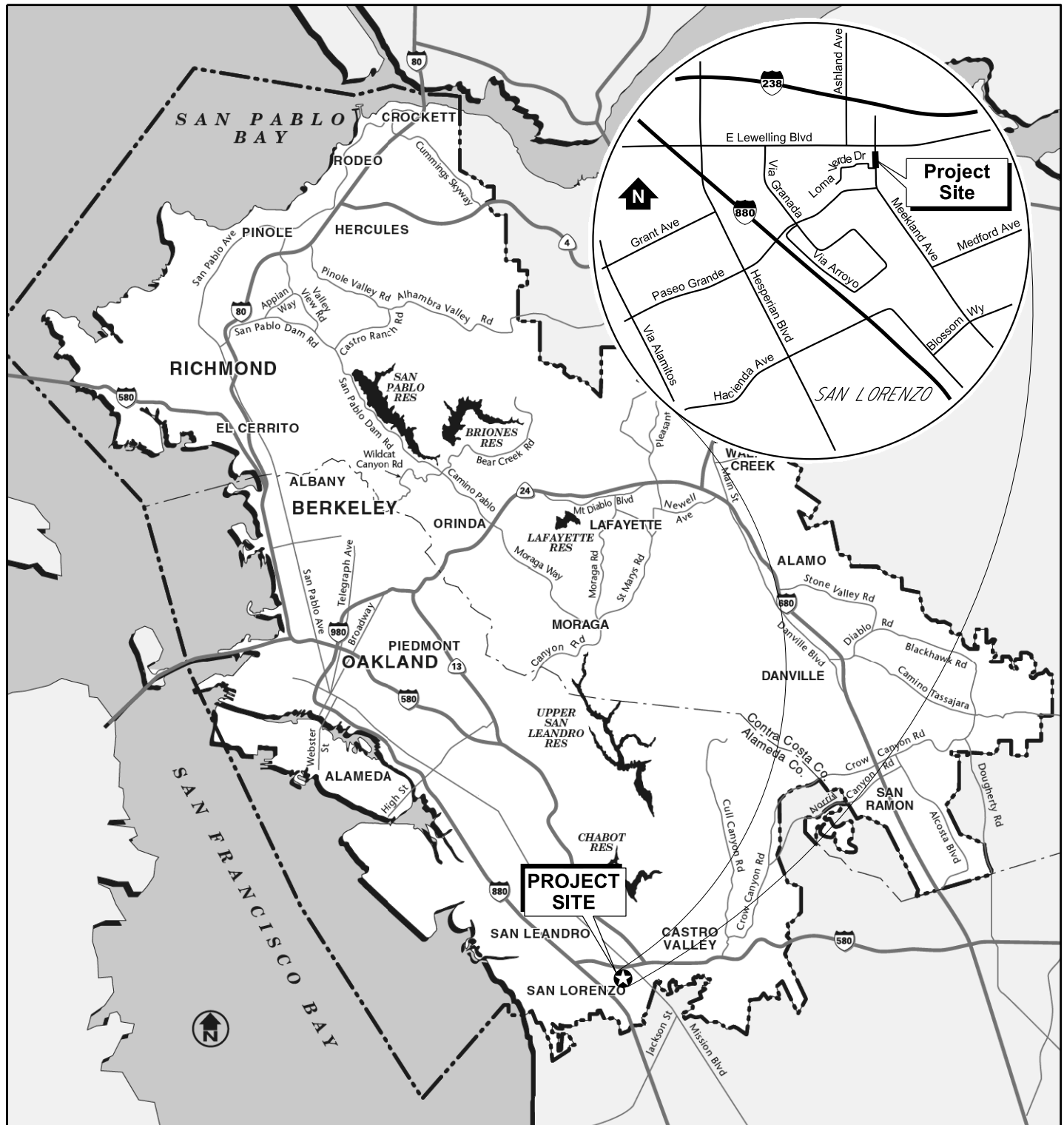
A California Environmental Quality Act Notice of Exemption (NOE) was filed with the Alameda County Clerk on April 25, 2023 by the County and the Meekland Bridge pipeline replacement was included in the County's NOE project description.

ALTERNATIVES

Do not complete the project. This alternative is not recommended because failure to comply with the County's requirement to accommodate the bridge replacement project could result in fines or penalties from governing jurisdictions.

Perform the work with District forces. This alternative is not recommended because the pipeline replacement requires installation of scaffolding, HDPE pipeline with casing, and pipeline hangers on a pipe span crossing a creek at an elevation of approximately 50 feet in height. This work is not typically performed by District forces.

I:\Sec\2023 Board Related Items\Board Packets 2024\111224 Board Items\ECD – Meekland Bridge Pipeline – Contract Svs for Pipeline Replacement.docx.



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

MEEKLAND BRIDGE PIPELINE - CONTRACT SERVICES FOR PIPELINE REPLACEMENT

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	6.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	ADELINE MAINTENANCE CENTER CARPENTRY SHOP DUST COLLECTION SYSTEM UPGRADE
-------	---

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after November 12, 2024 with Blocka Construction, Inc. in an amount not to exceed \$229,000 for the construction of the Adeline Maintenance Center (AMC) Carpentry Shop Dust Collection System Upgrade.
--------------------	--

SUMMARY	A new dust collection system will be installed and integrated with the AMC shop's existing machinery.
---------	---

DISCUSSION	The dust collection system at the AMC is in disrepair due to broken automated blast gates, sensors, and a main controller that have been malfunctioning since 2017. Due to these component failures, and inability to obtain replacement parts, the existing dust collection system is increasingly difficult to operate. The service provider will demolish the existing dust collection system, procure specified equipment, and install the new system which includes the system controller, automated blast gates, sensors, and motor starter for the exhaust system. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This project supports the District's Water Quality and Environmental Protection Strategic Plan goal.
------------	--

SERVICE PROVIDER SELECTION	A request for proposals was posted on the District's website and sent to three resource organizations and to three potential proposers. Two service providers submitted proposals, ranging from \$47,189 to \$229,000. The lowest priced proposal was not complete and failed to demonstrate an understanding of the project. Blocka Construction Inc. submitted the lowest cost responsive/responsible proposal. Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. Blocka Construction Inc. is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Blocka Construction Inc. and its listed subcontractors are properly registered with the State DIR.
----------------------------	---

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000305; Page 19	Budget Coding: 11.734.2008884.53110	Approved: 	
Attachment(s): P-035; P-061			

Title:	Adeline Maintenance Center Carpentry Shop Dust Collection System Upgrade	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

SUSTAINABILITY

Economic

Funding for this purpose is available in the FY 2025 adopted capital budget for the Small Capital Improvements.

Social

Local 444 was notified of this agreement on August 20, 2024 and did not raise any specific issues related to this agreement.

Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California.

Environmental

The new dust collection system will meet the manufacturer requirements for airflow exhaust levels.

ALTERNATIVES

Complete the work with District forces. This alternative is not recommended because District forces are supporting other high priority projects and do not have the available resources to support this project.

Reject all bids and not perform the work. This alternative is not recommended because the current dust collection system does not operate as designed which increases the risk of fire hazard.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\OMD - Adeline Maintenance Center Carpentry Shop Dust Collection System Upgrade.docx



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Adeline Maintenance Center Carpentry Shop Dust Collection System Upgrade			DATE: October 2, 2024									
CONTRACTOR: Blocka Construction, Inc. Pleasanton, CA			PERCENTAGE OF CONTRACT DOLLARS									
Local Business			Availability Group	Contracting Objectives	Participation							
BID/PROPOSER'S PRICE: \$229,000 *	FIRM'S OWNERSHIP		White Men	25%	100.0%							
	Ethnicity	Gender	White Women	9%	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	
PRIME: Blocka Construction, Inc.	\$229,000	White	X		100.0%							
SUBS: None												
TOTAL	\$229,000				100.0%	0.0%	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:	49	13	32	94								
Percent of Total Employees:	52.1%	13.8%	34.0%									
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: \$229,000												
Workforce Profile & Statement of Nondiscrimination Submitted		Good Faith Outreach Efforts Requirement Satisfied		Award Approval Recommended								
NA		NA										



BOARD ACTION

Agenda Number:	7.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE SOUTH INTERCEPTOR REHABILITATION AT THE OAKLAND COLISEUM
-------	---

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after November 12, 2024, with Carollo Engineers, Inc. (Carollo) in an amount not to exceed \$1,965,088 for engineering design services for rehabilitation of the South Interceptor at South Coliseum Way between maintenance holes S08 and S10 by the Oakland Coliseum and for rehabilitation and lining of maintenance holes S08, S09, and S10.
--------------------	---

SUMMARY	This agreement will provide engineering consultant services to design the rehabilitation of a section of the South Interceptor. The agreement will include all necessary design work, including the development of drawings and specifications, scheduling, cost estimating, condition assessment, site investigation, surveying, agency coordination, permitting support, traffic control, and other as-needed services to complete the work. The consultant will also provide bid period services and engineering services during construction (ESDC).
---------	--

DISCUSSION	The District's 29-mile gravity pipe interceptor system conveys wastewater from the service area to the Main Wastewater Treatment Plant. A condition assessment of several interceptor segments in December 2023 identified this section of the South Interceptor (1,950 feet of 51-inch and 63-inch diameter pipe) as showing signs of severe corrosion and requiring rehabilitation. Design services for the interceptor rehabilitation will include preliminary design, detailed design, bid period services, and ESDC. District staff will provide project management, drafting support, construction management, and construction inspection services. The agreement includes exceptions from Carollo to the District's standard terms and conditions as approved by the Office of General Counsel but does not alter indemnity or add limitation of liability provisions. The exceptions include: 1) limited liability for delays or performance related to force majeure, strikes impacting the work, permitting delays not caused by the consultant or delays caused by the District; 2) no warranty regarding estimated construction costs and schedules; and 3) definition of force majeure and termination of the agreement related to such. The District has allowed these exceptions in other recent agreements with the consultant. Due to the critical nature of the work and minimal risk from
------------	--

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025; Award #7000328; Page 124	Budget Coding: 21-927-3100068-52310	Approved: 	
Attachments: P-035; P-061			

Title:	Agreement For Engineering Design Services for the South Interceptor Rehabilitation at the Oakland Coliseum	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

accepting these exceptions, District staff is making a business decision to include these exceptions for this agreement.

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

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

**CONSULTANT
SELECTION**

Carollo was selected from the District's Professional Services Roster, which decreases administrative costs by establishing a biennial list of pre-qualified firms and eliminating the step of pre-qualifying firms independently for each agreement. In developing the roster, staff contacted over 11 firms. Three proposals were submitted. Carollo was selected based on its ability to provide the necessary specialized expertise.

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

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2025 adopted capital budget for Interceptors and Pump Stations.

Social

Locals 21 and 2019 were notified of this agreement on January 3, 2024 and June 14, 2024, and did not raise any specific issues related to this agreement.

Environmental

The interceptor system protects public health and water quality in San Francisco Bay by conveying wastewater to the Main Wastewater Treatment Plant for treatment. This project will support the long-term performance of the interceptor system and reduce the chances of regulatory violations and public health and safety risks.

ALTERNATIVES

Perform the work with District staff. This alternative is not recommended because staff lacks sufficient resources to perform the work within the required time frame.

Do not authorize this agreement. This alternative is not recommended because timely design work is needed to rehabilitate the aging interceptors.



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 Consultant Agreement for Engineering Services for the South Interceptor Rehabilitation at the Oakland Coliseum					DATE: October 1, 2024						
CONTRACTOR: Carollo Engineers, Inc. Walnut Creek, CA Local Business					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		64.5%		
		Ethnicity	Gender		White Women		6%		9.0%		
\$1,965,088 *		White		Men	Ethnic Minorities		25%		26.5%		
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: Carollo Engineers, Inc.											
SUBS: Saylor Consulting Group											
Bess Testlab, Inc.											
V&A Consulting Engineers, Inc.											
Almendariz Consulting, Inc.											
AGS, Inc.											
National Plant Services											
TOTAL		\$1,965,088			64.5%	9.0%	26.5%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		4,614		2,064		2,829		9,507			
Percent of Total Employees:		48.5%		21.7%		29.8%					
MSA Labor Market %:		39.0%		33.7%		27.3%					
MSA Labor Market Location:		USA									
COMMENTS											
Contract Equity Participation - 64.5% White Men, 9% White Women and 26.5% Ethnic Minority participation. Contract Duration: NA *Total not to exceed: \$1,965,088											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Consultant Agreement for Engineering Services for the South Interceptor Rehabilitation at the Oakland Coliseum		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement	DATE: 10/1/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	31	147	157	4	339	26.5%	27.3%
Carollo Engineers, Inc. Carol Blake 2795 Mitchell Drive Walnut Creek, CA 94598 602-474-4034		Manager/Prof	27	103	143	1	0	25.6%	
		Technical/Sales	3	24	12	3	42	35.0%	
		Clerical/Skilled	1	20	2	0	23	27.1%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	13	33	0	49	32.9%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/9/2021		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,277	Bay Area:	149
S	WW: L/SBE	Company Wide	3	1	4	0	8	42.1%	48.3%
Saylor Consulting Group Natalie Saylor 505 Montgomery St., 11th Floor San Francisco, CA 94111 415-399-9990		Manager/Prof	3	1	4	0	8	42.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	4	0	5	35.7%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		19	Bay Area:	14
S	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Bess Testlab, Inc. Anthony Bohorquez 2463 Tripaldi Way Hayward, CA 94545 408-988-0101		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WW: L/SBE	Company Wide	4	11	4	0	19	32.2%	27.3%
V & A Consulting Engineers Michelle Crenshaw 1000 Broadway, Suite 320 Oakland, CA 94607 858-779-0334		Manager/Prof	0	5	2	0	7	29.2%	
		Technical/Sales	4	3	1	0	8	40.0%	
		Clerical/Skilled	0	3	1	0	4	26.7%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	5	3	0	10	55.6%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		59	Bay Area:	18
S	EMM-H: SBE	Company Wide	INFORMATION NOT PROVIDED						
Almandariz Consulting, Inc. 1136 Suncast Lane, Suite 9 El Dorado Hills, CA 95762 916-939-3392		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	EMM-A/PI: SBE	Company Wide	1	4	9	0	14	50.0%	39.9%
AGS, Inc. Tanya Bartleson 5 Freelon Street San Francisco, CA 94107 415-777-2166 ext. 34		Manager/Prof	1	2	9	0	12	46.2%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	4	9	0	14	53.8%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		28	Bay Area:	26

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Consultant Agreement for Engineering Services for the South Interceptor Rehabilitation at the Oakland Coliseum		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
		National	10.5	10.7	3.7	0.7	27.3			
Professional Services Agreement		DATE: 10/1/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees								
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
S	WM	Company Wide	8	46	5	1	60	84.5%	48.4%	
National Plant Services Dennis Keene 1461 Harbor Avenue Long Beach, CA 90813 562-436-7600		Manager/Prof	2	2	0	0	4	50.0%		
		Technical/Sales	0	7	0	0	7	77.8%		
		Clerical/Skilled	5	28	4	0	37	92.5%		
		Semi/Unskilled	1	9	1	1	12	85.7%		
		Bay Area	1	4	1	0	6	54.5%	39.9%	
		Co. Wide MSA: California	# Employees-Co. Wide: 71				Bay Area: 11			
P	WM: LBE	Company Wide	577	878	1,090	34	2,579	27.1%	27.3%	
Jacobs Engineering Group, Inc. Trisha Blaschko 1999 Bryan St, Suite 1200 Dallas, TX 75201 415-871-2735		Manager/Prof	433	748	1,007	25	2,213	26.8%		
		Technical/Sales	94	91	72	7	264	27.6%		
		Clerical/Skilled	50	39	11	2	102	35.8%		
		Semi/Unskilled	0	0	0	0	0	0.0%		
		Bay Area	8	11	42	0	61	49.6%	39.9%	
		Co. Wide MSA: USA	# Employees-Co. Wide: 9,507				Bay Area: 123			
p	WM: LBE	Company Wide	707	1,140	1,839	55	3,741	23.9%	39.9%	
AECOM Technical Services, inc. Carrie Mullin 300 Lakeside Drive, Suite 400 Oakland, CA 94612 609-970-4019		Manager/Prof	596	998	1,754	55	3,403	25.2%		
		Technical/Sales	77	99	56	0	232	22.3%		
		Clerical/Skilled	34	43	29	0	0	37.9%		
		Semi/Unskilled	0	0	0	0	0	0.0%		
		Bay Area	9	32	140	1	182	36.7%	39.9%	
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 15,674				Bay Area: 496			

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	8.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE **CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY FOOD WASTE PROCESSING AGREEMENT**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Authorize an agreement beginning on or after March 1, 2025 with Central Contra Costa Solid Waste Authority (CCCSWA) for five years and four months, with two options to renew for additional one-year periods by mutual agreement for the acceptance and digestion of preprocessed food waste at the District's Main Wastewater Treatment Plant (MWWTP).

SUMMARY The District's Resource Recovery (R2) Program accepts trucked-in waste to use excess treatment capacity at the MWWTP. Under the R2 Program, the District accepts preprocessed food waste to its anaerobic digesters, where it is converted into energy and soil amendments. In July 2014, the current agreement with CCCSWA was authorized under Board Motion No. 128-14 and will expire on February 28, 2025. The CCCSWA Board authorized the new agreement on September 26, 2024. This partnership provides benefits to both parties by providing landfill diversion for CCCSWA, and revenue from tipping fees and power generation for the District.

DISCUSSION CCCSWA has been delivering source-separated food waste from its service area to the District since 2008. The District processes approximately seven tons per day of preprocessed food waste under the existing agreement with CCCSWA. CCCSWA removes contamination from the food waste, which protects MWWTP equipment and operations. The agreement terms include a mutual indemnification provision. This agreement supports the District's Long-Term Financial Stability and Water Quality and Environmental Protection Strategic Plan goals.

SUSTAINABILITY

Economic
Tip fee revenue to the District will be approximately \$900,000 over the length of the agreement, providing economic benefits to ratepayers. The District will receive additional revenue from the sale of renewable energy generated from the food waste digestion.

Social
This agreement supports operational reliability by requiring the preprocessing of food waste prior to delivery to the District.

Environmental
Landfill diversion of food waste to the MWWTP anaerobic digesters reduces greenhouse gas emissions and increases renewable energy production.

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: 21.943.2015.0000000.46830.000000		Approved: 
Attachment(s): N/A			

Title:	Central Contra Costa Solid Waste Authority Food Waste Processing Agreement	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

ALTERNATIVES

Delay the agreement. This alternative is not recommended because the previous agreement is expiring, and delay could result in a loss of this revenue source for the District.

Do not authorize this agreement. This alternative is not recommended because the proposed agreement will continue to provide the District and CCCSWA with mutual benefits, including reliable tip fee revenues and renewable electricity generation.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\WW – CCCSWA Food Waste Processing Agreement.docx



BOARD ACTION

Agenda Number:	9.	Meeting Date:	November 12, 2024
----------------	----	---------------	-------------------

TITLE	FIRE SPRINKLER AND FIRE PUMP TESTING, INSPECTING, AND MAINTENANCE
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after November 12, 2024 with COSCO Fire Protection for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$405,000 for fire sprinkler and fire pump testing, inspecting, and maintenance.
--------------------	---

SUMMARY	Under the National Fire Protection Association (NFPA) 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection System, the District is required to have its water-based fire protection systems inspected, tested, and maintained to ensure reliability.
---------	--

DISCUSSION	The service provider will ensure the District's compliance of NFPA 25 by scheduling, performing, and documenting the inspection, testing, and maintenance of the District's water-based fire protection systems and fire pumps at 14 locations. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
------------	---

SERVICE PROVIDER SELECTION	A request for proposals was posted on the District's website. Four service providers submitted proposals. COSCO Fire Protection was selected based on their experience on similar projects, references, understanding of the project, ability to perform the work needed, and the cost for the project. Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial (DIR) of the State of California. COSCO Fire Protection is licensed to perform work in California, and is not on the State Department of Industrial Relations debarment list. COSCO Fire Protection and its listed subcontractors are properly registered with the State DIR.
----------------------------	---

SUSTAINABILITY	Economic The FY2024 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.
----------------	---

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025	Budget Coding: 11.736.Variou.Various.53120	Approved: 	
Attachment(s): P-035; P-061			

Title:	Fire Sprinkler and Fire Pump Testing, Inspecting, and Maintenance	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

Social

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

Environmental

No adverse environmental impacts will result from this work.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because testing and maintenance of fire systems is required by state and local agencies.

Rebid the request for proposals. This alternative is not recommended because it was a fair and competitive process resulting in a competitively priced quote. Additional quotes would not be expected to provide better pricing.



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 Fire Sprinkler and Fire Pump Testing, Inspecting, and Maintenance						DATE: September 25, 2024					
CONTRACTOR: COSCO Fire Protection San Juan Capistrano, CA					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group	Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$405,000 *				Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: COSCO Fire Protection		\$405,000	Foreign								100.0%
SUBS: None											
TOTAL		\$405,000				0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		52		7		30		89			
Percent of Total Employees:		58.4%		7.9%		33.7%					
MSA Labor Market %:		32.3%		27.8%		39.9%					
MSA Labor Market Location:		9 Bay Area Counties									
COMMENTS											
Contract Equity Participation: Zero Contract Equity participation since firm is Foreign Owned. Contract Duration: 3 years with 2 options to renew for additional 1-year periods. *Total not to exceed: \$405,000											
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: Fire Sprinkler and Fire Pump Testing, Inspecting, and Maintenance		Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL	
		National		10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 9/25/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	Foreign	Company Wide	2	21	6	1	30	33.7%	39.9%
COSCO Fire Protection Max Hoynacki 29222 Rancho Viejo Rd, Suite 205 San Juan Capistrano, CA 92675 949-542-8200		Manager/Prof	0	1	0	0	1	7.7%	
		Technical/Sales	1	9	2	0	12	38.7%	
		Clerical/Skilled	0	6	3	0	9	26.5%	
		Semi/Unskilled	1	5	1	1	8	72.7%	
		Bay Area	2	21	6	1	30	33.7%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		8/19/2021		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		89	Bay Area:	89
P	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Battalion One Fire Protection Jon Zang 14755 Catalina Street San Leandro, CA 94577 510-653-8075		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WM	Company Wide	INFORMATION NOT PROVIDED						
HCI Systems, Inc. Daniel Lord 1354 S. Parkside Place Ontario, CA 91761 510-566-9101		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WM: L/SBE	Company Wide	0	22	0	0	22	43.1%	39.9%
RCM Fire Protection, Inc. Christian Ryan 350 Enterprise Pl. Tracy, CA 95304 510-602-5237		Manager/Prof	0	7	0	0	7	46.7%	
		Technical/Sales	0	14	0	0	0	40.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	22	0	0	22	43.1%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		51	Bay Area:	51

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



BOARD ACTION

Agenda Number:	10.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AS-NEEDED CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize agreements beginning on or after November 12, 2024, with MCK Americas, Inc. (MCK), Consor PMCM, Inc. (Conсор), and Kennedy/Jenks Consultants, Inc., (Kennedy/Jenks) in an aggregate amount not to exceed \$9,000,000 for three years with one option to renew for an additional two-year period for as-needed construction management and inspection support.
--------------------	---

SUMMARY	These agreements will supplement in-house construction management and inspection services on an as-needed basis to implement the District's capital improvement projects. The services include contract administration; change management; schedule and budget monitoring; oversight of contractors' safety plans; quality control and quality assurance; and field coordination with contractors.
---------	--

DISCUSSION	The Wastewater Department periodically faces staff shortages for construction management and inspection duties due to extended work hours and peak workloads. Construction schedules are often limited to periods of low sewage flow, during the dry weather months and through the night. These constraints require accelerated construction oversight and off-hour staffing. These agreements will supplement in-house construction management and inspection resources and will help ensure that upcoming projects are completed in an efficient, high-quality, and safe manner. Three agreements are recommended to provide the District maximum flexibility with staffing support. These agreements support 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.
------------	---

CONSULTANT SELECTION	A request for proposals was posted on the District's website and sent to ten resource organizations and to nine firms with expertise in construction management and inspection support. Twelve firms submitted proposals. MCK, Consor, and Kennedy/Jenks were selected based on their qualifications, experience, and approach to performing the services.
----------------------	--

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025	Budget Coding: 21-927-Various-52310		Approved: 
Attachments: P-035; P-061			

Title:	As-Needed Construction Management and Inspection Support Services	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

Work under these agreements is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. MCK, Consor, and Kennedy/Jenks are licensed to perform work in California, and are not on the State DIR debarment list. MCK, Consor, and Kennedy/Jenks and their listed subconsultants are properly registered with the State DIR.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2025 adopted capital budget for various wastewater projects as needed. Funding for the additional years will be considered as part of the associated budget development process.

Social

Locals 2019 and 21 were notified of these agreements on January 8, 2024, and did not raise any specific issues related to these agreements.

ALTERNATIVES

Perform the work with District staff. This alternative is not recommended because District staff cannot accommodate peak workload that occurs intermittently beyond normal work shifts, such as late, overnight and weekend shifts.

Do not perform the work. This alternative is not recommended because construction management and inspection services are needed to ensure the successful completion of construction projects.

I:\Sec\2024 Board Related Items\11122024 Board Agenda Items\WW – As Needed Construction Management and Inspection Support Services.docx



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 As-needed Construction Management and Inspection Support Services					DATE August 28, 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%		53.7%				
		Ethnicity	Gender	White Women		6%		5.3%				
\$9,000,000 *		See below	-	Ethnic Minorities		25%		41.0%				
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: MCK Americas, Inc.		\$1,200,000	White	X		13.3%						
SUBS: Azad Engineering		\$210,000	White		X		2.3%					
Bay Area Coating Consultants, Inc.		\$30,000	White	X		0.3%						
BioMaAS, Inc.		\$60,000	Black	X				0.7%				
Carollo Engineers, Inc.		\$300,000	White	X		3.3%						
EPC Consultants, Inc.		\$210,000	Asian	X				2.3%				
Louie Consulting Services		\$90,000	Asian		X			1.0%				
ISI Inspection Services, Inc.		\$120,000	Asian		X			1.3%				
Montez Group Incorporated		\$180,000	Hispanic	X				2.0%				
Ninyo & Moore Geotechnical & Environmental Sciences Consultants		\$90,000	Hispanic	X				1.0%				
PRO-TEC Safety Consultants Inc.		\$150,000	Hispanic	X				1.7%				
Saylor Consulting Group		\$210,000	White		X		2.3%					
Total		\$9,000,000				53.7%	5.3%	41.0%	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 P-061 Forms										
Percent of Total Employees												
MSA Labor Market %												
MSA Labor Market Location												
COMMENTS												
Contract Equity Participation: 53.7% White Men, 5.3% White Women, and 41% Ethnic Minority participation. Contract Duration: Until October 8, 2027. *Total not to exceed: \$9,000,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				YES								



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE <i>Professional Services Agreement</i> As-needed Construction Management and Inspection Support Services							DATE August 28, 2024				
CONTRACT EQUITY PARTICIPATION (Continued from page 1)											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
SUBS: Tricertus, LLC	\$150,000	Asian	X					1.7%			
PRIME: Consor PMCM, Inc.	\$2,070,000	Asian	X					23.0%			
SUBS: Consor North America, Inc.	\$240,000	Asian	X					2.7%			
Frontier Engineers	\$240,000	Asian	X					2.7%			
ISI Inspection Services, Inc.	\$30,000	Asian		X				0.3%			
Joe Hill Consulting & Engineering	\$300,000	White	X		3.3%						
PRO-TEC Safety Consultants Inc.	\$60,000	Hispanic	X					0.7%			
Saylor Consulting Group	\$60,000	White		X		0.7%					
PRIME: Kennedy/Jenks Consultants, Inc.	\$3,000,000	White	X		33.3%						
SUBS: Bay Area Coating Consultants, Inc.	TBD	White	X								
BSK Associates	TBD	White		X							
Harris & Associates, Inc.	TBD	White	X								
Joe Hill Consulting & Engineering	TBD	White	X								
Saylor Consulting Group	TBD	White		X							
Total	See page 1 for total										



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement DATE: 8/28/2024		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM: SBE	Company Wide	9	4	2	0	15	46.9%	27.3%
MCK Americas, Inc. Stephen McDevitt 150 Executive Park Boulevard, Suite 2150 San Francisco, CA 94134 415-656-3264		Manager/Prof	5	3	0	0	8	33.3%	
		Technical/Sales	1	1	1	0	3	100.0%	
		Clerical/Skilled	3	0	1	0	4	80.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	7	3	2	0	12	52.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		32	Bay Area: 23	
S	WW: SBE	Company Wide	2	2	1	0	5	29.4%	48.3%
Azad Engineering Mahsa Azad 649 Mission Street, 5th floor San Francisco, CA 94105 415-606-3802		Manager/Prof	2	2	1	0	5	35.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	2	1	0	5	29.4%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		17	Bay Area: 17	
S	WM: SBE	Company Wide	0	18	1	2	21	53.8%	28.6%
Bay Area Coating Consultants, Inc. Ed Darrimon 5401 Powell Road Denair, CA 95316 209-652-6962		Manager/Prof	0	16	1	2	19	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Stanislaus		# Employees-Co. Wide:		39	Bay Area: 0	
S	EMM-B: SBE	Company Wide	3	2	4	0	9	33.3%	48.3%
BioMaAS, Inc. Lisa Thayer 1278 Indiana St., #300 San Francisco, CA 94107 415-255-8077		Manager/Prof	3	2	3	0	8	34.8%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	25.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	2	4	0	9	33.3%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		27	Bay Area: 27	
S	WM: LBE	Company Wide	31	147	422	4	604	47.3%	28.6%
Carollo Engineers Carol Blake 2795 Mitchell Drive Walnut Creek, CA 94598 602-474-4034		Manager/Prof	27	103	413	1	544	50.7%	
		Technical/Sales	3	24	7	3	37	30.8%	
		Clerical/Skilled	1	20	2	0	23	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	13	33	0	49	32.9%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		1,276	Bay Area: 149	
S	EMM-A/PI: SBE	Company Wide	7	8	22	0	37	45.7%	48.3%
EPC Consultants, Inc. Michelle Chavez 101 A Clay St. #110 San Francisco, CA 94111 415-675-7580		Manager/Prof	6	7	19	0	32	43.2%	
		Technical/Sales	0	0	3	0	3	0.0%	
		Clerical/Skilled	1	1	0	0	2	28.6%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	4	4	16	0	24	58.5%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		81	Bay Area: 41	

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement	DATE: 8/28/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
S	EMW-A/PI: SBE	Company Wide	0	0	1	0	1	100.0%	48.3%
Louie Consulting Services Gloria Louie 780 32nd Avenue San Francisco, CA 94121 415-553-9250		Manager/Prof	0	0	1	0	1	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	1	0	1	100.0%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 1		Bay Area: 1		
S	EMW-A/PI: L/SBE	Company Wide	8	9	9	0	26	45.6%	53.9%
ISI Inspection Services, Inc. Leslie Sakai 1798 University Ave Berkeley, CA 94703 510-900-2100		Manager/Prof	0	2	3	0	5	45.5%	
		Technical/Sales	0	0	1	0	1	100.0%	
		Clerical/Skilled	8	6	5	0	19	43.2%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	8	6	9	0	23	48.9%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 57		Bay Area: 47		
S	EMM-H: L/SBE	Company Wide	1	19	4	0	24	63.2%	39.9%
Montez Group Incorporated Oscar Zavaleta 3988 Lyman Road Oakland, CA 94602 415-430-5029		Manager/Prof	1	13	3	0	17	65.4%	
		Technical/Sales	0	3	1	0	4	66.7%	
		Clerical/Skilled	0	3	0	0	3	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	17	0	0	17	100.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 38		Bay Area: 17		
S	EMM-H	Company Wide	24	112	47	2	185	30.9%	27.3%
Ninyo & Moore Geotechnical & Environmental Sciences Consultants Elaine Autus 2149 O'Toole Avenue, Suite 30 San Jose, CA 95131 858-576-1000		Manager/Prof	3	22	22	1	48	22.3%	
		Technical/Sales	16	84	12	1	113	35.9%	
		Clerical/Skilled	5	6	13	0	24	34.8%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	4	9	0	14	26.4%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide: 599		Bay Area: 53		
S	EMM-H	Company Wide	0	3	0	0	3	100.0%	48.3%
PRO-TEC Safety Consultants, Inc. Ralph Morales 249 Onondaga Ave San Francisco, CA 94112 415-294-1438		Manager/Prof	0	3	0	0	3	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	3	0	0	3	100.0%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 3		Bay Area: 3		
S	WW: SBE	Company Wide	0	0	6	0	6	31.6%	48.3%
Saylor Consulting Group Natalie Saylor 505 Montgomery St. 11th Floor San Francisco, CA 94111 415-399-9990		Manager/Prof	0	0	5	0	5	31.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	33.3%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	6	0	6	31.6%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 19		Bay Area: 19		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement	DATE: 8/28/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	EMM-A/PI: SBE	Company Wide	0	4	4	0	8	100.0%	63.5%
Tricertus, LLC Chen Hou Lau 440 E Route 66 Glendora, CA 91740 213-880-7001		Manager/Prof	0	4	3	0	7	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0	0.0%
		Co. Wide MSA:	Los Angeles		# Employees-Co. Wide: 8		Bay Area: 0		
RP	EMM-A/PI	Company Wide	1	7	31	0	39	51.3%	48.3%
Consor PMCM, Inc. Leslie Sowles 1663 Mission Street, Suite 425 San Francisco, CA 94103 503-866-9173		Manager/Prof	1	4	28	0	33	53.2%	
		Technical/Sales	0	1	1	0	2	33.3%	
		Clerical/Skilled	0	2	2	0	4	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	7	31	0	39	51.3%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 76		Bay Area: 76		
S	Unclassified: LBE	Company Wide	10	47	37	0	94	18.3%	38.5%
Consor North America, Inc. Leslie Sowles 2950 Buskirk Avenue, Suite 122 Walnut Creek, CA 94597 503-866-9173		Manager/Prof	8	31	31	0	70	16.9%	
		Technical/Sales	0	8	1	0	9	25.7%	
		Clerical/Skilled	2	8	5	0	15	22.7%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	2	0	2	28.6%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 515		Bay Area: 7		
S	EMM-A/PI: L/SBE	Company Wide	0	0	1	0	1	100.0%	38.5%
Frontier Engineers Hiten Magudia 780 Pagos Court Walnut Creek, CA 94597 925-549-2600		Manager/Prof	0	0	1	0	1	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	1	0	1	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 1		Bay Area: 1		
S	EMW-A/PI: L/SBE	Company Wide	8	9	9	0	26	45.6%	53.9%
ISI Inspection Services, Inc. Leslie Sakai 1798 University Ave Berkeley, CA 94703 510-900-2100		Manager/Prof	0	2	3	0	5	45.5%	
		Technical/Sales	0	0	1	0	1	100.0%	
		Clerical/Skilled	8	6	5	0	19	43.2%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	8	6	9	0	23	48.9%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 57		Bay Area: 47		



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services			Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL		
			National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		DATE: 8/28/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees								
Company Name, Owner/Contact Person, Address, and Phone Number				B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM: SBE	Company Wide		2	0	7	0	9	31.0%	48.3%
Joe Hill Consulting & Engineering Joseph R. Hill 1693 Polk St, Suite 208 San Francisco, CA 94109 415-355-7168			Manager/Prof	2	0	5	0	7	35.0%	
			Technical/Sales	0	0	1	0	1	20.0%	
			Clerical/Skilled	0	0	1	0	1	25.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	2	0	7	0	9	39.1%	39.9%
			Co. Wide MSA:	San Francisco				# Employees-Co. Wide: 29	Bay Area: 23	
S	EMM-H	Company Wide		0	3	0	0	3	100.0%	48.3%
PRO-TEC Safety Consultants, Inc. Ralph Morales 249 Onondaga Ave San Francisco, CA 94112 415-294-1438			Manager/Prof	0	3	0	0	3	100.0%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	0	0	0	0	0.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	3	0	0	3	100.0%	39.9%
			Co. Wide MSA:	San Francisco				# Employees-Co. Wide: 3	Bay Area: 3	
S	WW: SBE	Company Wide		0	0	6	0	6	31.6%	48.3%
Saylor Consulting Group Natalie Saylor 505 Montgomery St. 11th Floor San Francisco, CA 94111 415-399-9990			Manager/Prof	0	0	5	0	5	31.3%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	0	1	0	1	33.3%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	0	6	0	6	31.6%	39.9%
			Co. Wide MSA:	San Francisco				# Employees-Co. Wide: 19	Bay Area: 19	
RP	WW	Company Wide		10	42	71	3	126	25.4%	27.3%
Kennedy/Jenks Consultants, Inc. Gerard Cavaluzzi 275 Battery St., Suite 550 San Francisco, CA 94111 914-709-5001			Manager/Prof	5	28	55	3	91	22.8%	
			Technical/Sales	4	7	8	0	19	35.8%	
			Clerical/Skilled	1	7	8	0	16	36.4%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	4	5	16	0	25	37.3%	39.9%
			Co. Wide MSA:	USA				# Employees-Co. Wide: 497	Bay Area: 67	
S	WM: SBE	Company Wide		0	18	1	2	21	53.8%	28.6%
Bay Area Coating Consultants, Inc. Ed Darrimon 5401 Powell Road Denair, CA 95316 209-652-6962			Manager/Prof	0	16	1	2	19	0.0%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	2	0	0	2	50.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	0	0	0	0	0.0%	39.9%
			Co. Wide MSA:	Stanislaus				# Employees-Co. Wide: 39	Bay Area: 0	

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		DATE: 8/28/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WW	Company Wide	6	55	31	0	92	46.9%	27.3%
BSK Associates Rebecca Thompson 691 N. Laverne Ave Fresno, CA 93727 559-497-2880 ext. 524		Manager/Prof	1	14	6	0	21	43.8%	
		Technical/Sales	4	34	25	0	63	54.3%	
		Clerical/Skilled	1	7	0	0	8	25.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	5	4	0	10	30.3%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide: 196		Bay Area: 33		
S	WM: LBE	Company Wide	8	62	51	0	121	45.5%	38.5%
Harris & Associates, Inc. Annett Phillips 1401 Willow Pass Road, Suite 500 Concord, CA 94520 925-359-9192		Manager/Prof	8	59	46	0	113	45.7%	
		Technical/Sales	0	0	1	0	1	33.3%	
		Clerical/Skilled	0	3	4	0	7	43.8%	
		Semi/Unskilled	0	0	0	0	0	NA	
		Bay Area	1	7	11	0	19	36.5%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 266		Bay Area: 52		
S	WM: SBE	Company Wide	2	0	7	0	9	31.0%	48.3%
Joe Hill Consulting & Engineering Joseph R. Hill 1693 Polk St., Suite 208 San Francisco, CA 94109 415-355-7168		Manager/Prof	2	0	5	0	7	35.0%	
		Technical/Sales	0	0	1	0	1	20.0%	
		Clerical/Skilled	0	0	1	0	1	25.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	0	7	0	9	39.1%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 29		Bay Area: 23		
S	WW: SBE	Company Wide	0	0	6	0	6	31.6%	48.3%
Saylor Consulting Group Natalie Saylor 505 Montgomery St., 11th Floor San Francisco, CA 94111 415-399-9990		Manager/Prof	0	0	5	0	5	31.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	33.3%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	6	0	6	31.6%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 19		Bay Area: 19		
P	WM: LBE	Company Wide	13	33	39	0	85	24.0%	53.9%
4LEAF, Inc. Cindy Policar 2126 Rheem Drive Pleasanton, CA 94588 925-462-5959		Manager/Prof	9	19	31	0	59	31.9%	
		Technical/Sales	2	8	3	0	13	9.8%	
		Clerical/Skilled	2	6	5	0	13	36.1%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	13	33	39	0	85	24.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 354		Bay Area: 354		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
As-needed Construction Management and Inspection Support Services			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
DATE: 8/28/2024		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd	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 %
P	WM: LBE	Company Wide	183	345	411	15	954	23.7%	38.5%
CDM Smith, Inc. Patrice L. Robbins 2300 Clayton Road, Suite 950 Concord, CA 94520 407-660-6464		Manager/Prof	134	257	386	13	790	22.9%	
		Technical/Sales	34	31	20	2	87	23.5%	
		Clerical/Skilled	14	26	5	0	45	29.0%	
		Semi/Unskilled	1	31	0	0	32	62.7%	
		Bay Area	1	3	17	0	21	36.2%	39.9%
		Co. Wide MSA:	Contra Costa				# Employees-Co. Wide: 4,029	Bay Area: 58	
P	EMW-A/PI: L/SBE	Company Wide	2	2	6	0	10	37.0%	48.4%
Consolidated CM Lang Scoble 180 Grand Avenue, Suite 1520 Oakland, CA 94612 510-208-1720		Manager/Prof	2	1	4	0	7	30.4%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	2	0	3	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	2	5	0	8	47.1%	39.9%
		Co. Wide MSA:	California				# Employees-Co. Wide: 27	Bay Area: 17	
P	EMW-A/PI: L/SBE	Company Wide	0	1	14	0	15	71.4%	39.9%
Dabri, Inc. Domonique Kaur 1203 Preservation Parkway, Ste 201 Oakland, CA 94612 415-839-8142		Manager/Prof	0	1	11	0	12	66.7%	
		Technical/Sales	0	0	2	0	2	100.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	14	0	15	71.4%	39.9%
		Co. Wide MSA:	9 Bay Area Counties				# Employees-Co. Wide: 21	Bay Area: 21	
P	WM: LBE	Company Wide	6	36	20	0	62	28.6%	48.4%
MNS Engineers, Inc. Derek Zumwalt 401 Grand Avenue, Suite 200 Oakland, CA 94610 805-692-6921		Manager/Prof	6	22	13	0	41	25.3%	
		Technical/Sales	0	9	2	0	11	44.0%	
		Clerical/Skilled	0	5	5	0	10	38.5%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California				# Employees-Co. Wide: 217	Bay Area: 0	
P	Foreign	Company Wide	80	155	231	2	468	24.0%	52.1%
Mott MacDonald Group, Inc. Mohamed Basma 2077 Gateway Place, Suite 550 San Jose, CA 95110 408-807-0481		Manager/Prof	45	100	172	2	319	23.9%	
		Technical/Sales	34	51	58	0	143	24.8%	
		Clerical/Skilled	1	3	1	0	5	12.8%	
		Semi/Unskilled	0	1	0	0	1	33.3%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Santa Clara County				# Employees-Co. Wide: 1,953	Bay Area: 0	
P	EMM-A/PI: L/SBE	Company Wide	3	3	4	0	10	41.7%	39.9%
Park Engineering, Inc. Jaemin Park 372 Village Square Orinda, CA 94563 925-818-3756		Manager/Prof	3	3	4	0	10	41.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	3	4	0	10	41.7%	39.9%
		Co. Wide MSA:	9 Bay Area Counties				# Employees-Co. Wide: 24	Bay Area: 24	

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: As-needed Construction Management and Inspection Support Services		Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL	
		National		10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 8/28/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd	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 %
P	EMM-H: LBE	Company Wide	13	35	42	0	90	33.6%	27.3%
PMA Consultants, LLC Katie Carrithers 505 14th Street, Suite 900 Oakland, CA 94612 973-679-4659		Manager/Prof	13	35	41	0	89	33.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
973-679-4659		Co. Wide MSA:	USA		# Employees-Co. Wide: 268		Bay Area: 9		
P		INFORMATION NOT PROVIDED							
TRC Engineering, Inc. Laura Lenhart Ramey 6 Executive Circle, Suite 200 Irvine, CA 92614									

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	11.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	EAST BAY PLAIN SUBBASIN SITE CHARACTERIZATION PROJECT - SINGLE MONITORING WELLS
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an agreement beginning on or after November 12, 2024 with Well Industries, Inc. in an amount not to exceed \$411,263 for the construction of two required monitoring wells and one optional monitoring well in the East Bay Plain (EBP) Subbasin.
--------------------	---

SUMMARY	This agreement allows the District and City of Hayward (Hayward) to construct monitoring wells that are required to support the implementation of the EBP Subbasin Groundwater Sustainability Plan (GSP). This agreement will be partially funded with remaining Proposition 68 Grant funds (approximately \$212,000 remains of the \$758,467 grant funds) previously authorized under Board Resolution No. 35157-19 and by EBMUD (\$129,443) and Hayward (\$69,700). The cost share between Hayward and EBMUD is summarized in Amendment No. 2 of the Cooperating Agreement for Development of a Groundwater Sustainability Plan for the East Bay Plain Subbasin (Board Motion No. 202-20).
---------	--

DISCUSSION	The District and Hayward are the designated Groundwater Sustainability Agencies (GSAs) for the EBP Subbasin and completed a GSP in January 2022 that was approved by the Department of Water Resources in July 2023. The GSAs are implementing the GSP to comply with the Sustainable Groundwater Management Act (SGMA). The goal of the GSP is to manage and protect the EBP Subbasin while continuing to collect and analyze data to evaluate new opportunities for sustainable groundwater beneficial uses, such as using local groundwater as part of diversifying the District's water supply portfolio. Data gaps relating to groundwater levels, groundwater quality, and aquifer characteristics were identified in the GSP and are required to be addressed as part of the GSP implementation. To address the data gaps, staff is proposing the construction of two new groundwater monitoring wells. Staff plans to provide justification in the next GSP update that the two wells being installed as part of this site characterization project are sufficient to meet the monitoring requirements. If accepted by the state, no additional monitoring wells will be needed.
------------	---

The project will construct up to three groundwater monitoring wells (two required wells and one optional well) throughout the Subbasin. One required well will be constructed on District property in the city of San Pablo; one required well will be constructed in Hayward; and one optional well may be constructed on District property in the city of Berkeley. The monitoring well in Berkeley is considered optional because the city does not permit new water supply wells; therefore, that portion of the Subbasin is expected to remain stable since no additional

Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000314; Page 85	Budget Coding: 11-455-1015698-52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	East Bay Plain Subbasin Site Characterization Project - Single Monitoring Wells	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

pumping is expected. The optional well will be installed if the schedule allows the work to be completed within the grant eligibility period. These wells will be in areas identified as data gaps in the GSP and will be part of the monitoring network in the Subbasin. Groundwater level measurements will be taken quarterly, and groundwater quality sampling will initially occur biannually for two years and then transition to annual sampling. Monitoring of the well(s) installed on District property will be performed by District staff.

This project supports the District's Long Term Water Supply and Water Quality and Environmental Protection Strategic Plan goals.

**SERVICE PROVIDER
SELECTION**

A request for proposals (RFP) was posted on the District's website and sent to six potential proposers for installation of groundwater monitoring wells and providing associated services. Five service providers submitted proposals. Each service provider was scored based on criteria outlined in the RFP and Well Industries, Inc. was selected after receiving the highest score.

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

SUSTAINABILITY**Economic**

Funding for this purpose is available in FY 2025 adopted capital budget for SGMA Compliance.

This project will be funded in part by a Proposition 68 grant, in part by the City of Hayward, and in part by the District.

Social

Locals 2019 and 21 were notified of this agreement on June 25, 2020 and did not raise any specific issues related to this agreement.

Environmental

The installation of the monitoring wells will further facilitate the District and Hayward's GSP implementation and SGMA regulatory compliance. This project will address data gaps and further characterize the subbasins, resulting in improved management and sustainability of the subbasin.

The project is exempt from the requirements of California Environmental Quality Act Guidelines section 15303 (construction of new small structures), section 15304 (minor alterations to land), and section 15306 (information collection) because installation of the monitoring wells will involve minor construction and, upon completion, the wells' above-ground presence will be minimal.

ALTERNATIVES

Do not authorize this agreement. This alternative is not recommended because the project is necessary to further implement the GSP and fill data gaps to comply with SGMA.

Title:	East Bay Plain Subbasin Site Characterization Project - Single Monitoring Wells	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

Select a different service provider to perform the work. This alternative is not recommended because the selection process between the five service providers was fair and resulted in Well Industries, Inc. obtaining the highest score.

I:\Sec\2024 Board Related items\111224 Board Agenda Items\WNR – East Bay Plain Subbasin Site Characterization Project - Single Monitoring Wells.docx

This page is intentionally left blank.



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 East Bay Plain Subbasin Site Characterization Project – Single Monitoring Wells Installation					DATE: October 30, 2024						
CONTRACTOR: Well Industries, Inc. Chico, CA					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE: \$411,263 *		FIRM'S OWNERSHIP		White Men		25%		83.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
		White	Men	Ethnic Minorities		25%		17.0%			
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: Well Industries, Inc.	\$329,263	White	X		80.1%						
SUBS: Stewart Well Logging	\$12,000	White	X		2.9%						
Behrens & Associates, Inc.	\$70,000	Hispanic	X				17.0%				
TOTAL		\$411,263			83.0%	0.0%	17.0%	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:	30		3		6		39				
Percent of Total Employees:	76.9%		7.7%		15.4%						
MSA Labor Market %:	28.0%		23.6%		48.4%						
MSA Labor Market Location:	California										
COMMENTS											
Contract Equity Participation: 83% White Men participation and 17% Ethnic Minority participation. Contract Duration: NA Total not to exceed: \$411,263											
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: East Bay Plain Subbasin Site Characterization Project – Single Monitoring Wells Installation			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 10/30/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	1	8	0	0	9	19.6%	48.4%
Well Industries Inc. Henry Suden 3282 CA-32 Chico, CA 95973 530-891-5545		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	1	0	0	0	1	100.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	8	0	0	8	28.6%	
		Bay Area	0	8	0	0	8	18.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	California		# Employees-Co. Wide:		46		Bay Area: 44
S	WM	INFORMATION NOT PROVIDED							
Stewart Well Logging									
Ronnie Stewart 879 Purdue Drive Woodland, CA 95695 530-908-6928									
S	EMM-H	INFORMATION NOT PROVIDED							
Behrens & Associates, Inc.									
Jeff Obermeyer 2320 Alaska Ave El Segundo, CA 90245 310-765-7355									
P	WM	Company Wide	2	20	0	0	22	41.5%	37.3%
Eaton Drilling Co., LLC Evan Coleman 20 W Kentucky Ave Woodland, CA 95695 530-662-6795		Manager/Prof	0	2	0	0	2	22.2%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	0	0	5	29.4%	
		Semi/Unskilled	2	13	0	0	15	71.4%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		53		Bay Area: 0
P	WM	Company Wide	0	31	0	0	31	53.4%	45.7%
South Valley Companies, Inc. Bryan Ollivier 19325 Eightpath Way Bakersfield, CA 93308 661-831-5703		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	2	0	0	2	28.6%	
		Clerical/Skilled	0	2	0	0	2	66.7%	
		Semi/Unskilled	0	27	0	0	27	75.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Bakersfield		# Employees-Co. Wide:		58		Bay Area: 0

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	12.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AMEND ENGINEERING DESIGN SERVICES FOR THE RECREATION AREA WATER AND WASTEWATER COLLECTION SYSTEM IMPROVEMENTS PROJECT
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 073-20 with Sherwood Design Engineers to increase the agreement amount by \$950,000 to a total amount not to exceed \$3,970,129 for additional engineering services during construction for the Recreation Area Water and Wastewater Collection System Improvements Projects to support Specification 2165 – Pardee Recreation and Pardee Center Water Treatment Plant Improvements.
--------------------	---

SUMMARY	This amendment expands the original scope of work to provide engineering services for design and construction that were not originally contemplated.
---------	--

DISCUSSION	On April 28, 2020, under Motion No. 073-20, the Board authorized an agreement to provide engineering services for design and construction to replace and upgrade water treatment systems at three facilities including the Pardee Recreation Area and Pardee Center under Specification 2165. The authorized projects will upgrade the water and wastewater collection facilities to meet future State and Federal regulations. The water treatment facilities at Pardee have required repeated maintenance and repairs which contribute to operational inefficiencies and facility closures. The State Water Resources Control Board has given the District until 2025 to replace the treatment systems. On September 27, 2022, under Motion No. 180-22, the Board authorized an amendment to the agreement in the amount of \$1,330,323 for a total amount not to exceed \$3,029,129, for additional design services for all three locations. This action for a second amendment expands the original scope of work to provide additional engineering support services during construction for the Specification 2165. This includes project management, commissioning and startup services, and design support services that were to be performed by the District's Commissioning Group, but other capital project priorities prevented their participation. The amendment also includes additional scope to develop a comprehensive operations and maintenance manual and an operations plan that will support the District's Division of Drinking Water Permit. This work was to be performed by another consultant, but it is more cost effective to engage Sherwood Design Engineers to provide these additional services as they already have extensive knowledge of the project.
------------	--

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2025; Award 7000074; Page 26	Budget Coding: 11.578.3100034.52310	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Engineering Design Services Agreement for the Recreation Area Water and Wastewater Collection System Improvements	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

**CONSULTANT
SELECTION**

In April 2020, a request for proposals was posted on the District’s website and sent to 32 firms, including 19 small-business enterprises. Sherwood Design Engineers was selected based on its qualifications and experience with sanitary sewer collection systems and their expertise in small- to medium-sized water treatment plant systems. Sherwood Design Engineers is the Engineer-of-Record for the design of these projects, is thoroughly familiar with these projects and is the most cost-effective consulting firm to provide these additional services and ensure continuity in completing the project.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2025 adopted capital budget for the for Upcountry Wastewater Treatment Improvements.

Social

Locals 21 and 2019 were notified of this agreement amendment on September 4, 2024. Local 21 did not raise any specific issues related to this agreement. Local 2019 issues and questions were addressed at a meeting on October 1, 2024 and resolved.

Environmental

A California Environmental Quality Act (CEQA) Notice of Exemption was posted to CEQAnet and ebmud.com in accordance with Governor Executive Order N-8-21 on September 27, 2021.

ALTERNATIVES

Select another consultant to perform the work. This alternative is not recommended because Sherwood Design Engineers is the Engineer-of-Record and is familiar with the work and has the technical expertise and experience to complete the required additional engineering services.

Perform the work with District forces. This alternative is not recommended because District forces are fully engaged with other high priority projects.

Do not proceed with the agreement amendment. This alternative is not recommended because additional services are required to complete the project.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement - Amendment Amend Agreement for Recreation Area Water and Wastewater Collection System Improvements						DATE: September 16, 2024						
CONTRACTOR: Sherwood Design Engineers Santa Cruz, CA 95062					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		80.8%				
		Ethnicity	Gender	White Women		6%		0.0%				
\$950,000 *		White Men		Ethnic Minorities		25%		19.2%				
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: Sherwood Design Engineers		\$228,614	White	X		24.1%						
SUBS: Aurum Consulting Engineers		\$182,085	Hispanic		X			19.2%				
Streeter Group, Inc.		\$138,940	White	X		14.6%						
Geocon, Inc.		\$121,883	White	X		12.8%						
Bess Testlab, Inc.		\$15,000	White	X		1.6%						
Frisch Engineering, Inc.		\$260,565	White	X		27.4%						
Jax Kneppers Associates		\$2,913	White	X		0.3%						
TOTAL		\$950,000				80.8%	0.0%	19.2%	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:		34		21		37		92				
Percent of Total Employees:		37.0%		22.8%		40.2%						
MSA Labor Market %:		39.0%		33.7%		27.3%						
MSA Labor Market Location:		USA										
COMMENTS												
Contract Equity Participation: 80.8% White Men and 19.2% Ethnic Minority participation. Contract Duration: NA *Total contract not to exceed: \$3,970,129 = \$1,689,806 (Original) + \$1,330,323 (Amendment) + \$950,000 (Amendment)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				YES								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreement for Recreation Area Water and Wastewater Collection System Improvements		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - Amendment		DATE: 9/16/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	0	9	20	0	29	31.5%	27.3%
Sherwood Design Engineers Flora Tang 1525 Seabright Avenue Santa Cruz, CA 95062 415-869-9689		Manager/Prof	0	9	20	0	29	31.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	6	0	6	23.1%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/13/2020		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		92 Bay Area: 26		
S	EMW-H: SBE	Company Wide	INFORMATION NOT PROVIDED						
Aurum Consulting Engineers Najib Anwary 300 S. 1st Street, Suite 342 San Jose, CA 95113 408-564-7925		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: SBE	Company Wide	INFORMATION NOT PROVIDED						
Streeter Group, Inc. Brad Streeter 2571 Main Street, Suite C Soquel, CA95073 831-477-1781		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM	Company Wide	INFORMATION NOT PROVIDED						
Geocon, Inc. Jeremy Zorne 3160 Gold Valley Drive, Suite 800 Rancho Cordova, CA 95742 916-852-9118		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Bess Testlab, Inc. 2463 Tripaldi Way Hayward, CA 94545 408-988-0101		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: LBE	Company Wide	0	1	0	0	1	9.1%	37.3%
Frisch Engineering, Inc. David Frisch 13405 Folsom Blvd, uNIT 600 Folsom, CA 95630 916-353-1025		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	1	0	0	1	16.7%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		11 Bay Area: 0		

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	13.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AMEND AGREEMENT FOR BIOSOLIDS HANDLING SERVICES
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 128-22 with Synagro-WWT, Inc. (Synagro) to increase the agreement amount by \$14,060,000 to a total amount not to exceed \$29,150,000 and extend the agreement term to June 30, 2028, for biosolids handling services at the Main Wastewater Treatment Plant (MWWTP).
--------------------	--

SUMMARY	In June 2022, the Board authorized multi-year agreements with Denali Water Solutions LLC (Denali) and Synagro for biosolids handling services during the dry and wet weather seasons, respectively. In summer 2024, Synagro acquired Denali's California biosolids business. Synagro will take over Denali's services during dry weather for the remainder of the agreement term, and the District's agreement with Denali will be terminated. An amendment is needed to increase Synagro's existing agreement to cover dry weather services and to extend the agreement one additional year to secure the best pricing. The overall cost to the District will increase by approximately \$1,092,000 over the life of the original agreement due to Synagro having a higher dry weather handling price. The District's Biosolids Management Program Update was presented at the January 25, 2022 Sustainability/Energy Committee meeting.
---------	---

DISCUSSION	Reliable hauling and end-use management of the District's biosolids are critical to MWWTP operation and must be provided continuously throughout the year. As with the existing agreement with Synagro, all biosolids will be composted, land-applied, or temporarily stored before land application. Additionally, Synagro will continue to haul ten percent of the District's biosolids to the Lystek Organic Matter Recycling Facility in Fairfield to be processed by thermal hydrolysis, which converts the biosolids into stable liquid fertilizer. These options result in biosolids being used as a soil amendment that returns valuable nutrients, moisture, and organic matter to the soil and reduces reliance on chemical fertilizers. This agreement supports the District's Water Quality and Environmental Protection Strategic Plan goal. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.
------------	---

SERVICE PROVIDER SELECTION	In March 2022, a request for proposals was posted on the District website and sent to 190 potential proposers. Two service providers submitted proposals. Denali received the overall highest score of the submitted proposals for dry weather biosolids handling services. Synagro submitted the only proposal for wet weather biosolids handling services, and the only
----------------------------	---

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY 2025	Budget Coding: 21-913-9142300-53770	Approved: 	
Attachments: P-035; P-061			

Title:	Amend Agreement for Biosolids Handling Services	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

proposal for year-round services. The combined score for using Denali for dry weather services and Synagro for wet weather services exceeded the score for Synagro's year-round services, and this combination was the lowest cost for the District.

SUSTAINABILITY**Economic**

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

This agreement provides reliable and cost-effective biosolids handling services. The contracted pricing accounts for estimated future quarterly adjustments for diesel fuel fluctuations and annual adjustments for the Consumer Price Index – Urban Consumers.

Social

Local 444 was notified of this amendment on October 2, 2024. Local 444 raised issues related to the monopoly created by this acquisition and urged the District to further evaluate performing this work with District forces. The District and Local 444 met on October 7, 2024, and Local 444 has advised that it may address the Board regarding District forces performing more biosolids handling tasks in the future. The reasons for contracting are consistent with EBMUD's criteria for contracting out work.

Environmental

All biosolids end uses included in these agreements provide an environmental benefit by returning valuable nutrients, moisture and organic matter to the soil, either through direct land application, composting with woody material, or conversion into liquid fertilizer. The amendment will not result in any new environmental impacts and will result only in the continuance of the services of hauling and end-use management performed under the existing agreements.

ALTERNATIVES

Do not amend this agreement. This alternative is not recommended because District forces do not have the agronomic expertise, land application permits, and specialized farm equipment necessary to cost-effectively manage biosolids year-round.

Advertise the work again. This alternative is not recommended because with Synagro's acquisition of Denali, there is no remaining service provider capable of providing uninterrupted biosolids handling services for the District.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement - Amendment Amend Agreement for Biosolids Handling Services						DATE: October 14, 2024						
CONTRACTOR: Synagro-WWT, Inc. Baltimore, MD					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%			
		Ethnicity		Gender	White Women		6%		0.0%			
\$14,060,000 *		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: Synagro-WWT, Inc.		\$12,010,000	White	X		85.4%						
SUBS: Jess Ranch Trucking		\$1,025,000	White	X		7.3%						
Lone Tree Trucking		\$1,025,000	White	X		7.3%						
TOTAL		\$14,060,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		556		107		417		1,080				
Percent of Total Employees:		51.5%		9.9%		38.6%						
MSA Labor Market %:		39.0%		33.7%		27.3%						
MSA Labor Market Location:		USA										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: June 30, 2028.												
*Total not to exceed: \$29,150,00 = \$24,240,000 (Original) - \$9,150,000 (Denali's contract amount) + \$14,060,000 (Amendment) Note: In summer 2024, Synagro acquired Denali's California biosolids business.												
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA					YES							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	14.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AMEND DESIGN SERVICES FOR THE MAIN WASTEWATER TREATMENT PLANT OXYGEN PLANT REHABILITATION
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 033-21 with Woodard & Curran, Inc. (Woodard & Curran) to increase the agreement amount by \$2,540,720 to a total amount not to exceed \$5,118,453 and extend the agreement term to December 31, 2027, for additional engineering services during construction (ESDC) for the Main Wastewater Treatment Plant (MWWTP) Oxygen Plant Rehabilitation Project under SD-428.
--------------------	---

SUMMARY	This amendment to the consultant agreement provides additional ESDC for the MWWTP Oxygen Plant Rehabilitation Project due to additional scope required to improve process reliability and worker safety. This project was discussed at the October 11, 2022, Long-Term Infrastructure Investment Workshop.
---------	--

DISCUSSION	On February 23, 2021, under Motion No. 033-21, the Board authorized an agreement to provide condition assessment, design, and ESDC services for the project for an amount not to exceed \$2,246,768. On May 28, 2024, staff increased the amount by \$330,965 under the contingency authority to a total amount not to exceed \$2,577,733 for additional design services and added scope to improve process reliability and worker safety. This added scope included upgrading main air compressor motors, replacing insulation media, a new fire suppression system, seismic bracing of panels, and cryogenic piping safety improvements. The increased scope of work authorized under the contingency authority, which included a detailed condition assessment and expanded design, exhausted the funds from the original authorization. This request for an amendment will fund the original ESDC and an additional increased scope of work which includes support of start-up and commissioning of the Oxygen Plant, reviewing construction documents between the contractor and equipment providers, responding to submittals and requests for information, attending weekly progress meetings, and providing engineering design services for change orders as needed. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.
------------	---

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025; CIP#7000332; Page 115	Budget Coding: 21-928-2014270-52310		
Attachments: P-035; P-061			

Title:	Amend Consultant Agreement For Main Wastewater Treatment Plant Oxygen Plant Rehabilitation Design Services	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

**CONSULTANT
SELECTION**

In August 2020, a request for proposals for the original agreement was posted on the District's website and sent to ten firms, including three local business enterprises with expertise in wastewater engineering or oxygen production facilities. Three firms submitted proposals, and a short list of two firms was established. Woodard & Curran was selected based on its team's understanding of District needs, experience in oxygen plant controls rehabilitation, and strong references for similar projects.

SUSTAINABILITY**Economic**

Funding for this purpose is included in the Fiscal Year 2025 adopted capital budget for Secondary Treatment.

Social

Locals 21 and 2019 were notified of this amendment to the original agreement on September 4, 2024. Local 21 issues were addressed on September 25, 2024 and resolved. Local 2019 issues were addressed on October 1, 2024 and resolved.

Environmental

This project will allow optimization to improve energy efficiency and operational reliability.

ALTERNATIVES

Select a different consultant to perform the work. This alternative is not recommended because Woodard & Curran is the Engineer-of-Record, completed the condition assessment and design work, and understands the challenges of this project.

Perform the work with District staff. This alternative is not recommended because District staff lacks the specialized expertise and sufficient resources to complete the project on the required schedule.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement - Amendment Amend Consultant Agreement for Main Wastewater Treatment Plant Oxygen Plant Rehabilitation Design Services					DATE: October 3, 2024							
CONTRACTOR: Woodard & Curran, Inc. Portland, ME					PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$2,540,720 *		FIRM'S OWNERSHIP		White Men		25%		95.9%				
		Ethnicity	Gender	White Women		6%		2.9%				
		White	Men	Ethnic Minorities		25%		1.2%				
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: Woodard & Curran, Inc.	\$1,743,581	White	X		68.2%							
SUBS: Solutionwerks	\$611,358	White	X		24.4%							
TJC and Associates, Inc.	\$47,968	White	X		1.9%							
Fire & Risk Alliance, LLC	\$35,000	White	X		1.4%							
V&A Consulting Engineers, Inc.	\$42,813	White		X		1.7%						
Cadworks Inc.	\$30,000	White		X		1.2%						
CAI Fire Satety Systems, Inc.	\$30,000	Asian	X				1.2%					
TOTAL		\$2,540,720			95.9%	2.9%	1.2%	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:		788		343		161		1,292				
Percent of Total Employees:		61.0%		26.5%		12.5%						
MSA Labor Market %:		39.0%		33.7%		27.3%						
MSA Labor Market Location:		USA										
COMMENTS												
Contract Equity Participation - 95.9% White Men participation and 2.9% White Women participation and 1.2% Ethnic Minortiy participation. Contract Duration: Until December 31, 2027. *Total not to exceed: \$5,118,453 = \$2,577,733 (Original and Amendment 1) + \$2,540,720 (Amendment 2)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				YES								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Consultant Agreement for Main Wastewater Treatment Plant Oxygen Plant Rehabilitation Design Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - Amendment		DATE: 10/3/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM	Company Wide	42	51	47	5	145	11.2%	27.3%
Woodard & Curran, Inc. Rowena Holden 12 Mountfort Street Portland, ME 04101 207-747-2391		Manager/Prof	16	38	42	3	0	10.9%	
		Technical/Sales	0	1	1	0	2	8.7%	
		Clerical/Skilled	7	0	4	1	0	10.1%	
		Semi/Unskilled	19	12	0	1	0	0.0%	
		Bay Area	0	1	2	0	3	12.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		1/19/2021		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,292	Bay Area:	25
S	WM	Company Wide	4	0	0	0	4	100.0%	13.4%
Solutionwerks, Inc. Dennis Derr 4949 Liberty Lane, Suite 100 Allentown, PA 18106 610-928-7188		Manager/Prof	2	0	0	0	2	100.0%	
		Technical/Sales	1	0	0	0	1	100.0%	
		Clerical/Skilled	1	0	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Pennsylvania		# Employees-Co. Wide:		4	Bay Area:	0
S	WM: L/SBE	Company Wide	2	3	5	5	15	65.2%	48.4%
TJC and Associates, Inc. Gianna Zappettini 2300 Clayton Road, Suite 1450 Concord, CA 94520 925-357-2676		Manager/Prof	1	1	4	4	10	55.6%	
		Technical/Sales	0	0	1	1	2	100.0%	
		Clerical/Skilled	1	2	0	0	3	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	2	4	4	12	80.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		23	Bay Area:	15
S	WM	Company Wide	1	1	7	0	9	17.3%	27.3%
Fire & Risk Alliance, LLC Scott Bryant 7640 Standish Place Rockville, MD 20855 301-658-3060		Manager/Prof	1	1	6	0	8	17.4%	
		Technical/Sales	0	0	1	0	1	33.3%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	2	0	3	33.3%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		52	Bay Area:	9
S	WW: L/SBE	Company Wide	7	12	5	0	24	34.8%	27.3%
V&A Consulting Engineers, Inc. Michelle Crenshaw 1000 Broadway, Suite 320 Oakland, CA 94607 858-779-0334		Manager/Prof	0	5	3	0	8	28.6%	
		Technical/Sales	6	4	1	0	11	45.8%	
		Clerical/Skilled	1	3	1	0	5	29.4%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	5	4	0	11	57.9%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		69	Bay Area:	19
S	WW: L/SBE	Company Wide	1	1	1	0	3	60.0%	37.3%
Cadworks Inc. Sharie Di Donato 717 K Street, Suite 418 Sacramento, CA 95814 916-214-4584		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	1	1	1	0	3	100.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	2	0	3	0.0%	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		5	Bay Area:	0

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Consultant Agreement for Main Wastewater Treatment Plant Oxygen Plant Rehabilitation Design Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - SD-428 - Amendment		DATE: 10/3/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	EMM-A/PI	Company Wide	0	2	6	0	8	100.0%	48.3%
CAI Safety Systems, Inc. Bharat Kavia 1609 S. Grove Ave, Suite 104 Ontario, CA 91761 951-465-7386 ext. 300		Manager/Prof	0	0	4	0	4	100.0%	
		Technical/Sales	0	0	1	0	1	100.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	2	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Riverside-San Bernardino # Employees-Co. Wide: 8				Bay Area: 0		
P	Foreign	Company Wide	30	38	63	24	155	29.5%	27.3%
Linde Engineering North America LLC Devona Haslam 1585 Sawdust Road, Suite 300 The Woodlands, TX 77380 918-477-1410		Manager/Prof	26	15	56	9	106	31.9%	
		Technical/Sales	1	3	7	1	12	20.3%	
		Clerical/Skilled	3	5	0	2	10	24.4%	
		Semi/Unskilled	0	15	0	12	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	USA # Employees-Co. Wide: 525				Bay Area: 0		
P	WM	Company Wide	231	645	935	27	1,838	19.4%	27.3%
HDR Engineering, Inc. Dawn Sornson 2365 Iron Point Road, Suite 300 Folsom, CA 95630 402-399-1415		Manager/Prof	145	480	822	18	1,465	19.0%	
		Technical/Sales	47	117	76	5	245	21.2%	
		Clerical/Skilled	39	48	37	4	128	22.1%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	3	10	1	0	14	7.6%	39.9%
		Co. Wide MSA:	USA # Employees-Co. Wide: 9,462				Bay Area: 185		

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)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	15a.-15b.	Meeting Date:	November 12, 2024
----------------	-----------	---------------	-------------------

TITLE	AMEND AGREEMENTS FOR FLAGGING SERVICES
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	- Authorize amendments to the agreements previously authorized under Board Motion No. 218-22 with City Rise, LLC; Cal-Safety, Inc.; CMC Traffic Control Specialists Inc.; TPR Traffic Solutions; Traffic Control Pros; and Traffic Management Inc. to increase the aggregate amount of those agreements by \$1,800,000 to a total aggregate amount not to exceed \$8,250,000 and extend the term of the agreements to November 11, 2025 for flagging services. - Authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on November 12, 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 flagging services as needed to safely and efficiently manage traffic during infrastructure repair or replacement activities. Flagging services include labor and equipment for traffic and pedestrian control, lane closures, and detours including setup, monitoring, and removal.
---------	---

DISCUSSION	The District primarily uses flagging services to safely manage vehicle and pedestrian traffic around District construction sites or other road disruptions to ensure the safety of workers and the public. Certified flaggers, appropriate signage, vehicles, and equipment are required to maintain the safety of workers and the public. The District has historically used flagging services to support District staff on an as-needed basis. The use of these services has increased since 2015 due to an increase in city and county traffic control requirements, and the size and scope of District projects.
------------	---

In November 2022, under Motion No. 218-22, the Board authorized agreements for flagging services for a total aggregate amount not to exceed \$1,900,000 through November 22, 2023. On August 8, 2023, under Motion No. 131-23, the Board authorized an amendment to the agreements to increase the amount by \$950,000 for a total aggregate amount not to exceed \$2,850,000 through November 22, 2023.

On November 14, 2023, under Motion No. 183-23, the Board authorized an amendment to increase the agreement amounts by \$3,600,000 for a total aggregate amount not to exceed

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal J. Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025 Award 7000005, page 29; Award 7000003, page 32; Award 7000006, page 33; Award 7000024, page 34	Budget Coding: 11.Variou5.Various.52970.	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreements for Flagging Services	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

\$6,450,000 and extended the agreement terms to November 21, 2024. This action requests an amendment to increase the amount by \$1,800,000 to a total aggregate amount not to exceed \$8,250,000 and extend the term of the agreements to November 11, 2025.

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

**SERVICE PROVIDER
SELECTION**

In May 2020, a request for proposals (RFP) was posted on the District's website and sent to eight potential proposers. Seven service providers submitted proposals. All recommended proposers were selected based on the ability to meet specific requirements as outlined in the RFP.

SUSTAINABILITY**Economic**

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

Social

Local 444 was notified of these amendments on October 3, 2024. Local 444 issues were addressed at a meeting on October 7, 2024 and resolved.

ALTERNATIVES

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

Add staff and equipment to reduce the need for services. This alternative is not recommended because flagging services are highly variable and historically supported through as-needed service providers.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items \OMD – Amend Agreements for Flagging Services.docx



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement - Amendment Amend Agreements for Flagging Services							DATE: October 8, 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%		16.7%			
\$1,800,000 *		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
PRIMES:											
City Rise, LLC		\$300,000	Hispanic	X				16.7%			
Cal-Safety, Inc.		\$300,000	White	X		16.7%					
CMC Traffic Control Specialists Inc.		\$300,000	White		X		16.7%				
TPR Traffic Solutions		\$300,000	White	X		16.7%					
Traffic Control Pros		\$300,000	White	X		16.7%					
Traffic Management Inc.		\$300,000	Hispanic	X				16.7%			
SUBS:											
None											
TOTAL		\$1,800,000				50.0%	16.7%	33.3%	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, 16.7% White Women, and 33.3% Ethnic Minority participation. Contract Duration: One-year *Total not to exceed: \$8,250, 000 = \$1,900,000 (Original) + \$950,000 (Amendment) + \$3,600,000 (Amendment) + \$1,800, 000 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended		
NA					NA						



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Amend Agreements for Flagging Services			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement - Amendment		DATE: 10/8/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM-H: LBE	Company Wide	17	294	28	3	342	72.0%	48.4%
City Rise, LLC Destiny Giombetti 686 E Lockeford Street Lodi, CA 95240 209-333-0807		Manager/Prof	0	20	0	1	21	72.4%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	3	33	16	0	52	57.8%	
		Semi/Unskilled	14	241	12	2	269	75.6%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/13/2021		
		Co. Wide MSA:	California		# Employees-Co. Wide:		315	Bay Area:	0
RP	WM: L/SBE	Company Wide	1	13	0	0	14	43.8%	39.9%
Cal-Safety, Inc. Carmel Karrick 4366 Enterprise Street Fremont, CA 94538 510-656-5544		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	1	13	0	0	14	56.0%	
		Bay Area	1	13	0	0	14	43.8%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		32	Bay Area:	32
RP	WW: SBE	Company Wide	4	38	4	0	46	85.2%	48.4%
CMC Traffic Control Specialists Inc. Crystal Miks 3450 3rd Street, Unit 3G San Francisco, CA 94124 415-206-1700 ext.207		Manager/Prof	0	1	3	0	4	57.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	4	37	0	0	41	89.1%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		54	Bay Area:	0
RP	WM	Company Wide	78	228	4	0	310	60.0%	27.3%
TPR Traffic Solutions Maria Valdovinos 13217 Laureldale Avenue Downey, CA 90242 502-602-1777		Manager/Prof	0	1	0	0	1	2.2%	
		Technical/Sales	0	3	1	0	4	7.7%	
		Clerical/Skilled	68	62	1	0	131	42.0%	
		Semi/Unskilled	10	162	2	0	174	161.1%	
		Bay Area	10	26	2	0	38	46.3%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		517	Bay Area:	82
RP	WM: L/SBE	Company Wide	3	5	1	0	9	56.3%	39.9%
Traffic Control Pros Jeff Bell 4050 Pike Lane, Suite B Concord, CA 94520 510-224-1735		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	0	0	0	1	33.3%	
		Semi/Unskilled	2	5	1	0	8	72.7%	
		Bay Area	3	5	1	0	9	56.3%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		16	Bay Area:	16
RP	EMM-H	Company Wide	438	786	97	9	1,330	65.3%	48.4%
Traffic Management Inc. Chris Spano 4900 Airport Plaza, Suite 300 Long Beach, CA 90815 800-763-3999		Manager/Prof	36	53	16	1	106	72.6%	
		Technical/Sales	3	32	8	0	43	67.2%	
		Clerical/Skilled	7	69	19	1	96	30.9%	
		Semi/Unskilled	392	632	54	7	1,085	71.5%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		2,038	Bay Area:	0

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



BOARD ACTION

Agenda Number: 16.

Meeting Date: November 12, 2024

TITLE	CANCEL THE DECEMBER 24, 2024 MEETINGS OF THE BOARD OF DIRECTORS		
ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
RECOMMENDED ACTION	Cancel the December 24, 2024 meetings of the Board of Directors.		
DISCUSSION	The Board of Directors has traditionally canceled the Board committee, closed session, and regular meetings scheduled for the fourth Tuesday in December provided it does not adversely affect the operations of the District, to accommodate planned vacation of Directors and staff. This action provides for a vacation period from December 11, 2024 to January 13, 2025. The Secretary of the District will notice cancellation of the December 24, 2024 Board meetings in compliance with the Brown Act. The first Board meetings after the break would be on Tuesday, January 14, 2025.		
ALTERNATIVE	<u>Do not cancel the December 24, 2024 Board meetings.</u> This alternative is not recommended because this action is in line with customary District practices.		

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\SEC – Cancel December 24, 2024 Board Meetings.docx

Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): N/A			

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	17.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AMEND EMPLOYMENT AGREEMENT WITH THE GENERAL COUNSEL TO EXTEND THE AGREEMENT TERM
-------	---

ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
--------	----------------------------------	---	-------------------------------------

RECOMMENDED ACTION	Authorize an amendment to the Agreement for Employment of General Counsel Derek T. McDonald to extend the agreement for an additional two-year term through July 4, 2027.
--------------------	---

DISCUSSION	The Board appointed Derek T. McDonald as General Counsel of the East Bay Municipal Utility District on June 22, 2021. As part of the appointment, the Board authorized the Agreement for Employment of General Counsel (Employment Agreement), which provided for, among other things, a base salary and a contract term of three years, commencing July 5, 2021. On January 9, 2024, an amendment to the Employment Agreement was approved by the Board of Directors to adjust the base salary to provide a performance-based merit increase, extend the term of the Agreement to July 4, 2025, and to clarify language in Paragraphs 5.h.iii and 6. In September 2024, the Board of Directors appointed President Lesa R. McIntosh, Vice-President William B. Patterson, and Director Andy Katz to serve on an ad hoc committee to negotiate an amendment to the Employment Agreement with the General Counsel to extend the Agreement for an additional two-year term through July 4, 2027. Upon conclusion of those negotiations, the members of the ad hoc committee and the General Counsel agreed to recommend to the Board of Directors an amendment to the Employment Agreement with the General Counsel to extend the Agreement for an additional two-year term to July 4, 2027. If authorized, the proposed amendment to the Employment Agreement shall take effect on November 12, 2024.
------------	--

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\HRD-Amend Employment Agreement with the General Counsel to Extend the Agreement Term.docx

Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? N/A	Board Action Type: Personnel
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Resolution			

This page is intentionally left blank.



RESOLUTION NO. _____

AUTHORIZING SECOND AMENDMENT TO
GENERAL COUNSEL EMPLOYMENT AGREEMENT

Introduced by Director _____ ; Seconded by Director _____

BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby authorizes the President of the Board of Directors to execute a Second Amendment to the Agreement for Employment of Derek T. McDonald as General Counsel of East Bay Municipal Utility District, in the form attached as Exhibit A, effective November 12, 2024.

ADOPTED this 12th day of November, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

Assistant General Counsel

**SECOND AMENDMENT TO AGREEMENT
FOR EMPLOYMENT OF DEREK T. MCDONALD AS
GENERAL COUNSEL OF EAST BAY MUNICIPAL UTILITY DISTRICT**

THIS SECOND AMENDMENT TO THE AGREEMENT for Employment of Derek T. McDonald as General Counsel of East Bay Municipal Utility District is entered into this 12th day of November, 2024 by and between EAST BAY MUNICIPAL UTILITY DISTRICT (“District”) and DEREK T. MCDONALD (“General Counsel”).

W I T N E S S E T H

WHEREAS, on June 22, 2021, the parties entered into an agreement setting forth the terms and conditions of employment for the position of General Counsel of East Bay Municipal Utility District (herein set forth as “Agreement”); and

WHEREAS, the Agreement was subsequently amended on January 9, 2024, to adjust the Base Salary to provide a performance-based merit increase, to extend the term of Agreement to July 4, 2025, and to clarify language in Paragraphs 5.h.iii and 6; and

WHEREAS, the Agreement between the District and the General Counsel is set to expire on July 4, 2025, and it is the desire and intention of the parties to extend the term of the agreement by two years, through July 4, 2027;

NOW, THEREFORE, THE PARTIES DO AGREE to amend the Agreement as follows:

1. The term of the Agreement as specified under Paragraph 5 is hereby extended through July 4, 2027.
2. Except as expressly provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

WHEREFORE, the parties have entered into this Second Amendment to the Agreement in Oakland, California, on the date first set forth above.

EAST BAY MUNICIPAL UTILITY DISTRICT

By: _____
Lesa R. McIntosh
President of the Board

Derek McDonald
General Counsel



BOARD ACTION

Agenda Number:	18.1.-18.2.	Meeting Date:	November 12, 2024
----------------	-------------	---------------	-------------------

TITLE	REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FOR REVISIONS TO THE RECREATION FEE SCHEDULE FOR CALENDAR YEAR 2025 NOT SUBJECT TO PROPOSITION 218, AND REGULATIONS
-------	---

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	- File the Report and Recommendation of the General Manager for Revisions to the existing Recreation Fee Schedule for Calendar Year (CY) 2024 to CY 2025 based on the U.S. Department of Housing and Urban Development (HUD) Fair Market Rents (FMR) index for 2-bedroom homes averages for Amador and Calaveras counties Not Subject to Proposition 218, and Regulations. - Set a Public Hearing for Tuesday, December 10, 2024 during the Board's regular meeting, to consider the Report and Recommendation.
--------------------	---

SUMMARY	The existing Recreation Fee Schedule for CY 2025 dictates that the Mobilehome Space Fees will change from CY 2024 to CY 2025 based on the percent change in the HUD FMR index for 2-bedroom homes averages for Amador and Calaveras counties. Staff recommends this methodology be retained but that a "cap and carryforward balance" system be added to distribute larger annual increases over multiple years. The Mobilehome Space Fees are not subject to Proposition 218. The Recreation Fee Schedule for CY 2025 was initially adopted by the Board of Directors on June 11, 2023, along with other changes to rates, charges and fees recommended in the "Report and Recommendation of the General Manager – Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2025" as filed with the Board on May 14, 2024. At that time, the Mobilehome Park Fees, per District practice established in the 2010 Mokelumne Watershed Master Plan, were adopted as the "CY 24 Rate + HUD FMR". In a footnote, the Recreation Fee Schedule explains that: "HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobilehome rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties." Staff recommends that this footnote be revised to add the following language: "Any percent increase shall initially be capped at 5 percent with the ability to increase the cap up to 10 percent. The balance of a fee increase more than 5 percent shall be placed into a fee carryforward balance and applied to the next year's fee adjustment
---------	--

Originating Department: Water and Natural Resources	Department Director or Manager: Michael T. Tognolini	CEP Forms? N/A	Board Action Type: Financial
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Revised Recreation Fee Schedule CY 2025			

Title:	Report and Recommendation of the General Manager for Revisions to the Recreation Fee Schedule for Calendar Year 2025 Not Subject to Proposition 218, and Regulations	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

up to the fee cap. Any balance remaining that was not applied due to the cap shall carry forward to the following year. If the HUD FMR increases more than 5 percent in a way that results in a carryforward balance in excess of 8 percent, the fee cap would increase to 8 percent. If the carryforward balance exceeds 12 percent, the fee cap would increase to 10 percent.”

The revised Recreation Fee Schedule for CY 2025 is included as Attachment A.

The fee cap and carryforward balance proposal was discussed at the October 22, 2024 Finance/Administration Committee meeting. The Committee unanimously supported the proposal.

A public hearing on the recommendations contained in this report will be scheduled for December 10, 2024, where the Board will consider adopting the recommendations.

The Recreation Fee Schedule for CY 2025 will go into effect on January 1, 2025. Changes to the Mobilehome Space Fees paid by the Mobilehome Park Space lessees will occur at the start of the next month following the legally required 90-day notice to the lessees.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\WNR – Report and Rec to Revise Recreation Fee Schedule and Public Hearing.docx



RECREATION USE FEES FOR 2025
January – December 2025¹
 EFFECTIVE 01/01/2025

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

CAMANCHE HILLS HUNTING PRESERVE¹

PRESERVE LICENSE:

Initiation Fee (Family)	\$3,495.00
Initiation Fee (Corporate)	3,495.00
Annual Maintenance (Family)	300.00
Annual Maintenance (Corporate)	600.00

LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00
--	--------

ARCHERY RANGE AND COURSE

7 Station 3-D Target Course	
Per person	12.00

**FISHING ACCESS TO RABBIT CREEK
ARM OF CAMANCHE LAKE AND FARM
PONDS LOCATED ON CHHP
RECREATIONAL AREA**

Public Fishing Access	10.00
CHHP Members Access	5.00

**FISHING ACCESS TO RABBIT CREEK
ARM OF CAMANCHE LAKE**

Public Fishing Access: Bow for Carp	10.00
-------------------------------------	-------

RV PARKING AREA

Nightly	10.00
Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

Camanche Hills Hunting Preserve Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS**

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily (Peak Season: May 1-September 30, weekends and holidays)	\$20.50
Daily (Off-season, Peak Season weekdays)	12.50
Nightly (non-camping)	12.50
Annual (12 consecutive months)	235.00
Annual Senior/Disabled/Former POW/Disabled Veteran (12 Consecutive Months)	117.50
Combined Car/Boat Daily (Peak Season: May 1-September 30, weekends and holidays)	24.00
Combined Car/Boat Daily (Off-season, weekdays)	18.00
Annual Marina Overnight/Day Use (12 consecutive months)	255.00

**VEHICLE ENTRY/PARKING LARGE VANS
AND BUSES**

Large Vans – 10-20 Passengers	23.00
Buses – 21+ Passengers	44.00

DOG

Daily (Fee charged each day in park)	6.75
Annual (12 consecutive months concurrent with Annual Parking Pass)	60.00

BOAT LAUNCH

Daily Peak Season (May 1- Sept 30), weekends and holidays. (Fee charged each day in park.)	17.75
Daily Off-season; Peak Season weekdays. (Fee charged each day in park.)	12.50
Night (Fee charged each day in park)	14.50
Annual (12 consecutive months)	200.00
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	100.00

BOAT MOORING (Buoy)

Monthly: under 30 feet	330.00
30 feet & larger	400.00
Annual (12 consecutive months, any length)	3,000.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

BOAT SLIP OPEN (Excluding park entry)

Daily	\$42.00
Weekly	195.00
Monthly	440.00
8 Months	1,625.00
Key Security Deposit	15.00

**BOAT SLIP COVERED – 24' Length Maximum
(Excluding park entry)**

Daily	57.00
Weekly	235.00
Monthly	625.00
Annual (12 consecutive months)	2,600.00
Key Security Deposit	55.00

**BOAT SLIP COVERED – Over 24' Length
(Excluding park entry)**

Daily	62.00
Weekly	310.00
Monthly	750.00
Annual (12 consecutive months)	3,250.00
Key Security Deposit	55.00

**RV/TRAILER/BOAT STORAGE (Excluding
park entry)**

Monthly	175.00
12 Months, consecutive	925.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	80.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	115.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	400.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	535.00
Annual – concurrent with Mobilehome Space rent (12 consecutive months)	462.00
Annual – concurrent with Mobilehome Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	200.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

FISHING ACCESS PERMIT

Daily	\$8.00
Annual	165.00

CAMPSITE (w/vehicle parking)

Nightly (Peak Season: May 1 – September 30)	43.00
Nightly (Off-season)	26.00
Second Car Parking	18.00
Weekly (Peak Season: May 1 – September 30)	190.00
Weekly (Off-season)	125.00
Second Car Weekly	85.00
14 nights (Peak Season: May 1 – September 30)	380.00
14 nights (Off-season)	255.00
Camping Reservation Fee	13.00

PREMIUM CAMPSITES

Nightly (Peak Season: May 1 – September 30)	52.00
Nightly (Off-season)	28.00
Second Car Parking	18.00
Weekly (Peak Season: May 1 – September 30)	235.00
Second Car Weekly	85.00
14 nights (Peak Season: May 1 – September 30)	470.00
14 nights (Off-season)	275.00

CAMPSITES WITH TENT STRUCTURES

8 person nightly	90.00
8 person weekly	450.00
16 person nightly	151.00
16 person weekly	662.00

**CAMPSITE (WALK-IN/BICYCLE PARKING – 8
PERSON/BIKE MAX)**

Nightly	25.50
Weekly	138.50
14 nights	262.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

GROUP CAMP (Nightly)

12-Person Limit	\$140.00
16-Person Limit	169.00
24-Person Limit	198.00
32-Person Limit	263.00
64-Person Limit	498.00
72-Person Limit	551.00

GROUP CAMP (Nightly, off-season)

12-Person Limit	69.00
16-Person Limit	75.00
24-Person Limit	80.00
32-Person Limit	86.00
64-Person Limit	167.00
72-Person Limit	215.00

**EQUESTRIAN – TURKEY HILL – 2 HORSES
PER SINGLE SITE – “NO OFF-SEASON
DISCOUNTS”**

General Assembly Area	105.00
Turkey Hill Single	69.00
Turkey Hill Double	132.00
Turkey Hill Triple	160.00
Turkey Hill Quad	212.00
Entire Turkey Hill (includes assembly area)	766.00

RV SITE

Nightly	65.00
Weekly	350.00
Monthly	725.00
Season (6-Month Max)	2,175.00
Premium Sites Nightly (Peak Season)	73.00
Premium Sites Weekly (Peak Season)	375.00

TOWING

Camanche Recreation Area per hour	170.00
-----------------------------------	--------

MISCELLANEOUS

Camanche Recreation Area Lake Tours	15.00
-------------------------------------	-------



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$40.00
Vessels over 30' in length	40.00 + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00
Tank, bilge, live well decontamination only	30.00
PWC storage area decontamination only	30.00
Kayaks and Canoes decontamination	30.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	20.00

COTTAGE (4-Person Base)

May – Sept: Night	210.00
Week	1,075.00
Oct – April: Night	140.00
Week	725.00
Month	1,975.00

COTTAGE (6-Person Base)

May – Sept: Night	270.00
Week	1,400.00
Oct – April: Night	175.00
Week	910.00
Month	2,150.00

PARK MODEL (4-Person)

May – Sept: Night	300.00
Week	1,575.00
Oct – April: Night	225.00
Week	1,181.00
Month	3,000.00

**RESORT RENTAL (4 BEDROOM, 14 PERSON
MAX)**

May – Sept: Night	460.00
Week	2,400.00
Oct – April: Night	245.00
Week	1,275.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

**CAMANCHE RESERVOIR – NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

MOBILEHOME (MONTHLY)

3 bedroom

CY24 Fee +
HUD FMR²

MOBILEHOME SPACES (MONTHLY)

North Shore 1A

CY24 Fee +
HUD FMR²

North Shore 1B

CY24 Fee +
HUD FMR²

North Shore 2

CY24 Fee +
HUD FMR²

South Shore

CY24 Fee +
HUD FMR²

*Mobilehomes registered through Amador County receive a \$2.50 credit on their monthly fee to reflect their payment of fire-related fees.

OTHER MOBILEHOME FEES (PER SPACE – MONTHLY)

Guest Fee

\$75.00

Late Payment/Returned Check Fee

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

850.00

Lakeside Hall Daily (kitchen & serviceware included)

1,250.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

Camanche Clubhouse Rental (North Shore)

205.00

Camanche Clubhouse Rental (South Shore)

145.00

Camanche Amphitheatre (South Shore)

500.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobilehome rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties. Any percent increase shall initially be capped at 5 percent with the ability to increase the cap up to 10 percent. The balance of a fee increase more than 5 percent shall be placed into a fee carryforward balance and applied to the next year's fee adjustment up to the fee cap. Any balance remaining that was not applied due to the cap shall carry forward to the following year. If the HUD FMR increases more than 5 percent in a way that results in a carryforward balance in excess of 8 percent, the fee cap would increase to 8 percent. If the carryforward balance exceeds 12 percent, the fee cap would increase to 10 percent.



RECREATION USE FEES FOR 2025

January – December 2025

EFFECTIVE 01/01/2025

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on covered slip and mooring buoy fees (when available); and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

LAFAYETTE RECREATION AREA

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Annual (new or renewal)	140.00
Annual (new or renewal) 2 years	280.00
Replacement hang-tag (Replacement limited to 1 hang-tag per year)	25.00
Parking Meters 1/2 hour	1.00
Senior/Disabled	
Season (new or renewal)	90.00
Season (new or renewal) 2 years	180.00

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Commercial Use	
Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

BOAT LAUNCH

Daily	4.00
Annual	100.00
Boat Inspection Fee	6.00

FISHING ACCESS

Daily	6.00
-------	------

GROUP PICNIC

Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00 + \$1/participant
Security Deposit	100.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

PARDEE RECREATION AREA

**VEHICLE ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily/Nightly (Non-Camping)	\$12.00
Season	136.00
Combined Car/Boat Daily	18.00

**VEHICLE ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00

DOG

Daily (Fee charged each day in park)	6.00
Season (Concurrent with Season Parking Pass)	55.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	12.00
Season	127.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	5.00
Season	50.00

BOAT SLIP (excluding park entry)

Daily	12.00
Weekly	58.00
Monthly	132.00
Season	759.00
Season (concurrent with season RV)	704.00

FISHING ACCESS

Daily	7.25
Annual	200.00

POOL USE

Pool Access Wristband	3.00
Pool Access Wristband - Senior	2.00

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00
-----------------------------	-------



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

PARDEE RECREATION AREA (continued)

STANDARD CAMPSITE (w/vehicle parking)

Nightly	\$30.00
Second Car Parking	12.00
Weekly	150.00
Second Car Parking	60.00

PREMIUM CAMPSITE (w/vehicle parking)

Nightly	35.00
Weekly	180.00

CAMPSITE (walk-in/bicycle parking)

(8 person/8 bike maximum)

Nightly	23.00
Weekly	138.00

DOUBLE CAMPSITE (16 people/2 vehicles)

Nightly	56.00
Third or Fourth Vehicle	10.00

RV SITE

Nightly	46.00
Weekly	264.00
Monthly	572.00
Season	4,505.00
Season – Premium Site	4,648.00

RV/TRAILER/BOAT STORAGE (excluding park entry)

Weekly	35.00
Monthly	84.00
Season	561.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	737.00

TOWING

92.00

RESERVABLE SITE/FACILITY (charges in addition to above fees)

Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



RECREATION USE FEES FOR 2025 January – December 2025 EFFECTIVE 01/01/2025

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS (continued)

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

SAN PABLO RECREATION AREA

ENTRY AND PARKING –

CAR/MOTORCYCLE/SMALL VAN

Daily	\$7.00
Daily (Special Events)	5.00
Season	120.00
Replacement Pass (limited to 1 pass per year)	25.00

ENTRY AND PARKING –

LARGE VANS AND BUSES

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00
Season (Entry & Boat Launch)	170.00
Boat Inspection Fee	10.00

CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)

Daily	4.00
Season (Entry and Cartop Launch)	124.00

FISHING ACCESS

Daily	7.00
-------	------

GROUP PICNIC

Large Sites (Oaks) daily	300.00
Large Sites (Pines) daily	200.00
Security Deposit	100.00

GAZEBO, Daily Rental

Security Deposit	100.00
------------------	--------

TOWING

40.00



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on season passes and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 2025
January – December 2025
EFFECTIVE 01/01/2025

WATERSHED TRAIL SYSTEM

WATERSHED TRAILS

Daily Permit	\$3.00
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00
Low-income Annual Permit	0.00



BOARD ACTION

Agenda Number:	19.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	AMEND SECTION 15A OF THE DISTRICT REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS
-------	---

ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
--------	----------------------------------	---	-------------------------------------

RECOMMENDED ACTION	Adopt a resolution to update the District Regulations Governing Water Service Section 15A: Nonpayment of Bills by Single-Family Residential Customers.
--------------------	--

SUMMARY	To ensure District operations and business practices remain consistent with Board objectives and priorities, as well as state and federal statutes, the District periodically reviews the Regulations Governing Water Service (Regulations). On September 30, 2024, the Governor signed Assembly Bill (AB) 178, the public resources trailer bill, which in part amended the Municipal Utility District (MUD) Act impacting bill payment options for eligible customers. AB 178 took effect immediately and the District has identified modifications necessary in the Regulations to be in compliance with the new legislation.
---------	---

DISCUSSION	The District's enabling act previously contained a 12-month limitation on payment plans for certain customers who are late on their utility bills. The District recognized the hardship this limitation had on some of its most financially vulnerable customers. On June 11, 2024, under Motion No. 111-24 the Board approved staff's recommendation to seek changes to the MUD Act, specifically to Section 12823 of the Public Utilities Code (PUC), to allow the District more flexibility to grant longer payment plans for customers to avoid undue financial hardships. On September 30, 2024, the Governor signed AB 178, the public resources trailer bill, into law. AB 178 amended PUC Section 12823 to allow the District to offer eligible customers the option to amortize their unpaid water bills over a period beyond 12 months, if necessary, to avoid undue financial hardships and water service interruptions. This amendment to the MUD Act will help reduce the financial impact for customers struggling to pay their water bills. To comply with the new legislation, the District must modify its Regulations, Section 15A: Nonpayment of Bills by Single-Family Residential Customers to align with the changes made to the MUD Act enacted pursuant to AB 178.
------------	---

Originating Department: Customer and Community Services	Department Director or Manager: Andrew L. Lee	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved:
Attachment(s): Exhibit A to Resolution to Amend Customer Services Regulation 15A; Resolution			

Title:	Amend Section 15A of the District Regulations Governing Water Service to Customers	Meeting Date:	November 12, 2024
--------	--	---------------	-------------------

SUSTAINABILITY

Economic

Modifying the Regulations would allow the District to recover delinquent charges through payment plans to eligible customers for a reasonable period beyond 12 months to prevent water service interruptions.

Social

The modification to the Regulations would memorialize the District's current practices and commitment to provide assistance and support to customers struggling to pay their water bills, particularly the most financially vulnerable customers.

ALTERNATIVE

Do not update this Regulation. This alternative is not recommended because it would violate the MUD Act.

I:\Sec\2024 Board Related Items\11122024 Board Agenda Items\CCS - ModDistrictRegGovWaterServiceCustomerSection15A.docx

Regulations Governing Water Service

Updated November 12, 2024

- Section 15A: Nonpayment of Bills by Single-Family Residential Customers, 7-01-2021



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-B

SECTION 15A

NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

OPTIONS TO AVOID SERVICE INTERRUPTION FOR NONPAYMENT OF BILLS

For non-payment of bills, single-family residential customers may be subject to service interruption in accordance with Resolution 35211-20. Single-family residential customers may avoid service interruption under any of the following conditions:

- Single-family residential customers shall pay bills for water services charges and applicable sewer charges included as part of the District's bill by the payment due date indicated on the bill, or for a bill for service at a previous location, within 15 days after mailing or presentation at the current location.
- Water service for single-family residential customers may be interrupted by the District through the installation of a flow restrictor if a bill for water service charges and applicable sewer charges included as part of the District's bill is not paid by the payment due date. The installation of a flow restrictor will reduce the amount of water being delivered to the premises at approximately 0.5 gallon per minute to provide single-family customers, whose water bills remain unpaid, access to water for basic sanitation, cooking, and drinking water needs. Prior to the implementation of a flow restrictor, the District will provide written instructions regarding the limitations on water use associated with the implementation of the flow restrictor. Customer shall comply with such written instructions. **All use of water while a flow restrictor is installed shall be at customer's own risk. The District assumes no liability for ANY DAMAGES resulting from the customer's failure to comply with such written instructions or that are caused by the installation of flow restrictors or the use of flow-restricted water.**
- Water service will not be interrupted until a payment by a customer has been delinquent for at least 60 days following the payment due date. No less than 15 business days before interruption of service for nonpayment, the District shall mail a written notice to the customer named on the account as well as the occupant where the customer's address is not the same as the service address. Additionally, no less than 48 hours before interruption of service for nonpayment, the District shall attempt to contact the customer named on the account or an adult person living with the customer by telephone or in person and, if unsuccessful, will leave a final service interruption written notice and a copy of this policy at the premises.
- Medical Certification
 - The District will not interrupt services to a customer who is financially unable to make a payment by the payment due date and who submits medical certification from a licensed primary care provider that interrupting water service would be life threatening to, or pose a serious threat to the health and safety of, the customer or a resident of the premises; provided that the customer agrees to make regular payments toward the unpaid balance in a manner approved by the District. A customer is deemed "financially unable to make a payment" if the customer's household is currently on the District's Customer Assistance Program (CAP) as described below, or if any member of the customer's household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-C

SECTION 15A NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level. For customers who meet the above qualifications, the District will select an appropriate payment arrangement, taking into consideration information from the customer and the District's payment needs. A customer who receives a payment arrangement under this paragraph will be required to enter into a written payment agreement with the District. If for 60 days or more a customer fails to comply with the written payment agreement or pay the customer's current service charges, the District may interrupt water service after posting a final service interruption notice at least five (5) business days before the installation of a flow restrictor.

- Deferred Payments/Alternative Payment Schedule or Reduced Payments

- a. Deferred Payments/Alternative Payment Schedule

A residential customer may avoid service interruption for nonpayment by deferring payment of the unpaid bill or by agreeing to an alternative payment schedule. The customer must contact the District, by telephone or in writing, to request an alternative payment schedule or a deferral of the payment period in which to pay the unpaid bill. The District shall review the customer's request. If a customer wishing to defer payments or agree to an alternative payment schedule must agree to amortize the unpaid balance of the account over a reasonable period of time, generally within 12 months, but the District may grant a longer period of time if necessary to avoid undue hardship to the customer based on the individual circumstances of the case. ~~, not to exceed 12 months.~~ The customer who is granted such payment arrangement will be required to enter into a written payment agreement with the District.

Customers who enter into a payment agreement with the District and who make regular required payments toward the unpaid balance shall avoid interruption of service for nonpayment of the bill. Failure to comply with the terms of the written payment agreement shall result in the interruption of service after posting of a final service interruption notice at least 48 hours before any action is taken.

- b. Reduced Payments

The District offers CAP to eligible low-income customers. Residential customers eligible for CAP are offered a temporary discount in the District water and wastewater rates. The discounted amount is applied prospectively, after the District determines a customer meets the eligibility requirements to participate in CAP.

CAP Eligibility: CAP eligibility is based on income limits that correspond to the "very low-income level" established by the State housing poverty guidelines, which are set by the county and updated annually. A very low-income limit reflects 50% of Housing and Urban Development's Median Family Income. A customer that is on CAP must notify the District if the



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-C

customer's household no longer qualifies for the CAP. CAP Benefits are temporary and are not provided indefinitely. Eligible CAP customers must reapply to participate in CAP every 24 months.



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-D

SECTION 15A

NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

CAP Benefits: Eligible customers may qualify for a 50 percent discount on the standard bimonthly service charge and a 50 percent discount on the water use in each eligible household, up to a maximum of 1,050 gallons per person per month. A 35 percent discount on the District's wastewater service charge and flow charges collected will be applied to the account. CAP benefit shall be effective beginning the billing period when the eligibility is approved by the District.

The District's CAP benefits apply only to the District's service charges.

- **Contest or appeal a bill**

Customers may contact the District at **(866) 403-2683** to obtain information regarding payment arrangements to avoid service interruption and/or the process to dispute a bill. A customer may dispute a bill by submitting a written description of the dispute to the District's Customer Services Manager or by speaking directly with a Customer Services Supervisor by telephone within 15 calendar days after the payment due date. The Customer Services Manager shall respond in writing to the customer no later than 15 days after receiving the dispute in writing or by telephone.

Any customer whose timely dispute has resulted in an adverse determination may appeal the determination to the ~~Manager~~ **Director** of Customer and Community Services by filing a written notice of appeal within ten (10) business days of mailing of the Customer Service Manager's determination. The ~~Manager~~ **Director** of Customer and Community Services has 10 days to respond to the appeal. The decision of the ~~Manager~~ **Director** of Customer and Community Services shall conclude the investigation of the customer dispute or complaint. The review of customer's dispute or complaint shall include the following factors:

1. Whether the charges are correct;
2. Whether staff installed a flow restrictor to interrupt water service prior to the completion of this appeal process;
3. Whether staff failed to offer deferred payments or an alternative payment schedule or reduced payments as outlined above;
4. Whether staff failed to inform the customer of the District's CAP program; or
5. Whether staff failed to consider medical certification as outlined above.

Water service will not be interrupted during the period the customer's bill dispute is being investigated or appealed.

All appeals submitted to the ~~Manager~~ **Director** of Customer and Community Services shall be presented to the Board of Directors in a monthly report, including decisions rendered.



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-E

SECTION 15A

NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

COLLECTION THROUGH LIEN AND PROPERTY TAX BILLS

As an alternative to water service discontinuation and interruption, the District may collect delinquent charges through liens and property tax bills for single-family residential accounts that meet the following criteria:

1. The service is provided to a metered single-family residential property where the premises are occupied by the property owner and where the owner is the account holder.
2. The unpaid charges have become delinquent and the delinquent charges equal \$100.00 or more.
3. The property owner has been sent all notices required by law and/or by this program.
4. The District has conducted its annual hearing at which the customer has the opportunity to present objections to the filing of a lien on the customer's property.

Liens will be filed every 12 months with Contra Costa and Alameda Counties on properties served by delinquent accounts. The District will release paid liens within 30 days from the date payment is received by the District. Delinquent charges that are subject to this lien and property tax revenue collection program include all District charges that include, Lien Filing Charge, Lien Release Charges. The District may include other agency sewer charges and utility user taxes (UUTs) as appropriate.

RESOLUTION NO. _____

ADOPTING THE AMENDMENT TO SECTION 15A OF
THE EAST BAY MUNICIPAL UTILITY DISTRICT'S REGULATIONS
GOVERNING WATER SERVICE TO CUSTOMERS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, on June 8, 2021, the Board of Directors adopted Resolution No. 35225-21 Adopting Revised Regulations and Revised Water and Wastewater Systems Schedules of Rates, Charges, and Fees Not Subject to Proposition 218 for Fiscal year 2022 and Fiscal Year 2023, Including System Capacity Charge, Standard Participation Charge, Wastewater Capacity Fee, Recreation Use Fees, Public Records Act Fees; Approving an Exemption Under the California Environmental Quality Act, and Directing Staff to File a Notice of Exemption (Resolution 35225-21); and

WHEREAS, Resolution No. 35225-21 adopted Section 15A of the District Regulations Governing Water Service to Customers (Customer Service Regulations); and

WHEREAS, Section 15A provides for the Nonpayment of Bills by Single-Family Residential Customers, and includes, among other things, a provision which allows a customer to amortize an unpaid balance over a reasonable period of time not to exceed 12 months; and

WHEREAS, Section 12823 of the Municipal Utility District Act (MUD Act) required that such amortization period not exceed 12 months; and

WHEREAS, on June 11, 2024, the Board of Directors approved staff's recommendation to seek to amend Section 12823 of the MUD Act to allow the District greater flexibility in offering customers a plan for repayment of an unpaid bill to extend beyond 12 months; and

WHEREAS, the changes recommended by staff were intended to align Section 12823 of the MUD Act with Senate Bill 998 Water Shutoff Protection Act, which allowed for repayment period of unpaid water bills greater than 12 months; and

WHEREAS, Assembly Bill 178 (AB 178) was introduced to amend Section 12823 of the MUD Act to authorize the District to allow a customer to repay an unpaid bill over a reasonable period of time, generally within 12 months, but a longer period may be granted if it is necessary to avoid undue hardship to a customer based on the customer's individual circumstances; and

WHEREAS, on September 30, 2024, the Governor of the State of California, signed AB 178 into law and took immediate effect; and

WHEREAS, it is the desire of the Board of Directors to amend Section 15A of the Customer Services align with AB 178 and update the title of the Director of Customer and Community Services; and

WHEREAS, Section 15A of the Customer Services Regulations should be further modified to include the updated title of the Director of the Customer and Community Services;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby amends Section 15A of the Customer Services Regulation as set forth in Exhibit A, attached hereto and incorporated herein. All other terms and conditions set forth in the Customer Services Regulations adopted pursuant to Resolution No. 35225-21 shall remain unchanged in effect.

ADOPTED this 12th day of November, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-B

SECTION 15A

NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

OPTIONS TO AVOID SERVICE INTERRUPTION FOR NONPAYMENT OF BILLS

For non-payment of bills, single-family residential customers may be subject to service interruption in accordance with Resolution 35211-20. Single-family residential customers may avoid service interruption under any of the following conditions:

- Single-family residential customers shall pay bills for water services charges and applicable sewer charges included as part of the District's bill by the payment due date indicated on the bill, or for a bill for service at a previous location, within 15 days after mailing or presentation at the current location.
- Water service for single-family residential customers may be interrupted by the District through the installation of a flow restrictor if a bill for water service charges and applicable sewer charges included as part of the District's bill is not paid by the payment due date. The installation of a flow restrictor will reduce the amount of water being delivered to the premises at approximately 0.5 gallon per minute to provide single-family customers, whose water bills remain unpaid, access to water for basic sanitation, cooking, and drinking water needs. Prior to the implementation of a flow restrictor, the District will provide written instructions regarding the limitations on water use associated with the implementation of the flow restrictor. Customer shall comply with such written instructions. **All use of water while a flow restrictor is installed shall be at customer's own risk. The District assumes no liability for ANY DAMAGES resulting from the customer's failure to comply with such written instructions or that are caused by the installation of flow restrictors or the use of flow-restricted water.**
- Water service will not be interrupted until a payment by a customer has been delinquent for at least 60 days following the payment due date. No less than 15 business days before interruption of service for nonpayment, the District shall mail a written notice to the customer named on the account as well as the occupant where the customer's address is not the same as the service address. Additionally, no less than 48 hours before interruption of service for nonpayment, the District shall attempt to contact the customer named on the account or an adult person living with the customer by telephone or in person and, if unsuccessful, will leave a final service interruption written notice and a copy of this policy at the premises.
- Medical Certification
 - The District will not interrupt services to a customer who is financially unable to make a payment by the payment due date and who submits medical certification from a licensed primary care provider that interrupting water service would be life threatening to, or pose a serious threat to the health and safety of, the customer or a resident of the premises; provided that the customer agrees to make regular payments toward the unpaid balance in a manner approved by the District. A customer is deemed "financially unable to make a payment" if the customer's household is currently on the District's Customer Assistance Program (CAP) as described below, or if any member of the customer's household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-C

SECTION 15A NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level. For customers who meet the above qualifications, the District will select an appropriate payment arrangement, taking into consideration information from the customer and the District's payment needs. A customer who receives a payment arrangement under this paragraph will be required to enter into a written payment agreement with the District. If for 60 days or more a customer fails to comply with the written payment agreement or pay the customer's current service charges, the District may interrupt water service after posting a final service interruption notice at least five (5) business days before the installation of a flow restrictor.

- Deferred Payments/Alternative Payment Schedule or Reduced Payments

- a. Deferred Payments/Alternative Payment Schedule

A residential customer may avoid service interruption for nonpayment by deferring payment of the unpaid bill or by agreeing to an alternative payment schedule. The customer must contact the District, by telephone or in writing, to request an alternative payment schedule or a deferral of the payment period in which to pay the unpaid bill. The District shall review the customer's request. If a customer wishing to defer payments or agree to an alternative payment schedule must agree to amortize the unpaid balance of the account over a reasonable period of time, generally within 12 months, but the District may grant a longer period of time if necessary to avoid undue hardship to the customer based on the individual circumstances of the case. ~~, not to exceed 12 months.~~ The customer who is granted such payment arrangement will be required to enter into a written payment agreement with the District.

Customers who enter into a payment agreement with the District and who make regular required payments toward the unpaid balance shall avoid interruption of service for nonpayment of the bill. Failure to comply with the terms of the written payment agreement shall result in the interruption of service after posting of a final service interruption notice at least 48 hours before any action is taken.

- b. Reduced Payments

The District offers CAP to eligible low-income customers. Residential customers eligible for CAP are offered a temporary discount in the District water and wastewater rates. The discounted amount is applied prospectively, after the District determines a customer meets the eligibility requirements to participate in CAP.

CAP Eligibility: CAP eligibility is based on income limits that correspond to the "very low-income level" established by the State housing poverty guidelines, which are set by the county and updated annually. A very low-income limit reflects 50% of Housing and Urban Development's Median Family Income. A customer that is on CAP must notify the District if the



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-C

customer's household no longer qualifies for the CAP. CAP Benefits are temporary and are not provided indefinitely. Eligible CAP customers must reapply to participate in CAP every 24 months.



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-D

SECTION 15A NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

CAP Benefits: Eligible customers may qualify for a 50 percent discount on the standard bimonthly service charge and a 50 percent discount on the water use in each eligible household, up to a maximum of 1,050 gallons per person per month. A 35 percent discount on the District's wastewater service charge and flow charges collected will be applied to the account. CAP benefit shall be effective beginning the billing period when the eligibility is approved by the District.

The District's CAP benefits apply only to the District's service charges.

- Contest or appeal a bill

Customers may contact the District at **(866) 403-2683** to obtain information regarding payment arrangements to avoid service interruption and/or the process to dispute a bill. A customer may dispute a bill by submitting a written description of the dispute to the District's Customer Services Manager or by speaking directly with a Customer Services Supervisor by telephone within 15 calendar days after the payment due date. The Customer Services Manager shall respond in writing to the customer no later than 15 days after receiving the dispute in writing or by telephone.

Any customer whose timely dispute has resulted in an adverse determination may appeal the determination to the ~~Manager~~ **Director** of Customer and Community Services by filing a written notice of appeal within ten (10) business days of mailing of the Customer Service Manager's determination. The ~~Manager~~ **Director** of Customer and Community Services has 10 days to respond to the appeal. The decision of the ~~Manager~~ **Director** of Customer and Community Services shall conclude the investigation of the customer dispute or complaint. The review of customer's dispute or complaint shall include the following factors:

1. Whether the charges are correct;
2. Whether staff installed a flow restrictor to interrupt water service prior to the completion of this appeal process;
3. Whether staff failed to offer deferred payments or an alternative payment schedule or reduced payments as outlined above;
4. Whether staff failed to inform the customer of the District's CAP program; or
5. Whether staff failed to consider medical certification as outlined above.

Water service will not be interrupted during the period the customer's bill dispute is being investigated or appealed.

All appeals submitted to the ~~Manager~~ **Director** of Customer and Community Services shall be presented to the Board of Directors in a monthly report, including decisions rendered.



REGULATIONS GOVERNING WATER SERVICE TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER: 15-E

SECTION 15A

NONPAYMENT OF BILLS BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

COLLECTION THROUGH LIEN AND PROPERTY TAX BILLS

As an alternative to water service discontinuation and interruption, the District may collect delinquent charges through liens and property tax bills for single-family residential accounts that meet the following criteria:

1. The service is provided to a metered single-family residential property where the premises are occupied by the property owner and where the owner is the account holder.
2. The unpaid charges have become delinquent and the delinquent charges equal \$100.00 or more.
3. The property owner has been sent all notices required by law and/or by this program.
4. The District has conducted its annual hearing at which the customer has the opportunity to present objections to the filing of a lien on the customer's property.

Liens will be filed every 12 months with Contra Costa and Alameda Counties on properties served by delinquent accounts. The District will release paid liens within 30 days from the date payment is received by the District. Delinquent charges that are subject to this lien and property tax revenue collection program include all District charges that include, Lien Filing Charge, Lien Release Charges. The District may include other agency sewer charges and utility user taxes (UUTs) as appropriate.

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	20.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	DRAFT BOARD GOVERNANCE MANUAL AND POLICIES FOR THE BOARD OF DIRECTORS
-------	--

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
--------	---	--------------------------------------	-------------------------------------

RECOMMENDED ACTION	Review Board of Directors (Board) comments on a draft Board Governance Manual and policies and provide direction to staff on finalizing the documents for adoption by the Board at future Board meetings.
--------------------	---

SUMMARY	On October 22, 2024, staff presented revisions and comments on the draft Board Governance Manual at the Finance/Administration Committee and Regular Board meetings. No new comments were received on the three Board-related governance 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) (Attachment 2). Director Chan provided additional comments which staff addressed in the updated draft manual (Attachment 1) and transmitted to the Board via an Information Memo on October 24, 2024. Staff will seek direction on proposed revisions, in particular to sub-section 4.04(d) and section 12.01 in the manual, which require policy decisions by the Board, as well as approval to finalize the three Board-related governance policies. The final policies would be presented to the Finance/Administration Committee and the Board for approval in early 2025.
---------	---

DISCUSSION	At the November 3, 2023 Board Retreat, the Board asked staff to draft governance policies for the Board based on past Board resolutions and directives, Board practices, policies and administrative ordinances, and the Municipal Utility District Act. Based on input from individual Board members, staff initially drafted eight new governance policies for Board review and consideration, including a new policy on the Protection of Whistleblowers. Staff also revised Policy 6.04 and Policy 4.14. The proposed draft policies were presented and discussed at the following meetings: June 11, 2024 Legislative/Human Resources Committee; July 9, 2024 Regular Board meeting; and August 20, 2024 Special Finance/Administration Committee. Based on feedback received during these meetings, staff reviewed an outline for a draft Board Governance Manual and proposed changes to the three Board-related governance policies for Board consideration in place of seven of the proposed governance policies at the August 27, 2024 Finance/Administration Committee meeting.
------------	--

Originating Department: Office of the Secretary	Department Director or Manager: Rischa S. Cole	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): EBMUD Draft Board Member Governance Manual; Draft Policy 6.04; Draft Policy 4.14; and new draft Protection of Whistleblowers policy			

Title:	Draft Board Governance Manual and Policies for the Board of Directors	Meeting Date:	November 12, 2024
--------	---	---------------	-------------------

At the September 24, 2024 Finance/Administration Committee meeting, staff presented drafts of the manual and three governance policies along with a timeline for finalization. Board members reviewed the draft manual and provided feedback; no comments were received on the policies. Staff presented the updated draft manual at the October 22, 2024 Finance/Administration Committee and Regular Board meetings where Director Chan discussed additional revisions to the manual which were provided to staff and transmitted to the Board on October 24, 2024.

At the November 12, 2024 Regular Board meeting, staff will present the updated manual and seek direction on revisions, primarily under sub-section 4.04(d) regarding Board member access to staff and events and under section 12.01 regarding Board President and Vice President roles in determining Board member assignments to committees, Joint Powers Authorities, and associations. Based on direction received from the Board, staff will present a final manual and a resolution rescinding previous resolutions, directives, Board practices, policies and/or administrative ordinances for adoption at the November 26, 2024 Regular Board meeting. The three Board-related governance policies will go through the District's review process and the final policies will be presented to the Finance/Administration Committee and the Board for approval on January 28, 2025.

SUSTAINABILITY**Economic**

The governance documents are intended to promote responsible fiscal management.

Social

The intent of the governance documents is to ensure that all business conducted by the Board of Directors complies with District policies and state law.

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\SEC – Draft Board Governance Manual and Policies for the Board of Directors.docx

(Title Page)

East Bay Municipal Utility District Draft Board Member Governance Handbook

Thank you for your commitment to the East Bay Municipal Utility District (EBMUD). Your role as an EBMUD Board member is critical in supporting the vibrant East Bay community and protecting the environment we all cherish.

You are not alone in this incredible endeavor. Your fellow Board members and skilled and dedicated staff are here to assist you. The General Manager, General Counsel, and Secretary of the District will be your primary points of contact during your tenure on the EBMUD Board.

This handbook contains information to help you understand your role as an EBMUD Board member. All documents referenced in this handbook are available electronically; the Secretary of the District will assist you in accessing these files.

We trust you will find your time on the EBMUD Board rewarding and an opportunity to make a significant impact on the communities we serve.

With sincere appreciation.

Lesa R. McIntosh, 2024 President	William B. Patterson 2024 Vice President	April B. Chan
Luz M. Gómez	Andy Katz	Doug A. Linney
Marguerite Young		
Rischa S. Cole Secretary of the District	Clifford C. Chan General Manager	Derek T. McDonald General Counsel

(Table of Contents Page)

Contents

Section 1. Introduction	1
1.01 What is a Special District?	1
1.02 EBMUD Mission Statement.....	1
1.03 Principles of Governance	1
1.04 EBMUD Values	1
Section 2. Municipal Utility District Act	2
Section 3. Role of the Board of Directors.....	2
3.01 Purpose of the Board	2
3.02 Authority of the Board and Individual Board Members.....	3
3.03 Board Duties	3
3.04 Role of Board Officers.....	4
(a) Role of the Board President	4
(b) Role of the Board Vice President	5
(c) Role of the President Pro Tem.....	5
(d) Role of Committee Chairs	5
3.05 Appointees of the Board of Directors	5
(a) Role of the General Manager	6
(b) Role of the General Counsel	6
(c) Role of the Secretary of the District.....	7
Section 4. Principles of Conduct.....	8
4.01 General Principles of Conduct	8
4.02 Conduct Between Board Members	9
4.03 Conduct When Representing EBMUD in Public.....	9
4.04 Working with Staff	10
(a) Working with the General Manager	10
(b) Working with the General Counsel	10
(c) Working with the Secretary of the District.....	10
(d) Working with EBMUD Staff.....	10
4.05 Relationship with Union Representatives.....	11
Section 5. Ethics of the Board of Directors	11
5.01 Principles of Ethics.....	11
5.02 Failure to Abide by Principles of Ethics and Conduct.....	12

Section 6.	Protection of Whistleblowers.....	12
Section 7.	Election of Board Officers	12
7.01	Process for Election	12
(a)	Time of Election.....	12
(b)	Nomination of Officers	12
(c)	Vote for Board Officers	12
7.02	Qualifications of Board Officers.....	12
7.03	Term of Board Officers	13
7.04	Removal of Board Officers	13
Section 8.	Filling Director Vacancies.....	13
Section 9.	Board Member Orientation and Training.....	14
9.01	Onboarding and Training of Newly Elected or Appointed Board Members	14
9.02	Office of General Counsel Presentation on Governance Laws and Litigation.....	15
9.03	Required Ongoing Training	16
9.04	Failure to Complete Required Onboarding and Ongoing Training	16
Section 10.	Training, Educational Programs, Conferences, and Professional Meetings	16
Section 11.	Meetings of the Board of Directors	17
11.01	Application of the Sturgis Standard Code of Parliamentary Procedure	17
11.02	Types and Purpose of Meetings	17
(a)	Regular.....	17
(b)	Closed Session	17
(c)	Special.....	18
11.03	Role of Standing Committees.....	18
(a)	Roles and Responsibilities for Standing Committees	18
(b)	Roles and Responsibilities for Each Standing Committee.....	18
11.04	Time and Place of Meetings	19
(a)	Regular Board Meetings.....	19
(b)	Planning Committee	19
(c)	Legislative/Human Resources Committee.....	19
(d)	Finance/Administration Committee.....	19
(e)	Sustainability Committee	19
(f)	Board Workshops.....	19
(g)	Retirement Board	19
(h)	Date, Time, and Place Considerations for All Meetings.....	20

11.05	Attendance at Meetings.....	20
11.06	Quorum and Majority	20
11.07	Setting Meeting and Committee Agendas	20
(a)	Regular Board Meeting Agendas.....	20
(b)	Committee Meeting Agendas	21
(c)	Workshop or other Special Meeting Agendas.....	21
(d)	Agenda Items Originating from a Board Member	21
(e)	The Public's Role in Setting Meeting Agendas	21
(f)	Urgency Agenda Items	21
11.08	Posting Meeting Agendas.....	22
11.09	Public Comment at Board Meetings	22
(a)	Opportunity for Public Comment	22
(b)	Management of Public Comment	22
(c)	Manner of Public Comment	23
(d)	Disruption of Board Meetings	23
Section 12.	Committee, Liaison, Retirement Board, JPA Assignments.....	23
12.01	Committee Assignments.....	23
12.02	Creation and Role of Ad Hoc Committees	24
12.03	Board Member Service on Joint Powers and Other Authorities.....	24
12.04	Board Member Service on the Retirement Board.....	24
Section 13.	Board of Directors Compensation and Benefits	25
13.01	Determination of Compensation	25
13.02	Annual Review of Compensation	25
13.03	Board Member Benefits.....	26
Section 14.	Reimbursement of Director Expenses	26
Section 15.	Board Members' Role in Emergency Situations; Succession Planning....	26
15.01	Selection and Appointment of Standby Officers.....	27

Section 1. Introduction

This handbook provides guidance on the practices the Board employs in exercising its authority, complying with various legal requirements, working with the public and EBMUD staff, and otherwise conducting EBMUD business.

Throughout this manual, the terms “EBMUD” and the “District” will be used interchangeably. References throughout are provided in The Dashboard on OneDrive.¹

1.01 What is a Special District?

State law defines a special district as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries.” In plain language, a special district is a separate local government that delivers specific public services to a geographically limited area, such as water and wastewater service. Special districts have four distinguishing characteristics – they are a form of government; have governing boards; provide services and facilities; and have defined boundaries.²

1.02 EBMUD Mission Statement

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

1.03 Principles of Governance

The principles used in accomplishing EBMUD’s mission are:

- Exercise responsible financial management
- Ensure fair and reasonable rates and charges
- Provide responsive quality customer service
- Promote ethical behavior in the conduct of EBMUD business
- Ensure fair and open processes involving the public
- Provide a healthy work environment
- Promote diversity and equity in personnel matters and contracting
- Promote environmental, economic, and social sustainability

1.04 EBMUD Values

EBMUD has adopted the following values in support of our Board members and employees as they work to achieve EBMUD’s mission:

¹ **Resource:** The Dashboard is an electronic library of reference documents and materials in a limited-access OneDrive folder provided to the Board and maintained by the Secretary’s Office.

² **Reference:** *Institute for Local Governments What’s So Special About Special Districts?*
<https://www.ca-ilg.org/post/about-special-districts>

- Stewardship: I am a steward of our resources and committed to public service
- Integrity: I act with integrity
- Respect: I treat others with respect
- Teamwork: We are EBMUD and we are one team³

Section 2. Municipal Utility District Act

The Municipal Utility District (MUD) Act of California, enacted in 1921, provides the legal framework for the formation and operation of municipal utility districts within the state.⁴ These districts are public agencies that provide essential services such as water, wastewater, electricity, and waste collection to their communities. Unlike private utility companies such as Pacific Gas & Electric, which are regulated by the California Public Utilities Commission, municipal utility districts operate independently and derive their powers directly from the MUD Act. The government of every municipal utility district is vested in a board of directors, one from each ward, together with the other officers mentioned in Chapter 3, Article 6 of the MUD Act.⁵ The MUD Act enables districts to levy taxes, issue bonds, and acquire, construct, or operate infrastructure necessary to deliver these services with the goal of ensuring reliable and cost-effective public utilities while maintaining local control over resource management.⁶

Commented [A1]: New Director Comment: It is important to state in this manual the Board's vested governance authority as set forth in section 11801 of the MUD Act.

Commented [A2R1]: Staff Reply: Language has been added to this Section 2, where it also helps further distinguish EBMUD as a government entity.

Section 3. Role of the Board of Directors

The Board of Directors is the legislative body of EBMUD. The Board sets policy for EBMUD and operates in accordance with and as outlined in MUD Act Chapter 3, Article 4, Powers and Duties of Directors and all other applicable laws. As discussed in subsection 3.03, the Board exercises legislative and ministerial powers in providing direction to EBMUD.

Commented [A3]: New Director Comment: Because the MUD Act is our governing law, it is important to enumerate the Powers and Duties of Directors as stated in the MUD Act. These can be included in the Appendix to the Manual.

Commented [A4R3]: Staff Reply: The MUD's Act's enumerated powers and duties for Board members will be specified in the Appendix's discussion of the MUD Act.

3.01 Purpose of the Board

The Purpose of the Board is to:

- Develop policies that implement the mission and values of EBMUD.
- Establish performance standards and outcomes that reflect the policies set by the Board.
- Provide oversight of EBMUD's performance against the standards established by the Board.
- Make decisions necessary to carry out the mission of EBMUD.

³ **Resource:** EBMUD Values Splashpad Page, <https://splashpad.ebmud.com/district/values>

⁴ **Reference:** Public Utilities Code § 11501 *et seq.*

⁵ **Reference:** Public Utilities Code §§ 11801 & 11850.

⁶ **Reference:** A hard copy of the MUD Act is provided to every new Board member.

3.02 Authority of the Board and Individual Board Members

The Board of Directors is the unit of authority for EBMUD. It is the legislative body of EBMUD and determines all questions of policy.⁷ Under the MUD Act, it is empowered to supervise and regulate the utility services provided by EBMUD, including setting rates and fees, and making and enforcing rules, regulations, contracts and practices in connection with any service, product, or commodity owned or controlled by EBMUD.⁸ The specific duties of the Board, as authorized by the MUD Act, are detailed in subsection 3.03.

The authority above must be exercised by a quorum of the Board, meaning four out of seven Board members. Individual Board members may not commit EBMUD to any policy, act, or expenditure unless authorized by a quorum of the Board.⁹

Individual Board members should respect the decisions made by the Board, regardless of their personal position. Individual Board members may voice their opinion about the decisions of the Board, but in doing so, should make it clear that it is their own opinion and not the opinion of the Board or other Board members. Individual Board members are encouraged to notify the General Manager in advance when they plan to speak publicly in opposition to EBMUD's decisions, policies or actions.

3.03 Board Duties

The key duties of Board members are to:

- Adopt and regularly update a Strategic Plan for EBMUD that reflects its mission, values and vision.
- Adopt written policies that further the Strategic Plan and mission of EBMUD, while ensuring a high-quality of governance and clear roles in decision-making between the Board and EBMUD staff.
- Adopt rates, rules and regulations for the services provided by EBMUD.
- Approve budgets, rates and long-range capital plans to ensure the long-term ability of EBMUD to fulfill its mission.
- Hire, regularly evaluate and, when necessary, discharge the General Manager and General Counsel.
- Identify and track the performance metrics that reflect the policies set by the Board.
- Provide oversight and track compliance with all relevant laws, regulations, permits and the performance of EBMUD.
- Ensure the organization operates effectively and efficiently to fulfil its mission.
- Comply with the open governance requirements of the Ralph M. Brown Act and the California Public Records Act.

⁷ **Reference:** Public Utilities Code § 11883.

⁸ **Reference:** Public Utilities Code § 11885.

⁹ **Reference:** Public Utilities Code § 11909.

- Communicate with EBMUD customers and community stakeholders to understand their concerns, values and viewpoints.
- Serve as ambassadors for EBMUD and build relationships throughout EBMUD's service area and in those areas of the state impacted by EBMUD's policies and activities.
- Maintain open lines of communication with employee unions and approve collective bargaining agreements in alignment with EBMUD's vision and goals.
- Strive to equitably address the needs of all communities served by EBMUD, with a special emphasis on addressing the needs of impacted communities.
- Set Ward boundaries following each decennial census and in accordance with the Fair Maps Act so that each ward accurately reflects population changes and racial diversity.
- Take such actions as are required by law.

3.04 Role of Board Officers

The Board Officers are the President and Vice President.¹⁰ While not considered Board officers, this subsection also describes the role of the President Pro Tem, the chairs of standing committees, and the representatives on the governing bodies of Joint Powers Authorities to which EBMUD is a party.

(a) Role of the Board President

The role of the President is to:

- Serve as presiding officer at all Board meetings.
- Develop and approve the regular Board meeting agenda in consultation with the General Manager.
- Administer regular Board meetings under appropriate parliamentary procedure and in accordance with this manual, by:
 - Managing the meeting time;
 - Ensuring appropriate opportunities for public participation;
 - Keeping the Board focused on the discussion at hand; and
 - Avoiding diversions from the agenda or disruptions in the conduct of EBMUD business.
- Sign resolutions, ordinances, and other Board-approved documents on behalf of the Board.
- Make appointments to Standing Board Committees, Ad Hoc Committees, Joint Powers Authorities (JPAs), and as representatives to outside agencies.
- Act as a mentor for newly elected or appointed Board members while avoiding violations of the Brown Act.¹¹
- Act as an official representative of EBMUD for ceremonial purposes.

Commented [A5]: New Director Comment: It should be the President's role to nurture the District's culture and promote collegiality, justice, fairness, etc

Commented [A6R5]: Staff Reply: These ideals are captured in the District's values. If the Board agrees with the Director Comment, this bullet can be added: "Promote and exemplify EBMUD's Values of Stewardship, Integrity, Respect and Teamwork."

¹⁰ **Reference:** Public Utilities Code § 11882.

¹¹ Any Board member who serves as a mentor to other Board members should first consult with the General Counsel for advice on providing mentorship in a manner that does not violate the Brown Act.

- Ensure Board members abide by Policy 6.04, Ethics of the Board of Directors, and the principles of conduct stated in this manual; in a prompt and timely fashion, investigate reported perceived violations of the Ethics Policy by a Board member, and consider any appropriate action warranted.

(b) **Role of the Board Vice President**

The Role of the Vice President is to:

- Perform the duties of the President in the President's absence or due to any conflict of interest the President may have under the law or EBMUD policies and procedures.
- Act as a mentor for newly elected or appointed Board members while avoiding violations of the Brown Act.

(c) **Role of the President Pro Tem**

If both the President and Vice President are absent, the Board member with seniority among the Board members present will: serve as president pro tem until such time as the President or Vice President is present.

(d) **Role of Committee Chairs**

The role of a Committee Chair is to:

- Serve as the presiding officer at committee meetings.
- Develop and approve the committee meeting agenda in consultation with the General Manager.
- Administer committee meetings under appropriate parliamentary procedure and in accordance with this manual.
 - Managing the meeting time;
 - Ensuring appropriate opportunities for public participation;
 - Keeping the committee focused on the discussion at hand; and
 - Avoiding diversions from the agenda or disruptions in the conduct of EBMUD business.
- Report to the Board at the next regular Board meeting following a committee meeting any discussions held at the committee meeting and any recommendations by the committee on actions to be taken by the Board.

3.05 Appointees of the Board of Directors

The Board directly appoints the General Manager, the General Counsel, and the Secretary of the District.¹²

¹² **Reference:** Public Utilities Code §§ 11926 & 11931.

(a) Role of the General Manager

The General Manager serves at the pleasure of the Board pursuant to the terms and conditions set forth in an employment agreement with EBMUD. The General Manager is responsible for the management of EBMUD and its employees in accordance with the policies approved by the Board.

The General Manager is responsible for:

- Administering the business affairs of EBMUD.
- Enforcing all EBMUD ordinances, rules and regulations.
- Executing Board directives and reporting back to the Board on progress.
- Administering the EBMUD civil service system.
- Hiring, managing and removing EBMUD employees necessary for the administration of the affairs of EBMUD, in accordance with the provisions of the civil service system.
- Managing communications and requests between the Board and staff.
- Attending all regular, special and committee meetings of the Board unless excused.
- Bringing to the attention of the Board matters requiring or deserving its consideration.
- Preparing an annual budget for approval by the Board reflecting the Board's policy and strategic directives.
- Preparing general and specific reports updating the Board on the affairs of EBMUD, including keeping the Board informed on the progress of programs and specific matters.
- Preparing draft agendas and all documents necessary for the Board's governance of EBMUD at regular Board meetings and committee meetings.
- Ensuring that EBMUD effectively interacts with the public it serves and other governmental agencies to inform them of matters of concern and to promote EBMUD policies and programs.
- The full charge and control of the construction of the works of EBMUD and of their maintenance and operations.
- Performing additional duties as the Board may require.¹³

The General Manager performs these duties either directly or through EBMUD staff or contractors, as necessary and appropriate, in accordance with Board policies, EBMUD procedures, and the EBMUD civil service system.

(b) Role of the General Counsel

The General Counsel is licensed to practice law in the State of California and shall have been actively engaged in the practice of their profession for not less than three years next preceding their appointment.¹⁴ The General Counsel is the chief legal officer of

Commented [A7]: New Director Comment: Add "staff" here to clarify that the General Manager does not oversee the Board.

Commented [A8R7]: Staff Reply: The requested change has not been made. This item is not about oversight of the Board, but also not limited to staff. The point is that everyone, including Board members, should effectively represent the District. The General Manager, PIO and the Secretary help the Board members prepare for meetings and events, for example.

¹³ **Reference:** Public Utilities Code §§ 11926, 11937 & 12501 *et seq.*

¹⁴ **Reference:** Public Utilities Code § 11932.

EBMUD and serves at the pleasure of the Board pursuant to the terms and conditions set forth in an employment agreement with EBMUD. .¹⁵

The General Counsel is responsible for:

- Overseeing and directing EBMUD's strategy in all lawsuits and other legal proceedings in which EBMUD is a party or in which it is legally interested.
- Advising the Board on compliance with the Brown Act, conflict of interest laws, and other laws related to the Board's governance of EBMUD.
- Providing legal advice to the General Manager and members of the Senior Management Team.
- Providing legal advice in support of the work of EBMUD staff or whenever required by the Board.
- Reporting to the Board situations that present a legal risk to EBMUD that come to the General Counsel's attention.
- Approving as to form all EBMUD ordinances, resolutions, contracts, bonds, and other legal documents connected with the business of EBMUD.
- Attending all regular, special and committee meetings of the Board unless excused.
- Performing additional duties as the Board may require.

The General Counsel performs these duties either directly or through the attorneys and staff of the Office of General Counsel or in conjunction with special counsel retained by the Office of General Counsel, as necessary and appropriate, in accordance with Board policies and EBMUD procedures.

(c) Role of the Secretary of the District

The Secretary of the District acts on behalf of the Board members in a variety of executive, administrative, legal and record-keeping functions, and is part of the EBMUD Senior Management Team. These functions include preparation and distribution of Board and Committee agendas, notices, meeting materials, and minutes; compliance with applicable regulations, including the MUD Act, Public Health and Safety Code, Brown Act, Political Reform Act, and Public Records Act; records management; administration of elections; adherence to Fair Political Practices Commission requirements; compliance with ethics laws; maintenance of Board policies and related administrative procedures; and special projects.

The Secretary of the District:

- Makes independent decisions as necessary to implement Board requests, decisions and official actions.
- Provides administrative support to Board members.
- Performs all duties in compliance with applicable regulations.
- Serves as custodian of the EBMUD seal and the official records of EBMUD.

¹⁵ **Reference:** Public Utilities Code § 11939.

Commented [A9]: New Director Comment: It should be a duty of the General Counsel to exercise fiscal prudence in expenditures on outside counsel.

Commented [A10R9]: Staff Reply: The General Counsel must make expenditures necessary in the interests of the District's legal needs. With the Board's agreement, this bullet can be added here: "**Exercising fiscal responsibility in the management of special counsel contracts while making such expenditures as necessary to meet EBMUD's legal needs.**"

- Attends all regular, special and committee meetings of the Board unless excused.
- Produces, as appropriate, the minutes and official records of Board and Committee actions.
- Serves as the Filing Official under EBMUD's Conflict of Interest Code and serves as EBMUD's Election Officer to oversee EBMUD election procedures with the Counties of Alameda and Contra Costa.
- May perform any other duties from time to time as may be prescribed by the Board of Directors.

Section 4. Principles of Conduct

The Board is committed to acting in the best interests of its ratepayers and the public, providing excellence in leadership and prioritizing EBMUD's mission over personal or other interests. This section presents general principles of Board member conduct.

4.01 General Principles of Conduct

The following are the general principles of conduct to be observed by the Board.

- Board members must always demonstrate loyalty to EBMUD by acting in the best interest of EBMUD, its ratepayers and the public, not allowing their actions to be dictated by personal, financial or political interests.
- Board members should make decisions that prioritize the long-term sustainability, financial health, and operational efficiency of EBMUD, while ensuring reliable service to the public.
- Board members should be prepared for Board meeting deliberations in which they are required to or wish to take part.
- Board members should demonstrate EBMUD's values of Stewardship, Integrity, Respect, and Teamwork.
- Board members should endeavor to conduct themselves with civility, respect, and professionalism with each other, EBMUD staff, and the public.
- Each Board member should respect the decision-making authority of the Board and abide by Board-adopted policies and EBMUD-adopted procedures.
- Board members should familiarize themselves with and comply with all applicable laws, regulations and Board-adopted policies regarding governance of EBMUD, about which Board members may seek advice from the General Manager or Secretary of the District, or legal advice from the General Counsel, when necessary.

Board members are encouraged to:

- Stay informed about the issues facing the water and wastewater industry.
- Ask the General Manager questions about Board meeting agenda items ahead of Board and committee meetings to allow time for staff to prepare helpful responses to support the Board's discussion and decision-making.

- Manage conflict carefully and with civility.
- Be respectful of their fellow Board members, staff, guests, and the public.
- Be timely in their attendance at all Board, committee, and special meetings.

4.02 Conduct Between Board Members

The following principles apply to all conduct between Board members when interacting with each other.

- Each Board member should respect the dignity, values and opinions of other Board members, focusing on policy issues and not personalities.
- The Board is encouraged to work as a team, striving to reach consensus on policy decisions to the extent possible, recognizing that each Board member may have a unique perspective on a policy issue.
- No Board member should put the personal interests of any other Board member above the interests of EBMUD.
- Board members shall not communicate with each other outside of publicly noticed meetings in a manner that violates the Brown Act.

4.03 Conduct When Representing EBMUD in Public

The following principles apply to the conduct by Board members when interacting with constituents or representing EBMUD in public settings.

- When responding to constituent requests and concerns, Board members are expected to be courteous and respond to individuals promptly and in a positive manner. The General Manager and the Community Affairs Representative for the Board member's ward are available to provide information or assistance to a Board member in responding to members of the public.
- In communicating with the governing bodies of other agencies, the press, or other members of the public:
 - Board members may speak on behalf of EBMUD or the Board when discussing adopted EBMUD policies or stated Board decisions.
 - In all other circumstances, Board members should make it clear that their opinions and representations are their own and do not reflect the opinions or policies of EBMUD or the Board as a whole.
 - Board members are encouraged to notify the General Manager in advance if they plan to speak publicly in opposition to an EBMUD decision or policy.
- Board members should endeavor to express their individual opinions in a responsible manner that is not detrimental to EBMUD or other Board members and staff.

Commented [A11]: Original Director Comment: Should this section say something about reporting communications with elected officials or their staffs about EBMUD matters? I believe that is a policy.

Commented [A12R11]: Staff Reply: A 2017 Board President's directive requires Board members to announce at the beginning of meetings:

- a) Any ex parte communications (i.e., an oral or written communication not on the public record) that they have had with legislators or legislative staff which relate to matters under consideration at the Board or a Committee meeting;
- b) Any ex parte communications that they have had with public officials, developers, consultants, vendors, or others which relate to matters under consideration at the Board or a Committee meeting; and
- c) Any public statements or presentations outside of a Board meeting concerning items to be addressed or discussed at the Board or a Committee meeting.

The Board should consider if they want to continue this directive as policy and include it here.

Commented [A13R11]: Follow-Up: At the Board meeting on 10/22/24, the Board directed staff to maintain the existing language of the Ethics Policy and not make changes here.

4.04 Working with Staff

The MUD Act charges the General Manager with the day-to-day management of EBMUD staff.¹⁶ This subsection describes how the Board works with those EBMUD officers appointed by the Board, as well as with EBMUD staff.

(a) Working with the General Manager

The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board. The General Manager is responsible for execution of the Board's policy direction and instructions. Members of the Board should deal with matters within the authority of the General Manager through the General Manager.

(b) Working with the General Counsel

The General Counsel provides the legal support for the policies adopted by the Board and the procedures approved by the General Manager to implement those policies.

- Board members should consult directly with the General Counsel on any questions regarding compliance with the Brown Act, ethics laws or other laws related to Board governance.
- The General Counsel provides advice to Board members in their official capacity and cannot advise Board members in their individual capacity.
- The General Counsel cannot advise Board members in their capacities as campaign candidates except insofar as their positions as Board members may impose certain legal obligations on them under campaign finance laws.

(c) Working with the Secretary of the District

The Secretary of the District and staff provides administrative support to the Board and performs additional duties as the Board may require. Board members should consult with the Secretary of the District on questions regarding but not limited to EBMUD-related travel, attending conferences, expenses and reimbursement, training requirements, schedule coordination, Board meeting material distribution, Board meeting attendance, elections, FPPC filings (e.g. Form 700), general information (outside of information requested from General Manager), and other regulatory requirements that may govern their role.

(d) Working with EBMUD Staff

When working with or interacting with EBMUD staff, each Board member should:

- Consult directly with the General Manager for information or clarification regarding EBMUD policies, procedures or operations, especially those involving personnel decisions, operations and finances.
- Not exercise individual authority over staff and direct inquiries regarding the actions of any EBMUD staff member to the General Manager.

¹⁶ **Reference:** See Public Utilities Code §§ 11926 & 11937.

- Respect the role and authority of the General Manager and EBMUD's Senior Management Team and employees in the day-to-day management and operations of EBMUD.
- Share concerns about or criticism of the actions of EBMUD staff with the General Manager, in order to respect the privacy or due process rights afforded to all staff.
- Be mindful of requests (e.g., preparing memoranda, reports, or plans) and the impact on the use of staff time and resources, as follows:
 - Board members may work directly with the Community Affairs Representative for their ward in responding to constituent concerns, preparing for meetings with constituents, or on such other matters in which a Board member may interact with a constituent.
 - Board members are encouraged to keep the General Manager and Secretary of the District apprised of any need to work with a Community Affairs Representative.
 - Other than as set forth above, Board members should direct all individual requests for information, memoranda, plans, documents or other materials to the General Manager or the Secretary of the District.
 - Board members should recognize that they are the highest authority at EBMUD and, in order to avoid disruption to the work of EBMUD employees and allow for the free exchange of information, should avoid attending staff meetings or staff events or entering into staff offices or cubicles unless their presence is requested or by making an appointment through the General Manager or Secretary of the District.

4.05 Relationship with Union Representatives

Board members are encouraged to maintain open lines of communication with union leaders to understand concerns associated with pending Board matters, contracts, and employee relations concerns, but should not disclose confidential information to union representatives. Board members should inform the General Manager of discussions with union representatives, as appropriate. Board members should not represent their individual opinions as being the policy or position of EBMUD and should clearly distinguish between personal opinion and the position of EBMUD in such communications. In speaking with union members, Board members should recognize that the comments and opinions of individual union members may not represent the official position of the union and should avoid reporting such conversations as the position of the union.

Commented [A14]: New Director Comment: I do not believe this is appropriate. Board members need to have access to staff and events in order to effectively do their jobs.

Commented [A15R14]: Staff Reply: Language has been added to clarify that Board members may arrange for office or event visits. However, whether or not to eliminate this language entirely is a policy decision for discussion and determination by the Board.

Section 5. Ethics of the Board of Directors

5.01 Principles of Ethics

Board members should avoid impropriety or the appearance of impropriety in their activities. Board members will uphold the highest standards of integrity, honesty, and ethical behavior in all EBMUD-related activities and in accordance with Policy 6.04, Ethics of the EBMUD Board of Directors. Board members are encouraged to review Policy 6.04 and to direct any questions regarding the Policy to the General Counsel.

5.02 Failure to Abide by Principles of Ethics and Conduct

The Board President is responsible for ensuring Board members abide by the Ethics Policy and principles of conduct stated in this manual. Violations of Policy 6.04 – Ethics of the Board of Directors, will be addressed in accordance with the procedures set forth in the Policy. Should any Board member have a concern about a violation of the principles of conduct, the Board member is encouraged to raise the concern in private with the Board member in question, or with the Board President, prior to raising the concern in public. Any Board member may call for censure or other actions to be taken against the Board member who has violated the principles of conduct.

Section 6. Protection of Whistleblowers

The Board promotes and oversees EBMUD's efforts to maintain a healthy and transparent work environment, free from discrimination, harassment or retaliation based on the reporting of improper activities in the workplace. The Board's role in the protection of whistleblowers at EBMUD is described in Policy 6.XX.

Section 7. Election of Board Officers

7.01 Process for Election

(a) Time of Election

Board Officers shall be elected as the first order of business during the first regular Board meeting of the calendar year.

(b) Nomination of Officers

- Each Board member has the right to nominate a Board member, including themselves, for the role of President or Vice President.¹⁷
- Each nomination must be seconded by a Board member.
- If more than one Board member is nominated to an Officer position, each nominee must be put to vote in the order the nomination was made.

(c) Vote for Board Officers

The positions of President and Vice President shall be elected by a majority vote of the Board (four of seven Board members).

7.02 Qualifications of Board Officers

It is important that any Board member being considered for election to an Officer position have the qualifications and experience necessary for effective governance. This includes the following:

¹⁷ Traditionally, the immediate past Vice President has been nominated for the role of President.

Commented [A16]: New Director Comment: I would like to capture here the Board's tradition of rotating the Presidency and Vice Presidency.

Commented [A17R16]: Staff Reply: We have included this information in a new footnote.

- Service on the Board for at least one year prior to the date of the Officer election
- Completion of all required Orientation and Training described in this manual

Traditionally, a Board member shall have served as Vice President prior to serving as President.

In circumstances where none of the Board members meet the qualifications stated above, the Board may vote to elect any Board member to serve as President or Vice President.

7.03 Term of Board Officers

The term of each Board Officer shall be for one year, shall begin immediately following the vote by the Board and shall continue until a new Board Officer is elected.

A Board member may not serve more than two consecutive one-year terms in each Board Officer position, unless a situation arises in which the majority of the Board votes to allow an Officer to hold three or more consecutive terms.

7.04 Removal of Board Officers

A vote to remove a Board Officer may be initiated following a motion by any Board member and seconded by another Board member. A Board Officer may be removed by a majority vote of the Board (four of seven Board members).

Upon removal of a Board Officer, the Board shall calendar the appointment of a new Officer for the next regular Board meeting. New Officers shall be nominated and approved as set forth in subsection 7.01. The Officer appointed to fill the position shall serve for the remainder of the term for the position.

Section 8. Filling Director Vacancies

When a vacancy occurs in a ward before the next general election that is scheduled 90 or more days after the effective date of the vacancy, the Board must vote to either hold a special election in that ward or to appoint a person to fill the vacancy until the next general election.¹⁸

If the Board chooses to appoint a person to fill the vacancy, the following process may be used.

- At a regularly scheduled or special Board meeting, the Board will appoint an ad hoc committee to facilitate the appointment process.
- A Notice of Vacancy in the ward will be posted in three conspicuous places (EBMUD's Administration Building in Oakland and two places in the ward); on EBMUD's website and social media platforms; published in newspapers; and

¹⁸ **Reference:** See Public Utilities Code § 11865.

distributed for posting with cities, towns, chambers of commerce, regional agencies, and elected officials in the ward.

- All interested candidates will receive an information packet that will include a description of the application process and a link to a page on EBMUD's website with information about EBMUD.
- Candidates will be required to mail, email, or hand deliver the following application materials by close of business on a date to be determined by EBMUD:
 - A letter expressing their interest and qualifications (no more than 2 pages);
 - A resume; and
 - A minimum of three (3) letters of reference. Additional letters of reference will not be accepted after the submission deadline.
- The Office of the Secretary will conduct the initial screening of all application materials for completeness and confirm with the county that the applicant is a resident of and registered voter in the ward.
- The ad hoc committee will screen applications to develop a shortlist of candidates, if necessary, for final interviews with the full Board.
- Candidate interviews will be conducted as follows:
 - The Board will conduct interviews with each candidate recommended by the ad hoc committee at its next regularly scheduled meeting or at a special meeting, in EBMUD's Administration Building Boardroom or at the Board's discretion, a location within the ward with the vacancy.
 - The interviews will be conducted in person, and if conducted in EBMUD's Administration Building Boardroom, viewable online, and livestreamed on EBMUD's website.
 - The Board will deliberate and, if time permits, vote for the recommended candidate at the conclusion of the interviews.
- If the Board does not vote for the recommended candidate at the conclusion of the interviews, the Board may adjourn the meeting to a future meeting to vote for the recommended candidate.
- The appointee will be sworn in and will serve as the Director for the ward exactly as if elected to office, until the next general election for EBMUD.

This process may be started before the effective date of the Board member's vacancy but must be completed within 60 days of the effective date of the vacancy.¹⁹

Section 9. Board Member Orientation and Training

9.01 Onboarding and Training of Newly Elected or Appointed Board Members

In order to effectively govern, new Board members should become familiar with the policies, procedures, and operations of EBMUD. During the first four months following election or appointment, the Board member will participate in the following onboarding presentations (2-4 hours) and tours (2 hours - all day):

¹⁹ **Reference:** See Public Utilities Code § 11865(a).

Commented [A18]: Original Director Comment: If we use the word "will," then participation in onboarding becomes a matter of policy. Where do we want to land on this?

Commented [A19R18]: Staff Reply: This is a matter for Board discussion and determination.

Commented [A20R18]: Follow-Up: At the Board meeting on 10/22/24, the Board determined that participation in Onboarding will be mandatory for new Board members.

- Organization Overview, Public Affairs, Administrative Support (Secretary's Office) and Legislative Programs
- Water Quality and Environmental Protection
- Long-Term Water Supply and East Bay Watershed Master Plan
- Long-Term Infrastructure Investment
- Long-Term Financial Stability and Cybersecurity/Information Systems
- Customer and Community Services
- Workforce Planning and Development, including the Diversity, Equity and Inclusion Strategic Plan
- Personal Benefits Orientation and Selection

The following tours will be offered to Board members as part of the orientation and training. Attendance is optional.

- Local Water Distribution System
- East Bay Watershed
- Upcountry Facilities
- Wastewater Facilities

New Board members are also encouraged to complete the California Special Districts Association training for new Board members. The Secretary of the District will assist Board members with enrolling in this training.

The Board President and General Manager, in coordination with the Secretary of the District will develop the training and orientation schedule for new Board members. The Board President, with assistance from the Secretary of the District, is responsible for monitoring the progress of new Board members in the timely completion of their orientation and training.

All onboarding presentations and tours will be led by the General Manager and the Senior Management Team. General Board governance training will be conducted from time-to-time by an outside facilitator.

9.02 Office of General Counsel Presentation on Governance Laws and Litigation

In the first month following election or appointment, each Board member will receive a presentation from the Office of General Counsel on:

- The Municipal Utility District Act
- Open meeting requirements under the Ralph M. Brown Act
- Board governance and Ethics of the EBMUD Board of Directors
- California Conflict of Interest Laws
- The Public Records Act

The presentation will also include information regarding any major litigation in which EBMUD is involved.

9.03 Required Ongoing Training

All Board members, as public officials, shall complete the following trainings, as required by law:

- In accordance with Assembly Bill (AB) 1661, at least two hours of preventing harassment training within six months of assuming office and every two years following the initial training.²⁰
- In accordance with AB 1234, at least two hours of ethics training no later than one year from the date the Board member assumes office and every two years thereafter.²¹

The Secretary of the District will assist Board members with enrolling in this training and will maintain records of compliance. Board members' ethics and preventing harassment training certificates will be posted on EBMUD's website.

9.04 Failure to Complete Required Onboarding and Ongoing Training

Board members who fail to complete the onboarding process, including the Office of General Counsel's presentation, within the first 6 months of assuming office, and required ongoing training by the prescribed deadlines ~~may~~:

- Be ineligible to serve as a Board Officer (President or Vice President), chair a standing Board committee, serve on an ad hoc committee, serve on the Retirement Board or serve on the boards of Joint Powers Authorities.
- Be ineligible for approval of travel on behalf of EBMUD or reimbursement of travel expenses.
- Have information posted on the EBMUD website identifying any incomplete training required by law until such time as the required training has been completed.

Section 10. Training, Educational Programs, Conferences, and Professional Meetings

Board members are encouraged to attend training, educational programs, conferences and professional meetings when the purpose is to support EBMUD or their role as Directors. Attendance at these events must be approved by the Board President in advance. The Secretary of the District manages the budget for these activities and will track requests to attend training, educational programs, conferences, and professional meetings to assist the Board President with reviewing and approving requests. Attendance at these events should not conflict with the Board member's in-person attendance at meetings of the Board of Directors (see Section 11), unless approved in advance by the Board President.

²⁰ **Reference:** Government Code § 53237 *et seq.*

²¹ **Reference:** Government Code § 53234 *et seq.*

Commented [A21]: Director Comment (#1): If we say "may" we are leaving this very vague and open to interpretation. If we say "will" it becomes a policy. Where do we want to land on this? Who decides if someone is not eligible to serve as Board Officer if they failed to complete this? Under section 9.01 we use the word "will" - if it's OK to use there, perhaps we can use it here too?

Director Comment (#2): At whose discretion are these consequences? This should be changed to, "The Board Secretary will keep individual Board members aware of their status with respect to required training. The Board President will work with board members address any failures. In the event of ongoing non compliance the President may determine that a Board member is ..."

Commented [A22R21]: Staff Reply: This is a matter for Board discussion and determination. Once the Board has provided policy direction, this can be edited accordingly.

Commented [A23R21]: Follow-Up: At the Board meeting on 10/22/24, the Board directed staff to leave this language as is, with the permissive "may," to allow flexibility in recognition of the fact that it may be difficult to schedule the entire onboarding for all new Board members within six months.

Upon return from any conference attended on behalf of EBMUD, a Director shall file with the Secretary of the District a written report on the Director's activities at the conference (e.g., and what was learned at the conference that may be helpful to the Board or EBMUD and what meetings or sessions the Board member attended).

- The Secretary of the District shall send a copy of the report to the Board President.
- A Director shall not be eligible for reimbursement until they have filed the report with the Secretary of the District.

Section 11. Meetings of the Board of Directors

A Board "meeting," as defined by the Brown Act, is any gathering of a quorum of the Board, or of a Board committee, at the same time and place (including electronically) to discuss the business of EBMUD and/or to take action. To comply with the Brown Act, all meetings must be publicly noticed, and the Board's discussions and actions are limited to the topics specifically stated in the noticed meeting agenda.²²

11.01 Application of the Sturgis Standard Code of Parliamentary Procedure

The Board follows the Sturgis Standard Code of Parliamentary Procedure (Sturgis) for all aspects of the conduct of Board meetings not otherwise required by law, to the extent reasonably practicable.²³

Deviation from Sturgis in the conduct of Board meetings shall not be grounds for the invalidation of any lawful action taken by the Board.

11.02 Types and Purpose of Meetings

There are several types of Board meetings allowed under the Brown Act. Their purpose is described here. The time and place of each meeting described below is stated in subsection 11.04.

(a) Regular

The principal type of meeting at which EBMUD business is conducted is a regular Board meeting.

(b) Closed Session

The Brown Act requires all Board meetings to be held publicly, unless one of the specific, narrow exceptions defined in the Act applies, in which case the topic may be discussed in a noticed "closed session meeting."²⁴ The most commonly cited exceptions for closed session at EBMUD relate to discussion of litigation, real estate negotiations,

²² **Reference:** Government Code § 54950 *et seq.*

²³ **Reference:** EBMUD Board Resolution No. 32457.

²⁴ **Reference:** Government Code §§ 54953(a) & 54962.

labor negotiations and the security of EBMUD infrastructure. Only individuals having an official role in the closed session subject matter may attend the closed session.

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, including Board members.²⁵ Some actions taken in closed session must be publicly reported during the regular Board meeting, and the votes for or against the actions must be provided. The Board President generally makes these reports following closed session.

(c) **Special**

Occasionally, special Board meetings are held to discuss a particular topic, conduct a workshop or study session or, if necessary, hold a meeting at a time or date other than a regularly scheduled Board meeting. Special Board meetings generally must be convened within EBMUD's service area. State law requires that agendas for special Board meetings be provided to each local newspaper of general circulation and each radio and television station that has requested such notice in writing and be posted in a public place and on EBMUD's website at least 24 hours prior to the meeting. These meetings are open to the public.

11.03 Role of Standing Committees

(a) **Roles and Responsibilities for Standing Committees**

- With the exception of the Retirement Board, each committee consists of three Board members assigned in accordance with subsection 12.01.
- The committee will receive staff updates on topics within the purview of the committee, as stated in subsection 11.03(b).
- For any action to be taken by the Board that was first presented to a committee for consideration, the committee Chair will inform the Board on its discussions regarding the action, including any relevant policy alternatives, and make a recommendation to the Board on the action to take.
- Though committees may recommend a preferred action or policy decision to the full Board, committees do not have the authority to direct staff to exclude any reasonable action or policy alternative from consideration by the full Board.
- Committees may not speak for or act on behalf of the full Board except when expressly authorized by the Board for a specific and time-limited purpose.
- The committee Chair or, in the absence of the Chair, a representative on the committee, will report on the discussions of the standing committee at the Board meeting following the committee meeting.

(b) **Roles and Responsibilities for Each Standing Committee**

- Finance/Administration Committee. Reviews EBMUD investments, debt service, and related policies, fees and charges, audits, contracts and grants, and policies for acquisition of equipment or services.

²⁵ **Reference:** Government Code § 54963.

- Legislative/Human Resources Committee. Discusses legislative goals and programs, human resources related issues, personnel policies, EBMUD training and development, and EBMUD Diversity, Equity, and Inclusion activities.
- Planning Committee. Reviews planning of facilities, capital projects, operational standards, and the acquisition, development and disposition of real property.
- Sustainability Committee. Discusses matters related to sustainability, natural resources, and the environment.

11.04 Time and Place of Meetings

(a) Regular Board Meetings

- Regular Board meetings are held on the second and fourth Tuesday of each month.
- The regular meeting is divided into two segments: closed session at 11:00 a.m. and the regular business meeting at 1:15 p.m.
- The Board traditionally cancels the 2nd meeting in July and the 2nd meeting in December to allow for vacation/break.

(b) Planning Committee

Meetings of the Planning Committee will be held at 9:00 a.m. on the second Tuesday of each month.

(c) Legislative/Human Resources Committee

Meetings of the Legislative/Human Resources Committee will be held at 10:00 a.m. on the second Tuesday of each month.

(d) Finance/Administration Committee

Meetings of the Finance/Administration Committee will be held at 10:00 a.m. on the fourth Tuesday of each month.

(e) Sustainability Committee

Meetings of the Sustainability Committee will be held at a time to be determined on the fourth Tuesday, on a quarterly basis.

(f) Board Workshops

Board Workshops are special meetings under the Brown Act that will be held at a time to be determined by the General Manager in consultation with the Board President.

(g) Retirement Board

The EBMUD Retirement Board meets bi-monthly at 9:00 a.m. on the third Thursday of January, March, May, July, September, and November, respectively. The Retirement Board may change the meeting date from a third Thursday to either a second or fourth

Thursday if the third Thursday in the month is in the same week as a regular Board meeting.

(h) **Date, Time, and Place Considerations for All Meetings**

- All Board meetings will be held in the Boardroom of EBMUD's Administration Building located at 375 11th Street, Second Floor, Oakland, California.
- The meeting dates above are subject to cancellation.
- The start times of Board committee meetings stated above may be adjusted to accommodate the agenda for a committee meeting.

11.05 Attendance at Meetings

Board members are expected to attend all assigned meetings. Failure to attend meetings, or excessive tardiness, may result in the loss of compensation for the month in question. See subsection 13.01 for more details.

11.06 Quorum and Majority

Under the MUD Act, four Board members constitutes a quorum of the EBMUD Board and no Board action is valid unless approved by four Board members.²⁶ If fewer than four Board members are present at a meeting, the meeting may not proceed and may be cancelled or adjourned to a future date and time.

Note that the MUD Act or other statutes may require that some actions of the Board be taken by supermajority vote, that is, five Board members.

In committee meetings, committee members may take the actions of receiving a report or voting to recommend the full Board take a certain action. For the purposes of such a vote, a quorum of a committee is two of three committee members. If fewer than two committee members are present at a committee meeting, the meeting may not proceed and may be cancelled or adjourned to a future date and time. If the meeting is cancelled or adjourned, staff may present reports on agenda items to the sole committee member present (and the public) for informational purposes only.

11.07 Setting Meeting and Committee Agendas

(a) **Regular Board Meeting Agendas**

- The Secretary's Office, in coordination with the General Manager, will prepare a draft of the regular Board meeting agenda. The General Manager will review the agenda with the Board President.
- The Board President may add or delete items for consideration from the regular meeting agenda as the President feels appropriate.

²⁶ **Reference:** Public Utilities Code § 11909.

- The Board President shall not remove items for consideration from the regular meeting agenda that are required by law or necessary for EBMUD to conduct its business.

(b) **Committee Meeting Agendas**

- The Secretary's Office, in coordination with the General Manager, will prepare a draft of all committee meeting agendas. The General Manager will review committee meeting agendas with committee Chairs.
- Committee Chairs may add or delete items to committee meeting agendas.
- The Committee Chairs shall not remove items for consideration from the committee meeting agenda that are necessary for EBMUD to conduct its business.

(c) **Workshop or other Special Meeting Agendas**

- The Secretary's Office in coordination with the General Manager will prepare drafts of workshop or other special meeting agendas. The General Manager will review these agendas with the Board President.
- The Board President may add or delete items for consideration from the workshop or special meeting agendas as the President feels appropriate.
- The Board President shall not remove items for consideration from the special meeting or workshop agendas that are required by law or for EBMUD to conduct its business.

(d) **Agenda Items Originating from a Board Member**

Board Members may request that an item be placed on a future Board agenda by making a request to the General Manager or the Board President. Board members may also ask that an item be placed on a future Board agenda during a Board or committee meeting, either as a follow-up to an item on the meeting's agenda or under the "Other Items for Future Consideration" item on the meeting agenda prior to the close of a Board meeting.

(e) **The Public's Role in Setting Meeting Agendas**

Members of the public may request that items of concern be placed on a future regular or committee meeting agenda during a meeting's public comment period. The Board President and General Manager will consider the request. The Board President shall have the sole discretion to approve any requested item for consideration on an agenda.

(f) **Urgency Agenda Items**

In rare cases, a legitimate urgent need may arise that must be acted upon by the Board even though the item was not on the posted agenda. The Board may discuss and take action on an urgency item under the following circumstances:

- A majority of the Board determines that an emergency, as defined by Government Code section 54956.5, exists; or

- Pursuant to a two-thirds vote of the Board Members present at a meeting (or all Board Members if less than five are present), the Board determines that there is an immediate need to take action, and the need arose after the agenda posting deadline.

The General Counsel should be consulted on the addition of any urgency item to a meeting agenda.

11.08 Posting Meeting Agendas

All Board meeting agendas will be posted in accordance with the Brown Act in the front window of the lobby of EBMUD's Main Administration Building and on EBMUD's website.²⁷

11.09 Public Comment at Board Meetings

(a) Opportunity for Public Comment

Members of the public may address the Board at all regular meetings, committee meetings and special meetings on matters within the jurisdiction of the Board.²⁸

- Comments on non-agenda items are heard during the general public comment period at the beginning of the meeting. At special meetings, public comment is limited to agenda items.
- Comments on agenda items are heard when the item is up for consideration.
- Members of the public are encouraged but shall not be required to identify themselves by name in order to make a public comment.

The Board is limited by the Brown Act to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to public comment on items that are not listed on the meeting agenda.

(b) Management of Public Comment²⁹

- Each member of the public who wishes to address the Board will be given three minutes to speak. This time will be doubled if the speaker requires a translator.
- The Board President has the discretion to amend this time for any or all speakers, taking into consideration such factors as the number of speakers or whether a single speaker is representing a group of interested persons.
- The Secretary of the District will call each speaker in the order in which a speaker card was received or, in the case of remote appearances, a hand was raised.
- The Secretary of the District will track time and inform each speaker when the allotted time has concluded.

²⁷ **Reference:** Government Code § 54954.2.

²⁸ **Reference:** Government Code § 54954.3.

²⁹ **Reference:** Government Code § 54954.3(b)(1).

(c) **Manner of Public Comment**

Specific procedures for participating in Board meetings in person or via an online platform and for submitting written comments and documents to the Board is detailed on EBMUD's website.³⁰ This process may be updated by the Secretary of the District from time to time.

(d) **Disruption of Board Meetings³¹**

- Any person who engages in behavior that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of a Board meeting, including, but not limited to, failing to comply with the procedures of this Governance Policy, may be warned by the presiding officer and, if the behavior continues following the warning, removed from the meeting at the direction of the presiding officer.
- Any person who engages in behavior that constitutes use of force or a true threat of force may be removed from a Board meeting at the direction of the presiding officer without warning.
- The presiding officer may suspend a Board meeting and order the clearing of the Board room in order to stop disruption of the meeting and/or facilitate removal of disruptive persons.

Section 12. Committee, Liaison, Retirement Board, JPA Assignments

12.01 Committee Assignments

The President recommends Board members to serve on standing Board committees, the Retirement Board, and the boards of JPAs (each a "committee").

- Board members submit their request for committee assignments to the Secretary of the District by the close of business on the Friday following the first Board meeting in January of each year.
- The President of the Board, in coordination with the Secretary of the District, will prepare a proposed list of assignments, including the chair of each EBMUD committee, to be considered by the Board at the second Board meeting in January of each year.
- The Board votes to approve the proposed assignment list by a majority vote of the Board (four of seven Board members) at its second Board meeting in January.
- New committee assignments become effective starting the next meeting following the approval of the assignments.

Commented [A24]: New Director Comment: Though I am not wed to this idea, I would like the Vice President to play a role in committee assignments. The suggested language is, "The President of the Board, in consultation with the Vice President and in coordination with the Secretary of the District, will prepare a proposed list of assignments..." This will help promote the mentorship of the Vice President by the President.

Commented [A25R24]: Staff Reply: This is a policy decision for Board discussion and determination.

³⁰ **Resource:** See <https://www.ebmud.com/about-us/board-directors/board-meetings>

³¹ **Reference:** Government Code § 54957.9 & 54957.95.

12.02 Creation and Role of Ad Hoc Committees

The Board may appoint ad hoc committees to serve for a limited duration to address a specific topic of interest to the Board.

- Ad hoc committees may consist of two or three Board members but must consist of less than a quorum of the Board or a quorum of a standing committee.
- The President may recommend members of an ad hoc committee or members may self-nominate for committee membership. The Board shall vote to approve the membership of an ad hoc committee by a majority vote of the Board (four of seven Board members).
- Ad hoc committees may set their own meeting schedule. Meetings of an ad hoc committee are not required to be publicly noticed or made open to the public under the Brown Act.
- Each ad hoc committee shall report its activities to the full Board at a publicly noticed regularly scheduled Board meeting, as necessary, with the exception of an ad hoc committee appointed to negotiate contracts or contract amendments with the General Manager and General Counsel, in which case the ad hoc committee may receive direction from the Board in closed session.
- An ad hoc committees will be considered to have dissolved once its purpose has been fulfilled.

12.03 Board Member Service on Joint Powers and Other Authorities

From time to time, the Board may appoint one or more Board members or EBMUD staff to serve as an EBMUD representative on a Joint Powers Authority (JPA), trade association, or liaison committee.

- Board members are expected to follow the principles of conduct in this manual and shall following Policy 6.04, Ethics of the EBMUD Board of Directors.
- At the next regularly scheduled Board meeting following a meeting of a JPA, trade association or liaison committee, the Board member representative shall report on activities of the JPA, trade association or committee.

12.04 Board Member Service on the Retirement Board

The Retirement Board is a separate governing body from the EBMUD Board of Directors. It is publicly charged with responsibility to administer the Retirement System and the Retirement Fund for the benefit of its members, and to secure the payment retirement allowances and other post-retirement benefits authorized by the Retirement Ordinance. It consists of three members (two (2) EBMUD Board members and the General Manager) appointed by the EBMUD Board of Directors, two members elected by and from the membership of the Retirement System (current employees), and one non-voting Retired Member elected by retired members.

Section 13. Board of Directors Compensation and Benefits

13.01 Determination of Compensation

Board members receive monthly compensation in an amount set at a public meeting of the Board of Directors.

- To receive compensation for service in any given month, Board members must attend a minimum of 50 percent of their assigned meetings.³² Meetings include regular Board meetings, standing committee meetings, special meetings, joint powers authority meetings, Retirement Board meetings, and closed session meetings.
- Compensation will not be paid to a Board member for any month in which he or she has not attended at least 50 percent of their assigned meetings unless the Board President or committee chair excuses the absence(s) for good cause. Good cause includes, but is not limited to, a Board member's illness, family emergency, or schedule conflict directly related to the business of EBMUD.
- A Board member may not have excused absences for more than three meeting days per calendar year for personal reasons (i.e., vacations) or for attending conferences (even if the conference is directly related to the business of EBMUD). Each meeting day on which a Board member receives an excused absence for either a regular Board meeting, a standing committee meeting, a special meeting, or a combination of these meetings, will be counted as a day for the purposes of this subsection.
- Any Board member arriving 15 or more minutes after roll call for a regular Board meeting, closed session, committee meeting, or special meeting will be considered absent from that meeting for the purposes of determining eligibility for compensation. The Secretary of the District will call roll no later than five minutes after the noticed start time of a meeting unless special circumstances require a later start for the meeting.
- Committee chairs or presiding officers may excuse late arrivals, at their discretion, due to unforeseen circumstances.
- Board members receive compensation based only on attendance at assigned meetings as described above, and do not receive compensation for attendance at non-EBMUD activities.

13.02 Annual Review of Compensation

Any adjustment to Board member compensation will be set annually by the Board at a public Board meeting in compliance with the MUD Act and California Constitution.³³

- The Board may adjust its compensation by providing an increase or a decrease in compensation.

³² **Reference:** EBMUD Board Resolution No. 35000-16.

³³ **Reference:** Public Utilities Code § 11908.1.

- The Board may increase its compensation by not more than five percent annually.
- If the Board has elected not to increase its compensation in any calendar year, the next time the Board considers an adjustment it may vote to increase its compensation by up to five percent for each calendar year following the operative date of the last compensation increase. In the event the Board votes to increase its compensation in this manner, it should explicitly state the increase for each year following the year of the last compensation increase (i.e., 2.5 percent in year one, two percent in year two, etc.).
- The Board may not apply any increase in compensation retroactively nor award itself retroactive pay in any circumstance.
- Any Board motion to adjust its compensation shall state the effective date of the compensation adjustment.
- No Board action adjusting its compensation shall provide for an automatic increase to that compensation.
- The calculation of Board member compensation will be rounded down to the nearest cent.

13.03 Board Member Benefits

Board members are entitled to the following benefits from EBMUD:

- EBMUD will provide health care benefits to Board members under the same terms and conditions as benefits are provided to EBMUD employees.
- Board members may participate in EBMUD's Employee Retirement System as provided in EBMUD's Retirement Ordinance.
- Board members may participate in EBMUD's deferred compensation plans under the same rules as eligible EBMUD employees.
- Board members may participate in the Utility District Employee Association and the Utility District Credit Union under the same rules as eligible EBMUD employees.

Section 14. Reimbursement of Director Expenses

Board members are entitled to reimbursement of expenses they incur in conducting EBMUD business, as detailed in Policy 4.14, Reimbursement of Director Expenses.

Section 15. Board Members' Role in Emergency Situations; Succession Planning

In general, the Board President and Board members have a minimal role in emergency operations. During an emergency, Board members should be available to support the General Manager.

The Board of Directors adopted an Emergency Succession Plan to ensure continuous coverage of the Board of Directors' duties, critical to the ongoing operations and

sustainability of EBMUD,³⁴ in the event one or more Board members is unavailable following a state of war emergency or in the event of a state of emergency or a local emergency.

15.01 Selection and Appointment of Standby Officers

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

The list of Standby Officers shall be approved by Board Resolution and reviewed on an annual basis. The General Manager will determine the availability of the Board Members in an emergency. The Board will endeavor to fill vacancies in accordance with the MUD Act and CESA within 60 days of the effective date of the vacancy. Upon appointment by the Board through a Board Resolution, the Standby Officer shall take the oath of office, remain informed of the duties, EBMUD business, and be prepared to immediately report for duty during an emergency. Details of this process will be documented in the General Manager's Business Continuity Plan.³⁵

³⁴ **Reference:** EBMUD Board Resolution No. 35038-17. **Resource:** A copy of the Emergency Succession Plan is available in the Dashboard.

³⁵ **Reference:** EBMUD Policy 7.03, Emergency Preparedness/Business Continuity.



ETHICS OF THE EBMUD BOARD OF DIRECTORS

SUPERSEDES

~~26-26 SEP 23~~FEB 19

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

Promote ethical behavior in the conduct of District business.

Purpose and Scope	The proper operation of EBMUD requires that Board members remain objective and responsive to the needs of the public, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the EBMUD Board of Directors. This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members' conduct and in achievement of the EBMUD mission. It references relevant policies, practices, and procedures that provide the legal framework and operational guidelines for addressing ethical issues.
Responsibilities of Public Office	EBMUD Board members are dedicated to the concepts of effective and democratic government by responsible elected officials. Board members: • Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and local governmental agencies; • Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws; • Fulfill all applicable training requirements, including attending two (2) hours of ethics training (AB 1234) and two (2) hours of sexual harassment prevention training and education (AB 1661) every two (2) years; and • Work in full cooperation with other public officials, unless they are legally prohibited from doing so. <i>[California Government Code Section 1360; California Government Code 53235; California Government Code Section 87200; California Government Code Section 53237; Article 20, Section 3 of the California Constitution.]</i>
Fair and Open Processes Involving the Public	EBMUD Board members promote fair and open public processes. Board members, and persons elected but who have not yet assumed office as members of the Board, ~~must fully~~ comply with California's open meeting law for public agencies (the Brown Act). <u>Disclosure of Communications</u> • Board members shall publicly disclose any oral or written communications they have had with persons, including, but not limited to, employees, legislators, legislative staff, public officials, developers, ~~contractors~~, vendors, and consultants, that relate to matters at a Board meeting or Committee meeting in which the Board is performing an adjudicatory or quasi-judicial function. • The disclosure may be made orally or in writing ~~in writing~~ ~~form~~ and may be made at the start of the meeting or may be made prior to consideration of the agenda item at the meeting. • The Board shall make a good faith effort to comply with these Disclosure provisions of this Policy. A good faith failure to comply with these provisions shall not be construed to be a violation of this Policy.

[California Government Code Section 54950 and following; California Government Code Section 54952.1; California Government Code Section 54959.]

**Fair and Equal
Treatment**

EBMUD Board members promote diversity, equity, inclusion, and equality in personnel matters and in contracting, consistent with state and federal laws.

- Board members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, color, religion, creed, sex, gender (including breastfeeding), gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals forty or older, national origin, ancestry, disability (mental and physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth or related medical condition), pregnancy disability leave status, or any other status protected by federal, state and/or local laws.
- Upon receiving notice of a violation of District Policy 6.06, Equal Employment Opportunity (EEO), a Board member will immediately report the alleged violation to the General Manager. If a complaint is made against the General Manager, the Board member will report the violation to the General Counsel.
- Board members will not grant any special consideration, treatment, or advantage to any person or group beyond that available to every other person or group in similar circumstances.
- Board members will cooperate in achieving the equal opportunity objectives of EBMUD.

[See, e.g., Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act Amendments Act of 2008; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102. See also EBMUD's Policy 6.06, Equal Employment Opportunity (EEO); Policy 6.08, Contract Equity Program; Policy 6.07, Prevention of Workplace Harassment; and Policy 2.02, Accommodation for Individuals with Disabilities in the Workplace.]

**Proper Use and
Safeguarding of
EBMUD Property
and Resources**

EBMUD Board members exercise responsible management of District property and resources in the conduct of District business.

- Board members will safeguard EBMUD property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss including criminal acts or breach of trust.
- A Board member will not ask or require an EBMUD employee to perform services for the personal benefit or profit of a Board member or employee.
- Each Board member will protect and properly use any EBMUD asset within his or her control, including information recorded on paper or in electronic form.
- Board members will maintain written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on EBMUD's behalf.
- Board members will adhere to District policies.

[Article 16, Section 6 of the California Constitution; Penal Code Section 424. See also EBMUD Policy 7.04, Access to District Property for Tours; Policy 7.06, Pardee Conference and Lodging Facility Use; Policy 7.11, Use of District Bay Area Facilities; Policy 4.14, Reimbursement of Director Expenses; Policy 4.20, Use of District Technology Resources]

Use of Confidential Information

Board members will safeguard confidential information.

Board members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of a quorum of the Board. This includes information that:

-(1) has been received for, or during, a closed session Board meeting, either in writing or as part of a discussion,

(2) is protected from disclosure under the attorney/client or other evidentiary privilege, or

(3) is not disclosable under the California Public Records Act.

A Board member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury necessary to establish the alleged illegality of a District action. Prior to disclosing confidential information, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, in a lawful and appropriate manner, to provide an opportunity to cure an alleged violation.

[California Government Code Section 54963; California Government Code Section 1098]

Conflicts of Interest

Board members avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

- A Board member will not have a financial interest in a contract with the District, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.
- A Board member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
- A Board member will not accept any honoraria.
- A Board member will not accept gifts that exceed the limitations specified in California law. Board members will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.
- A Board member will not recommend the employment of a relative to the District or to any person known by the Board member to be bidding for or negotiating a contract with the District.

[California Government Code Section 87100 and following; California Government Code Section 1090 and following; California Government Code Section 81000 and following; California Government Code Section 87105; California Government Code Section 89502; Penal Code Sections 68 and 70, and EBMUD Conflict of Interest Code.]

Soliciting Political Contributions

Board members will not solicit political funds or contributions of in-kind services at EBMUD facilities or use EBMUD equipment.

- A Board member will not solicit or direct a political contribution or in-kind services from District officers, employees, consultants or contractors, or from vendors or consultants that have a material financial interest in a contract or other matter while that matter is pending before EBMUD.
- A Board member will not use EBMUD's seal, trademark, stationary, or other indicia of EBMUD's identity or facsimile thereof in any solicitation for political contributions.

[California Government Code Section 3205 and EBMUD Campaign Finance Reform Ordinance.]

Incompatible Offices

Except as expressly permitted by law, Board members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the first entity.

(See, generally, [California Government Code Section 109973 Cal. Op. Atty. Gen. 357 \(1999\)](#). See also California Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed member of the same special district unless he or she resigns as an employee.)

Board Member-General Manager Relationship

~~The Board sets District policy and the General Manager is responsible for execution of policy.~~

- ~~• The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.~~
- ~~• Members of the Board deal with matters within the authority of the General Manager through the General Manager, except when it pertains to the functions of the General Counsel.~~

~~*[Municipal Utility District Act (MUD Act) Sections 11883, 11937 and 11939.]*~~

Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

- The Board ensures that EBMUD maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
- The Finance/Administration Committee will interview and recommend [to the Board](#) an independent auditor to conduct an annual audit of the District's books, records, financial affairs, and periodic single audits of federal funds received by the District.
- The independent auditor will provide reports and present the results of their audits, including recommendations made to the Board's Finance/Administration Committee. Reports from the auditor will be provided to the Board upon completion as part of the next Board mailing.
- Staff will respond to audit recommendations and provide periodic updates to the Board on the status of the responses to the recommendations.

[MUD Act Section 11889.]

Improper Activities and the Reporting of Such Activities; Protection of Whistleblowers

~~The Board ensures that EBMUD maintains a healthy and transparent work environment.~~

- ~~• The General Manager has primary responsibility for ensuring compliance with the District's personnel policies and procedures, and ensuring that District employees do not engage in improper activities, for investigating~~

~~allegations of improper activities, and for taking appropriate corrective and disciplinary actions. The Board ensures that the General Manager is operating the District according to law and the policies approved by the Board.~~

- ~~• Board members will disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities.~~
- ~~• A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.~~

~~[Labor Code Section 1102.5 and following; California Government Code Section 53298~~

~~and 53298.5; and EBMUD Equal Employment Opportunity (EEO) Policy 6.06.]~~

**Directors'
Compensation and
Expense
Reimbursement**

~~EBMUD Board members receive a monthly stipend for their public service and the amount of that stipend is reviewed annually. EBMUD reimburses Board members for actual reasonable and necessary expenses incurred in the performance of duties authorized or requested by the Board.~~

- ~~• EBMUD Board members receive monthly compensation in an amount set at a public meeting of the Board of Directors. Board members must attend a minimum of 50% of their assigned meetings. Meetings include regular business meetings, standing committee meetings, special meetings, joint powers authority meetings, retirement board meetings, and closed session meetings. Salary shall not be paid to a Board member for any month in which he or she has not attended the minimum number of meetings unless the Board President excuses the absence(s) for good cause. Good cause includes, but is not limited to, a Board member's illness, family emergency, or schedule conflict directly related to the business and interests of the District.~~
- ~~• Any Board member arriving 15 or more minutes late for a Board or Committee meeting will be considered absent from that meeting. Such absences will be taken into account when determining the minimum number of meetings attended for compensation during that period. Committee chairs or presiding officers may excuse late arrivals, at their discretion, due to unforeseen circumstances.~~
- ~~• Each Board member is encouraged to participate in outside activities and organizations that further the interests of the District. Board members do not receive compensation for attendance at non-District activities. Expenses incurred by Board members in connection with such activities are reimbursable, where authorized in advance or subsequently ratified by the Board President. No personal gain or loss to a Board member is intended. The following rules apply:~~

- ~~a) All expenses must be incurred in compliance with Policy 4.14, Reimbursement of Director Expenses. Any expense that is not specified in Policy 4.14 must be approved in a public meeting by the Board, before it is incurred.~~
- ~~b) All expenses must be reasonable and necessary and Board members will exercise prudence in all expenditures, including transportation, food, lodging, telephone, and technology related charges.~~
- ~~c) Each Board member must use government and group rates offered by a transportation or lodging provider when available.~~
- ~~d) EBMUD does not provide credit cards to Board members. Upon incurring expenses, Board members will submit a reimbursement request, accompanied by evidence of payment of such expenses that will meet the District's requirements.~~
- ~~e) At the next Board meeting, each official shall briefly report on meetings attended at District expense. If multiple officials attended, a joint report may be made.~~

~~[MUD Act Sections 11908 and 11908.1; Resolution No. 35000-16, August 9, 2016; Policy 4.14, Reimbursement of Director Expenses; California Government Code Section 53232.2.]~~

Candidate's Statement

A Board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

[Elections Code Sections 13307 and 13313; EBMUD Campaign Finance Reform Ordinance.]

Violation of Ethics Policy

A perceived violation of EBMUD's ethics policy by a Board member should be referred to the Board President for investigation and consideration of any appropriate action warranted. In the case of a perceived violation by the Board President, the matter should be referred to the Board Vice President. Nothing in this Governance Policy shall be construed to limit the right of any Board member to request that the perceived violation be placed on the agenda for determination and discussion. A violation of this policy may be addressed by remedies available by law, including but not limited to:

- Adopting a resolution expressing disapproval of the conduct of the Board member who has violated this policy,
- Injunctive relief, or
- Referral of the violation to the California Fair Political Practices Commission, District Attorney and/or the Grand Jury.

Authority

Resolution No. xxx, (date)

References

~~See footnotes~~References are stated in each section above sections.

~~References are available for public review in the Office of the District Secretary.~~

~~Resolution No. 35000-16, August 9, 2016~~



Policy 4.14

EFFECTIVE

DD MON YY

REIMBURSEMENT OF DIRECTOR EXPENSES

SUPERSEDES

22 NOV 22

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

Reimburse Directors as provided in the Municipal Utility District Act, Public Utilities Code Section 11908.1, for reasonable, actual and necessary expenses that are incurred in the performance of duties authorized or requested by the Board.

Purpose and Scope

EBMUD reimburses Directors for reasonable, actual and necessary expenses incurred in the performance of duties authorized or requested by the Board. Each Director is encouraged to participate in outside activities and organizations that further the interests of the District. Expenses incurred by Directors in connection with such activities are reimbursable, where authorized in advance or subsequently ~~ratified~~approved by the Board President. No personal gain or loss to a Director is intended.

Reimbursable Expenses

Directors are eligible for the reimbursement of expenses they incur in connection with attendance as a representative of the District at ~~such~~ events such as conferences and association meetings. Reimbursable expenses include:

- Travel;
- Lodging;
- Meals;
- Technology Expenses; and
- Other related expenses incurred in the performance of official District business in accordance with the Guidelines for Reimbursement of Board of Director Expenses, attached to this Policy.

Authorization of Reimbursement

Reimbursement of Director expenses must be approved as follows:

- The President of the Board of Directors will approve Reimbursable Expenses incurred by fellow Directors.
- The Vice President of the Board of Directors will approve expenses incurred by the Board President, and in the President's absence, may approve expenses incurred by fellow Directors.
- In the absence of both the President and Vice President, the Immediate Past President may also approve expenses of fellow Directors, including the President and Vice President.
- Any expense that is not specified in this Policy must be approved by the Board in a public meeting before it is incurred.
- Under no circumstance may any Director be authorized to approve their own expenses.

Rules Applicable to Reimbursable Expenses

The following rules apply to Reimbursable Expenses:

- Directors will exercise responsible fiscal management in incurring expenses as required by Policy 6.04, Ethics of the EBMUD Board of Directors. All expenses must be reasonable and necessary, and Directors will exercise prudence in all expenditures.
- Reimbursable Expenses will be incurred and reimbursed in accordance with the *Guidelines for Reimbursement of Board of Director Expenses*, attached to this Policy.

- Each Director must use government and group rates offered by a transportation or lodging provider, when available.
- EBMUD does not provide credit cards to Directors. Upon incurring expenses, Directors will submit a reimbursement request, accompanied by evidence of payment of such expenses that will meet the District's requirements.
- Upon return from any conference attended on behalf of the District, a Director shall file with the Secretary of the District a written report on the Director's activities at the conference (e.g., and what was learned at the conference that may be helpful to the Board or the District and what meetings or sessions the Board member attended).
 - The Secretary shall send a copy of the report to the Board President.
 - A Director shall not be eligible for reimbursement until they have filed the report with the Secretary.
- At the next Board meeting, following attendance at a conference or meeting for which a Director has received expense reimbursement, the Director each official shall briefly report on the meetings attended at District expense. If multiple officials-Directors attended, a joint report may be made.

ReferencesResolution No. xxx, [date] Policy 6.04 – Ethics Policy of the EBMUD Board of Directors

Authority

Government Code Section 53232.2
Government Code Section 53232.3
Public Utilities Code Section 11908.1
IRS Publication 463 – Travel, Entertainment, Gift and Car Expenses
Policy 6.04GP.XX - Ethics of the EBMUD Board of Directors

GUIDELINES FOR REIMBURSEMENT OF BOARD OF DIRECTOR EXPENSES

PURPOSE – These guidelines are used to reimburse Board of Directors (Director) for actual, reasonable and necessary expenses while engaged in official District business, as provided in MUD Act Section 11908.1, pursuant to Policy X.XX.

Internal Revenue Service (IRS) Requirement

The District operates under an Accountable Plan, as defined in Internal Revenue Service Regulations 1.62.2. An Accountable Plan is one in which expense reimbursements are not taxable income, not wages, and not included as income. To be an Accountable Plan (according to the IRS), your employer's reimbursement or allowance arrangement must include the following rules:

- Your expenses must have a business connection - that is, you must have been paid or incurred deductible expenses while performing services as a 'Director of the District'.
- You must adequately account to your employer for these expenses within a reasonable period of time.
- You must return any excess reimbursement or allowance within a reasonable period of time.

Reasonable Period of Time: The definition of reasonable period of time depends on the facts and circumstances of your situation. However, regardless of the facts and circumstances of your situation, actions that take place within the times specified in the following list will be treated as taking place within a reasonable period of time.

- You receive an advance within 30 days of the time you have an expense.
- You adequately account for your expenses within 60 days after they were paid or incurred.
- You return any excess reimbursement within 120 days after the expense was paid or incurred.

You are given a periodic statement (at least quarterly) that asks you to either return or adequately account for outstanding advances and you comply within 120 days of the statement.

Authorization

Reimbursable Expenses That Require Prior Authorization

- Conferences, seminars, or similar training courses requiring either a registration fee or overnight lodging costing \$100 or more.
- Travel to destinations in excess of 150 miles from the Director's normal place of work or for overnight lodging of more than one night related to business travel.
- Travel advances and/or prepayment of business expenses that require submission to the Office of the Secretary.

Note: The Board President approves all prior authorization requests from Directors. The Board Vice President approves all prior authorization requests from the Board President, and in the President's absence, may approve fellow Director's authorization requests. In the absence of the President and/or the Vice President, the Immediate Past President may also approve authorization requests including requests from the President or Vice President. Any expenses incurred without prior written approval will not be reimbursed unless it is an emergency related to District business.

Reimbursable Expenses That Do Not Require Prior Authorization

- Conference, seminar or similar training registration fees costing less than \$100.
- One day travel less than 150 miles from the Director's normal place of work.
- Training with no registration fee or overnight stay.
- Business meetings or District sponsored events:
 - Regular, adjourned regular, and special meetings of the Board.
 - Board committee meetings (as a member or alternate at the request of the committee chairperson) whether standing or ad hoc.
 - Seminars, and non-District meetings or functions when attending as a representative of the Board.
 - Other services rendered as a Director.
- Typical reimbursed monthly expenses:
 - Meals – Refer to meals section.
 - Mileage – Refer to use of private owned vehicles section.
 - Tolls – No receipt required.
 - Parking – Receipt required.
 - Monthly internet charges – Reviewed and approved by Chief Information Officer. Expenses must be submitted within six months of being incurred or expense payment being made.

Qualifications

Director business expenses are reimbursed or paid directly by the District provided they are ordinary, necessary, reasonable, and within the scope of District business for the individual requesting reimbursement. Expenses must meet the following general qualifications:

- Expenses incurred must comply with the provisions of this policy and all expenses must be properly authorized.
- Expenses and business purpose to the District must be adequately documented and explained. Reimbursement of actual expenses requires submission of receipts for all expenses except per diem reimbursement for luggage handling and housekeeping tipping, or reimbursement of bridge tolls.

**Allowable
Expenses**

Registration Fees

Registration fees incurred to participate in conferences, training courses or other similar activities directly related to District business or interests are reimbursable.

Meals

Reimbursement for meals requires an itemized receipt and is limited to the IRS approved per diem rate for the area of travel. Per diem rates are subject to change at any time. The IRS approved per diem rate will be disbursed in whole dollar amounts to approximate 20 percent for breakfast, 30 percent for lunch, and 50 percent for dinner. Current per diem rates can be reviewed at the U.S. General Services Administration website, [GSA Home](#). Click the link to "Per Diem Lookup".

Meal expenses (breakfast, lunch, or dinner) are reimbursable for Directors under these specified conditions:

- For one-day training, conferences, seminars, meetings, and trips.
-

-
- Business meal costs incurred must be reasonable, necessary and at appropriate locations. You must include the names of participants (if being claimed for reimbursement), and the specific business purpose of the meal. Food may be provided at on-site gatherings such as ward events.

It is the Director's responsibility to make necessary arrangements with the host for special dietary requirements. If the Director's special dietary needs request is denied by the host, the Director should receive a meal reimbursement for that meal. The Director is required to provide written details from the host indicating the special dietary needs request cannot be fulfilled.

Car Rentals

Car rentals are only approved if public transportation is not reasonably available in the area of travel. Car rentals should be for compact or mid-sized models without upgrades for one or two persons sharing transportation. For three or more persons, or as required to meet District business needs, a larger model may be rented.

The District may contract with a vehicle rental company as a preferred provider. Such a preferred provider will offer governmental rates to Directors for all travel and will not offer liability or collision insurance to Directors on District business because the District is self-insured.

Use of Privately Owned Vehicles

Reimbursement for mileage expenses incurred shall be determined as follows:

- Local and long-distance travel shall be reimbursed at the authorized IRS rate per mile.
- Long distance travel - Mileage expenses shall be based upon direct mileage between destinations as determined from established tables of highway distances.
- Directors are personally responsible to pay all traffic citations, parking tickets and any resulting towing or impound charges.
- Mileage to and from the airport and parking at the airport. A receipt is required for cabs, ride-sharing, shuttle service or airport parking.

Note: The mileage reimbursement, plus related en-route expenses per Director, shall not exceed the corresponding lowest quoted round-trip airfare plus an allowance of \$50 covering avoided costs from Oakland, San Francisco, Sacramento or San Jose to the terminal point nearest the point of destination. Lowest quoted round-trip airfare must be documented through services such as Expedia, Travelocity and Orbitz. Questions regarding "in lieu" fare levels can be verified with the Secretary of the District in advance of travel.

Lodging

Lodging expenses must be reasonable. When possible, rates should not exceed the maximum group rates published for the conference. Lodging expenses will be reimbursed only when overnight absence from the Director's home is required. An itemized receipt must be attached to the Expense Report. Overnight lodging is not authorized for conferences or seminars that are within the service area without specific advance written approval from the Board President.

Note: If double, deluxe, suite, or other premium-cost accommodations are requested, reimbursement will be at the standard rate for single room occupancy. The receipt should be annotated to show the "standard single" rate if the cost of the accommodations exceeds that rate.

Government, corporate or conference rates must be requested, when available,

and used if these rates are less than otherwise posted rates.

Transient Occupancy Tax (TOT)

When reserving a hotel reservation for a stay in City of Rancho Mirage, San Francisco and Sacramento cities and counties, complete the TOT exemption form. When you check in, show the hotel staff the form, show them your District ID and sign the TOT exemption form. Exemption forms are found on the Travel and Expense (T&E) Splashpad page
https://splashpad.ebmud.com/Travel&Expense/Transient_Occupancy_Tax.pdf.

Airline Fares

Each airline ticket purchased must be at the lowest fare consistent with the business purpose. The District does not reimburse the costs of travel agent fees incurred for the purpose of purchasing airlines tickets. Directors traveling by air for business have the option to reserve and purchase airline tickets on the Internet using their personal credit card and documenting the available fare options that reasonably meet the business purpose.

The following travel service websites are available to research and book reservations:

- Expedia.com
- Travelocity.com
- Orbitz.com
- Travelzoo.com
- Kayak.com

Not all airlines are affiliated with these travel service websites, including Southwest, Jet Blue, ATA, etc. Therefore, those airline websites should also be reviewed for cost comparisons for available flights.

After locating the lowest airfare consistent with the business purpose of the trip, if the airfare is greater than \$250 the Director must provide the information from the website(s) (travel service website and, where used, specific airline website) indicating the alternative options available, in addition to the option ticketed. That documentation must show the lowest fare available for the business trip and must accompany the Expense Report for reimbursement or payment to the District.

Miscellaneous

- Internet Access at the hotel or conference center for business use and access to District Information systems.
 - Limits on gratuities are described below:
 - Business meals – 15 percent of the total cost of the meal for an individual or as automatically charged by the restaurant for a group business meal when substantiated by an itemized receipt.
 - Taxi – 10 percent of the cost of taxi fares.
 - Luggage handling and housekeeping – limited to the IRS per diem rate for the area.
 - Laundry services are only reimbursed when travel extends beyond five business days.
 - Minor purchases are reimbursable up to \$500 for non-stock/non-repetitive supplies, or materials that cannot be procured economically through normal
-

channels due to time or the value of the purchase.

**Unauthorized
Expenses**

Meals

- Meal allowances are not paid for meals en route by air when food is provided by the airline, included with the conference registration, or otherwise provided. (Snacks and continental breakfasts such as rolls, juice and coffee shall not be considered meals.)
- Business discussions during mealtime between Directors, and a Director and employees do not constitute a business meal eligible for reimbursement.
- Alcoholic beverages are not reimbursed except for specific events with prior written approval of the Board President.

Car Rental Insurance and Citations

Directors should not purchase, nor shall the District reimburse the cost of liability or collision insurance as the District is self-insured. Insurance authorized by the Director at the time of rental will not be reimbursed. In the event of an accident while using a rental car, refer the car rental agency to the District's Risk Management Division.

Directors are personally responsible for paying all traffic citations, parking tickets and resulting towing or impound charges in a timely manner.

Airline Fares

Directors will not be reimbursed for the following airline fees:

- Upgraded seating such as first-class, business class, or economy plus
 - When a Director prefers to use a higher class than the economy ticket for reimbursement, the Director must pay the incremental cost of the airfare and provide documentation that shows the incremental cost.
- Early Bird check-in
- Frequent flyer miles or rewards programs
- Cancellation protection or insurance
- Additional travel insurance or premiums

Any requests for a particular airline or routing which results in higher fares will not be reimbursed. The additional costs of airline fares will be the responsibility of the Director.

Miscellaneous

The District provides a cell phone allowance or District cell phones for business related telephone expenses. The District does not provide any additional reimbursement for business or non-business related telephone expenses.

**Travel and
Expense
Authorization**

Travel and Expense Authorizations:

- Must be completed in Elsie for reimbursement of expenses before the expense is incurred unless these guidelines specifically state otherwise.
 - Must be completed by each Director for all travel and approved by the Board President.
 - Travel and Expense Authorizations become a public record upon submission to the District for payment.
-

**Processing Travel
and Expense
Authorizations**

Director

- Requests Secretary of the District to complete Travel and Expense Authorization in Elsie before expenses are incurred.
- Provides copies of the conference, seminar or training course schedule/agenda to include with the Travel and Expense Authorization.
- Provides written justification stating business purpose for the expense to include with the Travel and Expense Authorization.
- Completes the local TOT exemption form for lodging in California at time of check in if available in that city.

Office of the Secretary

- Prepares Travel and Expense Authorization in Elsie, attaches the required documentation and written request from the Director and obtains approval from the Board President.
- Reviews and approves use of the District Purchase Card for travel and business related expenses and direct travel-related expense payments for up to the total approval amounts shown on Travel and Expense Authorization for transactions requiring payment via purchase/credit card.
- Determines the “reasonableness” of expenses eligible for reimbursement based on time and location of travel, duration of trip and purpose of travel.
- Enters Travel and Expense Authorization with supporting documentation and approvals in Elsie for processing by the Accounting Division.

Board President

- Reviews and approves Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Board Vice President

- Reviews and approves, for the Board President and all other Directors in the President’s absence, Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Immediate Past President

- In the absence of the Board President and/or the Vice President, reviews and approves for the President, Vice President or other Director’s Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Accounting Division

- Accounts Payable (AP) staff, under the direction of the Controller, audits Travel and Expense Authorizations submitted for compliance with procedures.
- Prepares direct travel-related expense payments for up to the total approval amounts shown on the Travel and Expense Authorization for transactions requiring payment by check.

Expense Report

Expense Reports must always be completed by each Director for reimbursement of any business expense after the expense is incurred unless these guidelines specifically state otherwise. All Expense Reports must include adequate documented explanations of the business purpose of the expenses. Expense Reports become a public record upon submission to the District for payment.

**Processing
Expense Report**

Director

- Submits Expense Report and supporting receipts to the Office of the Secretary. Do not include any personal information such as personal credit card information, bank account information, home address or personal phone numbers.
- Always check the Forms Shop for the current form. This form is updated to include current mileage reimbursement rates, regulatory and processing changes.
- The Director incurring the expense cannot approve their own Expense Report.
- Information in the Expense Report must be authorized in writing (e.g., via email) by the Director incurring the expense

Office of the Secretary

- Reviews Expense Report and attachments.
- Sends Expense Report to the Board President for approval.
- Enters Expense Report with supporting documentation and approvals in Elsie for processing by the Accounting Division.

Board President

- Reviews Expense Report for approval after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before Office of the Secretary enters Expense Report with supporting documentation and approvals into Elsie.

Board Vice President

- Reviews and approves Expense Report for the Board President and all other Directors in the President's absence after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before entering in Elsie.

Immediate Past President

- In the Board President and/or Vice President's absence, reviews and approves Expense Report of the President, Vice President or other Directors after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before entering in Elsie.

Accounting Division

- Audits all Expense Reports for compliance with procedures.
- Returns incomplete Expense Reports to the Office of the Secretary with a request for adjustment or explanation.

Advises Office of the Secretary when reimbursement is available for distribution to Director.

Prepayment of

Directors requesting prepayment of expenses for a business trip are required to

Expenses

submit their requests to the Secretary of the District at least ten (10) working days prior to their scheduled departure date or event.

If the District issued a prepayment of expenses, a copy of the Travel and Expense Authorization must be attached to the request. In order to account for prepaid expenses, Expense Reports must be submitted within 15 working days of completion of the business trip.

For periodic expenses when a Travel and Expense Authorization is not required (tolls, BART fares, personal car mileage, etc.) an Expense Report should be submitted within six months.

If the Director chooses not to purchase an airline ticket, the information regarding the ticket selection should be sent to the Secretary of the District who will purchase the ticket at the request of the Director. The charge for the amount of the ticket will be recorded as a prepaid expense to be cleared by a subsequent approved Expense Report.

Cancellations

When traveling on District business, the Director must be reasonably certain that they will be able to complete the trip. Canceling a trip for personal reasons must be approved by the Board President and may result in the Director being responsible for any non-refundable costs. Where possible, another Director may be substituted with the approval of the Board President. If a substitution needs to be made, notify the Secretary's Office and copy the Board President.

Business and Personal Combined

Any Director who wishes to combine personal and business travel should consult with the Secretary of the District who in consultation with the Controller will determine a reasonable allocation of costs. Any cost variance in airfare, car rental, or lodging must be clearly identified on the Travel and Expense Authorization. Charges to accommodate personal preferences will not be reimbursed. Use of frequent flyer miles will not be reimbursed. All other expense reimbursement rules apply.

Public Report to the Board

~~At the next Board Meeting, the Director will make an oral or written presentation to the Board regarding any authorized events attended after business travel outside of the District service area or meetings attended at the District's expense are completed. If multiple Directors attended, a joint report may be made.~~

Substantiation of Travel Expenses

Travel expenses shall be substantiated by any of the following sources:

- Board meeting minutes
- Certification of committee attendance signed by the committee chair
- Verification of attendance at authorized meetings and functions signed by the Board President



Policy 6.XX

EFFECTIVE DD MON YY

PROTECTION OF WHISTLEBLOWERS

SUPERSEDES

N/A

Purpose and Scope	The District strives to maintain a healthy and transparent work environment, free from discrimination, harassment, or retaliation based on the reporting of improper activities in the workplace. This Governance Policy describes the roles and responsibilities of the Board of Directors and the General Manager in protecting District whistleblowers.
Improper Activities	For the purposes of this Governance Policy, "improper activities" includes any violation of state or federal statute; a violation of or noncompliance with a local, state, or federal rule or regulation; or unsafe working conditions or work practices in an employee's place of employment.
Role of the General Manager	The General Manager has primary responsibility for ensuring compliance with the District's personnel policies and procedures, ensuring District employees do not engage in improper activities, investigating allegations of improper activities, and taking appropriate corrective and disciplinary actions.
Role of the Board of Directors	The Board ensures that the General Manager is operating the District according to law and the policies approved by the Board. Board members will disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities. A Board member will not directly or indirectly use or attempt to use the authority or influence of their position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.
Claims Against the General Manager or General Counsel	The Board will be notified if, in the initial intake interview for any formal complaint that the General Manager or General Counsel has engaged in an improper activity, the complainant has alleged a prima facie case of an improper activity.
Authority	Resolution No. xxx, (date)
References	Labor Code Section 1102.5 <i>et seq.</i> Government Code Sections 53298 & 53298.5 Policy 6.06, EBMUD Equal Employment Opportunity (EEO)

This page is intentionally left blank.



BOARD ACTION

Agenda Number:	21.	Meeting Date:	November 12, 2024
----------------	-----	---------------	-------------------

TITLE	APPOINTMENT OF MANAGER OF MAINTENANCE AND CONSTRUCTION/WATER OPERATIONS
-------	--

ACTION	☐ Motion:	☒ Resolution:	☐ Ordinance:
--------	----------------------------------	---	-------------------------------------

RECOMMENDED ACTION	Appoint Roberto C. Cortez as the Manager of Maintenance and Construction/Water Operations effective December 2, 2024.
--------------------	---

SUMMARY	Following a comprehensive recruitment process, Roberto Cortez is recommended for appointment as the Manager of Maintenance and Construction/Water Operations. This position is exempt from civil service provisions of the Municipal Utility District Act in accordance with Section 12055(b) which excludes officers, assistant officers and other persons and employees appointed by the Board of Directors.
---------	--

DISCUSSION	Roberto Cortez has over twenty-four years of operations, maintenance, engineering, construction, and emergency management experience at the District. For the last six years, he has served as Manager of Water Supply overseeing raw water operations, including power generation facilities. Previously, Mr. Cortez served as the Superintendent of Water Treatment and other positions involving operations and engineering. Mr. Cortez has an undergraduate degree in Civil Engineering from the University of California at Berkeley. Mr. Cortez is a registered Professional Civil Engineer licensed with the State of California. He also has a T5 Water Treatment Plant Operator certificate issued by the California State Water Resources Control Board.
------------	--

I:\Sec\2024 Board Related Items\111224 Board Agenda Items\HRD\Appointment of Manager of Maintenance and Construction/Water Operations.docx

Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? N/A	Board Action Type: Personnel
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Class Description; Resolution			

This page is intentionally left blank.



East Bay Municipal Utility District Exempt Class Description

Class Code:	1504	Established Date:	07/01/08
Salary Range:	93	Revised Date:	05/26/17
Unit:	NA	Reviewed Date:	05/26/17

MANAGER OF MAINTENANCE AND CONSTRUCTION/WATER OPERATIONS

DEFINITION

Under administrative direction of the Director of Operations and Maintenance and as a department manager, plans, organizes staffs, directs, and controls through subordinate managers, the functions and programs of the Maintenance and Construction Department or the Water Operations Department.

RESPONSIBILITIES AND DUTIES

The Manager of Maintenance and Construction provides strategic direction and leadership for the maintenance program to ensure effective priority setting and resource allocation, from water production through distribution. Typical duties may include:

- System maintenance of water distribution, water treatment, engineering, and information systems support
- Emergency response and recovery planning and implementation
- Facility maintenance and construction including mechanical, structural, electrical/instrumentation, grounds, painting, and other maintenance activities in support of water treatment plants, pumping plants, buildings, and related assets
- Distribution system maintenance and construction including repairs to water pipelines, services and appurtenances, meter and water service installations, and other miscellaneous system construction and improvements
- Water main pipeline construction and replacement including installation and paving
- Fleet and equipment operations, maintenance, and dispatch
- Asset management including centralized maintenance planning and administration of work management systems

The Manager of Water Operations directs through subordinate staff, the development, implementation, and continuous evaluation of strategies that provide for effective predictive and preventive maintenance of East Bay Municipal Utility District (EBMUD) water system capital assets and the development and enhancement of maintenance management information systems. Typical duties may include:

- System operations of water distribution, water treatment, and engineering support
- Operation and maintenance of water production, transmission, hydropower generating facilities, and recreational area support
- Emergency response and recovery planning and implementation

Both positions are responsible for:

- Directing through subordinate staff, the development, implementation, and implementing organizational and work process improvements to ensure that operational decisions and actions regarding storage, treatment, and distribution of drinking water continuously meet customer service goals, including regulatory requirements
- Directing through subordinate staff, division and departmental coordination efforts and participating in strategic planning to ensure that capital projects have minimal disruption to the operations of the water system
- Establishing, evaluating, and directing through subordinate staff, programs and priorities to meet department goals
- Directing the preparation of recommendations, reports, and other materials for Board of Directors' and committee meetings
- Performing administrative duties including budget formulation and execution, selection of employees, training and evaluation, and report preparation

- Representing EBMUD at meetings, seminars, and conferences
- Making presentations to the community, legislative and public/private policy groups, the Board of Directors, and EBMUD staff
- Leads EBMUD efforts to plan for and respond to event specific emergencies such as earthquakes

TYPICAL QUALIFICATIONS

Education and Experience

Any combination of education and experience which has provided the desired competency which typically requires a bachelor's degree and significant management experience in the operations, maintenance, and/or engineering support of a large water treatment, production, or distribution system.

Competency

Demonstrated competency in planning, organizing, directing, and controlling the activities and staff of an operations, maintenance, or engineering support staff in a water utility that included a large treatment, production, or distribution system. Technical competency in the engineering principles and practices associated with the operation and maintenance of water treatment, transmission, and distribution systems; the review of facility designs, plans, and specifications for operational soundness; and capital construction project management. Competency in establishing effective and cooperative working relationships with other department managers and their staffs, customers, community groups, the Board, other governmental agencies, and elected officials; preparing and presenting clear, concise, and persuasive communications.

RESOLUTION NO. _____

APPOINTING ROBERTO C. CORTEZ AS MANAGER OF
MAINTENANCE AND CONSTRUCTION/WATER OPERATIONS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Board of Directors has established the position of Manager of Maintenance and Construction/Water Operations, and such position has been assigned the salary range under the Management Salary Plan heretofore established for District officers, assistant officers, civil service exempt and certain civil service classes; and

WHEREAS, the Manager of Maintenance and Construction/Water Operations position is exempt from the District civil service pursuant to State of California Public Utility Code section 12055; and

WHEREAS, the General Manager has recommended that Roberto C. Cortez be appointed to serve as the Manager of Maintenance and Construction/Water Operations of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints Roberto C. Cortez to serve as Manager of Maintenance and Construction/Water Operations effective December 2, 2024.

Adopted this 12th day of November, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 12, 2024

MEMO TO: Board of Directors

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

SUBJECT: Monthly Report – October 2024

HIGHLIGHTS

On October 2 and 29, the District hosted public meetings for its Lower Mokelumne River Project Federal Energy Regulatory Commission (FERC) relicensing effort. The meeting included members of the public, local resource agencies, utility districts, regulatory agencies, non-governmental organizations, local tribes, chambers of commerce, and other FERC licensees in the watershed. Staff provided information on the Pardee/Camanche system, the FERC relicensing process and information specific to the development of the Historic Properties Management Plan. The meeting notice was posted on the District's social media accounts. Approximately 40 people attended.

WATER SUPPLY

East Bayshore Recycled Water Project update. On October 15, staff completed final site inspection and cross-connection testing on a new multi-story garage building including perimeter streetscapes and irrigation along a portion of Horton Street in Emeryville. The site was approved and connected to recycled water.

In October, staff met with GreenGen to discuss their Draft License Application (DLA). The DLA is a document submitted to the Federal Energy Regulatory Commission (FERC) outlining potential terms of a new license. Between October 15-17, staff participated in virtual working groups where GreenGen provided information on water resources, fish and aquatic resources, geology, soils, groundwater, and recreation. On October 17, staff met with GreenGen to discuss questions on their DLA. During the meeting, GreenGen further described their temperature modeling, planned operations, and analysis. The District plans to submit a comment letter to FERC by the November 29, 2024 deadline.

On October 2, staff met with the North San Joaquin Water Conservation District and the Stockton East Water District (SEWD) to develop concepts for the larger groundwater banking project following completion of the Demonstration, Recharge, Extraction, and Aquifer Management Project. Staff and partners discussed development and communication of each agency's project goals, SEWD shared concepts for recharge in their service area, and District staff and partners identified information needed to develop a project description.

Ongoing monthly meetings are planned to further develop the larger groundwater banking project.

On October 17, staff participated in the Mokelumne Integrated Water Storage and Conjunctive Use Project (MICUP) Operations Working Group Meeting No. 3. Staff met with San Joaquin County, North San Joaquin Water Conservation District, City of Stockton, Stockton East Water District, and Woodbridge Irrigation District to get an update on the MICUP project and to discuss how the MICUP supply and costs will be allocated among the project beneficiaries.

Precipitation. The East Bay precipitation for October was 0.15 inches (10 percent of average) and the season total was 0.21 inches (11 percent of average). The Mokelumne precipitation for October was 0.73 inches (28 percent of average) and the season total was 1.59 inches (40 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for October was 1,068 cfs (473 cfs generation, 569 cfs sluice, and 26 cfs through the hatchery), and the average flow below Woodbridge Dam was 809 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" water year criteria.

East Bay Reservoirs. Releases were resumed from Upper San Leandro (USL) and Chabot Reservoirs on October 28, 2024, to maintain the reservoirs within the winter operating storage ranges.

Water Storage

Mokelumne reservoirs storage is 112 percent of average. As of October 31, 2024, Pardee was at 540.2 feet or 87 percent of average, and Camanche was at 223.8 feet or 128 percent of average. Combined Pardee and Camanche reservoir storage was 483,000 acre-feet compared to 508,000 acre-feet last year.

East Bay reservoirs storage is 107 percent of average. As of October 31, 2024, USL was at 454.5 feet or 135 percent of average, San Pablo was at 290.4 feet or 83 percent of average, and Briones was at 567.5 feet or 107 percent of average. Total terminal reservoir storage was 121,000 acre-feet compared to 127,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for October 2024 was 166 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 October:

	October 2024	October 2023	October 2020	Average of FY 2005-2007
East of Hills	54 MGD	48 MGD	60 MGD	64 MGD
West of Hills	121 MGD	118 MGD	125 MGD	155 MGD
Total	175 MGD	166 MGD	185 MGD	219 MGD
Max Day Production	200 MGD (10/7/2024)	186 MGD (10/19/2023)	203 MGD (10/1/2020)	

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

Mokelumne River Surface Water Diversion Fish Screening Project update. On October 17, in-water construction was completed at the Hilder site in the lower Mokelumne River near Thornton. The project consists of installing fish protection screens on three private irrigation diversions and is the largest water diversion fish screening project undertaken by the District on the Mokelumne River. Of the 290 unscreened water diversions along the Mokelumne River, these were ranked as the greatest threat; therefore these newly installed screens will immediately protect out-migrating juvenile Chinook salmon in spring 2025. To continue protecting the out-migrating salmonids in the Mokelumne River, staff will work with private landowners to identify other high priority water diversions and find grant funding to screen these diversions in the future.

Two Dog Fish Passage Project update. On October 24, staff planted 10 mitigation trees in the riparian area adjacent to the Two Dog Bridge as the last task for this project. The trees were required mitigation for three trees removed for the fish passage project. The trees and creek channel will be monitored for a period of 10 years to ensure the 80 percent survival rate of planted trees and stability of the channel as required by the environmental permits for the project.

In October, staff conducted three prescribed burns in the Mokelumne watershed. A total of 45 acres were burned with assistance from Cal Fire and local fire agencies. The burns were implemented as a treatment for managing invasive weed populations in the rangelands.

On October 3, staff completed the fall grazing survey. This annual survey measures the amount of residual dry matter and ground cover present on Mokelumne watershed grazing leases. This information provides insight on pasture utilization relating to grazing for rangeland management goals.

On October 3, staff conducted the annual Federal Energy Regulatory Commission (FERC) Emergency Action Plan notification drill for Pardee and Camanche dams. The purpose of the drill is to verify emergency contact information, test effectiveness of various modes of communication (e.g., email, text messages, phone calls), and prepare staff for a dam-related emergency by going over procedures and initial response actions. FERC requires conducting this drill as part of the District's Dam Safety program.

On October 4, seasonal work continued on removing pine trees at the San Pablo Recreation site near Briones Reservoir. This fire fuels mitigation work is a multi-year capital project and will continue the removal of standing dead/diseased Monterey pines in the east watershed above San Pablo Reservoir in Contra Costa County.

On October 11, staff completed field verification surveys and data collections for the East Bay Plain Groundwater Dependent Ecosystem (GDE) and Biological Monitoring Project. A map of potential GDE's will be updated with these survey results and is expected to be ready for public review in November 2024.

On October 16, the District received confirmation from the San Francisco Regional Water Quality Control Board (SFRWQCB) that the Notice of Termination (NOT) submitted for the Bayside Groundwater Well Project Waste Discharge Requirements (WDR) permit was accepted. The District will implement the Bayside Groundwater Well Demolition Project to comply with the lease agreement between the District and Oro Loma Sanitary District. All of the required data and information has been submitted and is expected to be reviewed by the SFRWQCB Board for approval in February 2025.

On October 17, a Cal/OSHA inspector responded to a complaint alleging District staff who entered the Lafayette No. 1 Aqueduct intermittently in September and October 2024 to perform work were potentially exposed to lead and asbestos. Following this inspection, Cal/OSHA directed the District to provide a list of documents surrounding the entries. Staff is currently gathering this documentation to submit to Cal/OSHA.

Between October 22-24, staff performed the annual dam safety inspections of the local open-cut reservoirs and of Briones Reservoir with the California Division of Safety of Dams (DSOD). The inspections included a review of the dams, spillways, outlets, and instrumentation. No significant items of concern were noted. The District and DSOD are scheduling inspections of the remaining terminal reservoirs: San Pablo, Lafayette, Upper San Leandro, and Chabot, for a date later this year.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of October. This is the 302nd consecutive month that the MWWTP experienced no exceedances.

The District received two odor reports from the public in October. Staff investigated and was not able to detect any unusual odors at the site during the site visit. The complaints were considered verified based on elevated air temperature, elevated hydrogen sulfide measured at the influent pump station, and prevailing winds at the time of the complaints. Pre-chlorination of plant influent was boosted in response to the reports.

INFRASTRUCTURE INVESTMENT

In October, the anchor systems were upgraded at the Pardee Marina boathouse and several other low-water locations. Staff worked with a specialized contractor to deploy a total of nine, 4,000-pound anchors.

In October, staff completed a pipeline replacement project in the Lakeshore Avenue area in Oakland. This portion of the Lester Avenue area project was started in advance of the City of Oakland's bicycle lane construction project. This project replaced cast iron pipe with approximately 835 feet of 8-inch mortar-lined and zinc coated ductile iron pipe.

In October, staff completed a pipeline replacement project in the Neptune Drive area in San Leandro. This project replaced cast iron pipe with approximately 1,445 feet of 6-inch mortar-lined and zinc coated ductile iron pipe.

In October, staff completed a pipeline replacement project in the South Main Street area in Walnut Creek. This project replaced mortar-lined coated steel pipe with approximately 885 feet of 8-inch mortar-lined zinc coated ductile iron pipe.

In October, staff began a pipeline replacement project in the Glen View Drive area in Walnut Creek. This project will replace asbestos coated pipe with approximately 6,405 feet of 4-, 6-, and 8-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in May 2025.

In October, staff began a pipeline replacement project in the Barrow Street area in San Leandro. This project will replace cast iron pipe with approximately 855 feet of 6-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in November 2024.

In October, staff began a pipeline replacement project in the Withers Avenue and Reliez Valley Road area in Lafayette. This project will replace asbestos coated pipe, cast iron pipe, and mortar-lined coated steel pipe with approximately 3,235 feet of 6- and 12-inch mortar-lined zinc coated ductile iron pipe and 16-inch mortar-lined plastic-coated steel pipe. This project is expected to be completed in January 2025.

Mains repaired in October totaled 123. The attached table lists the mains repaired by staff in October, 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 October, staff was acknowledged for providing support for a report titled *Achieving Water Justice in California*. This report was published in October and created by a group of

public policy students at U.C. Berkeley. The report focuses on a vision for an equitable and resilient future.

In October, staff conducted five tours of the Main Wastewater Treatment Plant. Tour participants included engineers from Brazil participating in the U.S. Water Partnership; biology students from Laney College; students from the U.C. Berkeley School of Public Health; youth from the San Francisco Conservation Corps; and a Boy Scouts troop from the City of Piedmont. Approximately 100 people attended.

In October, staff conducted nine environmental education field trips for approximately 325 attendees. On October 1, a total of 30 fifth-grade students from Oakland's Northern Light Elementary School toured Lafayette Reservoir and Walnut Creek Water Treatment Plant. On October 8, a total of 30 fifth-grade students from El Cerrito's Madera Elementary School toured San Pablo Reservoir. On October 8, a total of 25 seventh-grade students from the City of Lodi's Outdoor Equity Grant program toured the Mokelumne River Fish Hatchery. On October 15, a total of 24 fifth-grade students from Berkeley's Oxford Elementary School; and a total of 40 fifth-grade students from San Leandro's Washington Elementary toured San Pablo Reservoir and Sobrante Water Treatment Plant. On October 22, a total of 40 fifth-grade students from El Cerrito's Madera Elementary school toured San Pablo Reservoir and Sobrante Water Treatment Plant. On October 23, a total of 35 fourth-grade students from Mokelumne Hill Elementary toured the historic Wildermuth House. On October 29, a total of 60 fifth-grade students from Oakland's Lincoln Elementary School toured Lafayette Reservoir. On October 29, a total of 40 high school students from Tokay High School and Lodi High School toured Lodi Lake.

On October 1, staff met with the City of Hayward to coordinate construction activities. The two agencies shared information on current and upcoming work.

On October 1, staff presented at the North Richmond Municipal Advisory Council meeting. The presentation highlighted information on the District's residential non-payment policy. Approximately 15 people attended.

On October 2, staff met with the City of Oakland to coordinate construction activities. The two agencies shared information on current and upcoming work.

On October 3, staff attended the Contra Costa Mayors Conference in Richmond to learn about community issues.

On October 4, staff met with the City of Oakland for the monthly Utilities Coordination Meeting. The agencies shared information on current and upcoming work.

On October 4, the District hosted its 29th annual Pardee BBQ at Pardee Center in Valley Springs. Attendees included other water agencies, water right holders, local and state elected officials, and stakeholders in the Mokelumne watershed. This event enhances partnerships and community relations Upcountry. The theme was "Continuing a Legacy of Stewardship," and the keynote speaker was Department of Water Resources Director Karla Nemeth. Jennifer Spaletta,

North San Joaquin Conservation District, was awarded the Frank Beeler award. Approximately 180 people attended.

On October 4, staff attended the Richmond Chamber of Commerce centennial celebration to recognize the chamber's 100 years of contribution to the Richmond business community.

On October 5, staff participated in Moraga-Orinda Fire District's open house held at the fire station in Moraga. Staff provided information on the District's fire fuels mitigation practices and watershed management. Approximately 300 people attended.

On October 5, staff participated in the Greater Richmond Interfaith Program's Harmony Walk in Richmond. Staff provided information on the Customer Assistance Program, customer billing, emergency preparedness, and water conservation. Approximately 5,000 people attended.

On October 5, staff attended the Rosie the Riveter annual gala to recognize the history of women in the trades.

Between October 5-6, staff participated in Oaktoberfest in Oakland. Staff provided information on the Customer Assistance Program, customer billing, emergency preparedness, and water conservation. Approximately 35,000 people attended.

On October 7, staff presented at the Regional Parks Association meeting held at EBMUD's Orinda Watershed Headquarters. The presentation highlighted EBMUD's creek restoration partnerships in the East Bay. Approximately 10 people attended.

On October 8, staff attended the Eden Municipal Advisory Council meeting to learn more about community issues.

On October 8, staff attended the Oakland Chinatown Chamber of Commerce Board meeting to learn more about community issues.

On October 9, staff attended the Alameda Chamber and Economic Alliance's Economic and Government Affairs meeting to learn more about elections.

On October 9, staff met with Alameda County and the Castro Valley Sanitary District to coordinate construction activities. The three agencies shared information on current and upcoming work.

On October 9, staff attended the Alameda County Mayors Conference in Berkeley to learn more about community issues.

On October 9, staff presented at the El Sobrante Municipal Advisory Council (MAC). Staff provided an overview of the Sobrante Water Treatment Plant Reliability Improvements Project (Project) Draft Environmental Impact Report (EIR) process, Project description, District's standard practices and procedures, Draft EIR conclusions and mitigation measures, and next

steps. The MAC and attendees' primary comments and questions were related to traffic, noise, and biological impacts. Staff provided an initial response to the comments and directed the attendees to the appropriate section of the Draft EIR in which their comments were addressed. Community members were encouraged to submit their comments in writing during the 45-day comment period, which ends October 28, 2024. All comments received will be responded to in the Final EIR. Approximately 15 people attended.

On October 10, the District held a virtual public meeting regarding the Sobrante Water Treatment Plant Reliability Improvements Project (Project) and results of the Draft Environmental Impact Report (EIR). Public outreach for this meeting included mailing notices to 56 stakeholder agencies and over 1,700 postcards to residents in the Project vicinity, providing full hardcopies of the Draft EIR to three public libraries, posting the meeting to NextDoor and Facebook, and emailing customers registered on CustomerWatch. The community members' primary comments and questions were related to visual impacts and pipeline construction coordination with the City of San Pablo. Staff provided an initial response to the comments and directed the community members to the appropriate section of the Draft EIR in which their comments were addressed. Community members were encouraged to submit their comments in writing during the 45-day comment period, which ends October 28. All comments received will be responded to in the Final EIR. The meeting was recorded and posted to the Project website. The Final EIR is scheduled for completion in summer 2025. Approximately 10 people attended the meeting.

On October 10, staff attended the Cherryland Community Association meeting to learn more about community issues.

On October 12, staff presented to Scouts in Troop 255 at Camanche South Shore. The presentation highlighted a historic look at Camanche's wild past with an interpretive spin on true stories of Camanche in the 1800s. Staff was presented a Scout scarf for their years of service to Troop 255. Approximately 10 people attended.

Between October 14-18, staff participated in the U.C. Berkeley CE 112 lecture series on the fundamentals of pipeline design for upper division civil engineering. Topics included hydraulic computations, reviewing engineering standard practices, and synthesizing a pipeline design drawing. Students were challenged with the interactive nature of the lectures and lab and were well engaged with the information shared.

On October 15, staff participated in John Muir Middle School's Career Day in San Leandro. Staff provided information on careers, the water system, and stewardship. Approximately 150 people attended.

On October 15, staff met with the Town of Danville to discuss a new proposed on-site emergency generator at Castenada Pumping Plant. Staff provided information on the project overview, schedule, and three site plan alternatives. Residents agreed with the District's preferred alternative, which includes installation of the emergency generator away from existing site landscaping towards the back of the site. Concerns included visual impact and alteration to

the trail adjacent to the pumping plant. Staff conducted a site walk and discussed potential modifications to the site plan to address concerns. Staff will continue to coordinate with residents to finalize the site plan.

On October 16, the District hosted a Water Wednesday Webinar. The presentation highlighted the HayWired Scenario, a scientifically realistic depiction of a magnitude 7.0 earthquake on the Hayward Fault and its cascading impacts on critical infrastructure. Staff discussed the steps EBMUD is taking to ensure a resilient water supply and provided practical tips for homeowners, businesses, and customers to prepare for emergencies. Approximately 200 people attended.

On October 17, the District held a virtual public meeting with neighbors adjacent to the entrance of the Walnut Creek Water Treatment Plant (WCWTP) to discuss the Walnut Creek Water Treatment Plant Pretreatment Project (Project). The purpose of the meeting was to answer questions about the Project including project alternatives, construction staging, maintenance staffing, and radar feedback signs. Staff responded to the neighbors' questions and stated they will follow up with the community to provide an update of the Project during the preliminary design phase in February 2025. Approximately five people attended.

On October 17, staff presented at the Kennedy Mine Foundation's Speaker Series in Jackson. The presentation included information on the latest research findings of the project as well as a display of fossils and geological samples. Approximately 30 people attended.

On October 19, trail maintenance was completed on a section of the Mokelumne Coast to Crest trail along the Mokelumne River near the Middle Bar Bridge. Staff along with five volunteers trimmed overgrown vegetation on the trail between James Bar and Patti's Point.

On October 19, Lafayette Reservoir hosted Congressman DeSaulnier's Walk and Talk Town Hall event at. Approximately 200 people attended.

On October 19, San Pablo Reservoir hosted its annual Family Fishing Day. Approximately 100 people attended.

On October 19, staff participated in the Contra Costa Fire Protection District's house event. Staff provided information on EBMUD's fire fuel mitigation projects. Approximately 755 people attended.

On October 19, staff presented at the Pardee Home Museum's event commemorating the 100-year anniversary of George Pardee joining EBMUD as Board President. The presentation highlighted the history of EBMUD and the future of water in the East Bay. Approximately 50 people attended.

On October 19, staff attended the Oakland Asian Cultural Center Gala in Oakland to network with the local community.

On October 21, staff presented at the Castro Valley Municipal Advisory Council meeting. The presentation highlighted the District’s residential non-payment policy. Approximately 15 people attended.

On October 22, staff presented to Ignited, a nonprofit organization that bridges the gap between educators and industry professionals, on careers in the water industry. The presentation highlighted computer science careers, including IT and cybersecurity. Approximately 30 people attended.

On October 26, staff conducted a Water Walk tour of Mountain View Cemetery in Oakland. Staff provided information about the founders of the District. Approximately 20 people attended.

On October 26, staff participated in Lodestar Community Public School’s Annual Harvest Fest & Resource Fair in Oakland. Staff provided information on the Community Assistant Program and distributed applications and giveaways. Approximately 1,000 people attended.

On October 26, staff participated in the Oakland Roots Soccer Club final regular season home game at Cal State East Bay in Hayward. Staff provided information on water conservation, drink tap messaging, and careers. The Water on Wheels trailer was present. Approximately 10,000 people attended.

On October 28, staff participated in a school assembly at Richmond’s Ford Elementary School. The assembly was led by Zun Zun, an organization that leads musical assemblies on watersheds, conservation, climate change, and pollution prevention. Approximately 470 people attended.

On October 30, staff participated in the Association of Environmental and Engineering Geologists’ Halloween Event at the Oakland Arena. Staff provided information on water conservation and the water system. Approximately 250 people attended.

Media. Multiple outlets covered EBMUD’s press release announcing the implementation of the District’s residential non-payment policy (KCBS, KSTS/Telemundo, East Bay Times). The collapse of support for the Los Vaqueros Reservoir expansion project was covered widely (Mercury News, Contra Costa, KPIX, KNTV, KQED, MSN). The District’s partnership to reduce fire risk through vegetation management efforts was highlighted (Berkeley Scanner). A story about the potential closure of Cal Shakes was featured (SF Chronicle, Berkeleyside, SFist, Mercury News). The history of the issue of lead in school water fixtures was summarized (Oaklandside).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
X	Cal Bears game	421	4,009	3
Facebook	Camanche Recreation Update	18,725	2,287	84
Instagram	Meet Your Meter with Alan	2,155	2,574	140
LinkedIn	Day Without Water Average Joe	2,267	10,498	148
Nextdoor	Fall Gardening at Heather Farms	30,677		

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

- 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)
- Sobrante Water Treatment Plant Reliability Improvements (El Sobrante)
- South Main Street Pipeline Replacement (Walnut Creek)
- Tappan Terrace (Orinda)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek)

Contract Equity

On October 12, staff participated in Oakland Black Expo’s Bay Area Black Business, Careers, & Community Expo. Staff provided information on upcoming contracting opportunities, current and upcoming job opportunities, and provided Customer Assistance Program applications. Contract Equity Administrator Beverly Johnson received the Civil Rights Leadership Award in honor and recognition of the 60th anniversary of the civil rights movement. Approximately 350 people attended.

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

- October 4 – Western Regional Minority Supplier Development Council’s Business Expo – 200 attendees
- October 9 – Women’s Business Enterprise Council Board Meeting – 25 attendees
- October 10 – Oakland African American Chamber of Commerce’s “Small Business Awards” event – 350 attendees
- October 16 – Western Regional Minority Supplier Development Council’s “Construction Inclusion Week” Awards event – 400 attendees
- October 29 – Oakland Latin Chamber of Commerce Small Business Mixer – 60 attendees

Water Conservation

On October 17, staff presented at Heather Farm’s Fall Garden Maintenance Practice workshop in Walnut Creek. Staff provided information on gopher management, pruning, sheet mulching, and water efficient garden design. Approximately 50 people attended.

On October 19, staff presented at the Evergreen Nursery in San Leandro. Staff provided information on low-water gardening and the District’s landscape rebate programs. Approximately 80 people attended.

On October 26, staff participated at the 19th Annual Friends of Sausal Creek Native Plant Sale and Open House in Oakland. Staff provided information on conservation rebate programs including low water plant choices and efficient irrigation. Approximately 500 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

On October 1, staff participated in the Bay Delta Science Conference in Sacramento. Staff’s presentation highlighted maximizing salmon fisheries. Staff also participated in a panel discussion related to the Bay Delta Water Quality Control Plan Update. The District sponsored this conference. Approximately 50 people attended.

Between October 22-24, staff presented at the American Water Works California Nevada Section’s Annual Fall Conference in Reno, Nevada. The presentations highlighted water quality, water supply, and water treatment. Approximately 225 people attended.

On October 30, staff presented at the Business Industry Association meeting (BIA) in San Ramon. The presentation highlighted improvements made to the applicant project process. Staff also responded to questions and received feedback. Approximately 30 people attended.

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:

- **On October 1, staff participated in the California State University, Sacramento’s Fall 2024 Job and Internship Fair.** Staff provided information on the District’s application and recruiting processes. Approximately 40 people attended.
- **On October 3, staff participated in San Francisco State University’s Fall 2024 Career and Internship Fair.** Staff provided information on the District’s application and recruiting processes. Approximately 60 people attended.
- **On October 14, staff participated in the University of California, Davis’ Science, Technology, Engineering, and Math Career Fair.** Staff provided information on the District’s application and recruiting processes. Approximately 30 people attended.

- **On October 14, staff presented at Future Build’s Employability Week in Pittsburg.** Staff provided information on District careers, upcoming recruitments, and application processes. Approximately 25 people attended.
- **On October 17, staff participated in the Swords to Plowshares “Jobs for Vets: Fall Employer Spotlight” in Oakland.** Staff provided information on District careers, career pathways, internship programs, upcoming recruitments, and the application process. Approximately 15 people attended.
- **On October 18, staff participated in California State University, East Bay’s 13th Annual Fall Construction Management and Civil Engineering Career Fair.** Staff provided information on the District’s application and recruiting processes. Approximately 40 people attended.
- **On October 23, staff participated in the University of California, Berkeley’s Civil and Environmental Engineering Career Fair.** Staff provided information on the District’s application and recruiting processes. Approximately 50 people attended.
- **On October 24, staff participated in the Oakland Unified School District’s and Cypress Mandela’s Trades Fair event.** Staff provided information on District careers, career pathways, internship programs, upcoming recruitments, and the application process. Approximately 400 people attended.

Tuition Reimbursement

	October 2024	FY 2025 Total
# of Employees	6	47
# of Classes	7	62
Total Reimbursed	\$5,771.52	\$64,848.35

Employment Information

	October 2024	FY 2025 Total
Retirements – Regular	4	23
Retirements – Vested	1	1
Hires/Rehires	19	85
Other Separations	8	33

FINANCIAL STABILITY

In October, the District implemented its Residential Nonpayment Program to single-family account holders identified as the ‘renters’ who have not paid their bills for more than 93 days. The first batch of 500 urgent service interruption notifications was mailed to non-responsive customers at least 7 days before flow restrictor installation. Beginning October 2, door hangers were placed at the properties. On October 8, the first group of flow restrictors were

installed. As of October 31, 2024, 451 door hangers were placed, 144 flow restrictors were installed, 72 were removed, two were tampered with and 72 flow restrictors remain installed. Staff observed a 53 percent increase in payment plans established and recovered over \$186,000 in payments on accounts.

Capital Budget Transfers. In October 2024, there was one capital transfer for \$2.1 million, and no capital transfers over \$2.5 million. Through October 31, 2024, there have been four capital transfers in FY 2025, for a total of \$3.6 million in the Water system and \$7.3 million in the Wastewater system.

In October, an additional qualified service provider was added to the agreements for towing and vehicle relocation services. W2 Towing meets District standards and has been added to increase flexibility and ensure service provider availability.

On October 3, the District utilized mediation to successfully settle a lawsuit filed by Flatiron West, Inc., the contractor on the Specification 2130 Administration Building HVAC System Improvement project. The District provided a settlement payment of \$675,000 for the \$2,049,444 claim.

In October, the District completed the California Water and Wastewater Arrearage Payment Program (CWWAP) 2.0 grant that reduced customer delinquencies by \$17.6 million.

Cost	Amount Issued to Water System	No. of Accounts Credited	Amount Credited	Amount Not Used
Residential	\$32,192,639.17	28,596	\$17,185,946.68	\$15,006,692.49
Commercial	\$3,842,018.20	68	\$99,604.12	\$3,742,414.08
Admin	\$1,000,000.00	0	\$323,908.11	\$676,091.89
Total	\$37,034,657.37	28,664	\$17,609,458.91	\$19,425,198.46

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for October is \$69,748. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$17,648 from the Port of Oakland. Earned revenue for FY 2025 is estimated at \$280,722 or 70 percent of the total FY 2025 budget of \$400,000.

The estimated earned revenue from Mokelumne power sales for October is \$2,319,686. The District sold renewable power and related Renewable Energy Certificates (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$135,740 from MCE and \$922,800 from Shell Energy North America. Resource Adequacy capacity sales to NRG Business Marketing LLC and Ava Community Energy earned \$418,880 and \$5,720, respectively. Estimated earned revenue to date through October is \$6,975,028 or 68 percent of the FY 2025 budgeted revenue \$10,200,000. The forecasted revenue for FY 2025 is \$12,424,437.

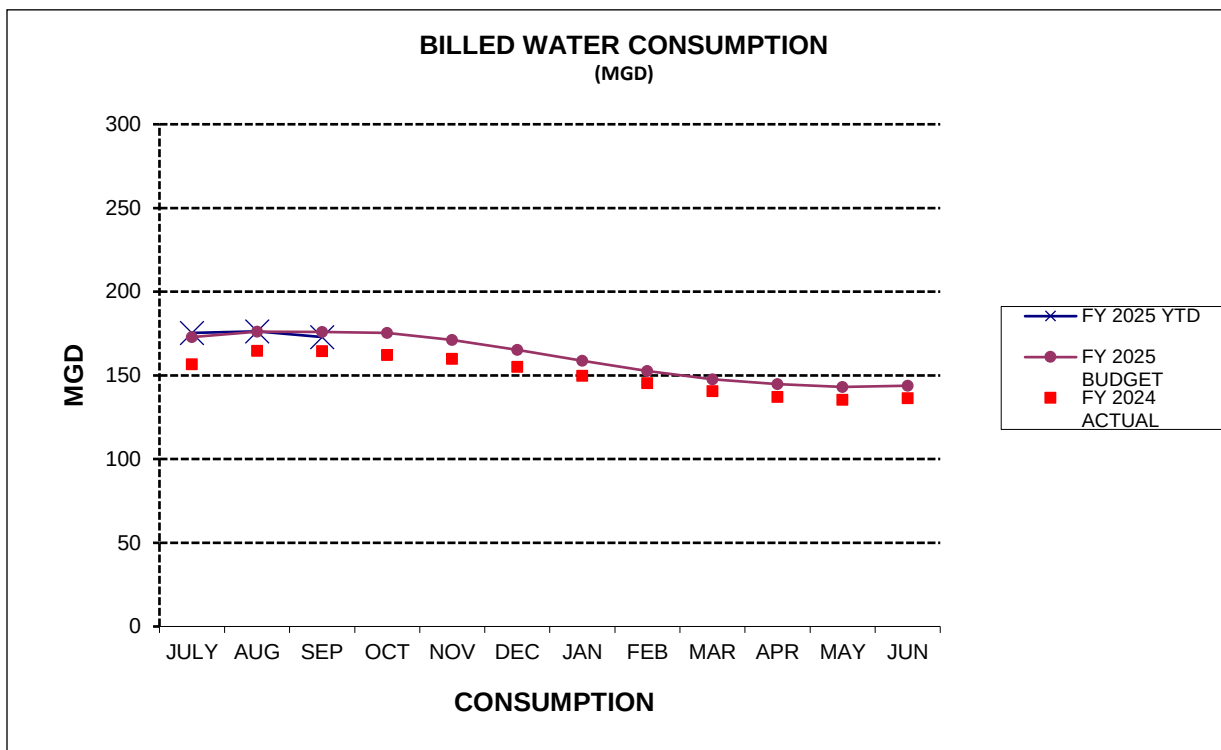
There were no material, supply, or construction contracts from \$80,001 to \$100,000 and three general and professional service contracts from \$30,001 up to \$80,000 approved by the General Manager in October 2024.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
KenWave Solutions Inc.	10/3/24	Foreign	Non-invasive condition assessment of existing 6-inch to 12-inch diameter water distribution pipelines	N/A	N/A	\$80,000
University of California Davis	10/4/24	Public University	Study of greenhouse gas production at San Pablo Reservoir	N/A	N/A	\$50,000
Hakari Enterprises, Inc.	10/15/24	White Men	Perform upgrades to the Global Positioning System surveillance monuments and remote monitoring system at Camanche Reservoir	N/A	N/A	\$66,535

Water Sales (Consumption)

The following consumption information is the average water consumption in millions of gallons per day (MGD) for the first three 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. percent.

Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY 2025 (MGD)	FY 2024 (MGD)	Year-over-Year (% change)
Residential	88.9	81.9	8.5%
Commercial	60.0	54.7	9.7%
Industrial	15.7	19.8	-20.7%
Public Authority	8.3	8.1	2.5%
Total Billed Water Consumption	172.9	164.5	5.1%

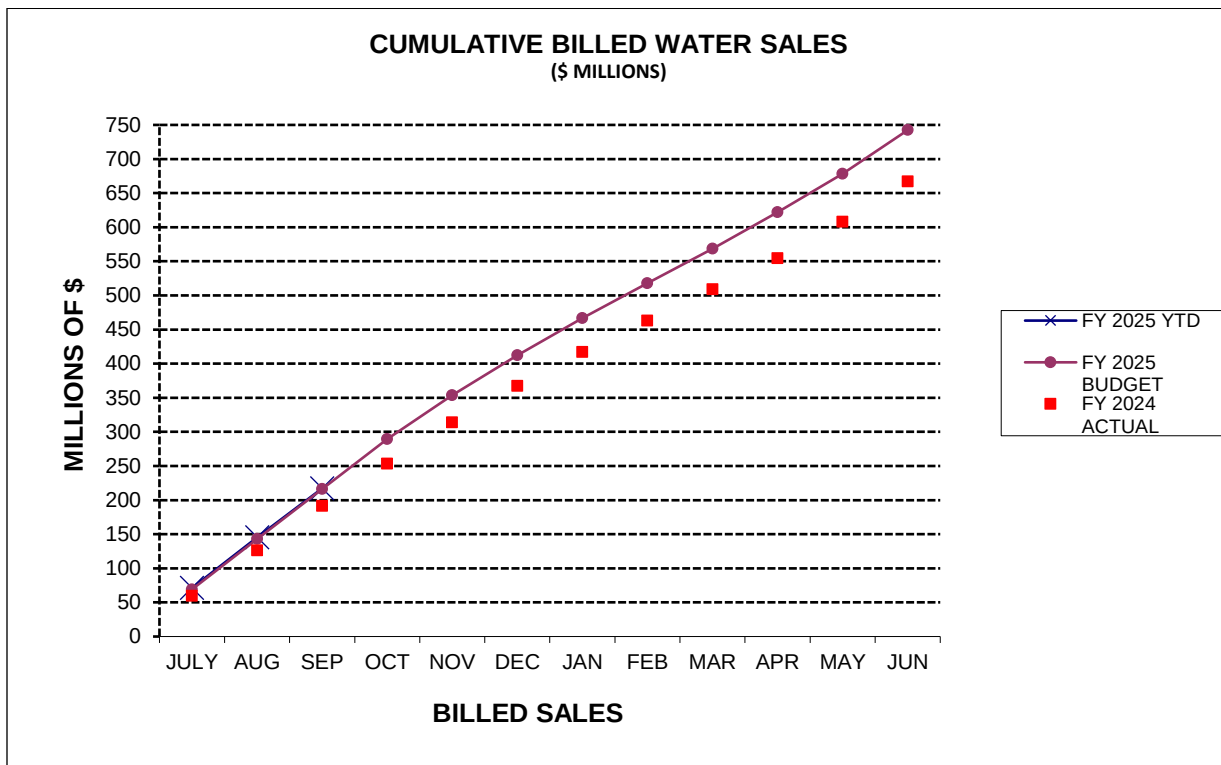


Source: Customer Information System

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 (Revenue)

Water revenues billed through the end of September were \$217.1 million² or 13.5% more than the FY 2024 revenue for the same period of \$191.3 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 September are \$0.7 million (0.3%) more than the budgeted water revenue of \$216.4 million.



Source: Customer Information System

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

OCTOBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		MARINA	DR	ASBESTOS CEMENT	4	1938	0	9/27/2024	10/2/2024	Y
ALAMO		ALAMO RANCH	RD	ASBESTOS CEMENT	6	1980	2,700	10/26/2024	10/26/2024	Y
ALAMO		DANVILLE	BL	ASBESTOS CEMENT	6	1962	0	9/30/2024	10/4/2024	Y
ALAMO		GRANITE	DR	ASBESTOS CEMENT	8	1961	3,600	10/24/2024	10/24/2024	Y
ALAMO		SOUTHVIEW	DR	ASBESTOS CEMENT	6	1973	5,760	10/7/2024	10/7/2024	Y
ALBANY		KAINS	AVE	CAST IRON	6	1940	43,200	10/3/2024	10/8/2024	Y
ALBANY		RAMONA	AVE	CAST IRON	6	1927	2,700	10/15/2024	10/16/2024	Y
BERKELEY		AVENIDA	DR	CAST IRON	6	1947	1,800	10/2/2024	10/2/2024	Y
BERKELEY		BANCROFT	WAY	CAST IRON	4	1916	10,080	10/11/2024	10/17/2024	Y
BERKELEY		CAMELIA	ST	CAST IRON	6	1925	8,640	10/2/2024	10/7/2024	Y
BERKELEY		DELAWARE	ST	CAST IRON	4	1950	11,520	10/9/2024	10/10/2024	Y
BERKELEY		DOMINGO	AVE	ASBESTOS CEMENT	6	1956	9,000	10/10/2024	10/10/2024	Y
BERKELEY		EUCLID	AVE	CAST IRON	6	1954	4,500	10/14/2024	10/14/2024	Y
BERKELEY		FOREST	LN	CAST IRON	6	1936	1,800	10/7/2024	10/8/2024	Y
BERKELEY		GILMAN	ST	CAST IRON	8	1940	10,080	9/27/2024	10/3/2024	Y
BERKELEY		HARDING	CIR	CAST IRON	6	1962	1,350	10/5/2024	10/5/2024	Y
BERKELEY		SHATTUCK	AVE	CAST IRON	8	1926	45,000	10/11/2024	10/11/2024	Y
BERKELEY		YOSEMITE	RD	CAST IRON	12	1922	4,500	10/7/2024	10/7/2024	Y
CASTRO VALLEY		EDWARDS	LN	CAST IRON	8	1946	0	9/27/2024	10/1/2024	Y
CASTRO VALLEY		LUX	AVE	CAST IRON	6	1949	11,520	10/1/2024	10/1/2024	Y
CASTRO VALLEY		PARSONS	AVE	CAST IRON	8	1931	7,200	10/31/2024	10/31/2024	Y
DANVILLE		CLARIDGE	DR	ASBESTOS CEMENT	8	1973	0	10/15/2024	10/15/2024	Y
DANVILLE		CLIPPER HILL	RD	STEEL	8	1973	0	10/31/2024	10/31/2024	Y
DANVILLE		DIABLO	WAY	ASBESTOS CEMENT	6	1960	5,760	10/22/2024	10/25/2024	Y
DANVILLE		LEEDS CT E		ASBESTOS CEMENT	8	1979	7,200	10/22/2024	10/22/2024	Y
DANVILLE		LIVE OAK	DR	ASBESTOS CEMENT	6	1981	8,640	9/26/2024	10/1/2024	Y
DANVILLE		MATADERA	CIR	ASBESTOS CEMENT	6	1974	1,350	10/17/2024	10/17/2024	Y
DANVILLE		MONTEGO	DR	ASBESTOS CEMENT	6	1956	1,350	10/9/2024	10/9/2024	Y
DANVILLE		PODVA	LN	ASBESTOS CEMENT	4	1951	12,960	10/23/2024	10/25/2024	Y

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

OCTOBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
DANVILLE		RANCHO VERDE CIR E		ASBESTOS CEMENT	6	1976	5,760	10/10/2024	10/10/2024	Y
DANVILLE		SADDEBACK	CT	ASBESTOS CEMENT	8	1978	17,280	10/29/2024	10/30/2024	Y
DIABLO		CABALLO RANCHERO	DR	ASBESTOS CEMENT	8	1985	7,200	10/12/2024	10/12/2024	Y
EL CERRITO		FAIRMOUNT	AVE	ASBESTOS CEMENT	6	1955	1,440	10/25/2024	10/25/2024	Y
EL CERRITO		FAIRMOUNT	AVE	ASBESTOS CEMENT	6	1968	13,500	10/24/2024	10/24/2024	Y
EL CERRITO		LYNN	AVE	CAST IRON	4	1924	7,200	10/13/2024	10/13/2024	Y
EL CERRITO		RICHMOND	ST	CAST IRON	4	1925	0	10/3/2024	10/15/2024	Y
EL CERRITO		SAN PABLO	AVE	ASBESTOS CEMENT	6	1959	0	10/1/2024	10/17/2024	Y
HAYWARD		ALDEN	RD	CAST IRON	4	1948	0	10/3/2024	10/16/2024	Y
HAYWARD		ZORRO	CT	CAST IRON	4	1950	23,040	10/22/2024	10/23/2024	Y
LAFAYETTE		GLENSIDE	CIR	CAST IRON	4	1948	0	10/24/2024	10/29/2024	Y
LAFAYETTE		GLENSIDE	CIR	CAST IRON	4	1948	4,500	10/27/2024	10/27/2024	Y
LAFAYETTE		GLENSIDE	CIR	CAST IRON	4	1948	900	10/27/2024	10/27/2024	Y
LAFAYETTE		MARION	CT	ASBESTOS CEMENT	6	1976	5,400	10/5/2024	10/6/2024	Y
LAFAYETTE		MARION	CT	ASBESTOS CEMENT	6	1976	90,000	10/22/2024	10/22/2024	Y
LAFAYETTE		OAK HILL	RD	ASBESTOS CEMENT	6	1963	5,400	10/13/2024	10/13/2024	Y
LAFAYETTE		RELIEZ VALLEY	RD	STEEL	6	1941	8,640	10/23/2024	10/28/2024	Y
LAFAYETTE		REVERE	CT	ASBESTOS CEMENT	6	1969	4,500	10/29/2024	10/29/2024	Y
MORAGA		SANDERS RANCH	RD	STEEL	12	1986	0	9/25/2024	10/2/2024	Y
OAKLAND		5TH	ST	STEEL	8	1956	27,000	10/6/2024	10/7/2024	Y
OAKLAND		11TH	AVE	CAST IRON	6	1932	18,000	10/15/2024	10/15/2024	Y
OAKLAND	E	20TH	ST	CAST IRON	4	1893	0	10/29/2024	10/30/2024	Y
OAKLAND	E	20TH	ST	CAST IRON	4	1893	2,700	10/30/2024	10/30/2024	Y
OAKLAND	E	24TH	ST	CAST IRON	6	1929	900	10/6/2024	10/7/2024	Y
OAKLAND	E	29TH	ST	CAST IRON	4	1942	7,200	10/14/2024	10/18/2024	Y
OAKLAND		36TH	AVE	CAST IRON	6	1952	45,000	10/6/2024	10/7/2024	Y
OAKLAND		39TH	AVE	CAST IRON	6	1929	0	10/21/2024	10/29/2024	Y
OAKLAND		62ND	AVE	CAST IRON	6	1934	18,000	10/7/2024	10/7/2024	Y
OAKLAND		63RD	AVE	CAST IRON	4	1925	1,800	10/10/2024	10/10/2024	Y

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

OCTOBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		73RD	AVE	STEEL	6	1930	15,840	9/23/2024	10/3/2024	Y
OAKLAND		94TH	AVE	CAST IRON	4	1938	9,000	10/22/2024	10/23/2024	Y
OAKLAND		21ST	ST	CAST IRON	8	1926	1,800	10/13/2024	10/14/2024	Y
OAKLAND		AITKEN	DR	CAST IRON	6	1935	4,500	10/29/2024	10/29/2024	Y
OAKLAND		B	ST	CAST IRON	6	1935	9,000	10/22/2024	10/22/2024	Y
OAKLAND		CAPRICORN	AVE	CAST IRON	6	1938	0	10/17/2024	10/17/2024	Y
OAKLAND		EMBARCADERO		CAST IRON	8	1925	900	10/17/2024	10/17/2024	Y
OAKLAND		EXCELSIOR	AVE	CAST IRON	8	1940	1,800	10/15/2024	10/15/2024	Y
OAKLAND		GREENLY	DR	CAST IRON	8	1946	1,800	10/23/2024	10/23/2024	Y
OAKLAND		GUIDO	ST	CAST IRON	6	1926	0	10/1/2024	10/4/2024	Y
OAKLAND		INYO	AVE	CAST IRON	8	1933	9,000	10/25/2024	10/26/2024	Y
OAKLAND		LAKESIDE	DR	CAST IRON	8	1957	18,000	10/12/2024	10/12/2024	Y
OAKLAND		MACARTHUR	BL	CAST IRON	6	1954	0	9/25/2024	10/29/2024	Y
OAKLAND		MARKET	ST	CAST IRON	8	1894	27,000	10/3/2024	10/8/2024	N
OAKLAND		MAYNARD	AVE	CAST IRON	6	1953	63,000	10/18/2024	10/19/2024	Y
OAKLAND		MORCOM	AVE	ASBESTOS CEMENT	6	1981	1,440	10/28/2024	10/28/2024	Y
OAKLAND		MOUNTAIN	BL	CAST IRON	6	1923	17,280	10/16/2024	10/21/2024	Y
OAKLAND		OAKDALE	AVE	CAST IRON	4	1940	90	10/24/2024	10/24/2024	Y
OAKLAND		PLYMOUTH	ST	CAST IRON	6	1927	9,000	10/8/2024	10/9/2024	Y
OAKLAND		SCHOOL	ST	CAST IRON	8	1937	13,500	10/13/2024	10/13/2024	Y
OAKLAND		SCHOOL	ST	CAST IRON	6	1929	23,040	10/30/2024	10/31/2024	Y
OAKLAND		SEMINARY	AVE	CAST IRON	4	1938	23,040	9/24/2024	10/9/2024	Y
OAKLAND		SKYLINE	BL	CAST IRON	8	1953	0	10/21/2024	10/21/2024	Y
OAKLAND		SYCAMORE	ST	CAST IRON	6	1936	13,500	10/12/2024	10/12/2024	Y
OAKLAND		SYCAMORE	ST	CAST IRON	6	1936	18,000	10/13/2024	10/13/2024	Y
OAKLAND		TELEGRAPH	AVE	ASBESTOS CEMENT	8	1961	11,520	10/15/2024	10/22/2024	Y
OAKLAND		WILKIE	ST	ASBESTOS CEMENT	6	1956	17,280	10/22/2024	10/25/2024	Y
ORINDA		FRANCISCO	CT	CAST IRON	4	1947	0	8/21/2024	10/24/2024	N
ORINDA		IVY	DR	ASBESTOS CEMENT	8	1957	450	10/1/2024	10/1/2024	Y

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

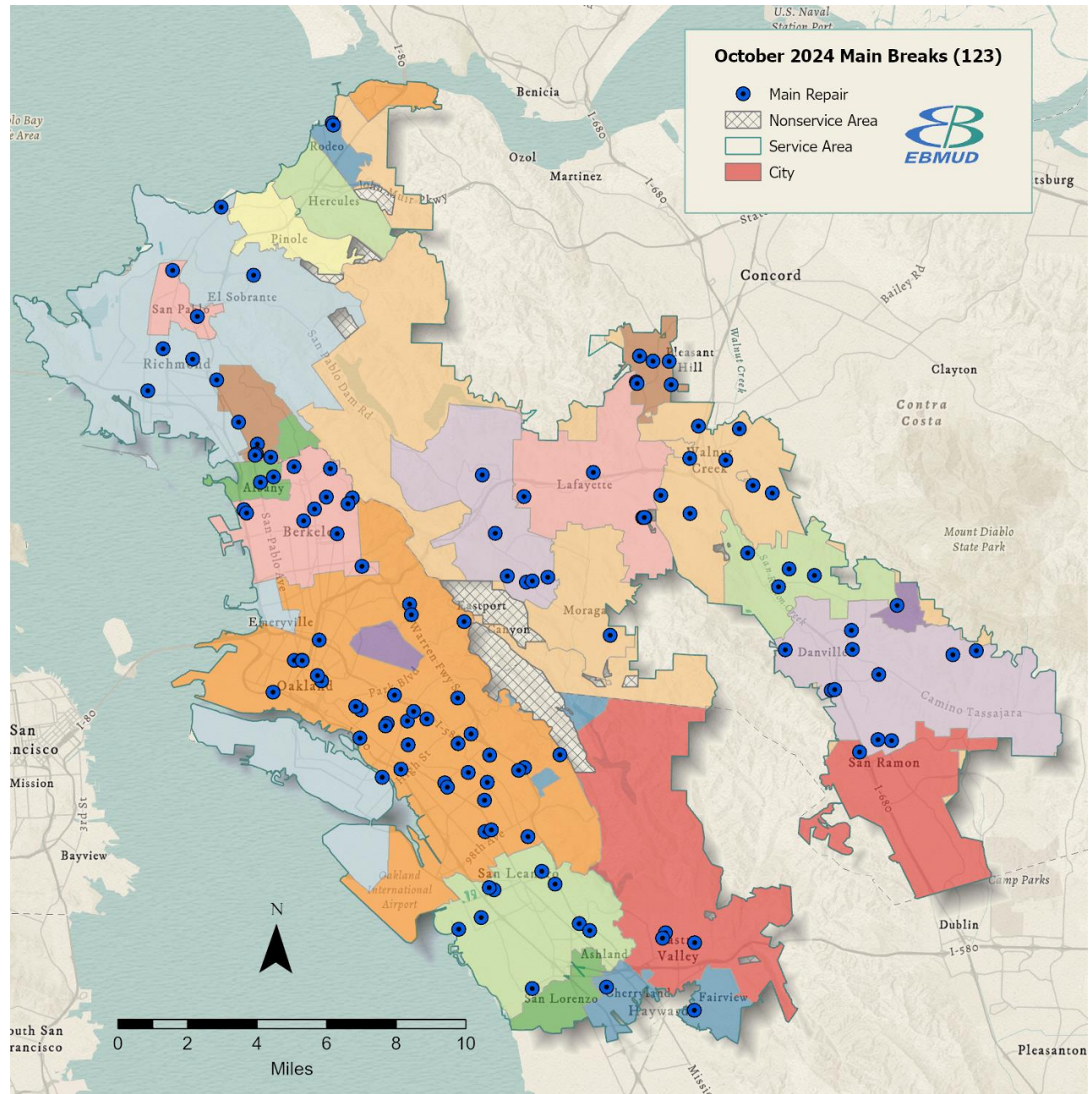
OCTOBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ORINDA		LAS AROMAS		CAST IRON	6	1934	0	10/8/2024	10/18/2024	Y
ORINDA		LOST VALLEY	DR	CAST IRON	8	1948	45,000	10/17/2024	10/17/2024	Y
ORINDA		OWL HILL	RD	CAST IRON	6	1940	11,520	10/7/2024	10/10/2024	Y
ORINDA		VALENCIA	RD	CAST IRON	6	1947	18,000	10/25/2024	10/26/2024	Y
PLEASANT HILL		GREENWICH	DR	ASBESTOS CEMENT	6	1959	1,800	9/30/2024	10/1/2024	Y
PLEASANT HILL		HERITAGE HILLS	DR	ASBESTOS CEMENT	6	1986	1,800	10/21/2024	10/21/2024	Y
PLEASANT HILL		OAK PARK	BL	CAST IRON	6	1941	0	10/24/2024	10/24/2024	Y
RICHMOND	S	12TH	ST	ASBESTOS CEMENT	6	1937	10,080	9/25/2024	10/1/2024	Y
RICHMOND		20TH	ST	CAST IRON	8	1925	5,760	10/21/2024	10/24/2024	Y
RICHMOND		CERRITO	AVE	CAST IRON	6	1937	45,000	10/23/2024	10/24/2024	Y
RICHMOND		KEY	BL	CAST IRON	6	1949	900	10/25/2024	10/25/2024	Y
RICHMOND		PEBBLE	DR	ASBESTOS CEMENT	8	1956	9,000	10/2/2024	10/3/2024	Y
RICHMOND		SALEM	CT	ASBESTOS CEMENT	6	1967	5,760	10/8/2024	10/11/2024	Y
RODEO		CALIFORNIA	ST	STEEL	8	1962	90,000	10/3/2024	10/4/2024	Y
RODEO		CALIFORNIA	ST	STEEL	8	1962	9,000	10/9/2024	10/10/2024	Y
SAN LEANDRO		DOUGLAS	DR	CAST IRON	6	1942	20,160	10/16/2024	10/22/2024	Y
SAN LEANDRO		EVERGREEN	AVE	CAST IRON	6	1945	17,280	10/16/2024	10/21/2024	Y
SAN LEANDRO		FARNSWORTH	ST	ASBESTOS CEMENT	12	1957	5,760	10/24/2024	10/24/2024	Y
SAN LEANDRO		MAUBERT	AVE	CAST IRON	8	1964	7,200	10/25/2024	10/29/2024	Y
SAN LEANDRO		MIDWAY	AVE	CAST IRON	4	1942	27,000	10/11/2024	10/11/2024	Y
SAN LEANDRO		MIDWAY	AVE	CAST IRON	4	1942	9,000	10/24/2024	10/24/2024	Y
SAN LEANDRO		PATTON	AVE	CAST IRON	6	1945	1,350	10/6/2024	10/7/2024	Y
SAN LEANDRO		RODNEY	DR	CAST IRON	6	1927	1,800	10/5/2024	10/5/2024	Y
SAN LEANDRO		WILLIAMS	ST	CAST IRON	6	1948	45,000	10/3/2024	10/4/2024	Y
SAN LEANDRO		WILLIAMS	ST	CAST IRON	8	1946	18,000	10/27/2024	10/28/2024	Y
SAN PABLO		MINER	AVE	ASBESTOS CEMENT	6	1957	90,000	10/17/2024	10/17/2024	Y
SAN PABLO		VALE	RD	CAST IRON	6	1928	8,640	10/17/2024	10/22/2024	Y
SAN RAMON		OMEGA	RD	ASBESTOS CEMENT	6	1981	4,500	10/5/2024	10/6/2024	Y
WALNUT CREEK		CASA	WAY	ASBESTOS CEMENT	8	1960	0	9/19/2024	10/7/2024	Y

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

OCTOBER 2024 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
WALNUT CREEK		HILTON	RD	CAST IRON	4	1947	0	10/28/2024	10/28/2024	Y
WALNUT CREEK		KINROSS	DR	ASBESTOS CEMENT	6	1972	2,250	10/21/2024	10/21/2024	Y
WALNUT CREEK		MOUNTAIN VIEW	BL	ASBESTOS CEMENT	8	1960	0	10/9/2024	10/9/2024	Y
WALNUT CREEK		OLD OAK	DR	ASBESTOS CEMENT	8	1981	900	10/9/2024	10/10/2024	Y
WALNUT CREEK		SCOTS	LN	ASBESTOS CEMENT	6	1962	0	10/8/2024	10/9/2024	Y
WALNUT CREEK		SHARENE	LN	ASBESTOS CEMENT	6	1961	1,800	9/30/2024	10/1/2024	Y
WALNUT CREEK		TERRACE	RD	CAST IRON	6	1953	18,000	10/22/2024	10/22/2024	Y
							1,379,610			

Non-surfacing leaks discovered by leak detection technologies	7
Breaks caused by contractors or other agencies	2
Other main breaks	114
Total water main repairs	123

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



Customer Account Delinquency Information October 2024													
(Data collection began September 1, 2017 - CAP applications processed through Oct 31 24)													
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24 ⁵⁰	Totals (since 9/1/2017)						
New CAP Participants	227	211	252	250	283	271	15,299						
CAP Renewals	285	236	216	210	218	193	15,940						
CAP Departures	447	414	434	362	438	388	22,199						
Total Active CAP Participants w/Active Accounts	9,592	9,674	9,965	10,135	10,275	10,367	-						
PAYMENT PLANS	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2017)						
Approved Payment Plans	1,830	1,730	1,831	1,952	2,224	3,294	241,218						
SERVICE INTERRUPTIONS - RESIDENTIAL	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2017)						
15-day Final Collection Notices ⁵¹	17,839	17,204	17,075	18,632	17,995	17,448	1,378,353						
48-hr Service Interruptions Notices ^{5,52}	10,974	11,583	11,748	12,052	10,409	12,541	824,692						
TENANT OCCUPIED - FLOW RESTRICTORS	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2024)						
Service Interruption Orders/Door Hangers Generated	-	-	-	-	502	587	1,089						
Service Interruptions Completed (Flow Restrictor Installed)	-	-	-	-	-	144	144						
Number of Flow Restrictors Removed/Service Restored	-	-	-	-	-	72	72						
Flow Restrictors Remain Installed	-	-	-	-	-	72	72						
FLOW RESTRICTOR TAMPERING	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals						
Flow Restrictor Tampered	-	-	-	-	-	2	2						
WATER THEFT	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2017)						
No. of Incidents	3	1	2	10	14	8	560						
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 LIENS ¹	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2017)						
Liens Filed	259	-	-	-	62	102	6,921						
Released	22	35	178	131	228	14	6,095						
Transferred to Alameda Cty.	-	-	-	224	-	-	2,418						
Transferred to Contra Costa Cty.	-	-	-	44	-	-	444						
Total Transactions/Month	281	35	178	399	290	116	15,878						
BAD DEBT - WRITE OFFS ²	May 24	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Totals (since 9/1/2017)						
Total Referred to Collection Agency	\$512,874	\$259,360	\$267,680	\$512,874	\$429,404	TBD	19,468,477						
Write-Off % to Billed Revenue	0.83%	0.39%	0.34%	0.62%	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. ⁵⁰ Report dated 2024-11-03. TBD: Oct 24- Bad Debt to be updated in Nov 24; Write-Off % for Sep/Oct pending. Updates: Oct 24- Flow Restrictor Data Added; Sep 24 - CAP Totals and Total referred amount(s) updated; Aug 24- Write Off % updated ⁵¹ Total Final Collection Notices sent to all Single Family Residence Accounts (Renter and Owner occupied) ⁵² Total Interruption/Lien Notices sent to all Single Family Residence Accounts (Renter and Owner occupied)													
*Notes: Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld making 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.													
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
Irrant	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	354	1	1	6	97	7	2	12	6	2	2	549	
Illegal Connection	4	1	0	0	0	1	0	0	0	0	1	11	
Irrant	0	0	0	0	0	0	0	0	0	0	0	0	
Total	358	2	1	6	97	8	2	12	6	2	3	560	

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 12, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Derry L. Moten, Special Assistant to the General Manager 

SUBJECT: Fiscal Year 2025 Employee Experience Survey

SUMMARY

This memo provides an update on findings from the District's recent Employee Experience Survey. The survey is a key component of Pillar 3 – Inclusive Culture within the Diversity, Equity, and Inclusion Strategic Plan (DEISP), designed to capture employee perspectives and drive continuous improvements in workplace culture. Survey results, comparative data, key findings, and an action plan will be presented at the November 12, 2024 Board meeting.

DISCUSSION

The District's Employee Experience Survey, conducted by the Winsource Group using the Qualtrics EX25 survey, evaluated 25 drivers of employee experience across five key performance indicators (KPIs): Engagement, Experience vs. Expectations, Retention, Well-being, and Inclusion. These insights were benchmarked against comparable data from other U.S. companies, similarly sized organizations, and utilities, where available.

In September, the Office of Diversity, Equity, and Culture (ODEC) delivered 13 presentations on the District-wide survey results. Approximately 950 employees participated through nine in-person sessions at seven locations, including Adeline Maintenance Center, Main Wastewater Treatment Plant, the service yards, and four virtual sessions.

Key Findings

1. **Engagement:** Engagement levels across the District were robust, with 83 percent of employees willing to recommend the District as a great place to work and 79 percent reporting personal accomplishment in their roles. However, engagement could be further improved by addressing career development and communication feedback. Notably:
 - **Local 39** members demonstrated especially high engagement, with strong alignment to District values and a clear connection to their roles.
 - **Female employees** reported overall engagement levels on par with the District, driven by confidence in the District's values (83 percent) and pride in its positive impact. However, they expressed a desire for more engagement in innovation and operational problem-solving and making effective use of their skills.

- **Asian employees** indicated high engagement levels but sought improvements in manager communication and recognition.

The District's employee engagement score of 81 percent is five percent higher than the average for both U.S. based companies and for similarly sized organizations.

2. **Experience vs. Expectations:** 85 percent of employees feel their experience met or exceeded expectations, which is higher than industry standards for similar organizations. Key drivers for improvement included:

- **Career Development:** Employees, especially female and Black/African American employees, emphasized the need for clearer growth paths and more structured career support.
- **Open Communication:** Communication transparency and responsiveness from supervisors and managers were identified as critical gaps.

The District scored three percent higher than organizations of similar size. The District has an opportunity to improve alignment between employee expectations and their day-to-day experiences.

3. **Retention:** Retention indicators are strong, with 70 percent of employees intending to stay for over five years. However, retention could be reinforced through targeted support for employee career aspirations and creating a workplace culture that encourages innovation. Findings included:

- **Local 21** members indicated a desire for more consistent career discussions with managers to strengthen their long-term commitment.
- **Female employees** identified the need for clearer career advancement opportunities, although their overall intent to stay rating (81 percent) reflects a positive commitment to employment with the District.
- **Black/African American employees** noted that leadership responsiveness and equitable career mobility support would help them see the District as a longer-term career home.

The District's retention score surpasses the average score for U.S. companies by 15 percentage points and 20 percentage points above similarly sized organizations.

4. **Inclusion:** While inclusion scores reflect a positive environment, particularly regarding self-expression (66 percent) and a sense of belonging (68 percent), employees indicated the need for improved communication and opportunities:

- **Local 444** members emphasized the importance of supervisor and manager responsiveness to feedback and structured career pathways to enhance inclusion.
- **Hispanic/Latino employees** expressed a need for more open communication channels and transparency from leadership.

The District's inclusion score falls 13 percentage points below similarly sized organizations. This score is impacted by areas such as open communication, which is 19 percent lower than the comparison groups. Focusing on stronger communication and transparency can improve employees' sense of inclusion.

5. **Well-being:** Although a majority of employees feel positive about themselves at work (79 percent) and maintain trusted relationships (75 percent), additional support for well-being could be achieved through improved communication, having appropriate authority to perform their jobs, and respectful treatment across demographics:
 - **Local 2019** members highlighted work-life balance and manager responsiveness as critical factors impacting well-being.
 - **Black/African American employees** cited well-being concerns related to supervisor and manager support and proactive communication.

The District's well-being rating is six percentage points lower than similarly sized organizations. Support for adapting to change is a key area for improvement. Increasing support could raise overall well-being and job satisfaction.

Employee Comments

Employee comments revealed several themes. Employees appreciated benefits, training opportunities, and workplace safety. However, areas for improvement included manager support, staffing levels, and career development. The need for consistent decision-making and communication emerged as a common theme, particularly in how supervisors and managers address concerns.

NEXT STEPS

District-wide Actions

1. **Enhanced Communication:** Structured forums and transparent updates are recommended to foster open communication, particularly in areas of organizational change and feedback mechanisms.
2. **Career Development Programs:** A greater focus on mentorship, training, and structured career pathways will support employee growth and retention, addressing priorities across ethnicities and bargaining groups.
3. **Supervisor and Manager Responsiveness:** Training supervisors and managers to be more accessible and responsive to employee feedback will support well-being and inclusivity across teams, particularly within Local 444 and Local 2019.

Departmental Recommendations

Each department has been provided with specific recommendations tailored to address their team's unique needs, with a focus on improved communication, training, and career development resources.

Action Planning Process

The District adopted a structured, three-step action planning process – Assess, Huddle, Act – to address feedback gathered from the Employee Experience Survey. This survey serves as a baseline for measuring future improvements, with the goal of fostering a more inclusive and engaging work environment aligned with the District’s strategic goals.

1. **Assess:** This phase involves Senior Management Team members and Managers to identify trends across KPIs like Engagement, Retention, and Inclusion. The assessment includes examining the context behind the results to align findings with District-wide strategic objectives, especially those related to diversity, equity, and inclusion. Leadership teams will review these initial insights to establish a foundation for targeted improvements.
2. **Huddle:** Teams collaboratively interpret the data, facilitating discussions to uncover underlying drivers of the survey results. During these conversations, team members will propose preliminary strategies for addressing key areas of concern, setting a foundation for a sustainable, iterative approach to improvements.
3. **Act:** This step focuses on implementing agreed-upon actions, informed by both the survey results and team discussions. Initial changes will be communicated across teams to reinforce the District’s commitment to enhancing the employee experience. Monitoring practices will be established to track the effectiveness of these actions and guide future survey cycles.

Staff have created an action planning guide and a catalog of action planning tactics for supervisors and managers which is aligned with the drivers from the EX25. Through ongoing engagement, the District aims to embed these improvements into the organizational culture, maintaining momentum toward continuous improvement in alignment with our strategic vision.

The District’s Senior Management Team, in collaboration with their managers, are actively engaging in the three-step action planning process to address department-level priorities identified in the Employee Experience Survey. The following steps outline the next phases of implementation and continuous improvement:

1. **Departmental Action Plans:** Managers will finalize action plans tailored to address the unique needs of their teams, with a focus on enhancing communication, career development, and leadership responsiveness. These plans will be reviewed by the Senior Management Team to ensure alignment with District-wide strategic goals and consistency in approach across departments.
2. **Ongoing Monitoring and Engagement:** To support continuous improvement, each department will implement mechanisms to track the impact of their actions over time. Regular team check-ins and department meetings will facilitate ongoing engagement, enabling leaders and staff to address issues as they arise and maintain momentum.
3. **Annual Review and Survey Preparation:** The results of these initial actions will be assessed annually, providing insights to refine the approach for the next Employee Experience Survey. Lessons learned will be incorporated into the planning process,

enhancing the District's ability to respond effectively to employee feedback and fostering a culture of continuous improvement.

CCC:DLM:yd

Attachments: 1. Employee Experience Survey Action Planning Guide
2. Employee Experience Action Planning Tactics Catalog

I:\SEC\2024 Board Related Items\111224 Board Agenda Items\ODEC – Employee Experience Survey.docx

This page is intentionally left blank.

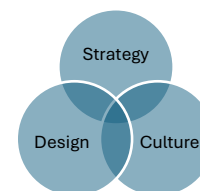


Introduction to the Action Planning Guide

The EX25 survey is a crucial tool for understanding the current state of employee experience at the East Bay Municipal Utility District (EBMUD). As we embark on this journey for the first time, the insights gathered from this survey will serve as the baseline for future improvements. This guide is designed to help Senior Managers and Managers effectively analyze, discuss, and act on the survey results, aligning our efforts with EBMUD's broader strategic objectives.

The EX25 survey is more than just a tool for gathering feedback; it is a critical component of our strategy to foster a more inclusive and engaging work environment. This aligns directly with the Core Driver Model outlined in our Managers and Supervisors Training, which emphasizes the interconnection between Strategy, Design, and Culture and the responsibility of all leaders to effectively manage each driver:

- Strategy: What Our People See (Vision)** - The EX25 survey helps us understand how employees perceive EBMUD's vision and their role within it. By gathering feedback on their experiences, we can gauge whether our strategic objectives are clear and resonating across the organization.
- Design: What Our People Do (Execution)** - The survey provides insights into how well our strategies are being executed on the ground. Are our processes, systems, and structures supporting employees in their daily work? The feedback from the EX25 survey will help us identify areas where design improvements are needed.
- Culture: What Our People Feel and Believe (Alignment)** - Culture is at the heart of employee engagement. The EX25 survey captures the sentiments, beliefs, and experiences of our workforce, offering a window into the effectiveness of our efforts to build an inclusive and supportive work environment. This data will allow us to assess how well our culture aligns with our values and strategic goals.



Together, these core drivers provide a comprehensive framework for understanding the employee experience. By integrating the insights from the EX25 survey with this model, we can ensure that our action planning is not only responsive to the feedback but also aligned with our long-term strategic goals.

This guide will walk you through a structured process for turning survey feedback into actionable steps that will enhance employee engagement, improve operational effectiveness, and strengthen our organizational culture. As this is our first time using the EX25 survey, the results will establish a baseline that will guide our ongoing efforts to create a more inclusive and engaging workplace. Each step in this guide is designed to ensure that we are not only responding to the immediate feedback but also laying the groundwork for continuous improvement in alignment with our strategic vision.

Action Planning Process Overview

As this is the first time EBMUD is using the EX25 survey, the results will establish a baseline for future surveys. The goal of this action planning process is to set the foundation for continuous improvement by effectively responding to the initial feedback and laying the groundwork for future iterations. The action planning follows a three-step process: Assess, Huddle, Act, and ongoing engagement.

1. ASSESS

Objective: To thoroughly understand the baseline survey results and their implications for your team and the organization.

- Review Dashboard & Initial Trends:
 - Access the Qualtrics Dashboard and/or the department summary of findings documents to analyze the baseline data, focusing on Key Performance Indicators (KPIs) and the primary drivers that emerged from the survey. Access to the dashboard will be granted to Senior Managers and Managers.
 - Given that this is the first survey, pay close attention to how different demographics and business units are performing, as these results will serve as the benchmark for future comparisons.
- Contextual Analysis:
 - Consider the survey results in the context of recent team events and overall organizational changes. Since this is the first survey, it's important to understand how these results reflect the current state of EBMUD's work environment and culture.
 - Align these findings with the District's Diversity, Equity, and Inclusion Strategic Plan Pillar 3 goals, which aim to create a more inclusive culture by fostering employee engagement and feedback.
- Consult with Leadership:
 - Share the baseline findings with leadership teams to get a comprehensive perspective and identify key areas that may require attention or improvement.
 - Engage with leaders across different departments to understand the context behind any significant variances in the baseline data.

2. HUDDLE

Objective: To collaboratively interpret the baseline data with your team and develop initial strategies for improvement.

- Team Discussion:

- Organize a two-part discussion with your team to review the baseline results. In the first stage, present the findings and facilitate an open discussion about what the data reveals regarding the team's experiences and areas of concern.
- In the second stage, collaborate on potential strategies to address any issues identified in the baseline survey. Given that this is the first survey, focus on establishing practices that can be evaluated and refined in future surveys.
- Identify Key Areas:
 - With no prior data to compare, emphasize understanding the key drivers of the baseline KPIs. Discuss which areas may need immediate attention and which could be monitored over time.
 - Encourage the team to think about what practices or behaviors they believe are most critical to address based on the initial data.

3. ACT

Objective: To take deliberate action based on the baseline feedback and prepare for ongoing assessment.

- Implement Initial Changes:
 - Based on the huddle discussions, implement the agreed-upon changes, recognizing that these actions will not only address current issues but will also help shape the foundation for ongoing improvements.
 - Ensure clear communication of these actions to the team, emphasizing that these steps are part of a longer-term strategy to improve employee experience.
- Establish Monitoring Practices:
 - As this is the first time the survey is conducted, set up mechanisms to monitor the effectiveness of these actions over time.
 - Use this as an opportunity to determine what metrics or behaviors should be closely tracked in future surveys.
- Reflect and Prepare for Future Surveys:
 - Plan to revisit the results and actions in future discussions, reflecting on what has worked and what hasn't.
 - Use these insights to refine the approach for the next survey cycle.
 -
- **Ongoing Engagement**
 - To maintain momentum and ensure that the baseline data leads to meaningful, continuous improvement.
 - Regular Check-ins: Establish a regular meeting schedule to discuss the ongoing impact of the initial actions. Use these meetings to keep the team engaged and focused on continuous improvement.



- Leadership Support:
 - Keep senior leaders updated on the progress and any additional needs that arise as a result of implementing the initial action plan.
 - Encourage open dialogue between senior managers, managers, and superintendents to share insights and best practices as they emerge from the baseline data.

Next Steps

- Schedule Baseline Action Planning Meetings:
 - The Office of Diversity, Equity, and Culture team will arrange meetings with each Senior Management Team member to discuss the baseline survey results and refine action plans accordingly.
 - These meetings will ensure alignment across the District, setting a strong foundation for future survey iterations and continuous improvement.
- Senior Management Team will discuss District wide efforts at the Senior Management Team Retreat and begin the action planning process.
- Departments may begin activating the three-step action planning process with their work groups.



Employee Experience Action Planning Tactics Catalog

Adapted from McLean HR

Tune in to the Employee Voice

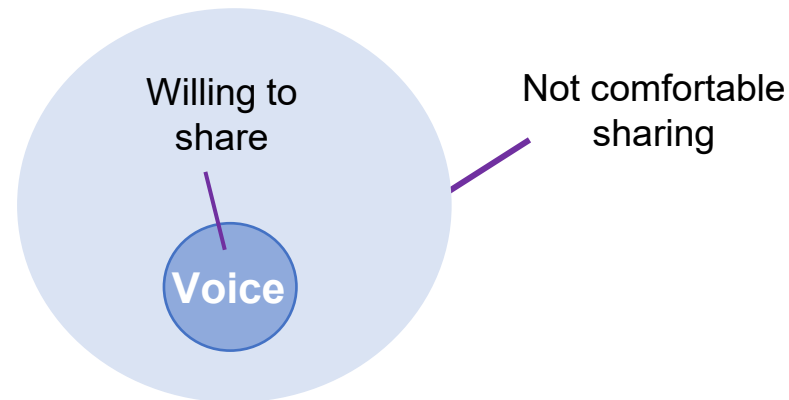
This catalog contains suggested action items categorized as either quick wins or long-term actions. The stakeholders who should be involved in the process are also identified.

Employee Experience action planning is not one size fits all.

These ideas are meant as guidance only. It is vital to tune in to the employee voice in your organization to get the story behind the numbers and to think about the organizational context and culture when deciding which actions to take.

And remember, taking action to improve the employee experience should not be a one-time event but an ongoing practice!

Employee voice: A means through which employees feel empowered to exchange ideas, raise concerns, and become involved in organizational decisions regardless of hierarchical differences.



If you assume you know what actions to take without engaging the employee voice, you risk choosing the wrong actions and wasting time and effort.



Qualtrics EX25 Model

Five Key
Performance
Indicators

25 Drivers of
Employee
Experience

62 questions

EX KPIs

ENGAGEMENT

EXPERIENCE VS
EXPECTATIONS

INTENT TO
STAY

INCLUSION

WELL-BEING

DRIVERS OF EX

Authority &
Empowerment

Collaboration

Communication

Managing
Change

Performance
&
Accountability

Psychological
Safety

Recognition

Resources

Respect

Role Fit

Safety

Survey
Follow-Up

Trust in
Leadership

Trust in
Manager

Work-Life
Balance

CSR

Customer
Focus

Ethics

Growth &
Development

Innovation

Living the
Values

Pay &
Benefits

Strategic
Alignment

Training

Work Process

INCLUSION KPI

Inclusion

The extent to which employees feel a sense of belonging, valued for their differences, and empowered to participate and contribute freely.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Encourage participation in Affinity Groups (AGs) to allow employees to share experiences, connect, and create initiatives (e.g. APEA, BEN, DART, Fuerza Latina, Raining Pride, WE ROCC). Create new groups for employee support (e.g. Veterans,	Quick Win	ODEC/Employees
Acknowledge cultural celebrations (e.g. Black History Month, Hispanic Heritage Month, Diwali).	Quick Win	All Staff
Allow flexible time-off options for religious and cultural celebrations and observances.	Quick Win	HR
Emphasize and report out on diversity, equity, and inclusion (DEI) strategy.	Long Term	ODEC / Senior Leaders
Provide ongoing equal opportunities for all employees to share their ideas and suggestions.	Long Term	HR/Managers
Review and revise policies, job descriptions, and job postings to be free from bias and include inclusive language (ongoing).	Long Term	HR / ODEC
Encourage the use of cross-functional teams to bring together diverse skill sets, knowledge, and experiences (e.g. a skills inventory).	Long Term	Department Leaders/Managers
Make the physical workspace more accessible (e.g. gender-neutral bathrooms, ramps at entrances).	Long Term	HR / ODEC / Facilities

AUTHORITY AND EMPOWERMENT DRIVER

Employee Empowerment

The degree to which employees have accountability and control over their work in a supported environment.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLD ERS
Create a short survey to periodically gather feedback on the tools that are available to employees.	Quick Win	HR/IT/Departm ent Leaders
Evaluate your implementation of the six behaviors on Empowering others to Act from the Meeting Leadership Challenges MAST course.	Quick Win	Managers
Have frequent conversations with employees to ensure they have all the tools and resources they need to do their job efficiently. Escalate employee needs where necessary.	Quick Win	Managers
Set regular check-ins with employees to discuss expectations and accountabilities.	Quick Win	Managers
Reflect on how decisions are currently made and think about where you could involve your team members for input.	Quick Win	Managers
Revisit flex work policies to provide employees more control over their hours/shifts.	Quick Win	HR/Managers
Provide employees with the opportunity to lead any passion projects that would benefit the team/organization or enhance the employee’s development.	Long Term	Managers

COLLABORATION DRIVER

Department
Collaboration

The extent to which departments collaborate and work together toward a common goal.

TACTICQUICK WIN/
LONG TERMREQUIRED
STAKEHOLDERS

Create opportunity for cross-collaboration work (employees from different teams work on a project together).	Quick Win	Department Leaders/Managers
Have department leadership meet quarterly/annually to share each department's goals and metrics.	Quick Win	Department Leaders
Have monthly manager meetings across departments where they share what is going on in their department, how they can help others, and how others can help them.	Quick Win	Department Leaders/Managers
Create opportunities for employees to socialize with employees from different departments (e.g. virtual coffee chats, virtual parties/hangouts, game days).	Quick Win	Senior Leaders
Identify departments that are in conflict and work with department leaders to determine if there is a shared sense of purpose.	Long Term	Department Leaders/Managers
Get all teams on the same communication platform (e.g. Microsoft Teams, Slack), consider how to use the platforms to increase employee access to information.	Long Term	HR/IT/Department Leaders
Identify the formal and informal networks that exist between employees to help get work done.	Long Term	Department Leaders
Use survey data to target specific departments with issues and address those issues directly (e.g. communication, workflow issues).	Long Term	ODEC/Managers/Senior Leaders

COMMUNICATION

Building Trust

The perception that there is open and honest communication in an organization

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Encourage two-way communication by identifying potential obstacles that may prevent your team from communicating with you.	Quick Win	SMT / Managers
Consider your current practices related to Meeting Leadership Challenge section on Inspiring a Shared Vision.	Long Term	SMT / Managers
Consider your current practices related to Meeting Leadership Challenges section on Modeling the Way	Long Term	SMT / Managers
Consider emailing your team short bi-weekly or monthly updates highlighting relevant business updates, news, and developments.	Long Term	SMT / Managers
For key business communications that come out, make a habit of putting them into context for your team (i.e. translate what it means for them and their roles).	Long Term	SMT / Managers
Set up a simple communication framework, outlining the best methods for matching the information being communicated with the appropriate channel (i.e. via teams meetings, electronic, individual meetings)	Long Term	SMT / Managers

Organizational Potential

An employee's understanding and commitment to the organization's mission, as well as the employee's excitement about the organization's mission and future.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Hold regular District wide meetings (monthly, quarterly) in which organizational goals and the direction of the organization are communicated.	Quick Win	Senior Leaders
Celebrate key organizational milestones.	Quick Win	Senior Leaders
Share key performance indicators (KPIs) regularly with the organization.	Quick Win	Senior Leaders
Be consistent with communication across the organization about company goals and direction.	Quick Win	Senior Leaders/ Managers
Be candid with communications to exhibit honesty and transparency.	Quick Win	Senior Leaders/ Managers
Update the Management Team format to ensure all people and process leaders are on the same page and can provide their teams with accurate information.	Quick Win	Managers/ Senior Leaders
Celebrate quick wins and project completions and share the organization's progress toward achieving other goals.	Quick Win	Managers/Seni or Leaders
Recognize and reward innovation in the organization.	Quick Win	Managers/Seni or Leaders
Evaluate hiring practices to ensure the right people are hired for the job.	Long Term	HR

CUSTOMER FOCUS DRIVER

Customer Focus

The employee's belief in the organization's strategy and ability to meet the customer's needs and wants.

TACTIC

QUICK WIN/ LONG TERM REQUIRED STAKEHOLDERS

Host town halls or focus groups with front-line staff to listen to their stories, their experiences, and their recommendations to improve customer focus.

Quick Win

Senior Leaders

Hold innovation days to gather new ideas from employees about how to improve the customer experience (e.g. design thinking approach).

Quick Win

Managers/Senior Leaders

Share customer feedback with all employees.

Quick Win

Managers/Senior Leaders

Have leaders in the organization spend a small amount of time doing some front-line work to ensure they are connected to the customer experience.

Quick Win

Leaders

Develop a recognition program based on customer service and feedback.

Long Term

Managers

Increase capacity and resources when needed for high-volume business areas (e.g. transition employees to understaffed departments, cross-train employees to do multiple jobs).

Long Term

Senior Leaders

Prioritize projects and initiatives related to improving customer service.

Long Term

Senior Leaders

GROWTH AND DEVELOPMENT DRIVER

Career Advancement & Development

A cooperative and continuous effort to enhance an employee's skills and expertise and to meet an employee's career objectives and the organization's needs.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Provide a list of free resources and suggested courses aligned with employee development goals (e.g. Udemy, edX).	Quick Win	Employee Development (EOD)
Schedule a day per quarter as a development day where employees can read articles, take a course, and learn something new.	Quick Win	Managers
Introduce lunch-and-learn events so employees can see career opportunities within the organization.	Quick Win	EOD
Provide regular reminders to employees of all the learning & development resources available to them.	Quick Win	EOD/Managers
Set a standard number of training hours for every employee per month/year and support employees in taking this time.	Quick Win	EOD/SMT
Provide employees with the right tools and resources to guide their own career paths (e.g. job descriptions, competencies).	Long Term	EOD/Rec&Class/Managers
Designate an external training budget for employees (e.g. for certifications, professional membership fees).	Long Term	EOD/Department Leader
Coach managers on how to have career development conversations with employees.	Long Term	EOD/Rec&Classes
Develop an internal training program to upskill employees in their existing roles and for mobility in the organization.	Long Term	EOD
Document and consistently review career development plans with your direct reports.	Long Term	Managers

RECOGNITION DRIVER

Recognition

Rewards (such as cash, cash equivalents, and tangible and intangible gifts) and recognition that employees receive as a form of acknowledgement for a job well done.

TACTIC	QUICK WIN/	REQUIRED
	LONG TERM	STAKEHOLDERS
Gather feedback from employees on what programs would be meaningful to them and how they would like to be recognized (e.g. publicly or privately).	Quick Win	EOD/Managers
Increase transparency around who is being recognized and why.	Quick Win	EOD/Managers
Recognize both personal and professional achievements.	Quick Win	Managers
Evaluate existing recognition programs for impact and effectiveness and make changes as required (e.g. criteria, costs, frequency, participation).	Long Term	EOD
Establish quarterly recognition program.	Long Term	EOD
Establish a clear criterion for rewards and communicate the process to employees.	Long Term	HR
Utilize and encourage the usage of the peer-to-peer recognition program (ecard).	Long Term	EOD
Allocate smaller budgets for department-level recognition.	Long Term	EOD/Managers
Train managers on the importance of informal recognition (e.g. saying thank you, sharing successes with team).	Long Term	EOD

RESPECT DRIVER

Coworker Relationships

The extent to which colleagues, who work together but do not report to one another, get along with and support each other.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Set backups for roles or a buddy system for when there are heavy workloads.	Quick Win	Managers
Create room for team-building activities (e.g. team outings, team volunteering days).	Quick Win	Managers
Schedule coffee chats within teams and/or across departments so employees can connect with one another.	Quick Win	Managers
Perform “a day in the life” type of activity so coworkers can learn about each other’s roles and responsibilities.	Quick Win	HR/Managers
Create a team charter that states how a team wants to work together, including resolving conflicts.	Quick Win	Managers/Team Members
Encourage employees to use the peer-to-peer recognition program (ecards).	Quick Win	EOD/Managers
Ensure there is visibility into peers’ workloads (e.g. team touch-bases, project management software).	Quick Win	Managers
Provide training on managing conflicts and having difficult conversations with team members.	Long Term	EOD
Have HR/ODEC and managers facilitate sessions to identify the root cause of conflicts within a team and design interventions.	Long Term	HR/ODEC/Managers

TRUST IN LEADERSHIP DRIVER

Executive Management

The degree to which an employee believes executive management is trustworthy, transparent, and values employee feedback/input.

TACTIC	QUICK WIN/	REQUIRED
	LONG TERM	STAKEHOLDERS
Provide ongoing communication from executive management (e.g. town halls, organizational meetings, weekly email updates).	Quick Win	Senior Leaders
Increase visibility by visiting offices/production plants/sites and having group/departmental coffee chats.	Quick Win	Senior Leaders
Have “get to know me” videos where leaders discuss their hobbies, likes, dislikes, and career paths to create a personal connection (e.g. CEO blog).	Quick Win	Senior Leaders
Encourage bottom-up communication by providing ways for employees to regularly provide feedback (e.g. suggestion box, question period during town halls).	Quick Win	Senior Leaders/HR
Ensure consistent messaging across all executive team members and departments.	Quick Win	Senior Leaders/ Department Leaders
Share and act on engagement survey feedback.	Long Term	ODEC/Senior Leaders

TRUST IN LEADERSHIP DRIVER

Department Leadership

The degree to which an employee believes their department leader is trustworthy, transparent, and values employee feedback/input.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLD ERS
Establish a regular cadence of communication through an effective channel to share company updates and decisions (e.g. town halls).	Quick Win	Department Leader
Use multiple methods to communicate and connect with employees (e.g. video messages, emails, town halls).	Quick Win	Department Leader
Review your most recent Leadership Practices Inventory (LPI) 360 for possible areas to address.	Quick Win	Department Leader / Managers
Provide the rationale behind business decisions impacting the department.	Quick Win	Department Leader
Increase leadership’s visibility among employees (e.g. visiting locations, floor walks, virtual coffee chats).	Quick Win	Department Leader
Customize every communication to address how it benefits or is relevant to the audience it is being directed to.	Long Term	Department Leader
Hold roundtables with different employee groups to provide employees with the opportunity to ask questions and voice concerns.	Long Term	Department Leader

TRUST IN MANAGER DRIVER

Manager Relationships

The professional and personal relationship an employee has with their manager. Manager relationships depend on the trust that exists between these two individuals and the extent that a manager supports and develops the employee.

TACTIC

QUICK WIN/ LONG TERM

REQUIRED STAKEHOLD ERS

Set a regular cadence of one-on-ones with each team member.	Quick Win	Managers
Have regular discussions on performance to provide constructive feedback and recognition.	Quick Win	Managers
Use one-on-ones to have development and career aspiration discussions with each team member.	Quick Win	Managers
Put messages from leaders into context and explain how the message impacts the team.	Quick Win	Managers
Schedule morning or end-of-day check-ins with your team, allowing them to contribute with managers speaking last.	Quick Win	Managers
Inform your employees of development opportunities and encourage them to make use of the resources (e.g. budgets) available.	Quick Win	Managers
Identify and provide employees with opportunities to have more autonomy over their own work.	Quick Win	Managers
Get to know your employees and team on a personal level (e.g. icebreakers, get-to-know-you activities).	Long Term	Managers

PAY AND BENEFITS DRIVER

Total Compensation

Total compensation refers to the level of fairness and competitiveness an employee attributes to their pay and benefits given the work they do and what they could make elsewhere in a similar role.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Hold information sessions throughout the year to ensure employees are aware of everything that is included in their total compensation.	Quick Win	HR
Provide employees with total reward statements and ensure managers review the statements with their employees.	Long Term	HR/Managers
Expand and/or tailor benefits for all employees to ensure individual needs are met (e.g. flexible benefits programs).	Long Term	HR
Conduct a regular salary structure assessment, including a pay equity analysis, and address problem areas through a remediation plan.	Long Term	HR
Train and coach managers to hold effective compensation conversations with their employees.	Long Term	HR/Managers
Leverage credible programs and systems to gather salary data for evaluations (e.g. pay scale).	Long Term	HR
Gather market data on an annual basis to evaluate the pay structure's external competitiveness.	Long Term	HR
Gather feedback from employees on the types of benefits they want and use this information to customize offerings.	Long Term	HR

LIVING THE VALUES DRIVER

Values Culture

The degree to which an employee identifies with the beliefs, values, and attitudes of the organization.

TACTIC	QUICK WIN/ LONG TERM	REQUIRED STAKEHOLDERS
Clearly articulate organizational values to all employees.	Quick Win	Senior Leaders
Articulate how decisions were informed by organizational values.	Quick Win	Senior Leaders
Recognize employees who demonstrate organizational values (Peer Recognition/Manager Recognition).	Quick Win	ODEC/Managers
Identify the employee value proposition.	Long Term	HR/ODEC
Use creative techniques to express organizational values if employees are remote.	Long Term	ODEC/Managers
Review organizational values to check for alignment with the business strategy.	Long Term	ODEC/Senior Leaders
Revisit performance incentives to ensure they are linked to the organizational values.	Long Term	HR/ODEC
Document different activities and employee behaviors to capture the organizational culture in a virtual environment.	Long Term	ODEC

WORK LIFE BALANCE DRIVER

Work-Life Balance

The extent to which employees feel they can maintain a healthy balance between their work and personal lives.

TACTIC

QUICK WIN/ LONG TERM REQUIRED STAKEHOLDERS

Update your flexible work policy.

Quick Win

HR

Work with managers on how to provide their employees with guidance and tips for managing workloads, especially during higher volume periods.

Quick Win

HR/Managers

Encourage employees to take breaks or request time off.

Quick Win

Managers

Evaluate how work is distributed across team members and whether adjustments need to be made.

Quick Win

Managers

Create room for upward feedback from employees about their workloads.

Quick Win

Managers

Send frequent reminders to employees about the wellness resources available to them.

Quick Win

HR/Managers

Evaluate current practices and cultural attitudes that may be hindering work-life balance and address any problem areas (e.g. being frowned upon for leaving on time, most employees working through lunch, expectation to work late).

Long Term

HR/Managers

Provide access to wellness resources and support (e.g. counselors, perks, employee assistance program).

Long Term

HR

Evaluate the impact on workload before implementing process or policy changes. Get feedback from employees on the impact of these changes once implemented and be prepared to adjust where necessary.

Long Term

Managers

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 7, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Finance/Administration Committee Minutes – October 22, 2024

Director William B. Patterson called to order the Finance/Administration Committee meeting at 9:09 a.m. in the Administration Building Boardroom. Director April Chan was present at roll call. Chair Andy Katz arrived at 9:12 a.m. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Director of Water and Natural Resources Michael T. Tognolini, Director of Operations and Maintenance David A. Briggs, Senior Civil Engineer Casey J. LeBlanc, Manager of Watershed and Recreation Charles C. Beckman, Manager of Budget Samuel A. Feldman, Treasury Manager Robert D. Hannay, Internal Auditor Supervisor Barry N. Gardin, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled “Fiscal Year 2024 Power Revenue Report,” dated October 22, 2024; 2) Presentation entitled “Fiscal Year 2024 Total Annual Budget & Performance,” dated October 22, 2024; 3) Presentation entitled “Camanche Mobilehome Park Rental Rates,” dated October 22, 2024; and 4) Presentation entitled “Board Governance Documents,” dated October 22, 2024

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the September 2024 report and noted the portfolio is currently earning approximately 4.4 percent in interest. The Committee raised no questions. This item will be submitted to the Board for consideration at its meeting in the afternoon. It was moved by Director Chan, seconded by Director Patterson, and carried (3-0) by voice vote to accept the report.

Quarterly Investment, Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended September 30, 2024. Director of Finance Sophia D. Skoda presented the quarterly investment, payroll disbursement and real estate summary reports for the Water and Wastewater systems. The gross pay in payroll disbursement report for August was higher due to an extra pay period that month. The transactions for the properties in the real estate summary report were executed at fair market price. It was moved by Director Patterson, seconded by Director Chan, and carried (3-0) by voice vote to accept the reports.

Fiscal Year (FY) 2024 Annual Power Revenue Report. Senior Civil Engineer Casey J. LeBlanc provided the presentation. Hydropower revenue in FY 2024 was \$15.4 million or 192 percent of the budgeted revenue of \$8 million primarily due to resource adequacy (RA) and better hydrology. Forecasted power revenue for FY 2025 is \$11.5 million. Daily peaking at Pardee Powerhouse earned approximately \$750,000, executed RA agreements are expected to earn approximately \$3 million and executed Renewable Energy Certificates (RECs) will earn approximately \$500,000 in additional revenue. Staff will market hydropower and wastewater biogas energy and RECs with a goal to execute

agreements by June 2025; monitor hydrologic conditions for opportunities to market additional RA; and execute agreements to sell additional RECs when they become available. The Committee asked for information on how power generation is prioritized among other resource needs. It was moved by Director Patterson, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

Fiscal Year (FY) 2024 Total Annual Budget and Performance Report. Manager of Budget Samuel A. Feldman presented the report. Total Water System revenues were \$1.13 billion, exceeding the budget by \$20.8 million while total expenses were \$1.10 billion, about \$5.6 million under budget. Higher-than-expected revenues came from power sales, property taxes, interest income, and bonds/grants. Capital expenses exceeded planned cash flows by \$47.4 million balanced by \$47.3 million in operating savings. Total Wastewater System revenues were \$201 million, \$9.8 million over budget, with expenses at \$192.5 million, \$8.7 million above budget. Increased revenue came from resource recovery, property taxes, bond proceeds, and grants. Although non-labor and debt service costs were below budget, capital spending exceeded planned cash flows by \$14.3 million. The budget was balanced primarily by the issuance of more than \$300 million in Water and Wastewater bonds, combined, in March 2024; otherwise there would have been significant deficits, led by capital spending. Mr. Feldman reported there was no new loan activity in FY 2024. The District received the following grant funding: \$3.5 million from the U.S. Environmental Protection Agency for the Upper San Leandro Water Treatment Plant, \$2.5 million from the Federal Emergency Management Agency (FEMA) for Phase 1 of the Influent Pump Station Seismic Retrofit Project, and \$1.7 million from FEMA for the COVID-19 pandemic. Mr. Feldman, Treasury Manager Robert D. Hannay, and Director of Finance Sophia D. Skoda responded to questions on whether the District would have to issue new bonds to cover expenses to avoid significant deficits, how the District repays its bonds, plans to cover costs if federal funding is no longer available after the November elections, funding for wastewater surveillance, and the COVID-19 pandemic grant. It was moved by Director Patterson, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

Annual Internal Audit Report. Internal Auditor Supervisor Barry N. Gardin reviewed the status of the following projects in the Fiscal Year (FY) 2024 Internal Audit Plan: purchasing compliance and control; facility access and control; equipment acquisition and utilization; purchase card activity and use; capital budget expenditure and accountability; staffing plan and utilization; and Information Technology control implementation. The Internal Audit office reviewed and is assessing concerns brought to its attention regarding the District being inaccurately invoiced for services and two allegations related to financial improprieties. Efforts have been made to recover the improper charges identified and procedural controls have been implemented. One instance of alleged impropriety could not be substantiated or verified while the other instance revealed control weaknesses that are currently being assessed. During this reporting period, no material findings, control weaknesses, risks, or other significant issues requiring Board action or immediate attention have been noted. Audits in the FY 2025 plan include a summary and reported results of FY 2024 planned and unplanned efforts; commuter subsidy; material accountability and inventory control; asset, inventory, and material disposal and salvage; accounts payable and miscellaneous payments; water consumption accountability and invoicing; and IT (Cybersecurity) safeguard implementation. Mr. Gardin and General Manager Clifford C. Chan responded to questions on the number of purchase cards at the District and the methodology used to audit purchase card activity and use. Director Chan noted it is important for new Board members to understand the role of the Internal Audit office. Mr. Chan confirmed information will be included in the new Board member briefings. It was moved by Director Patterson, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

Camanche Mobilehome Park Rental Rates. Manager of Watershed and Recreation Charles C. Beckman presented a proposal to cap annual rental rate increases for the three Camanche Recreation Area Mobilehome Parks (MHP). This proposal would not alter the existing formula that uses the U.S. Department of Housing and Urban Development (HUD) Fair Market Rents (FMR) adjustments to determine annual changes to MHP rental rates in place since 2010, but would develop a “carryforward balance” that would distribute larger annual increases over multiple years. In January 2024, the Camanche Regional Park Advisory Board (CRPAB) recommended the District continue utilizing the HUD FMR to determine annual changes in mobilehome site rent but to include a cap of 5 percent and a floor of 2 percent. The District did not accept the CRPAB proposal as it would limit revenue from MHP rental rates but developed the cap proposal that includes a “carryforward balance”. Annual increases would be capped initially at 5 percent with the ability to increase the cap up to 10 percent. The balance of a fee increase in excess of the effective rent cap would be placed into a fee carryforward balance and applied to the following year’s fee adjustment up to the cap. Any balance remaining that was not applied due to the cap would carry forward to the following year. If the HUD FMR increases more than 5 percent over multiple consecutive years, resulting in a carryforward balance in excess of 8 percent, the cap would increase to 8 percent. If the carryforward balance exceeds 12 percent, the cap would increase to 10 percent. Mr. Beckman reviewed a chart depicting 10 years of hypothetical increases to demonstrate how the proposal would work. Staff recommends amending the District’s Recreation Use Fees for 2025 (as adopted June 11, 2024) to incorporate the proposed cap on MHP fees. If the Committee supports the proposal, staff will present it to the Board for consideration in December 2024 with time to implement the new cap for the rental rate increases planned for April 2025 after the 90-day notice to MHP lessees. It was moved by Director Chan, seconded by Director Patterson, and carried (3-0) by voice vote to support the staff recommendation.

Draft Board Governance Manual and Policies – Next Steps. General Counsel Derek T. McDonald presented an overview of actions taken between June 2024 to date to develop a governance manual and three 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). At the September 24, 2024 Finance/Administration Committee meeting, staff presented a proposed timeline for Board members to review and provide comments on the manual and policies by October 8. Staff received feedback from board members on the manual; no comments were received on the policies. Mr. McDonald reviewed key comments regarding reporting communications w/elected officials or their staff about EBMUD matters; onboarding and training for new Board members; and consequences for a new Board member’s failure to complete onboarding and ongoing training. The Committee discussed the key comments and Director Chan discussed additional, proposed revisions to the manual. The Committee agreed with the timeline proposed by staff to present the updated manual and policies to the Board for discussion and direction at its meeting in the afternoon and to present final documents for Board consideration at its meeting on November 12, 2024.

Adjournment. Chair Katz adjourned the meeting at 10:37 a.m.

CCC/RSC

This page is intentionally left blank.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 7, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Sustainability Committee Minutes – October 22, 2024

Chair Doug A. Linney called to order the Sustainability Committee meeting at 10:40 a.m. in the Administration Building Boardroom. Directors Andy Katz and Marguerite Young were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Operations and Maintenance David A. Briggs, Senior Environmental Health and Safety Specialist Chris Dembiczak, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled, “Calendar Year 2023 Greenhouse Gas Inventory,” dated October 22, 2024.

Calendar Year 2023 Greenhouse Gas (GHG) Inventory. Senior Environmental Health and Safety Specialist Chris Dembiczak provided the presentation. The 2023 GHG inventory is based on the Water Energy Nexus (WEN) 2.0 protocol developed by The Climate Registry. All past year GHG data was revised to match WEN 2.0 to allow year-to-year comparisons. Pursuant to WEN 2.0, the District estimates and tracks process emissions of methane and nitrous oxide related to the treatment and discharge of wastewater but in accordance with District Policy 7.07 - Energy, does not include these as part of the District’s GHG goal. The 2023 emissions totaled 17,322 metric tons of carbon dioxide equivalent (MT CO₂^e), 28 percent lower than the goal of 21,535 MT CO₂^e with about 54 percent of these emissions from supplied electricity (scope 2 emissions). He discussed 2023 emission profiles by sector (buildings, water treatment and distribution, raw water, wastewater, and fleet); historical process GHG emissions (2010-2023); and 2023 trends and 2024 forecasted emissions. Planned actions include incorporating Western Area Power Administration (WAPA) Renewable Energy Credits (RECs) into future inventories; completing solar projects in Stockton and at Oakport in 2025; transitioning the District’s fleet to zero emission vehicles; continue planning for alternative fueling in District service yards; collaborating with others to study emerging GHG issues; and monitoring reported emission factors from power suppliers. Addressing the Committee was Eric Larsen, President, AFSCME Local 444, who commented on state legislation that requires agencies to account for scope 3 emissions (which include employee commuting) and asked the Board to direct staff to extend the District’s transit subsidy to carpoolers to help reduce the District’s scope 3 emissions. General Manager Clifford C. Chan clarified the state legislation does not apply to the

District. Reporting scope 3 emissions is optional and are not currently included in the District's inventory. It was moved by Director Katz, seconded by Director Young, and carried (3-0) by voice vote to accept the report.

Adjournment. Chair Linney adjourned the meeting at 11:09 a.m.

CCC/RSC