

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

### AGENDA <u>REGULAR CLOSED SESSION</u> Tuesday, March 11, 2025 11:00 a.m. Boardroom 375 11<sup>th</sup> Street Oakland, CA 94607

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

#### **ROLL CALL**:

**<u>PUBLIC COMMENT</u>**: 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:

 Conference with Labor Negotiators Keith Fleming and Stacey Cue from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; Samuel A. Feldman, Manager of Budget; Robert L. Hannay, Treasury Manager; Adam Smyer, Manager of Employee Relations; Lisa A. Sorani, Manager of Employee Services; Vincent L. James, Manager of Recruitment & Classification; Lori L. Worden, Senior Human Resources Analyst; and Valerie R. Weekly, Human Resources Administrator, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.

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

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

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

#### ROLL CALL:

#### **BOARD OF DIRECTORS:**

- Pledge of Allegiance
- 2024 California Water Environment Association Awards
  - Engineering Achievement Advanced Oxidation Process at Pump Station M
  - Outstanding Young Professional of the Year
  - Al Ditman Professional Development

#### ANNOUNCEMENTS FROM CLOSED SESSION:

**<u>PUBLIC COMMENT</u>**: 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.

**<u>CONSENT CALENDAR</u>**: (Single motion and vote approving 8 recommendations including 1 resolution.)

- 1. Approve the Special Meeting Minutes and Regular Meeting Minutes of February 25, 2025.
- 2. File correspondence with the Board.
- 3. Award a sole source contract beginning on or after March 11, 2025 to Hydra-Stop LLC, for supplying Hydra-Stop LLC insertion valve installation equipment and training for a total cost, after the addition of taxes, not to exceed \$165,147.
- 4. Authorize an agreement beginning on or after April 25, 2025, with AdMail Express, Inc. for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$275,000 to fulfill customer orders from the District's online store, provide warehousing services, and support on-demand special large volume District mailings.
- 5. Authorize the purchase of laptops, workstations, supporting devices, related warranties, and services beginning on or after March 11, 2025, from Dell Marketing LP, for a total amount not to exceed \$3,178,028.41. This purchase will be made under State of California contracts available for use by local governments.
- 6. Authorize an agreement beginning on or after March 11, 2025 with Branco Construction, Inc., in an amount not to exceed \$995,870 for the renovation of Camanche House at Pardee Center.
- 7. Authorize an agreement beginning on or after March 11, 2025 with Schneider Electric Systems USA, Inc., in an amount not to exceed \$3,778,263 to perform and support the District's Supervisory Control and Data Acquisition System upgrade at multiple District facilities.

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#### **CONSENT CALENDAR:** (Continued)

8. Adopt a resolution to appoint the following individuals as Standby Officers for the East Bay Municipal Utility District Board of Directors as outlined in the Directors' Emergency Succession Plan. (Resolution)

Ward No. 1	1) Ahmad Anderson
Ward No. 6	1) Wendall A. Mitchell
	2) Carolyn Veal-Hunter

#### **DETERMINATION AND DISCUSSION:**

- 9. Legislative Update.
  - Receive Legislative Report No. 02-25 and consider positions on the following bills: SB 823 (Boerner) Solid waste: plastic microbeads; SB 31 (McNerney) Water quality: recycled water; and SB 394 (Allen) Water theft: fire hydrants; and receive information on Water Rate Assistance Legislation
  - Update on Legislative Issues of Interest to EBMUD
- 10. General Manager's Report.
  - Water Supply Update water production; precipitation to date; reservoir storage; and forecasted supply conditions for the remainder of water year 2025
  - Monthly Report February 2025

#### **REPORTS AND DIRECTOR COMMENTS:**

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

#### ADJOURNMENT:

#### The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, March 25, 2025.

**Disability Notice** 

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

#### **Document Availability**

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

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# **BOARD CALENDAR** Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, March 11, 2025	Planning Committee	9:00 a.m. Boardroom	<ul> <li>Water Quality Program Annual Update – 2025</li> <li>Miller Road Trench Soil Management Project Update and Availability of the Draft Mitigated Negative Declaration</li> <li>Updated Plans for Alcohol and Personal Watercraft Prohibitions at Camanche Reservoir due to Golden Mussels</li> </ul>
	Legislative/Human Resources Committee	9:45 a.m. Boardroom	<ul> <li>Legislative Update</li> <li>Diversity, Equity, and Inclusion Strategic Plan Update</li> <li>Assembly Bill No. 1484 – Temporary Public Employees</li> </ul>
	Board of Directors	11:00 a.m. Boardroom	Closed Session
		1:15 p.m. Boardroom	Regular Meeting
Tuesday, March 25, 2025	Finance/Administration Committee	TBD Boardroom	
	Budget Workshop No. 2	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom	Closed Session
		1:15 p.m. Boardroom	• Regular Meeting
Monday, March 31, 2025	César Chávez Day		Offices Closed
Tuesday, April 8, 2025	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom	Closed Session
		1:15 p.m. Boardroom	• Regular Meeting
	2025 Board Cor	nmittee Members	
	Finance/Administration	Katz {Chair}, Lewis, Oddie	
	Legislative/Human Resources Planning	Gómez {Chair}, Oddie, Smith Chan {Chair}, Gómez, Lewis	
	Sustainability	Smith {Chair}, Gómez, Katz	



# 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

<u>By Phone</u>\* **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: <u>https://www.ebmud.com/about-us/board-directors/board-meetings/</u>

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#### **MINUTES**

#### Tuesday, February 25, 2025

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

#### Special Meeting

President Marguerite Young called to order the Special Meeting of the Board of Directors at 9:22 a.m. in the Administration Building Boardroom. The Board met in a workshop session to discuss the District's long-term water supply strategic plan goal, water supply portfolio and key program updates, demand update, drought planning, need for water, future supplemental supply sources, and next steps including preparation of the 2025 Urban Water Management Plan.

#### ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith, and President Marguerite Young were present at roll call.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Water and Natural Resources Michael T. Tognolini, Manager of Water Supply Improvements Linda H. Hu, Supervisor of Water Recycling Florence T. Wedington, Supervisor of Regional Projects Grace W. Su, Supervisor of Water Transfers Hasan M. Abdullah, and Secretary of the District Rischa S. Cole.

#### Public Comment. None.

**Presentation/Documentation.** 1) Presentation entitled "Long-Term Water Supply Workshop," dated February 25, 2025.

#### **DISCUSSION**

General Manager Clifford C. Chan introduced the workshop and announced the key topics to be discussed. Director of Water and Natural Resources Michael T. Tognolini reviewed the workshop agenda and introduced the presenters.

Manager of Water Supply Improvements Linda H. Hu provided an overview of the District's water supply; ongoing need for supplemental supplies to address future shortages; historical data on the variability of Mokelumne River supply; the District's Strategic Plan Long-Term Water Supply strategy and objectives; current factors influencing EBMUD's need for water including decreased reliability for Central Valley Project (CVP) supplies, customer demand, drought management, upcountry diversions, drought planning sequencing, regulatory constraints, climate change, and obtaining supplemental supplies; and the District's current supplemental water portfolio.

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Supervisor of Water Transfers Hasan M. Abdullah discussed how supplemental supplies from the CVP and water transfers are acquired through the Freeport Regional Water Project on the Sacramento River. Between 2014 and 2022, the District used Freeport four times to divert CVP and transfer water. He reviewed the terms of the District's CVP contract with the U.S. Bureau of Reclamation and the agreements and costs required for water transfers. Water transfers are needed as supplemental supplies from the CVP become more unreliable. In 2000, the Sacramento Water Forum Agreement was formed to collaboratively address water shortages, river health and groundwater overdraft. In 2013, the District signed a memorandum of understanding (MOU) with Placer County Water Agency (PCWA), a partner in the Sacramento Water Forum, to develop a long-term water transfer program. He described the terms of the MOU and next steps to finalize the program agreement. EBMUD is participating in developing the Water Forum 2.0 agreement and will provide an update to the Board at a future date. Other longterm water transfer efforts are underway with Yuba Water Agency (YWA) and Sycamore Mutual Water Company. A short-term transfer agreement with YWA and Contra Costa Water District (CCWD) expires in 2025. Staff will present the YWA and CCWD transfer agreements to the Board for consideration at a future date. Staff addressed questions from the Board regarding CCWD's role in the YWA agreement; when the Board will consider approving the transfer agreements with YWA and CCWD; whether the District's Warren Act contract can be used for other long-term water transfer agreements; the terms of the District's CVP contract; and timing for use of CVP supplies.

Supervisor of Regional Projects Grace W. Su provided an overview of the Bayside Groundwater Facility in San Lorenzo and the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project pilot which was completed in April 2024. The DREAM project, located in San Joaquin County, is a collaboration between EBMUD, North San Joaquin Water Conservation District (NSJWCD), San Joaquin County, and Eastern Water Alliance. She described how the project works, lessons learned from the pilot, and a preliminary 5-to-20-year timeline for a larger groundwater banking project. The partners are developing concepts for the larger project and next steps include developing concepts and solutions for challenges; reusing existing facilities and identifying new infrastructure needs; obtaining a water rights permit and key agreements; quantifying project benefits and updating EBMUD's unit cost estimates; and implementing a potential MOU with the project partners. Staff addressed Board questions on cost differences between original sourced water and extracted groundwater; comparison of contaminants in original sourced water versus extracted groundwater; associated treatment costs for addressing any water quality differences; why the District only received 263 acre-feet of banked groundwater instead of the 500 acre-feet projected in the DREAM pilot and the status of the remaining water; EBMUD's costs for participating in the DREAM pilot; how extracted groundwater is utilized in EBMUD's system; clarification on whether DREAM project banking occurs naturally or is injected; whether funding for the larger groundwater banking project is included in the 10-year Capital Improvement Program; comparison of water quality between DREAM water and extracted groundwater; and differences between the DREAM and Bayside projects.

Supervisor of Water Recycling Florence T. Wedington provided an update on the District's recycled water program which currently includes existing and future non-potable projects. She reviewed the where the projects are located in the service area, identified the projects included in the Capital Improvement Program, and noted there is future opportunity to expand the existing Richmond Advanced Recycled Expansion Project, North Richmond Water Recycling Plant, East Bayshore Recycled Water Project, and San Ramon Valley Recycled Water Project/DERWA. The program's current demand is 7.4 million gallons per day (MGD) and total existing and future projects can provide up to 13 MGD. Staff recently completed the Recycled Water Strategic Plan update which determined the District's goal of 20 MGD by 2040 cannot be achieved by non-potable reuse alone. The District will

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maintain its recycled water goal of 20 MGD but extend the timeline to 2050. Potable reuse, also known as purified water, will be needed in the long-term to meet the 20 MGD recycled water goal. Implementation of potable reuse will be further assessed during the Water Supply Management Program Update. She outlined potable reuse advanced water treatment requirements; indirect and direct potable reuse; potable reuse regulations and the status of significant projects throughout the state; potential purified water alternatives; and plans for potential potable reuse at the District. She emphasized the importance of exploring lessons learned from other agencies that have or are implementing potable reuse, strong advance public education and outreach, and developing public familiarity and trust with potable reuse.

- Director Chan left the meeting at 10:26 a.m. and returned at 10:27 a.m.

Manager of Water Supply Improvements Linda H. Hu highlighted the District's water conservation program, areas of focus in the Water Conservation Strategic Plan, and the current portfolio of conservation programs created for each customer class. The water conservation forecast includes plans to save 70 MGD by 2050 with conservation from all customers. To date, the District has achieved savings of 52 MGD. She touched on the California water conservation framework, the District's water use objective, and projections which indicate the need to reduce water use in specific categories to meet the State's objectives by 2040. Next, she discussed the 2050 demand study which supports a wide range of District efforts. A demand study is conducted every 10 years, with a mid-cycle update every five years to track changes in development, conservation, recycled water, high water users, non-revenue water, and climate change. The mid-cycle update for the 2050 demand study reviewed historical demand trends and drought periods since 1970. She then discussed the Drought Management Program and upcoming updates to the Urban Water Management Plan (UWMP) in 2025/2026. Staff will seek Board input on drought planning, including adjusting supply usage earlier in a drought. Supply options for a three-year drought, preliminary water needs, and potential supplemental sources were also reviewed. Next steps include launching the UWMP Update in March, reassessing the need for water, and updating the Water Shortage Contingency Plan. The Board is expected to adopt the updated UWMP in June 2026, with submission to the Department of Water Resources by July 1, 2026. Staff addressed Board questions on whether the District should plan for a 4th year of drought and a clearer way to visually understand the information on the graph in slide 40.

There was considerable Board discussion regarding drought management strategies, including the drought planning sequence, projected water needs in years three or four of a drought, and options for injecting water into the Bayside Groundwater Facility. They also commented on the need to build projects to address potential three year droughts; the timing of taking action in year two instead of year one, and the activation of Freeport; climate change; potential impacts a drought would have on the District's alternative supplemental supply sources; impacts to ratepayers; past instances of spilling supplemental water; diverting water to recharge aquifers in lieu of spilling; cost comparisons of purchasing CVP or transfer water versus other supplemental supply options in later drought years; and potential environmental benefits of spilling water that would help the Mokelumne River Fish Hatchery.

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There was additional Board discussion and questions. Board members thanked staff and requested the following:

- Information on the long-term demand estimate of 215 MGD water demand by 2050
- Information on the frequency of multi-year droughts
- Information on how different supplemental supply options may impact ratepayers
- Information on the water quality of different supplemental supply sources
- Information on other potential environmental benefits to spilling water
- Analyze the cost of CVP/transfer water in years 1, 2, and 3 of a drought
- How often the District has spilled water that has been purchased
- Whether water can be diverted to DREAM partners instead of spilling
- Continue outreach on the Bayside Groundwater Facility

#### **ADJOURNMENT**

President Young adjourned the Special Meeting at 11:06 a.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: March 11, 2025

Marguerite Young, President of the Board

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#### **MINUTES**

#### Tuesday, February 25, 2025 East Bay Municipal Utility District Board of Directors 375 Eleventh Street Oakland, California

#### **Regular Closed Session Meeting**

President Marguerite Young 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, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young 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 Young announced the closed session agenda and the Board convened to Administration Building Conference Room 8 for discussion.

#### **Regular Business Meeting**

President Marguerite Young called to order the Regular Meeting of the Board of Directors at 1:19 p.m. in the Administration Building Boardroom.

Directors April Chan, Luz Gómez, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith, and President Marguerite Young 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 Young led the Pledge of Allegiance.

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#### Women's History Month and EBMUD's Women Employees' Resource Opportunity Collaboration Community (WE ROCC) Affinity Group

President Young announced EBMUD is recognizing Women's History Month and the District's Women Employees' Resource Opportunity Collaboration Community (WE ROCC) Affinity Group. WE ROCC was founded in 2023 to promote understanding, goodwill, fellowship, and communication among women and all District employees. In March, WE ROCC will host events to celebrate Women's History Month with the theme "Moving Forward Together! Women Educating & Inspiring Generations" with a series of in-person and virtual events. President Young highlighted the events which are scheduled to kick off on March 3. On behalf of the Board of Directors, President Young encouraged all employees to support WE ROCC and take part in celebrating Women's History Month.

#### ANNOUNCEMENTS FROM CLOSED SESSION

President Young announced the Board met in closed session to consider a request by the General Counsel to authorize initiation of litigation. All Directors were present, and all Directors voted to authorize the General Counsel to initiate litigation in one matter. The action, parties, and particulars will be disclosed upon inquiry once the action has formally commenced. President Young also announced that this morning's Regular Closed Session was adjourned to continue immediately follow the conclusion of the Regular Meeting today, February 25, 2025. The Board will continue consideration of Item 3 on the Regular Closed Session agenda and will not consider any new items. The Board will reconvene in the Boardroom after the continued Closed Session for announcements. There were no other announcement required from closed session.

#### **PUBLIC COMMENT**

 Addressing the Board was Kelly Taylor, Camanche South Shore Homeowners Association President, who commented on establishing a relationship with the EBMUD Board, access to bulletin boards in the mobile home parks, a packet of information from park management to mobile home park residents, concerns about fire abatement in the mobile home parks, and establishing a venue to address residents' questions.

General Manager Clifford C. Chan stated staff will follow up with Ms. Taylor.

#### **CONSENT CALENDAR**

- Motion by Director Oddie, seconded by Director Katz, to approve the recommended actions for Items 1-8 on the Consent Calendar carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
- 1. **Motion No. 027-25** Approved the Regular Meeting Minutes of February 11, 2025 and the Special Meeting Minutes of February 13, 2025.
- The following correspondence was filed with the Board: 1) Presentation entitled, "Employees' Retirement System: Actuarial Valuations and Contribution Rates," dated February 25, 2025;
   Presentation entitled, "Water Supply Update," dated February 25, 2025; and 3) Speakers' Bureau and Outreach Record CY25, dated February 25, 2025.

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- 3. **Motion No. 028-25** Awarded a contract to the lowest responsive/responsible bidder, SAK Construction, LLC, in an amount not to exceed \$9,810,000 for the construction of North Interceptor Rehabilitation, Emeryville (N31 to N35) Project, under Specification SD-454.
- 4. **Motion No. 029-25** Awarded a sole source contract beginning on or after February 25, 2025 to Shape, Inc., to supply a replacement pump for the Orinda Water Treatment Plant lift station for a total cost, after the addition of taxes, not to exceed \$108,167.
- 5. **Motion No. 030-25** Authorized an agreement beginning on or after May 1, 2025 with California Department of Fish and Wildlife for a term of 20 years for the operations and maintenance of the Mokelumne River Fish Hatchery at a cost not to exceed \$481,000 for the period January 1 through June 30, 2025. Future annual budgets will be developed and approved based on the cost sharing criteria in the agreement.
- 6. **Motion No. 031-25** Authorized an agreement beginning on or after February 25, 2025 with EETS, INC. in an amount not to exceed \$92,056 for final engineering design services for electrical system improvements at the Mokelumne River Fish Hatchery, located at 25800 North McIntire Rd, Clements, at the base of Camanche Dam on the Mokelumne River.
- 7. **Motion No. 032-25** Authorized the purchase of Jira and Service Management software beginning on or after February 25, 2025, from SHI International Corp. for two years for a total amount not to exceed \$378,000. This purchase will be made under State of California contracts available for use by local governments.
- 8. **Motion No. 033-25** Approved the January 2025 Monthly Investment Transactions Report.

#### **DETERMINATION AND DISCUSSION**

9. Adopt the Actuarial Valuations of the Employees' Retirement System (ERS) as of June 30, 2024 prepared by the Retirement System's actuary. In addition, set Retirement System Contribution Rates for Fiscal Year (FY) 2026 based on the actuarially determined contribution rates in the valuations.

Treasury Manager Robert L. Hannay provided the presentation. General Manager Clifford C. Chan announced the Finance/Administration Committee met earlier and unanimously voted to support the recommended actions. Overall, between FY 2023 and FY 2024, the pension funded ratio on a valuation value basis increased from 75.2 percent to 76.1 percent while the Health Insurance Benefit (HIB) funded ratio increased from 47.7 percent to 51.8 percent. Mr. Hannay reviewed the portfolio asset allocations and changes in the FY 2024 actuarial valuations for the pension and HIB. At its January 23, 2025 meeting, the Retirement Board adopted actuarial valuations and made a recommendation for the EBMUD Board to set FY 2026 contribution rates equal to the FY 2024 actuarially determined rates from the valuations. Recommended employer pension contribution rates for the 1955/1980 plan increased to 45.43 percent while HIB rates remained unchanged at 4.43 percent. Employer pension contribution rates for the 2013 Tier plan increased to 35.93 percent while HIB rates slightly decreased to 4.22 percent. Contribution rates increased for the pension due largely to changes in assumptions, higher-than-assumed salary increases, and higher than assumed COLAs for retirees. Contribution rates are lower for HIB due to higher-than-expected payroll. Employee contribution rates for the 1955/1980 plan are set in the Memoranda of Understanding

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between EBMUD and its unions and remain unchanged at 8.75 percent (8.66% for pension and 0.09% for HIB). Contribution rates for 2013 Tier members are governed by the Public Employees' Pension Reform Act and increased to 10.17 percent (10.08% for pension and 0.09% (unchanged) for HIB).

• Motion by Director Gómez, seconded by Director Katz, to approve the recommended actions for Item 9 carried (7-0) by the following voice vote: AYES (Chan, Gómez, Katz, Lewis, Oddie, Smith, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35439-25** – Adopting The Actuarial Valuations Of The East Bay Municipal Utility District Employees' Retirement System And Setting The Pension And Health Insurance Benefit Employer Contribution And 2013 Tier Employee Contribution Rates For Fiscal Year 2026.

#### 10. General Manager's Report.

#### Water Supply Update

Manager of Maintenance and Construction/Water Operations Roberto C. Cortez presented the update on the District's current water supply including the following data as of February 19: gross water production; total system storage (629,410 acre-feet); precipitation in the East Bay (14.6 inches) and in the Mokelumne (25.1 inches); and the snow depth (78 inches) and snow water content (21.4 inches) at Caples Lake. He reviewed snowpack levels and snow water equivalent in the Sierras as of February 19; seasonal precipitation forecasts across the states for April through June 2025; projected Mokelumne precipitation for Rainfall Year 2025; and 2025 total system storage projections. In response to a question from Director Chan, Mr. Cortez confirmed that the Castro Valley golf course is not useable at this time.

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY25 had been provided at Board places.

#### **REPORTS AND DIRECTOR COMMENTS**

#### 11. Committee Reports.

- Filed with the Board were the Minutes for the February 11, 2025 Planning Committee Meeting.
- President Young reported the Board met earlier for the Long-term Water Supply Workshop where staff presented information on the District's water supply, long-term water supply strategic plan goal, water supply portfolio and key program updates, demand updates, drought planning, need for water, future supplemental supply sources, and next steps including preparation of the 2025 Urban Water Management Plan. The Board also met for a retreat during a Special Board meeting at the Joaquin Miller Community Center in Oakland on February 13, 2025.

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> Chair Andy Katz reported the Finance/Administration Committee met earlier and received updates on the Monthly Investment Transactions Report; Quarterly Financial Reports; Fiscal Year 2025 Semi-Annual Budget Performance Report; Employees' Retirement System Fiscal Year 2024 Update, Actuarial Valuations, and Fiscal Year 2026 Employee and Employer Contribution Rates; and Termination of California Shakespeare Theater Operations.

#### 12. Other Items for Future Consideration.

None.

#### 13. Director Comments.

- Director Chan reported attending the Alameda County Mayors Conference in Pleasanton on February 12; the Chinatown Lunar New Year parade in Oakland with Director Oddie in Oakland on February 22; and plans to attend the Asian Pacific Employees Association's Lunar New Year luncheon in Oakland on February 27.
- Director Gómez reported attending a community meeting (virtual) regarding the Reliez Valley Road project in Lafayette on February 20.
- Director Katz reported attending the Board Retreat at the Joaquin Miller Community Center in Oakland on February 13; and plans to attend the East Bay Wildfire Coalition meeting in El Cerrito on February 27.
- Director Lewis reported attending the Board Retreat at the Joaquin Miller Community Center in Oakland on February 13; moderating a California Water Law Symposium panel on direct potable reuse at U.C. Berkeley on February 15; and attending the Barbara Lee and Elihu Harris lecture series in Oakland on February 21.
- Director Oddie reported attending the Board Retreat at the Joaquin Miller Community Center in Oakland on February 13; presenting at the Alameda City Council on February 18; attending the Chinatown Lunar New Year parade on February 22; and plans to attend the San Leandro City Council meeting on March 3; a Ward 5 meet and greet in Alameda on March 13; and the Unincorporated Services Committee meeting in San Leandro on March 26.
- Director Smith reported attending the Board Retreat at the Joaquin Miller Community Center in Oakland on February 13; the Contra Costa Mayors Conference in Moraga on February 13; the Barbara Lee and Elihu Harris lecture series in Oakland on February 21; and the Black Joy Parade in Oakland on February 23.
- President Young reported observing a couple of EBMUD crews working in downtown Oakland and plans to provide a presentation on the Camino Sobrante Pipeline Replacement Project at the Orinda City Council on March 4 and a presentation on EBMUD at the Orinda Valley Garden Club on March 12.

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#### ADJOURNMENT

President Young adjourned the Regular Meeting at 1:56 p.m.

#### **Regular Closed Session Meeting (Continued)**

At 1:56 p.m., President Young announced the Board would now convene to Administration Building Conference Room 8 to continue consideration of Item 3 on the Regular Closed Session agenda. The Board will return to the Boardroom after the continued Closed Session for any announcements.

#### **ROLL CALL**

Directors April Chan, Luz Gómez, Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith and President Marguerite Young were present at roll call.

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

The Board convened to Administration Building Conference Room 8 to continue consideration of Item 3 on the Regular Closed Session agenda.

#### ANNOUNCEMENTS FROM CLOSED SESSION

The Board reconvened in the Boardroom at 4:52 p.m. President Young stated there were no announcements required from the continued closed session.

#### **ADJOURNMENT**

President Young adjourned the continued Closed Session Meeting at 4:52 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: March 11, 2025

Marguerite Young, President of the Board

W:\Board of Directors - Meeting Related Docs\Minutes\Minutes 2025\2025 Regular\02252025\_regular\_minutes.docx



**BOARD ACTION** 

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

Originating Department:	Department Director or Manager:	<b>CEP Forms?</b>	Board Action Type:
Maintenance and Construction	Crystal J. Yezman	Yes	Materials and Supplies
<b>Funds Available:</b>	Budget Coding:		Approved:
FY2025 Award #7000005, page 29; Award #7000003, page 32; Award #7000006, page 33; and Award #7000024, page 34	11.Various.Various.53010		Clipped On
Attachment(s): P-035; P-061			V

Title:	Insertion Valve Equipment for Distribution Pipelines	Meeting Date:	March 11, 2025
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#### Social

This equipment purchase will increase operational reliability and customer service by reducing water outages during pipeline replacements and maintenance work.

#### Environmental

Insertion valve installation will minimize water loss to the environment by reducing the volume of water discharged during shutdowns.

ALTERNATIVES Use specialty contractors to install insertion valves. This alternative is not recommended because of the high costs of specialty contractor services.

**Do not purchase these valves and equipment.** This alternative is not recommended because customer impacts can be significantly reduced with relatively little cost.

I:\Sec\2025 Board Related Items\031125 Board Agenda Items\OMD – Insertion Valve Equipment for Distribution Pipelines.docx



# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Materials and Supplies Agreement								DATE:			
Insertion Valve Equ	uipment for D	Distribution F	Pipelir	nes					February 6, 2025		
CONTRACTOR:						PERC	ENTAGE	OF CONTR	RACT DO	LLARS	
Hydra-Stop LLC Somerset, NJ		Sole So	ource		Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S	FIRM	'S OWNERSI	HIP			White Me	en	25%	6	0.0	%
PRICE:	Ethn	icity	Gen	der	v	Vhite Won	nen	2%	)	0.0	%
\$165,147 *					Et	hnic Mino	rities	25%	6	0.0	%
	1	CONTRA	1		Y PAR	ΓΙϹΙΡΑΤ	ION				
COMPANY NAME	ESTIMATED	ETHNICITY	GEN	DER	\ <b>\</b> /l=:4 =	\A/l=:4 =		ACTING PARTI		Coult/Mar	
	AMOUNT	_	М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:	\$405 447							400.0%			
Hydra-Stop LLC	\$165,147							100.0%			
SUBS:											
None											
TOTAL		\$165,147			0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	CONTRA	CTOR'S WC						,	1		
		White Me	ən	V	White Wo	men	Ethnic	Minorities	Tota	I Employe	es
No. of E	mployees:	28			2			19			
Percent of Total E	mployees:	57.1%			4.1%	)	38	3.8%		49	
MCALeber	Market 9/ .	20.0%			22.70	/	0-	7 20/	-		
MSA Labor	Warket %:	39.0%			33.7%	0	21	7.3%			
MSA Labor Market	t Location:						USA				
			C	OMN	IENTS						
Contract Equity Participation: Contract Duration : NA	Zero Contract	Equity Partici	pation	ı. Firn	n is uncla	ssified.					
*Total not to exceed: \$165,147											
Workforce Profile & Stateme Submitt		rimination	C		Faith Ou quireme				Award Ap Recomme		
NA					N	A		Read	alogo		



(Completed by District)

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

Title: Insertion Valve Equipment for Distribution					ority Perce		1	T	r	
Pipelines		Distribution			В	н	A/PI	AI/AN	TOTAL	
	i ipeiiii	63	National		10.5	10.7	3.7	0.7	27.3	
lotori	ala and	Supplies Agreement	DATE:	9 Bay Area	a Counties	5.5	16.2	14.2	0.4	39.9
Materials and Supplies Agreement			2/6/2025 Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub Composition of Ownership				I	Number of E	thnic Mino	rity Employ	/ees		
	any Name, ( none Numbe	Dwner/Contact Person, Address, er		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P		Unclassified	Company Wide	2	17	0	0	19	38.8%	27.3
lydra-	Stop LLC		Manager/Prof	1	3	0	0	4	23.5%	
ohn L	/ons		Technical/Sales	0	1	0	0	1	5.9%	I
44 To	wer Drive	Suite A	Clerical/Skilled	0	3	0	0	3	100.0%	1
Burr Ri	dge, IL 60	527	Semi/Unskilled	1	10	0	0	11	91.7%	1
			Bay Area	0	0	0	0	0	0.0%	39.9
30-48	4-0910		AA Plan on File:	NA		Date of last	contract with	n District:	6/23/2020	
			Co. Wide MSA:	USA			s-Co. Wide:		Bay Area:	0
										-
										1
										1
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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)

EBMUD	OARD ACTION						
Agenda Number	: 4.		Meeting Date:	March 11, 2025			
TITLE	ONLINE STORE F	ULFILLMENT AND WAREHOU	SING SERVICES				
ACTION	TION Motion: Resolution: Ordinance:						
RECOMMENDED ACTION	(AdMail) for threamount, includir	reement beginning on or after be years, with two options to r ng option years, not to exceed store, provide warehousing se mailings.	enew for additional one- \$275,000 to fulfill custor	year periods for a total ner orders from the			
SUMMARY	website to impro to order District devices, and Dist Francisco Bay Re	District has provided the ability ove overall customer experien materials such as the WaterSr trict books (e.g., <i>Plants and La</i> <i>gion)</i> . Warehousing and fulfill hird-party fulfillment center.	ce. The District's online s nart Home Survey Kit, wa ndscapes for Summer Dry	tore allows customers ater conservation • Climates of the San			
DISCUSSION	timely manner. store, and stores includes storage specialized print situations like dr continuity. These services st	d fulfillment services are need The third-party fulfillment cen s, packages and ships the orde of materials. In addition, the ing and mailing services, which roughts, and emergency bill pr	ter receives orders from t rs to customers. The war agreement includes the c h the District may exercis inting and mailing service	the District's online ehousing service also option for large volume, e in response to es to ensure business			
	Supply Strategic	Plan goals.					
SERVICE PROVIDER SELECTION	provide these se mailing, and prir competitive cost	uthorization was approved for rvices. Staff researched ten ve nting services. AdMail, a small rs, knowledge of the District's ting business and proximity to	endors that offer fulfillme local business, was select needs, experience in the	nt, warehousing, ed based on their warehouse, fulfillment,			

Originating Department: Customer and Community Services	Department Director or Manager: Andrew L. Lee	<b>CEP Forms?</b> Yes	Board Action Type: General Services
Funds Available: FY2025	Budget Coding: 11.314.1420.8471700.52410.000000	Approved:	
<b>Attachment(s):</b> P-035; P-061			Clipped On

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BOAR	D ACTIC	DN		Page 2 of 2					
Title:	Online	Store Fulfillment and Warehousing Services	Meeting Date:	March 11, 2025					
SUSTAINABILITY		<b>Economic</b> The FY 2025 adopted operating budget includes funding for the initial term of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.							
	2, 2025, and did not								
ALTERNATIVES Select another service provider. This alternative is not recommended because A established automated processes in response to District customers' online orde warehousing of District materials. Changes to these processes could cause disrusservices to customers.									
		Perform the work with District forces. This alternative is not recommended because these fulfillment services are specialized and outside of current District operations, including specialized printing and mailing services the District may exercise in response to a drought. The District warehouse lacks appropriate space, necessary specialized equipment, and staff experienced in commercial fulfillment of customer orders.							

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# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

General Services Ag	General Services Agreement										
Online Store Fulfill	ment and Wa	arehousing S	Servic	es					Janu	iary 22, 2	025
CONTRACTOR:		Loc	al/			PERC	ENTAGE	OF CONTR	RACT DO	LLARS	
AdMail Express, Inc. Hayward, CA		Small Business/ Direct Award			Ava	Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S	FIRM	'S OWNERS	HIP			White Me	n	25%	6	100.0%	
PRICE:	Ethn	nicity	Gen	der	v	Vhite Won	nen	6%	,	0.0	%
\$275,000 *	Wł	nite	Me	en	Et	nnic Mino	rities	25%	6	0.0	%
		CONTRA	CT E	QUIT	Y PAR	ΓΙϹΙΡΑΤ	ION			0	
COMPANY NAME	ESTIMATED	ETHNICITY	GEN	DER			-	ACTING PARTI			
	AMOUNT		М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:	¢075 000 00	\A/h;t-	v		100.00/						
AdMail Express, Inc.	\$275,000.00	White	Х		100.0%						
SUBS:											
TOTAL		\$275,000			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	CONTRA	CTOR'S WO	ORKF	ORC	E PROI	FILE (Fr	om P-025	Form)	l		
		White Me	ən	V	Vhite Wo	men	Ethnic	Minorities	Tota	al Employe	es
No. of E	mployees:	1			1			11			
Percent of Total E	mployees:	7.7%			7.7%	1	84	1.6%		13	
MSA Labor	Market %:	24.5%	I		21.6%	6	53	3.9%			
MSA Labor Market	Location:						Alameda				
		U	C	OMN	IENTS						
Contract Equity Participation: Contract Duration: Three years				ditiona	al one-ye:	ar periods	δ.				
*Total not to exceed: \$275,000											
Workforce Profile & Stateme Submitt		rimination	0		Faith Ou quireme				Award Ap Recomme		
NA					N			Recommended			



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cei	nsus Data		
	Online Store Fulfillment and Warehousing		Varehousing			В	н	A/PI	AI/AN	TOTAL
Services		Ū	Natio	onal	10.5	10.7	3.7	0.7	27.3	
-			DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Gene	ral Serv	ices Agreement	1/22/2025	Alameda/C	C Counties	10.7	15.6	15.4	0.5	46.2
R=Rec P=Prir	cmmd ne S=Sub	Composition of Ownership			Number of Ethnic Minority Employees					
	any Name, ( none Numbe	Owner/Contact Person, Address, er		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP		WM: L/SBE	Company Wide	0	10	1	0	11	84.6%	53.9%
AdMail	Express,	Inc.	Manager/Prof	0	2	0	0	2	50.0%	
Brian M	1. Schott		Technical/Sales	0	2	1	0	3	100.0%	ĺ
31640	Hayman S	it.	Clerical/Skilled	0	6	0	0	6	100.0%	
Haywai	rd, CA 945	544	Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	0	10	1	0	11	84.6%	39.9%
510-47	7-6240		AA Plan on File:	NA		Date of last	contract with	n District:	4/14/2020	
			Co. Wide MSA:	Alameda		# Employee	es-Co. Wide:	13	Bay Area:	13
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						+				
				1		1			1	
					1	1	1		1	

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

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### **BOARD ACTION**

Agenda Number:	5.		Meeting Date:	March 11, 2025					
TITLE	WORKSTATIC	ON AND LAPTOP REFRESH							
ACTION	Motion:	Resolution:	Ordinan	ce:					
RECOMMENDED ACTION	Authorize the purchase of laptops, workstations, supporting devices, related warranties, and services beginning on or after March 11, 2025, from Dell Marketing LP, for a total amount not to exceed \$3,178,028.41. This purchase will be made under State of California contracts available for use by local governments.								
SUMMARY	Laptops, workstations, supporting devices, related warranties, and services are necessary for most District employees to perform their required daily office and field work. This purchase will replace devices that are out of warranty.								
DISCUSSION	All workstation and laptop computers are purchased with a manufacturer's warranty. These are typically three-year or five-year warranties. When the warranties expire, new workstation and laptop computers are purchased to ensure staff have access to reliable hardware to perform their operational tasks.								
	This item sup	ports the District's Long-Term Fi	nancial Stability Strategic F	Plan goal.					
VENDOR SELECTION	allowed to pu authorized pa State of Califa Marketing LP	Contract Code, Section 10298, urchase directly through State articipating agreements withou ornia, Department of General S (Contract No. 7-23-70-55-01). vas able to receive a highly favo	of California contracts or ut pursuing separate com Services (DGS), holds a co By leveraging this State c	through State petitive bidding. The ntract with Dell of California contract,					
SUSTAINABILITY	-	nis purpose is available in the FY Fund Current PCs, Desktops, Lap	• •	get for Equipment					
	Environment All reclaimed	al computer devices will be recycle	ed.						
ALTERNATIVES		nase workstation/laptop component ent workstations/laptops are o		not recommended					

Originating Department: Information Systems	Department Director or Manager: Orlando W. Leon	<b>CEP Forms?</b> Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025	Approved:		
<b>Attachment(s):</b> P-035, P-061	Clipped Ou		

**Formally bid the procurement of workstation/laptop computers.** This alternative is not recommended because the District will not be able to receive the economies of scale in pricing which the State of California contracts offer.

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# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

Materials and Suppli	ies Agreement	t						DATE:				
Workstation and La	-							February 21, 2025				
CONTRACTOR:						PERC	ENTAGE	OF CONTR	RACT DO	LLARS		
Dell Marketing LP Round Rock, TX		State Co	State Contract			ailability G	iroup	Contracting Objectives		Participation		
BID/PROPOSER'S	FIRM	'S OWNERSHIP				White Me	n	25%	6	100.0%		
PRICE:	Ethn	icity	Ger	der	v	Vhite Wom	nen	2%	5	0.0	%	
\$3,178,028.41 *	Wh	ite	M	en	Et	hnic Mino	rities	25%	6	0.0	%	
		CONTRAC	СТ ЕС	QUIT	Y PART	ICIPATI	ION					
COMPANY NAME	ESTIMATED	ETHNICITY	GEN	DER				ACTING PARTI			I	
	AMOUNT		М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
PRIME:	<b>40 470 000 (</b> )		V		100.000							
Dell Marketing LP	\$3,178,028.41	White	Х		100.0%							
SUBS:												
None												
TOTAL	\$	3,178,028.41			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
	CONTRAC	TOR'S WO	RKF	ORC	E PROF	ILE (Fro	om P-025	5 Form)				
		White Me	en	V	Vhite Wo	men	Ethnic	Minorities	Tota	al Employe	es	
No. of F	Employees:	113			57			160				
Percent of Total E	Employees:	34.2%			17.3%	6	48	3.5%		330		
MSA Labo	r Market %:	31.5%			26.1%	6	42	2.4%	-			
	01.070			20.17								
MSA Labor Marke	et Location:					9 Bay	/ Area Co	unties				
			CC	OMM	ENTS							
Contract Equity Participation: Contract Duration : NA	100% White M	en participatio	n.									
*Total not to exceed: \$3,178,028.	41											
Workforce Profile & Stateme Submitt		rimination	(			itreach E nt Satisfi			Award Ap Recomme			
NA					N	A		Ren	alogo			



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	nsus Data	
	tation and Laptop Refre	esh			В	н	A/PI	AI/AN	TOTAL
			Nati	onal	10.5	10.7	3.7	0.7	27.3
		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Materials and	Supplies Agreement	2/21/2025	Alameda/C		10.7	15.6	15.4	0.5	46.2
R=Recmmd					11				
P=Prime S=Sub	Composition of Ownership		ľ	Number of E	thnic Minor	ity Employ	ees		
Company Name, and Phone Numb	Owner/Contact Person, Address, per		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	9	37	100	2	148	44.8%	39.9%
Dell Marketing L	P	Manager/Prof	6	16	69	1	92	56.1%	
Shelly Morris		Technical/Sales	3	21	30	1	55	33.3%	1
One Dell Way		Clerical/Skilled	0	0	1	0	1	100.0%	Ī
Round Rock, TX	78682	Semi/Unskilled	0	0	0	0	0	0.0%	İ
		Bay Area	9	37	100	2	148	0.0%	39.9%
512-720-5966		AA Plan on File:	NA		Date of last	contract with	n District:	6/9/2021	
		Co. Wide MSA:	9 Bay Area C	ounties	# Employee	s-Co. Wide:	330	Bay Area:	330
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WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



### **BOARD ACTION**

Agenda Number: 6.

March 11, 2025

Meeting Date:

	·			•				
TITLE	CAMANCHE HO	JSE RENOVATION						
ACTION	Motion:	Resolution:	Ordinanc	e:				
RECOMMENDED ACTION	Authorize an agreement beginning on or after March 11, 2025 with Branco Construction, Inc. (Branco), in an amount not to exceed \$995,870 for the renovation of Camanche House at Pardee Center.							
SUMMARY	including replace	provides for the renovation of th ement of exterior and interior co nt, flooring, and restroom access	mponents such as sidin					
DISCUSSION	Camanche House is located at the Pardee Center in Valley Springs in Calaveras County. The facility is used for District staff workspace. The existing wood siding on the building is in poor condition and continues to deteriorate from dry rot and pest damage. The windows, trim, roo gutters, and downspouts are also in poor condition.							
	The project includes replacement of siding and trim with a fiber cement product that resists deterioration and is fire resistant, replacement of windows, gutters, downspouts, and painting. The building's access and restrooms will be renovated to comply with the American with Disabilities Act (ADA). The interior work includes the demolition of several walls and the creation of a new layout to include an office, workstations, shower room and locker room; electrical and communication component installations; plumbing work for the ADA restroom; and new floor covering and painting.							
	This project sup	ports the District's Long-Term Inf	rastructure Investment	Strategic Plan goal.				

#### **SERVICE PROVIDER** SELECTION A request for proposals was sent to one resource organization. Six service providers submitted proposals. Branco was the lowest responsive/responsible bidder.

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

Originating Department: Water Operations	Department Director or Manager: Robeto C. Cortez	<b>CEP Forms?</b> Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000299; Page #104	Approved:		
Attachment(s): P-035; P-061	Clipped Ou		

Title:	Camanche House Renovation	Meeting Date:	March 11, 2025
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#### SUSTAINABILITY Economic

Funding for this purpose is available in the FY 2025 adopted capital budget for Pardee Center Capital Maintenance & Improvements.

#### Social

Local 444 was notified of this agreement on February 7, 2024 and did not raise any specific issues related to this agreement.

#### Environmental

Waste and recyclable materials generated by the project will be handled per the State Construction Waste Management Requirements and the District's Environmental Requirements Specifications Waste Management Requirements.

## ALTERNATIVES <u>Perform the work with District forces</u>. This alternative is not recommended because staff is already committed to other higher priority work and cannot complete this work.

**Defer the project**. This alternative is not recommended because various exterior and interior building components continue to deteriorate and increase maintenance and repair costs.

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## **CONTRACT EQUITY PROGRAM SUMMARY (P-035)** This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

General Services Ag	greement							DATE:	Fahr	1000111	0005
Camanche House	Renovation								repri	uary 11, 2	2025
CONTRACTOR:		_				PERC	ENTAGE	OF CONTR	RACT DC	LLARS	
Branco Construction, Inc. Lodi, CA		Loca Small Bu			Availability Group			Contracting	Objectives	Partici	pation
BID/PROPOSER'S	FIRM	'S OWNERS	SHIP			White Me	en	25%		84.2%	
PRICE:	Ethn	icity	Gender		v	Vhite Won	nen	6%		0.0%	
\$995,870 *	Wł	nite	M	en	Et	hnic Mino	rities	25%	6	15.8%	
		CONTRA	1		Y PAR	TICIPA	ΓΙΟΝ				
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GEN M	DER W	White-	White-	Ethnic	CTING PARTI	Publicly	Gov't/Non	Foreign
PRIME:					Men	Women	Minorities	onolacoliloa	Held Corp.	Profit	r oroigir
Branco Construction, Inc.	\$383,870	White	x		38.5%						
SUBS:											
AMS Heating	\$60,000	White	х		6.0%						
JAK Plumbing	\$70,000	White	х		7.0%						
JM Environmental, Inc.	\$90,000	White	х		9.0%						
Comprehensive Construction Services, Inc.	\$115,000	White	х		11.5%						
Alcal Specialty Contracting	\$10,000	Hispanic	х				1.0%				
Alejo Electric Inc.	\$100,000	Asian	х				10.0%				
Soracco Inc.	\$30,000	White	х		3.0%						
Platinum Dirt Worx LLC	\$47,000	Hispanic	х				4.7%				
Artificial Turf and Landscape Inc.	\$90,000	White	х		9.0%						
TOTAL		\$995,870			84.2%	0.0%	15.8%	0.0%	0.0%	0.0%	0.0%
	CONTRAC	TOR'S WC		1							
		White Me	en	V	Vhite Wo	omen	Ethnic	Minorities	lota	al Employ	ees
No. of E	mployees:	3			0			8	-		
Percent of Total E	mployees:	27.3%	)		0.0%	þ	72	2.7%		11	
MSA Labor	Market %:	28.1%	)		24.5%	6	47	<b>'</b> .4%			
MSA Labor Market	Location:					S	an Joaqu	ı			
Contract Equity Participation: Contract Duration: NA	84.2% White	Men and 15.8			IENTS Minority p		on.				
*Total not to exceed: \$995,870											
	Workforce Profile & Statement of Nondiscrimination Submitted					ıtreach E nt Satisf		Award Approval Recommended			
NA					Y	es		Be	als	2	



(Completed by District)

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

Title:					Ethnic Min	ority Perce	ntages Fro	m U.S. Cei	nsus Data				
	Caman	che House Renovation				В	н	A/PI	AI/AN	TOTAL			
				Natio	onal	10.5	10.7	3.7	0.7	27.3			
			DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9			
Gene	ral Serv	ices Agreement	2/11/2025	Alameda/C	C Counties	10.7	15.6	15.4	0.5	46.2			
	cmmd me S=Sub	Composition of Ownership			Number of E	II							
	bany Name, Phone Numb	Owner/Contact Person, Address, er		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %			
RP		WM: L/SBE	Company Wide	0	7	1	0	8	72.7%	47.4%			
Branco	o Construc	tion, Inc.	Manager/Prof	0	1	1	0	2	40.0%				
George Branco Jr.			Technical/Sales	0	0	0	0	0	0.0%				
221 West Oak Street			Clerical/Skilled	0	4	0	0	4	100.0%				
Lodi, C	CA 95241		Semi/Unskilled	0	2	0	0	2	0.0%	1			
			Bay Area	0	0	0	0	0	0.0%	39.9%			
209-71	2-6561		AA Plan on File:	NA		Date of last	contract with	n District:	10/22/2024				
			Co. Wide MSA:	San Joaquin		# Employee	es-Co. Wide:	11	Bay Area:	0			
s		WM: LBE	Company Wide										
AMS H	leating		Manager/Prof	1									
	Sanders		Technical/Sales	-									
	/unford Av	/enue	Clerical/Skilled	-		INFORMAT	ION NOT P	ROVIDED					
	on, CA 95		Semi/Unskilled	INFORMATION NOT PROVIDED									
Otoont	011, 07 ( 00)	210	Bay Area	-									
209-46	6-6692		Co. Wide MSA:	-									
S		WM: LBE	Company Wide										
-	lumbing		Manager/Prof	1									
John K	0		Technical/Sales	-									
John			Clerical/Skilled	-		INFORMAT							
Lodi C	CA 95242		Semi/Unskilled	-				NOVIDED					
Loui, C	JA 33242			-									
200 50	)7-6654		Bay Area	4									
	7-0054	WM. ODE	Co. Wide MSA:	0	05	0	0	05	07.00/	07.00/			
s		WM: SBE	Company Wide	0	35	0	0	35	67.3%	37.3%			
	vironmenta	al, Inc.	Manager/Prof	0	0	0	0	0	0.0%				
Tonja I			Technical/Sales	0	0	0	0	0	0.0%				
	enroy Ln. #		Clerical/Skilled	0	0	0	0	0	0.0%				
Rosevi	ille, CA 95	678	Semi/Unskilled	0	35	0	0	35	87.5%				
			Bay Area	0	0	0	0	0	0.0%	39.9%			
	26-0304		Co. Wide MSA:	Sacramento		1	es-Co. Wide:	-	Bay Area:				
S		WM: L/SBE	Company Wide	0	8	1	3	12	75.0%	48.4%			
Compr	ehensive	Construction Services, Inc.	Manager/Prof	0	1	0	0	1	50.0%				
Collette	e Preszler		Technical/Sales	0	0	0	0	0	0.0%				
2983 C	Crestview I	Drive	Clerical/Skilled	0	7	1	3	11	78.6%				
Valley	Springs, C	CA 95252	Semi/Unskilled	0	0	0	0	0	0.0%				
			Bay Area	0	0	0	0	0	0.0%	39.9%			
707-31	7-3359		Co. Wide MSA:	California		# Employee	s-Co. Wide:	0	Bay Area:	0			
S		EMM-A/PI: L/SBE	Company Wide	0	2	0	0	2	40.0%	47.4%			
Alejo E	Electric Inc		Manager/Prof	0	0	0	0	0	0.0%				
Edwin	J. Alejo Jr		Technical/Sales	0	2	0	0	2	66.7%				
4008 C	Chatsworth	n Cir.	Clerical/Skilled	0	0	0	0	0	0.0%				
Stockto	on, CA 95	209	Semi/Unskilled	0	0	0	0	0	0.0%	1			
			Bay Area	0	0	0	0	0	0.0%	39.9%			

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



(Completed by District)

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

Title:					Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	isus Data			
		Camanche House Ren	ovation			В	н	A/PI	AI/AN	TOTAL		
				Natio	onal	10.5	10.7	3.7	0.7	27.3		
				9 Bay Area		5.5	16.2	14.2	0.4	39.9		
Genera	al Servi	ces Agreement	DATE: 2/11/2025	Alameda/C		10.7	15.6	15.4	0.4	46.2		
R=Recn	nmd		2/11/2025	Aldifieud/C	Counties	10.7	15.0	15.4	0.5	40.2		
	e S=Sub	Composition of Ownership		1	Number of E	thnic Mino	rity Employ	rees	1	<b>-</b>		
	ny Name, O one Numbe	wner/Contact Person, Address, r		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %		
s		WM: LBE	Company Wide									
Soracco	, Inc.		Manager/Prof	]								
Richard	Sorraco		Technical/Sales									
903 E. L	odi Ave		Clerical/Skilled			INFORMAT	ION NOT P	ROVIDED				
Lodi, CA	95240		Semi/Unskilled									
			Bay Area									
209-267-	-4030		Co. Wide MSA:	1								
s		EMM-H: LBE	Company Wide									
Platinum	n Dirt Wor	x LLC	Manager/Prof	1								
Justin M		-	Technical/Sales	-								
9355 Pe	llerin Roa	d	Clerical/Skilled			INFORMAT	ION NOT P	ROVIDED				
Modesto	, CA 953	57	Semi/Unskilled	INFORMATION NOT PROVIDED								
			Bay Area	]								
209-550-	-1199		Co. Wide MSA:									
s	1100	WM: LBE	Company Wide	0	29	0	2	31	93.9%	38.6%		
Artificial	Turf and	Landscape Inc.	Manager/Prof	0	0	0	1	1	50.0%			
Adriana			Technical/Sales	0	0	0	0	0	0.0%			
	awford Ro	ł.	Clerical/Skilled	0	29	0	1	30	96.8%			
Modesto	, CA 953	57	Semi/Unskilled	0	0	0	0	0	0.0%			
			Bay Area	0	0	0	0	0	0.0%	39.9%		
209-422-	-8952		Co. Wide MSA:	Modesto	<b>_</b>		s-Co. Wide:	33	Bay Area:	0		
s	0002	EMM-H: LBE	Company Wide	modesto		" Employee	000. Mido.	55	Day Area.	0		
	ecialty Co		с.	•								
Israel Mu		intracting	Manager/Prof Technical/Sales	-								
	Wilcox Ro	had	Clerical/Skilled	-		INFORMAT						
	n, CA 952		Semi/Unskilled	-								
	., 0		Bay Area	1								
955 252	2501		Co. Wide MSA:	-								
855-252	-2501		Co. Wide MSA:									
			ļ									
			<u> </u>									
			-		1	1	1			-		
Р		WW: LBE	Company Wide	0	0	0	0	0	0.0%	37.3%		
	Hometown Construction, Inc. Manager/F			0	0	0	0	0	0.0%			
Jack Joh			Technical/Sales	0	0	0	0	0	0.0%			
	chorn Blvc		Clerical/Skilled	0	0	0	0	0	0.0%			
Rio Linda	a, CA 956	0/3	Semi/Unskilled	0	0	0	0	0	0.0%			
			Bay Area	0	0	0	0	0	0.0%	39.9%		
916-991	-2486		Co. Wide MSA:	Sacramento		# Employee	s-Co. Wide:	8	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)



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cei	nsus Data	
	Camanche House Ren	ovation			В	н	A/PI	AI/AN	TOTAL
			Natio	onal	10.5	10.7	3.7	0.7	27.3
_		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Gene	ral Services Agreement	2/11/2025	Alameda/C0	C Counties	10.7	15.6	15.4	0.5	46.2
R=Rec P=Prin	mmd ne S=Sub Composition of Ownership		ľ	lumber of E	thnic Mino	rity Employ	/ees		
	any Name, Owner/Contact Person, Address, none Number		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
Р	WM: LBE	Company Wide	0	26	1	0	27	64.3%	37.3%
	ok Enterprise Inc obuilders	Manager/Prof	0	3	1	0	4	66.7%	
	ian Swierstok	Technical/Sales	0	0	0	0	0	0.0%	
7030 D	rywood Way	Clerical/Skilled	0	3	0	0	3	50.0%	
Orange	vale, CA 95662	Semi/Unskilled	0	20	0	0	20	66.7%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
916-22	5-0373	Co. Wide MSA:	Sacramento		# Employee	s-Co. Wide:	42	Bay Area:	0
P	EMM-H: LBE	Company Wide	0	8	0	0	8	50.0%	47.4%
Vallev (	Construction Services, Inc.	Manager/Prof	0	1	0	0	1	14.3%	
Wes Ed	,	Technical/Sales	0	4	0	0	4	100.0%	
	Fremont Street	Clerical/Skilled	0	1	0	0	1	33.3%	
Stockto	n, CA 95203	Semi/Unskilled	0	2	0	0	2	100.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
209-684	4-9490	Co. Wide MSA:	San Joaquin		# Employee	s-Co. Wide:	16	Bay Area:	0
Р	EMM-A/PI: SBE	Company Wide	0	4	3	0	7	100.0%	52.1%
Inder D	esign Build LLC	Manager/Prof	0	0	2	0	2	100.0%	
Manjit S	•	Technical/Sales	0	0	1	0	1	100.0%	
	ugh & Ready Rd	Clerical/Skilled	0	0	0	0	0	0.0%	
	se, CA 95133	Semi/Unskilled	0	4	0	0	4	100.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
408-31:	3-5400	Co. Wide MSA:	Santa Clara		# Employee	s-Co. Wide:	7	Bay Area:	0
Р	WM: LBE	Company Wide	1	13	5	0	19	25.0%	47.4%
Diede (	Construction, Inc.	Manager/Prof	1	1	1	0	3	8.6%	
	aldonado	Technical/Sales	0	0	0	0	0	0.0%	
	N HWY 99	Clerical/Skilled	0	10	4	0	14	45.2%	
Lodi, C	A 95242	Semi/Unskilled	0	2	0	0	2	25.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
209-369	9-8255	Co. Wide MSA:	San Joaquin		# Employee	s-Co. Wide:	76	Bay Area:	0
						-			
	•								

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### **BOARD ACTION**

7. Agenda Number: Meeting Date: March 11, 2025 TITLE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM UPGRADE IMPLEMENTATION AND SUPPORT ACTION Motion: Resolution: Ordinance: RECOMMENDED Authorize an agreement beginning on or after March 11, 2025 with Schneider Electric Systems ACTION USA, Inc. (Schneider), in an amount not to exceed \$3,778,263 to perform and support the District's Supervisory Control and Data Acquisition (SCADA) System upgrade at multiple District facilities. SUMMARY This agreement provides for the vendor to upgrade software for the District's SCADA System. Schneider commissioned the system in 1989 and provided the most recent update in 2017. DISCUSSION The District's SCADA System allows remote control and monitoring for over 300 District facilities including pumping plants, reservoirs, treatment plants, power generation, and other assets. Schneider will perform the software upgrade, provide related support for the District, and will work with staff to commission and test the new SCADA System. This work supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. CONSULTANT This is a direct award agreement due to proprietary customizations of the existing SCADA SELECTION software. Schneider has specialized knowledge and experience with the District's SCADA System through prior upgrades and customizations. 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. Schneider is licensed to perform work in California, and is not on the State DIR debarment list. Schneider and any listed subconsultants are properly registered with the State DIR.

Originating Department: Water Operations	Department Director or Manager: Roberto C. Cortez	<b>CEP Forms?</b> Yes	Board Action Type: Professional Services
Funds Available: FY2025; Award #7000029; Page 52		Approved:	
<b>Attachment(s):</b> P-035; P-061	Clipped Ou		

Title:	Superv and Su	risory Control and Data Acquisition System Upgrade Implementation pport	Meeting Date:	March 11, 2025						
SUSTAINABILITY		<b>Economic</b> Funding for this purpose is available in the FY 2025 adopted capital budget for Op/Net System Improvements.								
		<b>Social</b> This type of work is not performed by District forces and consequently union notification was not required.								
		<b>Environmental</b> Updating the SCADA System will ensure the District can continue to monitor the distribution water system (including water quality) and control numerous water supply, distribution, and treatment system facilities.								
ALTERN	ATIVES	<u>Do not update SCADA software</u> . This alternative is not recommended because the software upgrade is required for compatibility with the latest operating system.								
		Select another consultant or use another SCADA software. This alternative is not recommended because migrating to different SCADA software will have a significant operational impact, including additional training, downtime, testing and financial costs.								

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# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Service	s Agreement							DATE:				
Supervisory Control and Data Acquisition System Upgrade Implementation and Support							March 5, 2025					
CONTRACTOR:						PERC	ENTAGE	OF CONTR	RACT DO	LLARS		
Schneider Electric Systems USA, Inc. Direct Awa Foxboro, MA				ward Availability Group		Group	Contracting Objectives		Participation			
BID/PROPOSER'S	FIRM'	OWNERSHIP			White Men		25%		100.0%			
PRICE:	Ethni	city Gender		nder	White Women		6%		0.0%			
\$3,778,263 *	Whi	te	Men		Ethnic Minorities		rities	25%		0.0%		
		CONTRAC	TEC	QUIT	Y PART		ON					
COMPANY NAME	ESTIMATED	ETHNICITY	GEN	DER				ACTING PARTICIPATION				
	AMOUNT	ETHNIGHT	М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
PRIME:												
Schneider Electric Systems USA, Inc.	\$3,778,263	White	Х		100.0%							
SUBS:												
TOTAL		\$3,778,263			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
	CONTRAC	TOR'S WO	RKFC	DRCI	E PROF	LE (Fro	m P-025	Form)				
		White Me		1	White Wo	``		Minorities	Tota	I Employe	ees	
No. of	Employees:								I			
Percent of Total	Employees:											
MSALah	or Market %:				INF	ORMAT	ION NOT	PROVIDE	)			
	or warket %:											
MSA Labor Mark	MSA Labor Market Location:											
		1	CO	MM	ENTS							
Contract Equity Participation: Contract Duration: NA	100% White Me	n participation										
	770 060											
*Total contract not to exceed: \$3,	110,203											
Workforce Profile & Stateme		imination	(		Faith Ou				Award Ap			
Submit				Re	quireme		ed		Recomme	ended		
NA				NA				Bergher				



# **AFFIRMATIVE ACTION SUMMARY (P-061)**

(Completed by District)

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

Title:					Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	isus Data	
Supervisory Control and Data Acquisition System Upgrade Implementation and Support					в н		A/PI AI/AN	AI/AN	TOTAL	
			Natio	National		10.7	3.7	0.7	27.3	
		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9	
Profes	ssional Se	ervices Agreement	3/5/2025	Alameda/C		10.7	15.6	15.4	0.5	46.2
R=Rec P=Prin	mmd ne S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
										1
Company Name, Owner/Contact Person, Address, and Phone Number			В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP		WM	Company Wide							
Schneid	ler Electric S	Systems USA, Inc.	Manager/Prof							
	ulroney		Technical/Sales							
70 Mec	hanic Street		Clerical/Skilled							
oxbor	o, MA 02035	i	Semi/Unskilled			NFORMAT		ROVIDED		
			Bay Area							
346-773	3-6310		AA Plan on File:							
			Co. Wide MSA:							
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WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and Al/AN=American Indian/Alaskan Native)



# **BOARD ACTION**

Agenda Number	: 8.					Meeting Date:	March 11, 2025
TITLE	TITLE       APPOINT STANDBY OFFICERS FOR THE BOARD OF DIRECTORS IN WARDS 1 AND 6 AS         OUTLINED IN THE DIRECTORS' EMERGENCY SUCCESSION PLAN						
ACTION	Motion:		🔀 Resolutio	on:		🗌 Ordinar	ice:
RECOMMENDED ACTION	Adopt a resolution to appoint the following individuals as Standby Officers for the Ea Municipal Utility District Board of Directors as outlined in the Directors' Emergency S Plan (Plan).						
			Ward No. 1	1)	Ahmad An	Iderson	7
			Ward No. 6	1) 2)	Wendall A Carolyn Ve		
SUMMARY	The Plan, adopted on May 23, 2017, ensures the ongoing governance of the District if one or more Board members become unavailable following a state of war emergency, in the event of a state of emergency, or in a local emergency in accordance with the California Emergency Services Act (CESA). The Plan fulfills the standards and process to implement District Policy 7.03 - Emergency Preparedness/Business Continuity, for Board members regarding designation of Standby Officers in compliance with CESA. The Board may fill vacancies under the provisions of the Municipal Utility District Act or CESA, depending on necessity and expediency as the situation warrants. In December 2024, the positions for Standby Officers in Wards 1 and 6 became vacant. In February 2025, the Secretary of the District and the Manager of Security and Emergency Preparedness reviewed and confirmed the qualifications of the individuals listed in the recommended action to serve as Standby Officers.						
DISCUSSION	support I functions outlines t duties, ar age and a of interest interest in a contract	District opera against unpl the process for a compensa a lawful resid at with the Di n any compa t with the Di	tions. The Plany anned and uney or the Board to s tion for Standby ent of California strict based on a ny or agency tha strict during the	was esta pected select, a Officer ; 2) not a position at has a term o	ablished for absence(s) ppoint, and s that mee a current E on held with contract wi f the Stand	r Board membe during an eme d establish serv t the following District employe n a private or p ith the District by Officer's ser	prizing staff actions that ers to safeguard District ergency. The Plan rice expectations, criteria: 1) 18 years of ee; and 3) no conflicts ublic entity, or financial or possibility of having vice. In February 2025, cy Preparedness

<b>Originating Department:</b> Office of the Secretary			<b>Board Action Type:</b> Administrative
Funds Available: N/A	Budget Coding: N/A	Approved:	
Attachment(s): Emergency Succession Plan for the Board of Directors; Reso	Clipped On		

Title:		t Standby Officers For The Board of Directors In Wards 1 and 6 A d In The Directors' Emergency Succession Plan	s Meeting Date:	March 11, 2025				
		reviewed and confirmed the qualifications of the inc to serve as Standby Officers.	lividuals listed in th	e recommended action				
		Standby Officers serve in their posts at the pleasure replaced at any time with or without cause, before, requires Standby Officers to complete and submit a Statement of Economic Interests Form 700 to the FP 30 days of appointment, and annually, thereafter. H event of an emergency (as defined by CESA), suppor Services Strategic Plan goal.	during, or after an Fair Political Practi PC and the Office aving Standby Offic	emergency. State law ces Commission (FPPC) of the Secretary within cers available in the				
SUSTAINABILITY	IABILITY	<b>Economic</b> There is no fiscal impact associated with this action. However, Standby Officers seated on the Board following an emergency will be entitled to financial compensation as outlined in the Plan.						
	<b>Social</b> In the event of an emergency, as outlined in the Plan, Standby Officers allow the increase the reliability of its governance and reduce potential impacts to custome environment.							
ALTERNA	ATIVE	Do not appoint Standby Officers for Wards 1 and 6. Standby Officers listed meet the criteria outlined in the have been reviewed and verified.						

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**BOARD ACTION** 

# APPENDIX TO THE OFFICE OF THE GENERAL MANAGER'S BUSINESS CONTINUITY PLAN

# **Emergency Succession Plan for Board of Directors**

### Purpose

The purpose of this Emergency Succession Plan is to ensure continuous coverage of the Board of Directors' duties, critical to the ongoing operations and sustainability of the District, 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.

# Definitions

The following definitions shall apply to this Emergency Succession Plan.

"Emergency" means:

- A State of War Emergency, being the condition which exists immediately whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent. No proclamation by the Governor is necessary for the existence of a State of War Emergency.
- A State of Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or conditions other than those causing a "State of War Emergency." A State of Emergency must be declared by the Governor.
- A Local Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake. A Local Emergency must be declared by the governing body of a county, city and county, or city or by an official designated by ordinance adopted by that governing body.

For the purposes of this Emergency Succession Plan in order to comply with statutory requirements for Board emergency succession, "Emergency" shall not include a District-declared emergency as defined in District Policy 7.03 – Emergency Preparedness/Business Continuity.

"Regular Officer" is the term applicable during an Emergency to a Board Member elected or appointed under the California Municipal Utility District (MUD) Act.

"Standby Officer" means a person appointed by the District Board of Directors to serve on the Board in the event of the unavailability of a Board Member.

"Unavailable" means that as a result of an Emergency a Board Member is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties. A Board Member may declare himself or herself to be unavailable for the purposes of this Emergency Succession Plan, but should inform the General Manager of the estimated time during which he or she will be unavailable.

# 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 under this procedure. Standby Officers shall be designated Standby Officer No. 1, Standby Officer No. 2, and Standby Officer No. 3.

In selecting prospective Standby Officers, the Board shall give consideration to their places of residence and work in order to maximize the probability of survivorship for each Board position for which Standby Officers are appointed. Criteria to be considered include:

- The location of the Standby Officer's residence and place of work in relation to such natural hazards as fault lines;
- The proximity of the Standby Officer's residence to the Regular Officer's residence; and
- The proximity of the Standby Officer's place of work to the Regular Officer's place of work.

One of the Standby Officers must reside within the member's ward, and the other must reside outside the member's ward and may reside outside the District's service area. A Board member may choose, and the Board has the option to appoint, a third Standby Officer. That Standby Officer may reside inside or outside the same ward as the Board member, or outside the District's service area.

Each selected Standby Officer shall meet the following criteria:

- Standby Officers shall be at least 18 years old and a lawful resident of the State of California;
- Standby Officers shall not be an employee of the District;
- Standby Officers shall not be a member of the Regular Officer's immediate family;
- Standby Officers shall have no financial interest in any company or agency that has a contract with the District or is reasonably possible to have a contract with the District during the term of the Standby Officer's service; and
- Standby Officers shall not serve as an officer or employee of any public entity that has a competing interest with the District.

Each recommended Standby Officer shall provide a resume to the Office of the Secretary. The Office of the Secretary shall carefully investigate and verify the qualifications of the recommended Standby Officers. Upon approval of the lists of Standby Officers by the Director of Operations and Maintenance, they will be appointed by the Board through a Board Resolution to serve until removal or replacement by the Board.

Each appointed Standby Officer shall take the oath of office required of a Board Member.

The District's list of Standby Officers as stated in the appointing Board Resolution shall be reviewed on an annual basis by each Member of the Board in order to verify the continuing availability of each Standby Officer to serve. Confirmation of the designated Standby Officers shall be made by Board Resolution annually. Persons appointed as Standby Officers shall serve in their posts as Standby Officers at the pleasure of the Board and may be removed and replaced at any time with or without cause, before, during, or after an Emergency.

### **Duties of Standby Officers**

Each Standby Officer shall:

- Remain informed of the duties of the Board Member he or she will replace. Officers and employees of the District shall assist the Standby Officer, who shall be provided with a copy of Article 15 of the California Emergency Services Act (CESA).
- Remain informed of the business and affairs of the District to the extent necessary to
  enable the Standby Officer to fill his or her post competently. Officers and employees of
  the District shall assist the Standby Officer in remaining informed by providing Standby
  Officers with links to Board documents on the District's website and informing Standby
  Officers of any developments the Board deems necessary.
- Be prepared to immediately report for duty at the direction of the General Manager in the event of an Emergency at the place and in the method previously designated by the District, in the order of his or her succession.
- Fill the post of the Board Member position for which he or she has been appointed when the regular Board Member is unavailable during an Emergency.

# Determination of Unavailability of a Board Member

The Board may fill vacancies under the provisions of the MUD Act or CESA, depending on necessity and expediency as the situation warrants.

# MUD Act Appointments with CESA Contingency

Upon declaration of an Emergency that upon determination of the General Manager has the potential to render Regular Officers unavailable, all available Regular Officers shall meet as soon as possible. The General Manager shall contact Standby Officer No. 1 for each Board position regardless of the availability of the Board Member and inform the Standby Officer of his or her duty to appear at the first Board meeting. If Standby Officer No. 1 is unavailable or unwilling to serve, Standby Officers Nos. 2 and 3 shall substitute in succession for Standby Officer No. 1 in the same way that Standby Officer No. 1 is substituted in place of the Regular Officer.

The General Manager shall determine and report to the Board the availability of those Regular Officers not present at the first meeting. If five Regular Officers are available, the Regular Officers shall proceed to conduct the business of the Board, and within 60 days of the effective date of a vacancy shall appoint Board Members to fill those positions for which a Regular Officer is determined to be unavailable, in accordance with the provisions of the MUD Act. The Board shall reserve the right to select Standby Officers to fill the vacant positions in accordance with the procedures of CESA.

If five Regular Officers are not available, the Standby Officers shall serve in place of the unavailable Regular Officers.

# **CESA-Only Appointments**

Upon declaration of an Emergency that upon determination of the General Manager has the potential to render Regular Officers unavailable, all available Regular Officers shall meet as soon as possible. The General Manager shall contact Standby Officer No. 1 for each Board position regardless of the availability of the Board Member and inform the Standby Officer of his or her duty to appear at the first Board meeting. If Standby Officer No. 1 is unavailable or unwilling to serve, Standby Officers Nos. 2 and 3 shall substitute in succession for Standby Officer No. 1 in the same way that Standby Officer No. 1 is unave of the Regular Officer.

The General Manager shall determine and report to the Board the availability of each Regular Officer not present. For each Regular Officer who is confirmed by the Board to be unavailable, the Standby Officers shall serve in place of the unavailable Regular Officers.

# Service of Standby Officers During and After an Emergency

Standby Officers serving during an Emergency shall have all of the powers and duties of a Board Member as delineated under Chapter 3, Article 4 of the MUD Act.

Succession for the executive positions of the Board shall be as follows: If the President is unavailable, the Regular Officer Vice President shall serve as President in his or her place. If the

Vice President is unavailable or serving as President, the Vice President position shall be filled by the available Regular Officer with the most seniority on the Board. If no Regular Officers are available to fill any executive positions, the position shall be filled by the Standby Officer for the unavailable Regular Officer for that position. Because the President of the Board cannot serve on a Standby Committee, the Standby Officer for the President shall serve on any committee on which the replacement officer for the President sits.

The Standby Officer shall serve until the Regular Officer becomes available, the election or appointment of a new Regular Officer in accordance with the election and appointment laws of the MUD Act, or the dismissal of the Standby Officer.

### **Compensation of Standby Officers**

After reporting for duty at the direction of the General Manager in the event of an Emergency, each Standby Officer shall be entitled to financial compensation. Standby Officers serving less than one month shall be compensated for each meeting attended based on a pro-rated percentage of the salary of a Regular Officer. Standby Officers serving one month or longer shall be entitled to the salary of a Regular Officer. Standby Officers shall not be entitled to compensation for leave. Standby Officers shall not be entitled to health or retirement benefits unless and until they are elected or appointed to a Regular Officer position under the procedures of the MUD Act. This date of election or appointment shall serve as the effective date of employment for all Regular Officers for the purposes of receiving the health and retirement benefits of a Regular Officer.

### **Legal Authority**

California Emergency Services Act, Government Code § 8635 *et seq.* Municipal Utility District Act, Chapter 3, Article 4 (Public Utilities Code § 11881 *et seq.*)

### **Other References**

EBMUD Policy 7.03 – Emergency Preparedness/Business Continuity EBMUD Emergency Operations Plan Office of the General Manager Business Continuity Plan This page is intentionally left blank.

Draft Prepared By Office of General Counsel

# **RESOLUTION NO.**

# CONFIRMING APPOINTMENT OF STANDBY OFFICERS FOR THE EAST BAY MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS FOR WARD NOS. 1 AND 6 UNDER THE EMERGENCY SUCCESSION PLAN FOR THE BOARD OF DIRECTORS

Introduced by Director

; Seconded by Director

WHEREAS, Article 15 of the State of California Emergency Services Act (CESA) provides for the preservation of local government in the event of a state of war emergency, state of emergency, or local emergency; and

WHEREAS, CESA permits the governing body of a political subdivision to appoint up to three Standby Officers for each member of the governing body; and

WHEREAS, the Board of Directors (Board) of the East Bay Municipal Utility District (District) adopted the Emergency Succession Plan (Plan) for the Board on May 23, 2017; and

WHEREAS, the Plan provides a process under which Standby Officers for the Board are selected, vetted, and affirmed; and

WHEREAS, pursuant to the Plan, the Board has appointed Standby Officers to serve in the place of each Board member in the event of an emergency under CESA; and

WHEREAS, the Plan requires the Secretary of the District to verify each year the continuing availability of each appointed Standby Officer to serve as a Standby Officer; and

WHEREAS, following this verification, the Plan requires the Board to confirm the appointment of continuing Standby Officers and newly appointed Standby Officers; and

WHEREAS, on January 28, 2025, the Board confirmed the appointment of Standby Officers for wards of the District in Resolution No. 35436-25; and

WHEREAS, at the time of the Board's confirmation of the appointment of Standby Officers for wards of the District on January 28, 2025, the positions for Standby Officer Number 1 in Ward No. 1 and Standby Officer Numbers 1 and 2 in Ward No. 6 were vacant; and

WHEREAS, the Secretary of the District and the Manager of Security and Emergency Preparedness have reviewed and confirmed the qualifications, availability, and willingness of Ahmad Anderson to serve as the Standby Officer Number 1 in Ward No. 1; and

WHEREAS, the Secretary of the District and the Manager of Security and Emergency Preparedness have reviewed and confirmed the qualifications, availability and willingness of Wendall A. Mitchell and Carolyn Veal-Hunter to serve as Standby Officers Number 1 and Number 2, respectively, in Ward No. 6; and WHEREAS, Ahmad Anderson, Wendall A. Mitchell and Carolyn Veal-Hunter meet the criteria to serve as stated in the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby appoints the following Standby Officers, who shall serve in their posts as Standby Officers at the pleasure of the East Bay Municipal Utility District until removal or replacement:

Ward No. 1	1)	Ahmad Anderson
Ward No. 6		Wendall A. Mitchell Carolyn Veal-Hunter

ADOPTED this 11th day of March, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

# EAST BAY MUNICIPAL UTILITY DISTRICT

DATE:	March 6, 2025
MEMO TO:	Board of Directors
THROUGH:	Clifford C. Chan, General Manager
FROM:	Kathy Viatella, Manager of Legislative Affairs
SUBJECT:	Legislative Report No. 02-25

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on March 11, 2025.

# **RECOMMENDED ACTION**

Approve positions on the following bills: 1) Support AB 823 (Boerner) Solid waste: plastic microbeads; 2) Support SB 31 (McNerney) Water quality: recycled water; 3) Support SB 394 (Allen) Water theft: fire hydrants; and receive information on water rate assistance legislation.

# STATE LEGISLATION

### RECOMMENDED POSITION

# AB 823 SOLID WASTE: PLASTIC MICROBEADS SUPPORT (Boerner)

Existing law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. Under existing law, a civil penalty may be imposed not to exceed \$2,500 per day for each violation of the prohibition, with the Attorney General and local officials authorized to enforce the prohibition.

AB 823 (Boerner), introduced on February 19, 2025, is a pollution prevention measure that expands the existing ban on microbeads in rinse-off personal care products to include non-rinse-off personal care products, cleaning products, and coatings such as paint.

AB 823 would, as of January 1, 2027, ban the sale and distribution of personal care and cleaning products containing plastic microbeads used as abrasives to clean, exfoliate, or polish. Beginning January 1, 2028, the bill would also ban the sale and distribution of personal care products, cleaning products, and coatings such as paint containing plastic microbeads that are not used as abrasives.

According to the author's office, current law bans plastic microbeads (a type of microplastic) in rinse-off cosmetic products. However, microplastics are still added to leave-on cosmetics, household cleaners, industrial detergents, and coatings. Plastic microbeads degrade "causing widespread environmental contamination and posing serious health risks to humans and wildlife." Microplastics are "a pervasive pollutant that can be found nearly everywhere on earth, including in oceans, rivers, soil, the air, and in peoples' bodies. Microplastics absorb toxic chemicals and bioaccumulate in the food chain, endangering ecosystems and public health."

Microplastics in the form of plastic microbeads are small plastic pellets added to personal care and cleaning products as exfoliants and abrasives. Unlike other forms of plastic pollution, the microplastics in personal care and cleaning products are designed to be washed down the drain, where they make their way to wastewater treatment systems. However, some microplastics pass through treatment processes into plant effluent, ultimately reaching waterways and the ocean. This contributes to the accumulation of plastic marine debris, threatening aquatic ecosystems.

EBMUD has actively participated in microplastic-related studies and pollution prevention efforts. EBMUD has contributed numerous wastewater effluent samples to studies of microplastics in the San Francisco Bay, conducted by the San Francisco Estuary Institute through Regional Monitoring Program partners and the 5 Gyres Institute. Additionally, EBMUD staff played a role in the American Society for Testing and Materials International committee responsible for developing standardized methods for collecting and processing wastewater samples for microplastic identification and quantification. These efforts will support a deeper understanding of the risks posed by microplastics.

Since plastic microbeads are commonly found in products designed to go down the drain and are not easily removed or transformed through the wastewater treatment process, limiting the production and sale of microplastic-containing products appears to be the most effective pollution prevention strategy. AB 823 would reduce the amount of microplastics entering the aquatic system through wastewater discharges, ultimately benefitting the San Francisco Bay.

The bill is not expected to incur additional costs for EBMUD and may benefit EBMUD and its ratepayers by promoting marine ecosystem health through the removal of microplastic sources.

EBMUD has previously supported microplastic-related pollution prevention measures.

- In 2022, EBMUD supported AB 2787 (Quirk) which, similar to AB 823, would have banned plastic microbeads in cosmetics and cleaning products. AB 2787 failed to advance out of the legislature.
- In 2018, EBMUD supported SB 1263 (Portantino) which required the Ocean Protection Council to adopt and implement a Microplastics Strategy. SB 1263 was signed into law (Chapter 609 of 2018).
- In 2015, EBMUD supported AB 888 (Bloom), which prohibited the sale of personal care products containing plastic microbeads. AB 888 was signed into law (Chapter 594 of 2015).

AB 823 is co-sponsored by the 5 Gyres Institute, Breast Cancer Prevention Partners, Californians Against Waste, and Clean Water Action. An official support/opposition list for AB 823 is not currently available.

# SB 31WATER QUALITY: RECYCLED WATERSUPPORT(McNerney)

Existing law requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of recycled water where the use involves the protection of public health. Under existing law, state and local agencies are prohibited from using potable water for non-potable uses, such as watering at cemeteries, golf courses, parks, and highway landscaped areas, if recycled water is available. State and local agencies may also require recycled water be used for the irrigation of residential landscaping and toilet and urinal flushing in structures.

SB 31 (McNerney), as amended on February 10, 2025, is intended to facilitate the use of non-potable recycled water by updating the state regulations that govern its use – Title 22 of the California Code of Regulations.

SB 31 would update Title 22 to do the following: 1) require homeowners' associations to use recycled water to irrigate outdoor common areas when recycled water is available; 2) ensure that homeowners' associations are not required to install expensive and cumbersome new dual-plumbed systems to use recycled water if the recycled water does not enter a residence; 3) clarify that parks with outdoor eating areas may use recycled water if specific requirements are met; 4) make it easier to use recycled water in decorative bodies of water, such as lakes on golf courses; and, 5) allow food handling and processing facilities to use recycled water for toilet or urinal flushing or outdoor irrigation, provided the recycled water does not enter a room where food handling or processing occurs.

According to the author's office, the Title 22 regulations for non-potable uses of recycled water have not been updated in twenty years. "The outdated regulations unnecessarily discourage the use of recycled water in certain spaces like landscape irrigation by homeowners' associations, decorative bodies' of water, public parks, and food handling facilities. In order to maximize the advancements in water treatment technology, Title 22 should be updated to expand opportunities to safely use recycled water."

EBMUD is a strong proponent of recycled water and has a long track record of recycling its wastewater for non-potable uses. EBMUD began using recycled water for various industrial purposes and to irrigate landscaping at its own facilities in the 1970s. EBMUD has been distributing recycled water to customers since the 1980s. Additionally, EBMUD has developed several landmark projects, including the Richmond Advanced Recycled Expansion Water Project, the East Bayshore Recycled Water Project, and the San Ramon Valley Recycled Water Program.

Currently, EBMUD has a recycled water production capacity of approximately 9 million gallons per day (MGD). EBMUD's Recycled Water Strategic Plan Update includes the goal of increasing recycled water use in its service area to 20 MGD by 2050 by continuing to expand and implement non-potable reuse projects and considering potable reuse. Projects and opportunities for potable reuse will be periodically re-evaluated as EBMUD's water supply needs are updated.

SB 31 is intended to assist water and wastewater agencies, including EBMUD, by making it easier to use recycled water for outdoor irrigation at homes, businesses, and golf courses. The bill is not expected to result in additional costs to EBMUD.

EBMUD has historically supported measures intended to facilitate the use of recycled water.

- In 2019, EBMUD supported AB 292 (Quirk), which would have facilitated the use of recycled water by updating and simplifying the definition of potable reuse. AB 292 failed to advance out of the legislature.
- In 2017, EBMUD supported AB 574 (Quirk) which updated the definition of potable reuse to include four distinct types of potable reuse projects. AB 574 was signed into law (Chapter 528 of 2017).
- Between 2010 and 2013, EBMUD supported two measures designed to aid the investigation into the feasibility of developing criteria for direct potable reuse; SB 322 (Hueso) and SB 918 (Pavley). Both measures were signed into law (Chapter 627 of 2013 and Chapter 700 of 2010, respectively).

SB 31 is sponsored by WateReuse California. The official list of support/opposition to SB 31 is not currently available.

# SB 394WATER THEFT: FIRE HYDRANTSSUPPORT(Allen)

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance prohibiting water theft and subjecting water theft to an administrative fine or penalty. Existing law sets forth a schedule of fines for a violation of an ordinance adopted pursuant to these provisions, including instances where the violation is committed via meter tampering. Limits on fines for water theft through metering tampering range from no more than \$130 for a first violation to \$1,300 for a third or subsequent violation of the same ordinance within one year of the first violation. Limits on fines for all other forms of water theft range from no more than \$1000 for a first violation to a fine not exceeding \$3,000 for a third or subsequent violation of the same ordinance within one year. Existing law also allows utilities to pursue remedies under the state's Civil Code for the diversion of utility services and to seek three times the damages as a remedy.

SB 394 (Allen), as introduced on February 14, 2025, would primarily allow local agencies providing retail water service to impose increased administrative fines for water theft from fire hydrants. Specifically, SB 394 would allow water theft via an unauthorized connection to a fire hydrant to be subject to fines of no more than \$2,500 for a first violation, no more than \$5,000 for a second violation, and no more than \$10,000 for a third and each subsequent violation.

Under the bill, higher penalties for the third and subsequent instances of all forms of water theft would be allowed regardless of whether the additional violations occurred within one year. SB 394 also clarifies that utilities may bring civil actions for tampering with a fire hydrant or diverting water from a fire hydrant.

According to the Association of California Water Agencies (ACWA), water agencies are experiencing significant water theft from fire hydrants. "Large-capacity water trucks that can haul up to 6,000 gallons of water connect to and fill from fire hydrants, illegally taking the water. The current penalties regarding this type of water theft are not a strong enough deterrent to prevent the activity; instead for some, the penalties may be viewed as the cost of doing business. For example, there have been cases of stolen water from fire hydrants sold to neighboring areas for profit or used illegally for commercial purposes such as construction." Water theft from fire hydrants also poses serious public health and safety risks, as contamination can occur when non-potable sources are illegally connected to a drinking water system without backflow prevention devices. ACWA contends that due to the threat to public safety and the volume of water stolen through this method, a greater deterrence is needed than the penalties provided under existing law.

EBMUD has an existing Water Theft Penalty Ordinance that prohibits water theft and sets administrative penalties based on the type of water theft. For water theft via meter tampering, fines range from \$0 for a first violation to \$400 for the third and subsequent violations within a year – lower than the fines allowed under current law. For all other types of water theft, EBMUD's penalties align with the limit set by existing law, ranging from \$1000 for a first violation to \$3000 for a third and subsequent violation. In addition to the administrative penalties, the Water Theft Penalty Ordinance allows EBMUD to seek additional remedies, including charging the offender three times the rate of water taken as allowed in the state's Civil Code.

There have been instances of water theft from EBMUD fire hydrants, including landscape companies illegally filling large containers or tanks from fire hydrants without authorization. Some contractors have used non-EBMUD hydrant meters at worksites, either to access water or to haul water without properly tracking usage or paying for the water. While increased water theft penalties are a relatively new legislative topic that EBMUD has not previously taken a position on, SB 394 would provide another tool for water agencies, including EBMUD, to impose higher administrative penalties for fire hydrant water theft. The bill is not expected to impose new costs or requirements on EBMUD.

SB 394 is co-sponsored by the Association of California Water Agencies (ACWA) and Las Virgenes Municipal Water District. An official support/opposition list for SB 394 is not currently available.

# **INFORMATION ITEM**

# WATER RATE ASSISTANCE LEGISLATION

# **INFORMATION**

Existing law, as established by AB 401 (Dodd, Statutes of 2015), required the State Water Resources Control Board (SWRCB) to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program and to provide a report to the legislature on the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. This report, referred to as the AB 401 report, was released in February 2020.

Several legislative attempts to establish a low-income water rate assistance program since the release of the AB 401 report have been unsuccessful, including SB 222 (Dodd), and SB 1255 (Durazo). SB 222 was vetoed by Governor Newsom in 2022 for lack of identified funding source, and SB 1255 failed to advance out of the legislature in 2024.

In February 2025, two bills were introduced in the legislature: AB 532 (Ransom) and SB 350 (Durazo). Summaries of the introduced versions are provided below.

# AB 532 (Ransom)

Sponsored by the California Municipal Utilities Association (CMUA), AB 532 would make changes to existing law in three main ways:

- AB 532 grants express authority for urban retail water suppliers (water suppliers) to establish and fund low-income rate assistance programs for residential ratepayers and gives maximum flexibility in how those programs can be structured. This authority is permissive.
  - Programs may include rate assistance, arrearage assistance, and crisis assistance for drinking water customers.
  - An annual household income of at or below 200% of federal poverty level (FPL) is specified for residential ratepayers. However, the bill language allows for local program determination to offer "assistance that would allow [the water supplier] to better meet its community's needs, better administer or provide for a more sustainable program, or better balance competing policy objectives, such as water quality, water efficiency, and water affordability."
  - Funding for rate assistance may include "any funding [a water supplier] has available to provide water rate assistance to its ratepayers provided it does not use any funding derived from a fee or charge levied pursuant to Article XIII D of the California Constitution." [Article XIII D specifies requirements for local agencies in levying

assessments and imposing new, or increasing existing property-related fees and charges, and limits the use of these collected revenues].

- Water suppliers may also seek and use voluntary contributions of funds from ratepayers and other sources to support a water rate assistance program.
- AB 532 repeals a prior statute enacted as part of the Fiscal Year (FY) 2021-2022 State Budget, which required the Department of Community Services and Development (CSD) to implement and administer the Low-Income Household Water Assistance Program (LIHWAP), funded through federal COVID-19 relief funds. Instead, AB 532 specifies the Legislature's intent to create a revised LIHWAP, similarly run by CSD, but specifically targeting water systems with fewer than 3,000 connections, or those serving predominantly disadvantaged communities.
  - The bill requires CSD to use local service providers, following the model of the previous program.
  - This section of the bill is contingent upon appropriation by the legislature.
- AB 532 requires enhanced reporting by water suppliers as part of the Electronic Annual Report (EAR), including:
  - Whether the water supplier provides water rate assistance to its customers.
  - The amount of funding used to provide any water rate assistance during the previous reporting period.
  - If the supplier did not provide water rate assistance, an explanation of any progress made toward implementation of a program, or a description of barriers encountered that prevented water rate assistance.
  - Whether the supplier has sought any voluntary contributions to fund its program, including the total amount collected.
  - The total number of eligible households that were provided with water rate assistance.
- AB 532 contains legislative findings and declarations providing greater detail and background on the statutory changes proposed in the bill. This section contains language to declare the intent of the legislature to ensure that "existing programs can continue to provide rate assistance."

# <u>SB 350 (Durazo)</u>

SB 350 is sponsored by three environmental justice groups: Clean Water Action, Community Water Center, and Leadership Counsel for Justice and Accountability. SB 350 is similar in concept to SB 222 (Dodd) from 2022 and would make the following changes:

- SB 350 establishes a Water Rater Assistance Fund (Fund) in the State Treasury to provide water affordability assistance for both drinking water and wastewater services to low-income residential ratepayers.
  - Moneys in the Fund shall be available to the SWRCB to provide direct water bill assistance to low-income rate payers served by eligible systems. Eligible systems

include a community water system, wastewater system, or participating tribal water or wastewater system.

- The SWRCB may use various revenue sources for the Fund, including federal or state funding, voluntary contributions, gifts, grants or bequests, and may enter into funding agreements with the federal government, local or state agencies, private entities, or nonprofit organizations.
- Moneys in the Fund shall be available to the SWRCB upon appropriation by the legislature.
- SB 350 requires the SWRCB to administer the Fund:
  - Track and manage revenues in the Fund.
  - Develop and implement a process for the SWRCB to disburse program funds to eligible systems, contract operators, or third-party providers for "direct application to the system's low-income residential ratepayer accounts, including controls to prevent fraud, waste and abuse." The SWRCB may contract this duty out to a third-party provider.
  - Expend moneys in the Fund to provide benefits to eligible residential ratepayers as follows:
    - Allow services to include technical assistance to eligible systems serving fewer than 3,300 connections.
    - Require the SWRCB to identify and contract with one or more third-party providers. The scope of work shall include eligibility determinations and may include call center services, internet-based enrollments, document intake and processing and distribution of funds to eligible systems.
    - Provide funds to eligible systems for reasonable administrative costs, not to exceed the greater of 5% of the total funds for water bill assistance or two thousand dollars (\$2,000).
  - Require annual verification of eligibility from a sample of enrolled eligible ratepayers to verify the ratepayer's low-income status and eligibility for assistance. SB 350 allows for verification to be carried out by a third-party provider and also allows for removal of ratepayers if found ineligible.
- SB 350 requires the SWRCB, in consultation with relevant agencies and after a public hearing, to adopt guidelines for program implementation, as follows:
  - SB 350 requires the guidelines, at a minimum, to include all of the following:
    - Direction to eligible systems to automatically enroll households in the program if:
      - Available information shows that any member of the residential ratepayer's household is a current enrollee in or recipient of various specified assistance programs; or,
      - The residential ratepayer's household is a utility customer enrolled in the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) program.
    - Minimum requirements for eligible systems, to include both of the following:
      - Participation in the statewide program.

- The ability to confirm enrollment eligibility through a request for self-certification under penalty of perjury.
- A process for the SWRCB or third-party providers to distribute funding to eligible systems for application to eligible low-income residential ratepayer accounts.
- A provision to audit eligible systems.
- A process for determining how implementation will be prioritized among eligible systems, in the event that full funding is not immediately available. SB 350 specifies that this process shall prioritize eligible systems that have historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.
- SB 350 requires the SWRCB to adopt an annual report identifying how the Fund has performed, how many households were served, number of eligible households, and other specified information.
- SB 350 requires the Public Utilities Commission (PUC) to establish a mechanism for electrical and gas corporations to regularly share data with the SWRCB or relevant third-party providers for CARE and FERA customers.
- SB 350 provides that funding shall be provided to eligible systems on, at minimum, an annual basis, but provides for funding prioritization, if full funding is not immediately available, as mentioned above. The bill allows for advance payments to eligible systems if certain requirements are met.
- Additionally, SB 350 allows up to 5% of program funding to establish pilot projects that improve water or wastewater affordability for low-income residential households through installation of water efficiency measures or assistance programs that otherwise improve residential household water or wastewater affordability in mobilehome parks, multifamily housing, or other households that do not directly pay a water or wastewater bill.
- SB 350 provides a timeline for the SWRCB to meet the requirements above, as well as specified dates by which eligible systems must begin providing assistance.
- SB 350 allows the Attorney General to bring an action in state court to restrain, by temporary or permanent injunction, the use of any method, act, or practice declared in this chapter to be unlawful, including nonparticipation by a public water system in the program. This bill authorizes the SWRCB to condition financial assistance awards on participation in the program.

SB 350 allows eligible systems to offer assistance to ratepayers in addition to, or on top of, the assistance provided through the program. It clarifies that a system exceeding the program's requirements will still receive funds for the eligible portion of the assistance provided. These amendments were originally sought by EBMUD in SB 222 (Dodd) to recognize EBMUD's Customer Assistance Program (CAP).

# Next Steps

Staff is assessing impacts to EBMUD, including to CAP. In previous legislative efforts, EBMUD has expressed concerns regarding program funding and Proposition 218 and Proposition 26 requirements for water systems. Additionally, EBMUD has sought greater clarity on the state's role and obligations versus those of the water system. Staff will bring the measures back for consideration at a future meeting.

# CCC:KCV:DM/JW

Attachments: Assembly Bills 832 and 532; Senate Bills 31, 394, and 350

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# **ASSEMBLY BILL**

# No. 823

Introduced by Assembly Member Boerner

(Coauthor: Senator Gonzalez)

February 19, 2025

An act to amend Sections 42361 and 42362 of the Public Resources Code, relating to solid waste.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 823, as introduced, Boerner. Solid waste: plastic microbeads.

The Plastic Microbeads Nuisance Prevention Law prohibits a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. Existing law exempts a product containing less than one part per million (ppm) by weight of plastic microbeads from the prohibition. The Plastic Microbeads Nuisance Prevention Law imposes a civil penalty not to exceed \$2,500 per day for each violation of the prohibition, as provided, and authorizes the Attorney General and local officials to enforce the prohibition.

This bill would, on and after January 1, 2027, prohibit a person from selling, distributing, or offering for promotional purposes in this state a cleaning product, as defined, or a personal care product in a rinse-off product, containing one ppm or more by weight of plastic microbeads that are used as an abrasive, as specified. The bill would, on and after January 1, 2028, prohibit a person from selling, distributing, or offering for promotional purposes in this state a coating, as defined, cleaning product, or personal care product, that contains one ppm or more by weight of plastic microbeads that are not used as an abrasive. By adding

these prohibitions to the Plastic Microbeads Nuisance Prevention Law, the bill would impose the civil penalty for violations of these prohibitions.

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

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

1 SECTION 1. Section 42361 of the Public Resources Code is 2 amended to read:

3 42361. As used in this chapter, the following terms have the 4 following meanings:

5 (a) "Cleaning product" has the same meaning as "designated
6 product" in Section 108952 of the Health and Safety Code.

7 (b) "Coating" means a material applied onto or impregnated

8 into a substrate for protective, decorative, or functional purposes,

9 and includes, but is not limited to, paints, sealers, stains, and 10 varnishes.

11 <del>(a)</del>

12 (c) "Person" means an individual, business, or other entity.

13 <del>(b)</del>

(d) (1) "Personal care product" means an article intended to be
rubbed, poured, sprinkled, or sprayed on, introduced to, or
otherwise applied to, the human body or any part thereof for
cleansing, beautifying, promoting attractiveness, or altering the
appearance, and an article intended for use as a component of that
type of article.

 $20 \quad (2)$ 

21 (e) "Personal care product" does not include a prescription drug,

22 as defined in Section 110010.2 of the Health and Safety Code.

23 <del>(c)</del>

(*f*) "Plastic microbead" means an intentionally added solid
plastic particle measuring five millimeters or less in every
dimension.

27 SEC. 2. Section 42362 of the Public Resources Code is 28 amended to read:

29 42362. On and after January 1, 2020, a(a) A person shall not

30 sell or offer for promotional purposes in this state any *a* personal

31 care products product containing plastic microbeads that are used

- to exfoliate or cleanse in a rinse-off product, including, but not
   limited to, toothpaste.
- 3 (b) On and after January 1, 2027, a person shall not sell, offer 4 for sale, distribute, or offer for promotional purposes in this state 5 either of the following:
- 6 (1) A personal care product containing plastic microbeads that
- 7 are used as an abrasive to clean, exfoliate, or polish, in a 8 non-rinse-off product.
- 9 (2) A cleaning product containing plastic microbeads that are 10 used as an abrasive to clean, exfoliate, or polish.
- 11 (c) On and after January 1, 2028, a person shall not sell, offer
- *for sale, distribute, or offer for promotional purposes in this stateany of the following products:*
- 14 (1) A personal care product containing plastic microbeads that 15 are not used as an abrasive.
- 16 (2) A cleaning product containing plastic microbeads that are 17 not used as an abrasive.
- 18 (3) A coating containing plastic microbeads that are not used
- 19 *as an abrasive.*

Ο

**No. 31** 

### Introduced by Senator McNerney

December 2, 2024

An act to amend Section 13512 Sections 13529.2, 13551, 13552.4, 13553, and 13554 of the Water Code, relating to water quality.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, McNerney. Water quality: water recycling facilities: state policy. *recycled water*.

(1) The Water Recycling Law generally provides for the use of recycled water. Existing law requires any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water in or on any waters of the state to immediately notify the appropriate regional water board.

This bill would, for the purposes of the above provision, redefine "recycled water" and provide that water discharged from a decorative body of water during storm events is not to be considered an unauthorized discharge if recycled water was used to restore levels due to evaporation.

(2) Existing law regulating the use of recycled water prohibits the use of prescribed potable water by state and local agencies for any nonpotable uses, including cemeteries, golf courses, parks, and highway landscaped areas if prescribed recycled water is available, and deems use of the recycled water in lieu of the potable water to constitute a reasonable beneficial use of that water.

This bill would add common areas of a residential community irrigated by a homeowners' association as prohibited uses of potable water. The bill would provide that incidental amounts of spray, mist,

or runoff are not prohibited from entering outdoor eating areas of parks and open spaces when irrigated with disinfected tertiary recycled water that complies with specified regulations regarding irrigation.

(3) Existing law authorizes any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, to require the use of recycled water for irrigation of residential landscaping, as specified.

The bill would provide that outdoor landscape irrigation of common areas operated by a homeowners association, as specified, is not to be considered a dual-plumbed system and would require recycled water used for this purpose to comply with specified provisions.

(4) Existing law authorizes any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, to require the use of recycled water for toilet and urinal flushing in structures, as specified. Existing law defines "structures" for the purposes of these provisions.

This bill would include food handling and processing facilities as part of the definition of "structures." The bill would authorize the use of recycled water for toilet or urinal flushing or outdoor irrigation in and around food handling or processing facilities, commercial, institutional, and industrial buildings, and cafeterias, provided the recycled water does not enter the room where food handling or processing occurs, as specified.

Existing law states the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.

This bill would make a nonsubstantive change to that statement.

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

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

1 SECTION 1. The Legislature finds and declares all of the 2 following:

3 (a) California's water supply strategy sets a goal to reuse at

4 least 800,000 acre-feet of water per year by 2030 and 1.8 million
5 acre-feet by the year 2040.

 $\int ucre-jeel by the year 2040.$ 

6 (b) Section 13521 of the Water Code requires the State Water

7 Resources Control Board to establish uniform statewide recycling

criteria for each varying type of use of recycled water where the
 use involves the protection of public health.

3 (c) The regulations establishing the uniform statewide criteria
4 for recycled water uses are set forth in Chapter 3 (commencing
5 with Section 60301.050) of Division 4 of Title 22 of the California
6 Code of Regulations. The regulations that pertain to nonpotable
7 recycled water uses have not been updated since the year 2000.
8 (d) Achieving increased use of recycled water to help

8 (d) Achieving increased use of recycled water to help 9 droughtproof California communities requires regulations to keep 10 pace with the best available science and technology regarding 11 recycled water use.

12 SEC. 2. Section 13529.2 of the Water Code is amended to read: 13 13529.2. (a) Any person-who, who, without regard to intent 14 or negligence, causes or permits an unauthorized discharge of 15 50,000 gallons or more of recycled water, as defined in subdivision 16 (c), or 1,000 gallons or more of recycled water, as defined in 17 subdivision (d), in or on any waters of the state, state, or causes 18 or permits such unauthorized discharge to be discharged where it 19 is, or probably will be, discharged in or on any waters of the state, 20 shall, as soon as (1) that person has knowledge of the discharge, 21 (2) notification is possible, and (3) notification can be provided 22 without substantially impeding cleanup or other emergency 23 measures, immediately notify the appropriate regional board.

(b) For the purposes of this section, an unauthorized discharge
means a discharge not authorized by waste discharge requirements
pursuant to Article 4 of Chapter 4 (commencing with Section
13260), 13260) of Chapter 4, water reclamation requirements
pursuant to Section 13523, a master reclamation permit pursuant
to Section 13523.1, or any other provision of this division.

30 (c) For the purposes of this section, "recycled water" means 31 wastewater treated as "disinfected tertiary 2.2 recycled water," as 32 defined or described by the State Department of Health Services 33 or wastewater receiving advanced treatment beyond disinfected 34 tertiary 2.2 recycled-water. water once it completes the required 35 treatment process and enters a storage tank, pipeline, or canal for 36 conveyance or distribution.

37 (d) For purposes of this section, "recycled water" means
38 "recycled water," as defined in subdivision (n) of Section 13050,
39 which is treated at a level less than "disinfected tertiary 2.2 recycled

1	water," as defined or described by the State Department of Health
2	Services.

3 (e) For the purposes of this section, water discharged from a 4 decorative body of water during storm events shall not to be

5 considered an unauthorized discharge if recycled water was used

6 to restore levels due to evaporation.

7 <del>(e)</del>

8 (*f*) The requirements in this section supplement, and shall not 9 supplant, any other provisions of law.

SEC. 3. Section 13551 of the Water Code is amended to read: 10 13551. (a) A person or public agency, including a state agency, 11 12 city, county, city and county, district, or any other political 13 subdivision of the state, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses, 14 15 including cemeteries, golf courses, parks, highway landscaped areas, common areas of a residential community irrigated by a 16 17 homeowners' association, and industrial and irrigation uses if 18 suitable recycled water is available as provided in Section 13550; 19 however, 13550.

(b) Notwithstanding subdivision (a), any use of recycled water
in lieu of water suitable for potable domestic use shall, to the extent
of the recycled water so used, be deemed to constitute a reasonable
beneficial use of that water and the use of recycled water shall not
cause any loss or diminution of any existing water right.

(c) Incidental amounts of spray, mist, or runoff shall not be
prohibited from entering outdoor eating areas of parks and open
spaces when irrigated with disinfected tertiary recycled water that
complies Sections 490.1 and 493.4 of Title 23 of the California

29 Code of Regulations.

30 SEC. 4. Section 13552.4 of the Water Code is amended to read:

31 13552.4. (a) Any public agency, including a state agency, city,

32 county, city and county, district, or any other political subdivision

of the state, may require the use of recycled water for irrigation of
 residential landscaping, if all of the following requirements are
 met:

36 (1) Recycled water, for this use, is available to the user and
37 meets the requirements set forth in Section 13550, as determined
38 by the state board after notice and a hearing.

39 (2) The use of recycled water does not cause any loss or40 diminution of any existing water right.

1 (3) The irrigation systems are constructed in accordance with 2 Chapter 3 (commencing with Section-60301) 60301.050) of

3 Division 4 of Title 22 of the California Code of Regulations.

4 (b) This section applies to both of the following:

(1) New subdivisions for which the building permit is issued
on or after March 15, 1994, or, if a building permit is not required,
new structures for which construction begins on or after March
15, 1994, for which the State Department of Public Health has

9 approved the use of recycled water.

10 (2) Any residence that is retrofitted to permit the use of recycled 11 water for landscape irrigation and for which the State Department 12 of Public Health has approved the use of recycled water.

(c) (1) Division 13 (commencing with Section 21000) of the
Public Resources Code does not apply to any project that only
involves the repiping, redesign, or use of recycled water for
irrigation of residential landscaping necessary to comply with a
requirement prescribed by a public agency under subdivision (a).
(2) The exemption in paragraph (1) does not apply to any project

19 to develop recycled water, to construct conveyance facilities for20 recycled water, or any other project not specified in this21 subdivision.

(d) Outdoor landscape irrigation of common areas operated by
a homeowners' association that does not enter the boundaries of
a residence is not to be considered a part of the same premises as
an individual residence and shall not be considered a dual plumbed
system. Recycled water used for this purpose shall comply with
Section 13550.

28 SEC. 5. Section 13553 of the Water Code is amended to read: 29 13553. (a) The Legislature hereby finds and declares that the 30 use of potable domestic water for toilet and urinal flushing in 31 structures is a waste or an unreasonable use of water within the 32 meaning of Section 2 of Article X of the California Constitution 33 if recycled water, for these uses, is available to the user and meets 34 the requirements set forth in Section 13550, as determined by the 35 state board after notice and a hearing.

36 (b) The state board may require a public agency or person
37 subject to this section to furnish any information that may be
38 relevant to making the determination required in subdivision (a).

39 (c) For purposes of this section and Section 13554, "structure"40 or "structures" means commercial, retail, and office buildings,

1 theaters, auditoriums, condominium projects, schools, hotels,

2 apartments, barracks, dormitories, jails, prisons, and food handling

3 and processing facilities, reformatories, and other structures as

4 determined by the State Department of Public Health.

5 (d) Recycled water may be used in condominium projects, as 6 defined in Section 4125 or 6542 of the Civil Code, subject to all 7 of the following conditions:

(1) Prior to the indoor use of recycled water in any condominium
project, the agency delivering the recycled water to the
condominium project shall file a report with, and receive written
approval of the report from, the State Department of Public Health.
The report shall be consistent with the provisions of Title 22 of

13 the California Code of Regulations generally applicable to 14 dual-plumbed structures and shall include all the following:

15 (A) That potable water service to each condominium project will be provided with a backflow protection device approved by 16 17 the State Department of Public Health to protect the agency's 18 public water system, as defined in Section 116275 of the Health 19 and Safety Code. The backflow protection device approved by the State Department of Public Health shall be inspected and tested 20 21 annually by a person certified in the inspection of backflow 22 prevention devices.

(B) That any plumbing modifications in the condominium unit
 or any physical alteration of the structure will be done in
 compliance with state and local plumbing codes.

(C) That each condominium project will be tested by the
recycled water agency or the responsible local agency at least once
every four years to ensure that there are no indications of a possible
cross connection between the condominium's potable and
nonpotable systems.

(D) That recycled water lines will be color coded consistentwith current statutes and regulations.

33 (2) The recycled water agency or the responsible local agency34 shall maintain records of all tests and annual inspections conducted.

(3) The condominium's declaration, as defined in Section 4135
or 6546 of the Civil Code, shall provide that the laws and
regulations governing recycled water apply, shall not permit any
exceptions to those laws and regulations, shall incorporate the
report described in paragraph (1), and shall contain the following
statement:

1 2

3

### "NOTICE OF USE OF RECYCLED WATER

4 This property is approved by the State Department of Public 5 Health for the use of recycled water for toilet and urinal flushing. This water is not potable, is not suitable for indoor 6 7 purposes other than toilet and urinal flushing purposes, and 8 requires dual plumbing. Alterations and modifications to the 9 plumbing system require a permit and are prohibited without 10 first consulting with the appropriate local building code enforcement agency and your property management company 11 12 or owners' association to ensure that the recycled water is not 13 mixed with the drinking water."

14

(e) The State Department of Public Health may adopt regulationsas necessary to assist in the implementation of this section.

(f) This section shall only apply to condominium projects thatare created, within the meaning of Section 4030 or 6580 of theCivil Code, on or after January 1, 2008.

20 (g) This section and Section 13554 do not apply to a pilot 21 program adopted pursuant to Section 13553.1.

22 SEC. 6. Section 13554 of the Water Code is amended to read:

13554. (a) Any public agency, including a state agency, city,
county, city and county, district, or any other political subdivision
of the state, may require the use of recycled water for toilet and
urinal flushing in structures, except a mental hospital or other
facility operated by a public agency for the treatment of persons
with mental disorders, if all of the following requirements are met:
(1) Reputated metar for these water is queichle to the water and

(1) Recycled water, for these uses, is available to the user and
meets the requirements set forth in Section 13550, as determined
by the state board after notice and a hearing.

32 (2) The use of recycled water does not cause any loss or33 diminution of any existing water right.

(3) The public agency has prepared an engineering report
pursuant to Section 60323 of Title 22 of the California Code of
Regulations that includes plumbing design, cross-connection
control, and monitoring requirements for the use site, which are
in compliance with criteria established pursuant to Section 13521.
(b) This section applies only to either of the following:

1 (1) New structures for which the building permit is issued on 2 or after March 15, 1992, or, if a building permit is not required,

3 new structures for which construction begins on or after March 4 15, 1992.

5 (2) Any construction pursuant to subdivision (a) for which the

State Department of Public Health has, prior to before January 1, 6

7 1992, approved the use of recycled water.

8 (c) Division 13 (commencing with Section 21000) of the Public 9 Resources Code does not apply to any project which only involves

the repiping, redesign, or use of recycled water by a structure 10 necessary to comply with a requirement issued by a public agency

11 12 under subdivision (a). This exemption does not apply to any project

13 to develop recycled water, to construct conveyance facilities for

recycled water, or any other project not specified in this 14 15 subdivision.

16 (d) (1) Recycled water for toilet or urinal flushing or outdoor 17 irrigation shall be permissible in and around food handling or

18 processing facilities, commercial, institutional, and industrial

19 buildings, and cafeterias, provided the recycled water does not

20 enter the room where food handling or processing occurs.

21 (2) Closed piping conveying recycled water may pass through 22 the room where food handling or processing occurs.

23 (3) Outdoor irrigation with recycled water at facilities that

24 handle or process food outside is prohibited while food is being 25 handled or processed outside.

SECTION 1. Section 13512 of the Water Code is amended to 26 27 read:

28 13512. It is the intention of the Legislature that the state

29 undertake all possible steps to encourage the development of water

30 recycling facilities so that recycled water may be made available

31 to help meet the growing water requirements of the state.

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### **Introduced by Senator Allen**

February 14, 2025

An act to amend Sections 1882.1 and 1882.3 of the Civil Code, and to amend Section 53069.45 of, and to add Section 53069.46 to, the Government Code, relating to water theft.

### LEGISLATIVE COUNSEL'S DIGEST

SB 394, as introduced, Allen. Water theft: fire hydrants.

Existing law authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts certain acts, including, diverting or causing to be diverted, utility services by any means whatsoever. Existing law creates a rebuttable presumption that there is violation of these provisions if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, certain actions occur, including that there is an instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility.

This bill would add to the list of acts for which a utility may bring a civil cause of action under these circumstances to include tampering with a fire hydrant, fire hydrant meter, or fire detector check, or diverting water, or causing water to be diverted, from a fire hydrant with knowledge of, or reason to believe, that the diversion or unauthorized connection existed at the time of use for nonfirefighting purposes or without authorization from the appropriate water system or fire department. The bill would also expand the rebuttable presumption for a violation of these provisions to include, among other things, if a person tampers with or uses a fire hydrant, fire hydrant meter, or fire detector

check without authorization to obtain water and without paying the full lawful charge of the water.

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Existing law sets forth a schedule of fines for a violation of an ordinance adopted pursuant to these provisions, including, if the violation is committed via meter tampering, a fine not exceeding \$1,300 for a third or additional violation of all other forms of water theft, a fine not exceeding \$3,000 for a third or additional violation of the same ordinance within one year.

This bill would revise those fines to apply to the third or additional violation without regard to whether the violation occurred within one year of the first violation.

This bill would authorize a legislative body of a local agency, as defined, that provides retail water services, to adopt an ordinance that prohibits unauthorized connection to a fire hydrant, as defined, subject to an administrative fine or penalty, as specified. The bill would set forth a schedule of fines for a violation of the ordinance. The bill would prohibit a local agency from imposing a fine for the same offense under both an ordinance adopted by a local agency pursuant to these provisions that prohibits unauthorized connection to a fire hydrant and an ordinance adopted by the local agency pursuant to the provisions described above that prohibits water theft.

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

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

1 SECTION 1. The Legislature finds and declares all of the 2 following:

3 (a) Unauthorized connection to and use of a fire hydrant and

4 unauthorized use of a fire hydrant meter to take water from a fire

5 hydrant is water theft, is typically conducted by commercial actors

6 subverting the law for profit, and undermines the local water7 system process.

8 (b) The state supports the Making Conservation a California

9 Way of Life regulation adopted by the State Water Resources

10 Control Board and finds that theft of water from fire hydrants

violates those goals by leading to water loss that is not adequately
 deterred by current statutory authorities.

3 (c) Unauthorized connections to fire hydrants can lead to public 4 health and safety issues, including potential contamination of a 5 drinking water source due to a lack of backflow prevention and 6 damage to water system facilities and infrastructure, or 7 depressurization of the water system, which could make 8 communities more vulnerable in the event of a fire.

9 (d) Affordability of water is impacted by water theft from a fire 10 hydrant as the cost of water loss and damages to infrastructure is 11 ultimately borne by ratepayers.

(e) It is the intent of the Legislature to uphold its values of water
efficiency, affordability, and public health and safety by enacting
a statute that is a greater deterrent to water theft via the
unauthorized connection to a fire hydrant or unauthorized use of
a hydrant meter.

SEC. 2. Section 1882.1 of the Civil Code is amended to read:
1882.1. A utility may bring a civil action for damages against
any person who commits, authorizes, solicits, aids, abets, or
attempts any of the following acts:

(a) Diverts, or causes to be diverted, utility services by anymeans whatsoever.

(b) Makes, or causes to be made, any connection or reconnection
with property owned or used by the utility to provide utility service
without the authorization or consent of the utility.

(c) Prevents any utility meter, or other device used in
determining the charge for utility services, from accurately
performing its measuring function by tampering or by any other
means.

30 (d) Tampers with any property owned or used by the utility to31 provide utility services.

(e) Uses or receives the direct benefit of all, or a portion, of the
utility service with knowledge of, or reason to believe that, the
diversion, tampering, or unauthorized connection existed at the
time of the use, or that the use or receipt, was without the
authorization or consent of the utility.

37 (f) Tampers with a fire hydrant, fire hydrant meter, or fire

38 detector check, or diverts water, or causes water to be diverted,

39 from a fire hydrant with knowledge of, or reason to believe, that

40 the diversion or unauthorized connection existed at the time of use
*for nonfirefighting purposes or without authorization from theappropriate water system or fire department.* 

3 SEC. 3. Section 1882.3 of the Civil Code is amended to read: 4 1882.3. There is a rebuttable presumption that there is a

violation of Section 1882.1-if, on *if either of the following occurs:*(a) On premises controlled by the customer or by the person
using or receiving the direct benefit of utility service, *including through the use of a vehicle*, there is either, or both, of the
following:

10 <del>(a)</del>

11 (1) Any instrument, apparatus, or device primarily designed to 12 be used to obtain utility service without paying the full lawful

13 charge therefor. charge for the utility service.

14 <del>(b)</del> Any

(2) A meter that has been altered, tampered with, or bypassedso as to cause no measurement or inaccurate measurement of utilityservices.

18 (b) A person tampers with or uses a fire hydrant, fire hydrant 19 meter, or fire detector check without authorization to obtain water

20 and without paying the full lawful charge of the water.

SEC. 4. Section 53069.45 of the Government Code is amendedto read:

53069.45. (a) (1) Notwithstanding any other law, the
legislative body of a "local agency," local agency, as defined in
Section 54951, that provides water services, may adopt an
ordinance that prohibits water theft and makes a violation of an
ordinance enacted by the local agency regarding water theft subject

28 to an administrative fine or penalty, as provided in this section.

(2) The local agency shall adopt an ordinance that sets forth the
administrative procedure that shall govern the imposition,
enforcement, collection, and administrative review by the local
agency of the administrative fines or penalties for water theft.

33 (3) The local agency shall establish a process for granting a

34 hardship waiver to reduce the amount of the fine imposed for water

35 theft upon a showing by the responsible party that payment of the

36 full amount of the fine would impose an undue financial burden

37 on the responsible party.

38 (b) If the water theft is committed via meter tampering in 39 violation of an ordinance adopted under this section, it is

40 punishable as follows:

1 (1) A fine not exceeding one hundred thirty dollars (\$130) for 2 a first violation.

3 (2) A fine not exceeding seven hundred dollars (\$700) for a
4 second violation of the same ordinance within one year of the first
5 violation.

6 (3) A fine not exceeding one thousand three hundred dollars
7 (\$1,300) for the third violation and each additional violation of
8 the same ordinance within one year of the first violation. ordinance.
9 (c) All other forms of water theft in violation of an ordinance

adopted under this section are punishable as follows:

(1) A fine not exceeding one thousand dollars (\$1,000) for afirst violation.

13 (2) A fine not exceeding two thousand dollars (\$2,000) for a14 second violation of the same ordinance within one year.

(3) A fine not exceeding three thousand dollars (\$3,000) for
each additional violation of the same-ordinance within one year. *ordinance*.

18 (d) For purposes of this section, the following definitions apply:

19 (1) "Irrigation district" has the same meaning as "district," as 20 that term is defined in Section 20513 of the Water Code.

(2) "Water theft" means an action to divert, tamper, or reconnectwater utility services, as defined in Section 498 of the Penal Code.

(e) An irrigation district may impose fines or penalties for water
theft in accordance with this section or Division 11 (commencing
with Section 20500) of the Water Code. This section shall not cap
or limit the fines that an irrigation district may impose in
accordance with Division 11 (commencing with Section 20500)
of the Water Code.

SEC. 5. Section 53069.46 is added to the Government Code,to read:

53069.46. (a) (1) Notwithstanding any other law, the legislative
body of a local agency, as defined in Section 54951, that provides
retail water services, may adopt an ordinance that prohibits
unauthorized connection to a fire hydrant, and makes a violation
of an ordinance enacted by the local agency regarding water theft

36 committed via the unauthorized connection to a fire hydrant subject

37 to an administrative fine or penalty, as provided in this section.

38 (2) The local agency shall adopt an ordinance that sets forth the
 39 administrative procedure that shall govern the imposition,
 40 enforcement, collection, and administrative review by the local

- agency of the administrative fines or penalties for water theft
   committed via the unauthorized connection to a fire hydrant.
- 3 (b) Water theft committed via the unauthorized connection to 4 a fire hydrant in violation of an ordinance adopted under this
- 5 section is punishable as follows:
- 6 (1) A fine not exceeding two thousand five hundred dollars 7 (\$2,500) for a first violation.
- 8 (2) A fine not exceeding five thousand dollars (\$5,000) for a 9 second violation of the same ordinance.
- 10 (3) A fine not exceeding ten thousand dollars (\$10,000) for the
- 11 third violation and each additional violation of the same ordinance.
- 12 (c) For purposes of this section, "unauthorized connection to a
- 13 fire hydrant" includes the unauthorized use of a fire hydrant, fire14 hydrant meter, or fire detector check.
- 15 (d) (1) A local agency shall not impose fines under both this 16 section and Section 53069.45 for the same offense.
- 17 (2) Except as provided in paragraph (1), this section does not
- 18 preclude remedies available under any other law, including
- 19 provisions in the Penal Code or the Civil Code.

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### ASSEMBLY BILL

No. 532

#### Introduced by Assembly Member Ransom

February 11, 2025

An act to repeal and add Section 12087.2 of the Government Code, and to add Chapter 6.5 (commencing with Section 116950) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 532, as introduced, Ransom. Water rate assistance program.

(1) Existing federal law, the Consolidated Appropriations Act, 2021, among other things, requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services, as provided. Existing law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the above-described federal law. The Low Income Household Water Assistance Program was only operative until March 31, 2024.

This bill would repeal the above-described requirements related to the Low Income Household Water Assistance Program. The bill would instead require, upon appropriation by the Legislature, the Department of Community Services and Development to establish and administer the California Low Income Household Water Assistance Program to

provide water rate assistance to residential ratepayers of community water systems with under 3,000 connections, or water systems serving predominantly disadvantaged communities, as specified.

(2) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Existing law requires the state board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program, as prescribed. Existing law requires the state board, by February 1, 2018, to report to the Legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. Existing law requires a public water system to submit a technical report to the state board as part of the permit application or when otherwise required by the state board.

This bill would authorize an urban retail water supplier to provide water rate assistance to its ratepayers, as specified, and would define the term "water rate assistance" to mean any offset of the cost of water service provided through a low-income water rate assistance program, including, but not limited to, a reduction in a volumetric or fixed water fee or charge, a percentage reduction of a water utility bill, a water account credit, or crisis assistance used to reduce or eliminate a water bill arrearage or potential arrearage. The bill would authorize the water rate assistance to be provided to specified eligible ratepayers, including, among others, residential ratepayers with an annual household income at or below 200 percent of the federal poverty guideline level. The bill would authorize an urban retail water supplier to use any funding it has available to provide water rate assistance to its ratepayers, as specified, including voluntary contributions sought from other ratepayers. The bill would require an urban retail water supplier to, beginning January 1, 2028, include in the technical report to the state board specified information regarding its water rate assistance program.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the 2 following:

3 (1) Urban retail water suppliers serve over 92 percent of the
4 state's population, while community water systems with under
5 3,000 connections serve the remaining 8 percent.

6 (2) It is important to efficiently and cost-effectively expand 7 water rate assistance to a greater number of low-income residential 8 water ratepayers in California.

(3) After two decades of policy discussions and debate on 9 10 establishing and funding a sweeping statewide low-income water 11 rate assistance program to no avail, and in recognition of the 12 diversity of water suppliers and community water rate assistance 13 needs in California, communities' varying levels of needs, the 14 level of sustainable water rate assistance a community can support, 15 the proportion of a community's ratepayers needing assistance as a percent of the overall rate base, and how that assistance can most 16 17 efficiently and cost-effectively be provided to low-income residential water ratepayers, California should focus on expanding 18 19 water rate assistance to low-income residential water ratepayers 20 by doing all of the following: 21

(A) Giving urban retail water suppliers express authority to
establish and fund local water rate assistance programs that are
designed to meet each community's specific needs and would be
administrated efficiently and transparently without violating
Proposition 218.

26 (B) Ensuring that existing programs can continue to provide 27 water rate assistance.

(C) Clarifying that locally derived funding that supports a local
 program shall stay within the water system's service area to support
 its program.

(D) Creating a targeted state program to directly assist
 low-income residential ratepayers with their water bills served by
 community water systems with under 3,000 connections or water

34 systems serving predominantly disadvantaged communities.

(4) Granting urban retail water suppliers express authority to
provide a local water rate assistance program to its residential
ratepayers will give statutory certainty to suppliers that establish
and fund a water rate assistance program, thereby expanding access

1 to water rate assistance across California while protecting existing

2 programs that are currently providing that assistance.

(5) To track the progress California is making to expand
low-income water rate assistance for residential ratepayers, water
systems should report summary information through the electronic
annual report administered by the State Water Resources Control
Board about the types of programs suppliers are able to provide
in helping to meet the affordability elements of the human right
to water.

10 (b) It is the intent of the Legislature that an entity eligible for 11 any state or federal funding authorized or appropriated in 12 furtherance of providing water rate assistance to low-income 13 residential ratepayers shall include an urban retail water supplier 14 with an existing water rate assistance program and an urban retail 15 water supplier with a water rate assistance program established by 16 the authority granted in this measure

16 the authority granted in this measure.

SEC. 2. Section 12087.2 of the Government Code is repealed.
 12087.2. (a) It is the intent of the Legislature that one-time
 funding appropriated for the Low Income Household Water

Assistance Program shall be used to prioritize and expedite services
 that reduce arrearages for low-income households.

(b) The Department of Community Services and Development
 shall administer the Low Income Household Water Assistance

24 Program in this state, and shall receive and expend moneys

25 appropriated and allocated to the state for purposes of that program,

26 pursuant to Section 533 of Title V of Division H of the federal

27 Consolidated Appropriations Act, 2021 (Public Law 116-260).

(c) The Department of Community Services and Development

29 may develop and implement a state plan, requirements, guidelines,

30 and subgrantee contract provisions for the program described in

31 subdivision (a) in accordance with federal law, regulations,

32 reporting requirements, and any other federal requirements.

33 Notwithstanding Chapter 3.5 (commencing with Section 11340)

34 of Part 1, the department may develop the state plan, requirements,

35 guidelines, and subgrantee contract provisions described in this

36 subdivision without taking any further regulatory action.

37 (d) Pursuant to the requirements of federal law and subject to

38 federal approval of a state plan, the Low Income Household Water

39 Assistance Program State Plan shall include all of the following

40 details regarding program implementation:

- 1 (1) Household eligibility.
- 2 (2) Prioritization.
- 3 (3) Program design and implementation.
- 4 (4) Funding allocation.
- 5 (5) Financial water assistance payments.
- 6 (6) State oversight and program integrity.
- 7 (7) Public participation.
- 8 (8) Data collection and reporting.
- 9 (e) All expenditures of Low Income Household Water
- 10 Assistance Program funding shall be prioritized for services that
- 11 reduce the arrearages of eligible households that have past due 12 balances.
- 12 <del>Datances.</del>
- 13 (f) Upon the execution of contracts for Low Income Household
- 14 Water Assistance Program funding with local service providers,
- 15 the department shall report to the Legislature and shall post to the
- 16 department's website the following information by local service
- 17 provider area:
- 18 (1) Total allocation.
- 19 (2) Allocation by service category.
- 20 (g) Beginning six months after the execution of contracts for
- 21 Low Income Household Water Assistance Program funding with
- 22 local service providers, and every six months thereafter until
- 23 funding is exhausted, the department shall provide a report to the
- 24 Legislature that includes the following information by local service
- 25 provider area:
- 26 (1) Total allocation.
- 27 (2) Allocation by service category.
- 28 (3) Total expenditures.
- 29 (4) Expenditures by service category.
- 30 (5) Households served.
- 31 (6) Households served by service category.
- 32 (h) Pursuant to the requirements of federal law, the Department
- 33 of Community Services and Development shall post a draft state
- 34 plan to the department's internet website and hold a public meeting
- 35 prior to submission of the state plan to allow for public comment.
- 36 The final plan shall be posted to the department's internet website.
- 37 (i) All actions to implement the funding in this item, including
- 38 entering into contracts for services or equipment, shall be exempt
- 39 from Chapter 2 (commencing with Section 10290) of Part 2 of
- 40 Division 2 of the Public Contract Code. The department may award
  - 99

1 contracts under this section on a noncompetitive bid basis as

2 necessary to implement the purposes of the Low Income Household 2 Water Assistance Processory for de

3 Water Assistance Program grant funds.

4 SEC. 3. Section 12087.2 is added to the Government Code, to 5 read:

6 12087.2. (a) It is the intent of the Legislature to establish the

7 California Low Income Household Water Assistance Program,

8 which shall be administered by the Department of Community

9 Services and Development.

10 (b) Upon appropriation by the Legislature, the department shall

11 establish and administer the California Low Income Household

12 Water Assistance Program to provide water rate assistance to

13 residential ratepayers of community water systems with under 14 3,000 connections, or water systems serving predominantly

15 disadvantaged communities.

16 (c) (1) The department shall use local service providers to help 17 administer the program.

(2) The department shall post on its internet website the
eligibility requirements of the program, local service provider area,
local service provider contact information, and total annual
assistance available during the current fiscal year.

(d) (1) Notwithstanding Section 10231.5, beginning the first
fiscal year after the California Low Income Household Water
Assistance Program has been established, and each year thereafter,
the department shall provide a report to the Legislature that
includes the total amount of assistance provided, total
administrative cost of the program, and total number of households
served by the program during the previous fiscal year.

(2) A report to be submitted pursuant to this subdivision shallbe submitted in compliance with Section 9795.

SEC. 4. Chapter 6.5 (commencing with Section 116950) is
added to Part 12 of Division 104 of the Health and Safety Code,
to read:

- 34
- 35

Chapter 6.5. Water Rate Assistance Program

36

37 116950. For the purposes of this chapter, the following38 definitions apply:

39 (a) "Urban retail water supplier" has the same meaning as40 defined in Section 10608.12 of the Water Code.

1 (b) "Water rate assistance" means any offset of the cost of water 2 service provided through a low-income water rate assistance 3 program, including, but not limited to, a reduction in a volumetric 4 or fixed water fee or charge, a percentage reduction of a water 5 utility bill, a water account credit, or crisis assistance used to reduce 6 or eliminate a water bill arrearage or potential arrearage.

116951. (a) An urban retail water supplier may provide water rate assistance to its ratepayers in furtherance of the state water policy described in Section 106.3 of the Water Code in any manner it determines will best sustainably meet its community's needs while permitting the efficient administration and distribution of any assistance provided. This includes a supplier having the option of using third parties to administer or provide that assistance.

14 (b) In providing the assistance authorized by this section, an 15 urban retail water supplier may provide water rate assistance to 16 its residential ratepayers with an annual household income at or 17 below 200 percent of the federal poverty guideline level, residential 18 ratepayers with an arrearage or those likely to have an arrearage 19 without assistance, or to other ratepayers if a supplier determines 20 that offering assistance would allow it to better meet its 21 community's needs, better administer or provide for a more 22 sustainable program, or better balance competing policy objectives, 23 such as water quality, water efficiency, and water affordability.

(c) An urban retail water supplier, at its sole discretion, may
use any funding it has available to provide water rate assistance
to its ratepayers provided it does not use any funding derived from
a fee or charge levied pursuant to Article XIII D of the California
Constitution.

(d) An urban retail water supplier, at its sole discretion, may
seek and use voluntary contributions of funds from its ratepayers
and others to support a water rate assistance program for ratepayers.
Voluntary contributions may be sought on a water bill or through
any other legal means. Any voluntary contributions of funds a
supplier receives shall not be considered public funds.

116952. Beginning January 1, 2028, and annually thereafter,
an urban retail water supplier shall include in the technical report
required by the state board pursuant to Section 116530 all of the
following regarding voluntary contributions and water rate
assistance:

1	(a) Whether the supplier provides water rate assistance to its
2	customers.

3 (b) The amount of funding used to provide any water rate 4 assistance during the previous reporting period.

5 (c) If the supplier did not provide water rate assistance during 6 the reporting period, an explanation as to any progress made 7 towards implementation of a water rate assistance program, or 8 information about the barriers encountered that prevented providing 9 water rate assistance.

10 (d) Whether the supplier has sought any voluntary contributions

11 to fund its water rate assistance program. If so, the total amount

12 of voluntary contributions collected to fund its water rate assistance

13 program.

14 (e) The total number of eligible households that were provided

15 with water rate assistance.

Ο

#### **Introduced by Senator Durazo**

February 12, 2025

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

#### LEGISLATIVE COUNSEL'S DIGEST

SB 350, as introduced, Durazo. Water Rate Assistance Program.

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

This bill would establish the Water Rate Assistance Program. As part of the program, the bill would establish the Water Rate Assistance Fund in the State Treasury to provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers, as specified. The bill would require the state board to take various actions in administering the fund, including, among other things, track and manage revenue in the fund separately from all other revenue. The bill would require the state board, in consultation with relevant agencies and after a public hearing, to adopt guidelines for implementation of the program and adopt an annual report to be posted on the state board's internet website identifying how the fund has performed, as specified. The bill would require the guidelines to include minimum requirements for eligible systems, including the ability to confirm eligibility for enrollment through a request for self-certification

of eligibility under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require the state board to take various actions in administering the program, including, but not limited to, providing guidance, oversight, and funding for low-income rate assistance for residential ratepayers of eligible systems. The bill would authorize the Attorney General to bring an action in state court to restrain the use of any method, act, or practice in violation of these provisions, except as provided.

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

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

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

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

1 SECTION 1. Chapter 6.5 (commencing with Section 116930) 2 is added to Part 12 of Division 104 of the Health and Safety Code, 3 to read: 4 5 CHAPTER 6.5. WATER RATE ASSISTANCE PROGRAM 6 7 116930. The Legislature finds and declares all of the following: 8 (a) Existing state law declares that it is the established policy 9 of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, 10 cooking, and sanitary purposes. 11 12 (b) In 2015, the Legislature passed Assembly Bill 401 (Chapter 13 662 of the Statutes of 2015) that required the State Water Resources 14 Control Board to develop a plan, informed by the public and the State Board of Equalization, for a statewide low-income rate 15 16 assistance for water. 17 (c) In 2020, the state board released a report pursuant to

Assembly Bill 401 (Chapter 662 of the Statutes of 2015), which
is entitled "Recommendations for Implementation of a Statewide
Low-Income Water Rate Assistance Program," that found that it
would take over one hundred forty million dollars (\$140,000,000)
annually to create a low-income water rate assistance program.

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

4 (e) Climate change adds additional cost pressure to water and 5 sewer systems, which increasingly must invest in climate resilience.

6 (f) While many public water systems offer some form of bill
7 assistance to a limited number of customers, Proposition 218, as
8 approved by the voters at the November 5, 1996, statewide general
9 election, limits their ability to fully fund those programs.

10 (g) California must continue to lead the nation by establishing 11 statewide low-income rate assistance for water and sewer and, by 12 doing so, help to ensure universal access to essential services.

13 116931. For purposes of this chapter, the following definitions 14 apply:

15 (a) "Community water system" has the same meaning as defined 16 in Section 116275.

17 (b) "Effective date" means the effective date of this chapter.

(c) "Eligible system" means a community water system,
wastewater system, or a participating tribal water or wastewater
system.

21 (d) "Fund" means the Water Rate Assistance Fund created22 pursuant to Section 116932.

(e) "Low-income" means an annual household income that is
no greater than 200 percent of the federal poverty guideline level
and consistent with the guidelines established for the California
Alternative Rates for Energy (CARE) program pursuant to
subdivision (a) of Section 739.1 of the Public Utilities Code.

(f) "Program" means the Water Rate Assistance Programestablished pursuant to this chapter.

30 (g) "Relevant agencies" means those agencies that have a role,

31 through data collection, regulation, or enforcement, in providing

32 services, oversight, and assistance to public water systems and33 low-income ratepayers.

34 (h) "Residential ratepayer" means a resident of a single-family35 or multifamily residence who receives a bill for water or36 wastewater.

37 (i) "State board" means the State Water Resources Control38 Board.

1 (j) "Wastewater system" means a city, county, special district, 2 joint powers authority, or tribal or investor-owned utility that 3 provides wastewater collection, treatment, or disposal service.

4 116932. (a) The Water Rate Assistance Fund is hereby 5 established in the State Treasury to provide water affordability assistance, for both drinking water and wastewater services, to 6 7 low-income residential ratepayers. Moneys in the fund shall be 8 available upon appropriation by the Legislature to the state board 9 to provide, in consultation with relevant agencies, direct water bill assistance to low-income residential ratepayers served by eligible 10 11 systems.

12 (b) The program shall be entirely funded by the fund or other 13 available state or federal funding.

14 (c) (1) The state board shall, upon appropriation by the 15 Legislature, expend moneys from the fund for reasonable costs 16 associated with the administration of this chapter.

(2) Commencing 365 days after the effective date, funds for the
reasonable costs associated with the administration of this chapter
shall not exceed 10 percent of the average annual deposits into the
fund. "Reasonable costs associated with the administration of this
chapter" includes relevant agencies' administrative costs associated
with this chapter. The state board shall reimburse eligible systems
for reasonable costs associated with the administration of this

chapter, which shall not count toward the 10-percent limitation.

25 (3) Commencing 450 days after the effective date, a minimum
26 of 80 percent of total expenditures from the fund shall be directly

27 applied to residential ratepayer accounts.

(d) The state board may undertake any of the following actionsto implement this chapter:

30 (1) Provide for the deposit of any of the following moneys into31 the fund:

32 (A) Federal or state funding.

33 (B) Voluntary contributions, gifts, grants, or bequests.

34 (C) Any returned funds.

35 (2) Enter into funding agreements with the federal government,

36 local or state agencies, private entities, or nonprofit organizations.

37 (3) Take additional action as necessary and appropriate for

38 adequate administration and operation of the fund and provision

39 of direct water bill assistance.

1 116933. The state board shall do all of the following in 2 administering the fund:

3 (a) Track and manage revenue in the fund separately from all4 other revenue.

5 (b) Develop and implement a process for the state board, or a 6 third-party provider contracted by the state board, to disburse 7 program funds to eligible systems, contract operators, or third-party 8 providers for direct application to the system's low-income 9 residential ratepayer accounts, including controls to prevent fraud, 10 waste, and abuse.

(c) Manage and maintain fund balances in conjunction with the
Controller, the Treasurer, the California State Auditor's Office,
and the Department of Finance, as appropriate.

(d) (1) Expend, upon appropriation by the Legislature, moneys
in the fund for grants, contracts, or services to provide benefits to
eligible residential ratepayers.

(2) Services may include technical assistance to eligible systems
serving fewer than 3,300 connections to administer the application
of funds to low-income residential ratepayer accounts, including
initial startup costs.

(3) The state board shall identify and contract with one or more
third-party providers. The scope of work for a third-party provider
shall include eligibility determinations, and may include call center
services, internet-based enrollments, document intake and
processing, and distribution of funds to eligible systems for
application to qualified residential ratepayer accounts.

(4) Provide funds to eligible systems for reasonable costs for
administration of the program, not to exceed the greater of 5
percent of the total funds for water bill assistance or two thousand
dollars (\$2,000).

(e) (1) Require verification of eligibility from a sample of
enrolled eligible ratepayers on an annual basis to verify the
ratepayer's low-income status and eligibility for assistance. Any
ratepayer found to not be eligible for assistance may be removed
from this program.

36 (2) The eligibility requirement in paragraph (1) may be carried
37 out by a third-party provider described in paragraph (3) of
38 subdivision (d).

1 116934. (a) Within 270 days of the effective date, the state 2 board, in consultation with relevant agencies and after a public 3 hearing, shall adopt guidelines for implementation of the program. 4 (b) The guidelines shall include, at minimum, all of the 5 following: (1) Direction to eligible systems to automatically enroll 6 households in the program under both of the following 7 8 circumstances: 9 (A) Available information shows that any member of the 10 residential ratepayer's household is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, 11 12 Supplemental Security Income or the State Supplementary Payment 13 Program, or the California Special Supplemental Nutrition Program for Women, Infants, and Children. 14 15 (B) The residential ratepayer's household is a utility customer enrolled in the California Alternate Rates for Energy (CARE) 16 17 program established pursuant to Section 739.1 of the Public 18 Utilities Code or in the Family Electric Rate Assistance program 19 established pursuant to Section 739.12 of the Public Utilities Code. (2) Minimum requirements for eligible systems, including both 20 21 of the following: 22 (A) Participation in the statewide program. 23 (B) The ability to confirm eligibility for enrollment through a 24 request for self-certification of eligibility under penalty of perjury. 25 (3) A process for the state board or third-party providers to 26 provide funding to eligible systems for application to eligible 27 low-income residential ratepayer accounts. Funding shall be 28 provided to eligible systems on, at minimum, an annual basis. 29 (4) A provision to audit eligible systems receiving funds under 30 this chapter regarding the receipt and distribution of those funds. 31 (5) Parameters and options for providing funding to eligible 32 systems that bill exclusively or partially on the property tax roll. 33 (6) A process for instances when a residential ratepayer moves 34 outside of the eligible system's service area. (7) A process for exemption of eligible systems from providing 35 36 low-income rate assistance upon determination by the state board that the system does not have eligible residential ratepayers. 37 38 Exemptions shall be reviewed periodically to determine whether 39 any residential ratepayers of the eligible system have become

40 eligible for assistance.

1 (8) A process for eligible systems to return funds to the state if 2 needed.

3 (9) In the event that full funding is not immediately available, 4 a process for determining how implementation will be prioritized 5 among eligible systems. The process shall prioritize eligible 6 systems that have historically been overburdened by pollution and 7 industrial development or faced other environmental justice 8 hurdles.

9 116935. (a) The state board shall, in consultation with relevant 10 agencies and after a public hearing, adopt an annual report to be 11 posted on the state board's internet website identifying how the 12 fund has performed.

13 (b) The annual report shall contain all of the following:

(1) A report of expenditures from the fund for the prior fiscal
year, including how many households were served, and estimated
expenditures for the current fiscal year.

17 (2) An estimate of the number of households eligible for 18 assistance. The estimate shall not be based on a 19 household-by-household evaluation.

(3) An evaluation of available relevant information regarding
any household-level water affordability issues that remain after
application of bill assistance.

(4) A description of methods to include public participation andefforts to encourage enrollment in the program.

(5) An estimate of the funding available for the next fiscal year
based on the amount available in the fund, anticipated funding
needs, other existing funding sources, and other relevant data and
information.

29 116936. (a) Within 365 days of the effective date, the Public 30 Utilities Commission shall establish a mechanism for electrical 31 corporations and gas corporations to regularly share data with the 32 state board or relevant third-party providers regarding the utility 33 customers enrolled in, or eligible to be enrolled in, the California 34 Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code and the Family 35 36 Electric Rate Assistance program established pursuant to Section 37 739.12 of the Public Utilities Code. Electrical corporations and 38 gas corporations shall regularly share that data with the state board 39 through the mechanism.

1 (b) (1) The state board and third-party providers may enter into 2 agreements with local publicly owned electric utilities and local 3 publicly owned gas utilities, including, but not limited to, municipal 4 utility districts and irrigation districts, for the purpose of regularly 5 sharing data with the state board or third-party provider regarding utility customers enrolled in, or eligible to be enrolled in, 6 7 benefiting low-income residential affordability programs 8 ratepayers. 9 (2) The agreements may authorize the state board to provide 10 data pursuant to this subdivision to third-party providers or eligible 11 systems for the sole purpose of assisting with the administration 12 of the program. 13 (c) Data shared pursuant to subdivision (a) or (b) is subject to 14 Section 7927.410 of the Government Code and the Information 15 Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). 16 17 (d) Data shared pursuant to subdivision (a) or (b) shall not be 18 considered a disclosure under Section 1798.83 of the Civil Code. 19 116937. (a) Chapter 3.5 (commencing with Section 11340) 20 of Part 1 of Division 3 of Title 2 of the Government Code does 21 not apply to any guidelines developed by the state board pursuant 22 to this chapter. 23 (b) (1) Notwithstanding Section 11019 of the Government Code, the state board, or a third-party provider contracted by the 24 25 state board, shall, to the extent permissible, make advance 26 payments to eligible systems for direct water bill assistance, for 27 related administrative costs, and to implement the purposes of this 28 chapter. 29 (2) Before distribution of an advance payment, eligible systems 30 shall provide to the state board an estimate of the number of 31 households enrolled in the program and their expected bill 32 discounts. 33 (3) The state board shall have discretion regarding the terms 34 and conditions that apply to advance payment. 35 (c) An eligible system shall provide a full accounting of its

expenditures on an annual basis and as requested by the state board.
(d) The state board, in consultation with the Public Utilities
Commission, may authorize up to 5 percent of program funding
to establish pilot projects that include expenditures that improve
water or wastewater affordability for low-income residential

1 households through installation of water efficiency measures or

2 assistance programs that otherwise improve residential household

3 water or wastewater affordability in mobilehome parks, multifamily

4 housing, or other households that do not directly pay a water or 5 wastewater bill.

6 116938. (a) The state board shall do all of the following in 7 administering the program:

8 (1) Provide guidance, oversight, and funding for low-income 9 rate assistance for residential ratepayers of eligible systems.

(2) Coordinate with the Public Utilities Commission, to the
extent reasonable and consistent with this chapter and related policy
goals, to align criteria between all existing water rate assistance
programs offered by investor-owned utilities, and to ensure timely
processing of payments to investor-owned utilities.

(3) For an eligible system that is not regulated by the Public
Utilities Commission, consult with relevant agencies on options
to provide oversight of the eligible system's application of program
funds to the system's low-income residential ratepayer accounts
pursuant to this chapter to ensure effectiveness and prevent fraud,
waste, and abuse.

21 (4) Coordinate with other relevant state agencies and resolve22 disputes as necessary.

(5) Consider identifying alternative entities to distribute and
track benefits if the state board determines that an eligible system
is incapable of applying program funds to residential ratepayers
of the system pursuant to this chapter.

(b) This chapter does not prohibit an eligible system fromoffering assistance to ratepayers that is in addition to, or on topof, the assistance provided through the program.

30 (c) An eligible system that offers assistance that is in addition 31 to the assistance provided through the program to the same 32 ratepayers served by the program shall still receive funds from the 33 program for the eligible portion of the assistance

33 program for the eligible portion of the assistance.

34 116939. (a) Within 450 days of the effective date, or by any 35 other date set by the state board based on a process for prioritization 36 among eligible systems established pursuant to paragraph (9) of 37 subdivision (b) of Section 116934, all nontribal community water 38 systems and wastewater systems shall begin providing water rate 39 assistance to residential ratepayers in compliance with the 40 minimum requirements specified in subdivision (c) of Section

1 116932. A tribal water or wastewater system may offer water rate

assistance. Eligible systems shall continue to provide water rateassistance to low-income residential ratepayers as long as there is

4 sufficient state or federal funding available to provide water rate

5 assistance and fund eligible systems for reasonable costs for 6 administration of the program.

(b) If the state board has not met the deadline in subdivision (a)
of Section 116934 for the adoption of program implementation
guidelines within 270 days of the effective date, the deadline in
subdivision (a) of this section shall be delayed by the total number
of additional days the state board takes to adopt program
implementation guidelines.

13 (c) Prior to disconnection of service, a community water system 14 shall provide residential ratepayers with arrearages a notice that 15 they may enter into a payment plan and time to enroll in conformity with the requirements of Chapter 6 (commencing with Section 16 17 116900), notwithstanding limitations relating to a community 18 water system's size. A community water system shall not 19 discontinue water service to a residential ratepayer that remains 20 current on a payment plan.

21 116940. (a) The Attorney General, at the request of the state 22 board or upon the Attorney General's own motion, may bring an 23 action in state court to restrain, by temporary or permanent 24 injunction, the use of any method, act, or practice declared in this 25 chapter to be unlawful, including nonparticipation by a public 26 water system within the program.

(b) The state board may qualify awards of financial assistanceupon participation in the program.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

36 the meaning of Section 6 of Article XIII B of the California

37 Constitution.

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### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE:	March 11, 2025
MEMO TO:	Board of Directors
THROUGH:	Clifford C. Chan, General Manager
FROM:	Roberto C. Cortez, Manager of Water Operations
SUBJECT:	Water Supply Update – March 11, 2025

The attached presentation outlines water production, precipitation to date, reservoir storage, and forecasted supply conditions for the remainder of water year 2025 under various hydrology scenarios. A water supply update will be presented at the March 11, 2025 Board meeting.

### CCC:RCC:gb

Attachment: Water Supply Update Presentation

I:\SEC\2025 Board Related Items\031125 Board\OMD - Water Supply Update.docx

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### Water Supply Update Board of Directors March 11, 2025

Roberto C. Cortez, Manager of Water Operations



### **Briefing Topics**

- Current Water Supply
- Water Supply Projections



## **Current Water Supply**



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## **Reservoir Storage**

As of 3/5/2025	Current Storage	Percent of Average	Percent of Capacity
Pardee	173,240 AF	94%	85%
Camanche	320,200 AF	116%	77%
East Bay	135,150 AF	101%	90%
Total System	628,590 AF	106%	81%

AF: Acre-Feet



San Pablo Reservoir, J. Urness, February 2025





# **Precipitation as of March 5**

Mokelumne: 26.6" (76% of average)

Weather Station Details

- Calaveras Big Trees
- Caples Lake
- Salt Spring Reservoir
- Tiger Creek Power
   Station
- Data collected since 1930





### Caples Lake Snow as of March 5

Snow Depth – 74" (99% of average)

Snow Water Content – 19.6" (72% of average)







# Snowpack as of March 6

**Snow Water Equivalent:** 

77% of Normal in Central Sierra



Data for: 6-March-2025 Statewide Average: 83%

% of Normal for this Date





## Water Supply Projections

Camanche Reservoir, J. Toone, March 2024





### **Projected Precipitation**

### **Mokelumne Precipitation Rainfall Year 2025**




# **End of Season Storage**

## **2025 Total System Storage Projections**





# **Questions?**

#### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE:	March 11, 2025
MEMO TO:	Board of Directors
FROM:	Clifford C. Chan, General Manager
SUBJECT:	Monthly Report – February 2025

#### HIGHLIGHTS

**In February, the District opened recreation areas for the season.** On February 7, the San Pablo Reservoir Recreation Area opened with restrictions due to the threat of golden mussels. Restrictions included closure of the public boat launch and no fish planting in the reservoir. On February 8, the recreation area hosted the 11<sup>th</sup> Annual NorCal Trout Anglers Challenge with approximately 150 attendees. On February 13, Pardee Recreation Area opened for the season with boat launching restricted due to golden mussel threat.

**On February 2, vegetation abatement work on the Grizzly Peak Strategic Fuel Break was completed.** Staff oversaw a contract that treated 12.7 acres of trees and brush (fuels) along 1.75 miles of Fish Ranch Road and Grizzly Peak Boulevard. The contract was funded by the California Department of Forestry and Fire Protection's Wildfire Prevention Grants Program. This constitutes the District's portion of a collaborative grant also distributed to the East Bay Regional Parks District, U.C. Berkeley, and the Berkeley Fire Department.

#### WATER SUPPLY

**East Bay Plain Subbasin Groundwater Monitoring Well Installation Project update.** Between February 3 and 11, a 95-foot-deep groundwater monitoring well was installed at the Pump Station Q site in Berkeley, located at 452 2<sup>nd</sup> Street. This monitoring well is the second of the three wells being installed as a part of the East Bay Plain Subbasin Site Characterization project. The first well was installed in San Pablo in January 2025 and the third well was installed in Hayward on February 26, 2025. These monitoring wells will allow for data collection of water levels and quality sampling to further aide in characterizing and addressing data gaps within the subbasin that is required under the Sustainable Groundwater Management Act.

On February 6, staff attended the second Drought Task Force (DTF) meeting for the development of the Contra Costa County's (CCC) Drought Resilience Plan (DRP). CCC is required by legislation to complete the DRP that focuses on providing water supply during emergency conditions for domestic well owners and Small State Water Systems. As the Groundwater Sustainability Agency for the East Bay Plain Subbasin, the District was invited to participate in the DTF. The next meeting is scheduled for May 2025 and will focus on short-term

response actions and long-term mitigation strategies.

**Precipitation.** The East Bay precipitation for February was 5.49 inches (117 percent of average) and the season total was 14.64 inches (73 percent of average). The Mokelumne precipitation for February was 9.56 inches (122 percent of average) and the season total was 25.09 inches (74 percent of average).

#### Water Releases

**Camanche Reservoir.** The average rate of Camanche release for February was 330 cfs (218 cfs generation, 74 cfs sluice, and 38 cfs through the hatchery), and the average flow below Woodbridge Dam was 322 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" water year criteria.

**East Bay Reservoirs.** Upper San Leandro (USL) spilled for five days in February, and controlled releases were made from USL and Chabot reservoirs to limit spilling. Controlled releases from USL Reservoir and Chabot Reservoir averaged 32 cfs and 51 cfs, respectively.

#### Water Storage

**Mokelumne reservoirs storage is 108 percent of average.** As of February 28, 2025, Pardee was at 552.6 feet or 94 percent of average, and Camanche was at 221.8 feet or 118 percent of average. Combined Pardee and Camanche reservoir storage was 493,000 acre-feet compared to 511,000 acre-feet last year.

**East Bay reservoirs storage is 101 percent of average.** As of February 28, 2025, USL was at 458.8 feet or 120 percent of average, San Pablo was at 299.2 feet or 80 percent of average, and Briones was at 574.7 feet or 105 percent of average. Total terminal reservoir storage was 135,000 acre-feet compared to 138,000 acre-feet last year.

**Mokelumne Aqueducts and Raw Water Pumping Plants.** The average rate of Mokelumne Aqueduct draft for February 2025 was 139 MGD. The Briones Raw Water Pumping Plant pumped 1,029 acre-feet of water to Briones Reservoir from February 1 to February 27 at an average rate of 12 MGD as part of the Briones Reservoir refill operation. Walnut Creek and Moraga Raw Water Pumping Plants remained out of service for the month.

	February 2025	February 2024	February 2020	Average of FY 2005-2007
East of Hills	24 MGD	22 MGD	33 MGD	29 MGD
West of Hills	98 MGD	95 MGD	108 MGD	125 MGD
Total	122 MGD	117 MGD	141 MGD	154 MGD
Max Day	128 MGD	127 MGD	160 MGD	
Production	(2/28/2025)	(2/6/2024)	(2/26/2020)	

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

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

#### WATER QUALITY AND ENVIRONMENTAL PROTECTION

In February, staff attended virtual technical working meetings held by the State Water Resources Control Board to discuss updates to the Water Quality Control Plan for the Bay-Delta Plan. Discussion included whether specific changes should be made to the draft Sacramento/Delta updates to the Bay-Delta Plan, including the draft objectives and draft program of implementation text and associated plan appendices. The State Board will take input from interested parties into consideration when they revise the draft Water Quality Control Plan.

**In February, seasonal salmonid field monitoring was conducted in the Mokelumne River.** Juvenile Chinook salmon outmigration monitoring is ongoing with both rotary screw traps in operation. Through February 7, a total of 12,186 naturally produced juvenile Chinook salmon were counted in the upstream trap (including weekend estimates) while 31 naturally produced juvenile Chinook salmon have been captured in the downstream trap. In addition to trap checks, rotary screw trap calibrations (also called efficiency tests) were conducted to help provide an estimate of the proportion of natural-origin juvenile Chinook salmon captured. As a result, the current production estimate of juvenile Chinook salmon at the upstream trap is 196,460, while the outmigration estimate of juvenile Chinook salmon at the downstream trap is 768.

**On February 5, staff conducted a biological survey for the Arkansas Bend Brush Clearing Project at Camanche North Shore update.** The biological survey is required by the U.S. Fish and Wildlife Service's Safe Harbor Agreement. During the survey, an old, abandoned cannabis grow operation was discovered. Several environmental concerns were discovered at the site including a catch basin in the bottom of the drainage lined with plastic, several bags of fertilizer, and a half-full five-gallon gas can. Staff safely removed some of the accessible waste and contacted a hazardous waste company who removed the remaining waste.

On February 11, the District notified the San Francisco Regional Water Quality Control Board of elevated total coliform levels in the Oakport Wet Weather Facility effluent. The discharge, which occurred during the storm on February 4, resulted in an effluent total coliform concentration of 350 Most Probable Number (MPN)/100 milliliter (ml), exceeding the permit limit for this facility of 240 MPN/100ml. The cause of the violation was a restricted check valve in a temporary sodium hypochlorite disinfection system in place due to construction of the new chemical storage tanks. The underdosing was addressed during the storm by operators, and the

check valve has been repaired. Increased monitoring after this event confirmed that treatment returned to normal with no subsequent issues. A stipulated penalty of \$3,000 is expected for this violation.

On February 14, the District submitted the Annual Project Operations Report to the Federal Energy Regulatory Commission. The report summarized the measures the District implemented the previous calendar year and proposed implementation plans to protect and enhance the fishery resources and ecosystem of the lower Mokelumne River in the current calendar year.

**On February 14, staff burned and removed five acres of brush from watershed land along Stoney Creek Road just north of Pardee Recreation Area.** The removal is part of a fuel reduction project enhancing fire breaks adjacent to the recreation area and Pardee Reservoir.

**On February 21, staff met with the San Joaquin County to discuss their floodplain reconnection project on the lower Mokelumne River.** Coordination between the County's floodplain project and the District's other habitat projects were discussed during the meeting. A follow-up meeting will be scheduled once San Joaquin County make progress on their projects.

On February 27, the District submitted the annual Pretreatment Report and Pollution Prevention Report for calendar year 2024 to the San Francisco Regional Water Quality Control Board and the U.S. Environmental Protection Agency. These reports are required by the National Pollutant Discharge Elimination System (NPDES) permit for the Main Wastewater Treatment Plant (MWWTP) and summarize sampling and analysis of pollutants that enter the MWWTP and the discharges from the MWWTP. The Pretreatment Report summarized the District's oversight of permitted significant industrial users within the wastewater service area. The Pollution Prevention Report summarized the District's education and outreach activities to reduce pollutant discharges at the source and reported on the overall effectiveness of the various efforts, including more than 25 years of consecutive compliance with the NPDES permit limits.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of February. This is the 306<sup>th</sup> consecutive month that the MWWTP experienced no exceedances.

The District received no odor reports from the public in February.

#### INFRASTRUCTURE INVESTMENT

**In February, staff completed a pipeline replacement project in the East 16<sup>th</sup> Street area in Oakland.** This project replaced cast iron pipe with 5,245 feet of mortar-lined plastic-coated steel pipe.

**In February, staff began a pipeline replacement project in the 5<sup>th</sup> Street area in Oakland.** This project will replace cast iron pipe with 1,410 feet of 8-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in April 2025.

In February, the District conducted a pilot project of a security system using Light Detection and Ranging (LiDAR) technology at the Adeline Maintenance Center (AMC) Shops Building site. The system provides real-time location information on potential intruders, enabling security personnel to quickly locate and respond to potential threats. The pilot demonstrated the advanced ability of this technology to identify potential intruders at the perimeter of the site before entry and then effectively track movement on site. The technology also successfully differentiated between intruders and other types of movement, such as animals or tree branches. This technology will be implemented as part of the upcoming AMC Security Improvements Project, which will improve security monitoring at all AMC properties. The project is scheduled for Board consideration in spring 2026.

On February 5, the District conducted the annual dam safety inspection of San Pablo Reservoir with the California Division of Safety of Dams (DSOD). The inspections, exercised in the presence of a DSOD inspector, included a review of the dam, spillway, outlet, and instrumentation. No significant items of concern were noted.

February 11, staff conducted Swainson's hawk surveys around Camanche Reservoir and Woodward Island located in the Sacramento-San Joaquin River Delta. The surveys are conducted for the California Department of Fish & Wildlife's Routine Maintenance Agreement and the aqueduct relining project on Woodward Island. One new bald eagle nest was observed near Camanche Reservoir.

**On February 20, staff participated in the U.S. Society on Dams' (USSD) Committee on Public Safety, Security and Emergency Management quarterly meeting.** Topics included updates from the international dam safety association and the various agency representatives including the Federal Emergency Management Agency, Association of State Dam Safety Officials, U.S. Army Corps of Engineers, Federal Energy Regulatory Commission, and a roundtable for participants to share any new projects and/or ask questions on the subject matter.

Between February 25-27, staff attended the U.S. Army Corp of Engineers' Risk Management Center Best Fit and Reservoir Frequency Analysis Workshop in Lakewood, Colorado. The training focused on flood hazard analysis for dam risk assessment. This training supports semi-quantitative risk assessment for Pardee and Camanche reservoirs for the Federal Energy Regulatory Commission, risk assessment for Division of Safety of Dams for Upper San Leandro Dam, and spillway assessment for Camanche and Pardee.

**Mains repaired in February totaled 55.** The attached table lists the mains repaired by staff in February, 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 February, staff conducted 16 environmental education field trips for approximately 680 attendees as follows:

- On February 19, a total of 115 students from Meadow Vista's Sierra Hills School, Valley Springs' Jenny Lind Elementary, and San Andreas Elementary schools toured the fish hatchery and habitat.
- On February 20, a total of 100 students from Mokelumne Hill Elementary School, Livermore's Jackson Avenue Elementary, and West Point Elementary toured the fish hatchery and habitat.
- On February 21, a total of 90 students from Amador High School and Pioneer's Elementary School toured the fish hatchery and habitat.
- On February 24, a total of 125 students from Ione Elementary and Plymouth's Elementary toured the fish hatchery and habitat.
- On February 25, a total of 160 students from Lodi's Clyde W. Needham Elementary, Stockton's John Muir Elementary, Berkeley's Washington Elementary, and Lodi's Valley Robotics Academy toured the fish hatchery and habitat and Lafayette Reservoir.
- On February 28, a total of 120 students from Lodi's Erma B Reese Elementary and Stockton's George Lincoln Mosher Elementary toured the fish hatchery and habitat.

**On February 1, the District sponsored the Asian Health Services Annual Gala.** The event recognized outstanding service in the Asian community.

**On February 3, the District held a virtual public meeting for residents on Madera Lane in Orinda regarding the Westside Pumping Plant Replacement Project.** Staff provided information on the project and responded to questions on project duration and scope of work. Approximately five people attended.

**On February 4, staff presented to Sustainable Rossmoor group in Walnut Creek.** The presentation highlighted EBMUD's history, operations, sustainability efforts, and Customer Assistance Program. Staff responded to questions regarding PFAS, recycled water, and water conservation. Approximately 35 people attended.

**On February 4, staff met with the City of Albany to coordinate construction activities.** The two agencies shared information on current and upcoming work.

On February 5, staff attended the San Joaquin Farm Bureau Water Committee meeting to learn more about regional issues and to network with stakeholders.

**On February 5, staff met with the City of El Cerrito to coordinate construction activities.** The two agencies shared information on current and upcoming work.

On February 5, staff attended the County of Alameda and City of San Leandro PG&E/EBMUD Incident and Emergency Preparedness Community Forum. Discussions

included Alameda County and the City of San Leandro emergency preparedness and interactions with other public agencies.

On February 6, staff participated in the City of Oakland's Monthly Utilities Coordination Meeting to coordinate construction activities. The agencies shared information on current and upcoming work.

**On February 7, pay stations were installed at Lafayette Reservoir Recreation Area.** Six hourly-pay stations and two day-use pay stations were installed and are operational.

On February 8, staff hosted a teacher workshop (K-12 educators) with the Water Education Foundation's Project Water Education Today and conducted a tour of the Walnut Creek Water Treatment Plant. Staff provided information on the water system, stewardship, water treatment, careers, and water education programs. Approximately 25 people attended.

On February 10, staff attended the West Contra Costa Fire Safe Council Advisory Board Meeting to receive an update from the Los Angeles Department of Public Works on their wildfire response.

**On February 10, staff participated in a school assembly at Oakland's Lincoln Elementary School.** The assembly was led by Zun Zun, an organization that leads musical assemblies on watersheds, conservation, climate change, and pollution prevention. Approximately 690 students attended.

On February 10, staff attended the Castro Valley Municipal Advisory Council Land Use meeting to learn more about community issues.

**On February 11, staff met with the City of Berkeley to coordinate construction activities.** The two agencies shared information on current and upcoming work.

On February 11, staff attended the Eden Area Municipal Advisory Council meeting to learn more about community issues.

**On February 13, staff presented at the Woodbridge Irrigation District Board Meeting.** The presentation highlighted hydrography. Approximately 20 people attended.

On February 13, staff attended the West County Forum in Richmond to learn more about the Plant To Plate Internship Program.

**On February 13, staff met with the City of Emeryville to coordinate construction activities.** The two agencies shared information on current and upcoming work.

On February 13, staff participated in the Northern California PUG Annual Sharing Technologies Seminar in Concord. Seminar topics included water and wastewater pipeline design and construction projects. Staff chaired the seminar. Approximately 160 people attended.

**On February 15, staff conducted a Water Walk tour of the Lafayette Reservoir in Lafayette in partnership with the Lindsay Wildlife Museum.** Staff provided information about the reservoir, wildlife, the watershed, and EBMUD's water system. Approximately 20 people attended.

**On February 15, trail maintenance was completed on the Mokelumne Coast to Crest Trail.** Staff along with six volunteers trimmed back encroaching vegetation and cleared debris from steps and switchbacks on the trail near the east end of Pardee Reservoir.

**On February 18, staff participated in the Mokelumne River Hatchery Operations Team meeting.** Representatives from California Department of Fish & Wildlife, National Marine Fisheries Service, and EBMUD, discussed hatchery operations, management actions, and special studies. Approximately 10 people attended.

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

**On February 19, the District hosted a Water Wednesday Webinar.** The presentation highlighted the invasive golden mussel and the threat that the newly found species poses to water infrastructure and ecosystems. Staff discussed how the mussels threaten EBMUD's water system, the steps EBMUD is taking to prevent the introduction of this mussel into the water supply, and current recreation restrictions. Approximately 105 people attended.

**On February 19, staff participated in the East Bay Procurement Summit at Cal State East Bay in Hayward.** Staff provided an overview of supplier engagement, the process to register as a supplier, public bid opportunities, and paths to contract with the District. Approximately 300 people attended.

**On February 20, the District hosted a virtual public meeting regarding the Reliez Valley Pipeline Replacement Project located in Lafayette.** The presentation highlighted the scope of work and detour map. Staff responded to questions regarding paving restoration and traffic impacts. Approximately 35 people attended.

On February 20, staff attended the Castro Valley Municipal Advisory Council General Purpose meeting to learn more about community issues.

On February 21, staff met with the Town of Moraga Town Manager, Public Works Director, and Moraga-Orinda Fire District (MOFD) Fire Chief regarding the upcoming Carter and Arroyo Reservoirs Rehabilitation Project. Staff responded to questions on fire flow requirements, outreach, and project phasing. The Town of Moraga, MOFD, and the District

agreed to host a joint community meeting for Moraga's Sanders Ranch Homeowners Association in the coming months. Approximately 10 people attended.

**On February 22, staff participated in Oakland Chinatown Improvement Council's Lunar New Year Parade.** Staff provided information on water conservation, careers, and the Customer Assistance Program. Approximately 500 people attended.

**On February 22, staff participated in the Nor Cal Science Festival in Lodi.** Staff provided information on hydrography, fisheries, and the fossil discovery in the watershed. Approximately 3,000 people attended.

**On February 22, staff conducted a Water Walk tour at the Walnut Creek Water Treatment Plant.** Staff provided information about water supply, water treatment, emergency preparedness, and careers. Approximately 30 people attended.

**On February 22, District staff participated in the NorCal Science & Technology Festival at Lodi High School.** Staff provided information on District careers and displayed salmonid life-cycle diagrams and egg models, acoustic telemetry receivers with maps, ariel images of salmonid redds pre-and post -habitat restoration, mammals' claws and bird talons, and casts of various wildlife tracks and animal excrement. Approximately 5,000 people attended.

On February 24, staff attended the North San Joaquin Farm Bureau Water Conservation District Board meeting to learn more about regional issues and to network with stakeholders.

On February 25, staff presented at the California Water Environment Association's Specialty Seminar 2025 – The Changing Landscape of Biosolids Management in California. The presentation highlighted guidance for biosolids generators who oversee land application contractors and detailed the responsibilities of wastewater agencies, which include truck inspections, site inspections, and review of land application reports. Approximately 30 people attended.

On February 25, staff met with the City of San Leandro to coordinate construction activities. The two agencies shared information on current and upcoming work.

**On February 26, staff presented at the Alameda Point Collaborative meeting.** The presentation highlighted California native and summer-dry climate plants, and low-volume irrigation methods. Approximately 15 people attended.

On February 26, staff attended the Women in Civic Leadership meeting in Richmond to learn about upcoming events and programs from local community leaders.

On February 26, the District hosted a virtual public meeting related to EBMUD's Applicant Winter Forum to address questions related to new water services. Staff responded

to questions about time expectations, how water services are installed, Accessory Dwelling Units and where to find information on ebmud.com. Approximately 65 people attended.

**On February 26, staff presented to the annual Lodi District Grape Growers Local Water Forum.** The presentation highlighted water outlook for the year. Approximately 200 people attended.

On February 27, the District transitioned to the new Genesys Cloud platform for the Contact Center. The upgrade introduces improved functionalities, including the ability for customers to receive a call back instead of keeping them on hold for the next agent, and delivers calls through a softphone, thus eliminating the need for physical phones.

On February 27, staff presented to the East Bay Wildfire Coalition in El Cerrito on EBMUD's wildfire preparedness. Approximately 25 people attended.

On February 27, staff met California State Senator Tim Grayson (SD-9)'s District Office regarding the upcoming Carter and Arroyo Reservoir Rehabilitation Project in Moraga. Staff provided information on the project scope, goals, communication, and outreach. Approximately 10 people attended.

**Media.** A news alert was sent on February 13 providing an update on the closure of District reservoirs to boat launches to protect them from the invasive golden mussel (Water Education Foundation, Local News Matters, KTVU2, KPIX5, KCBS, Ledger Dispatch, Danville San Ramon, Chiefs Focus, Bass Fishing, Coyote Gulch). News stories included water supply status and updates resulting from recent precipitation (KNTV11, KRON4, KGO7, KPIX5, San Francisco Chronicle); preparations for potential increase in wastewater flows relating to increased rains (KCBS); the ending of the Los Vaqueros Reservoir expansion project and how funding from a state water bond would be spent (Mercury News); local and national discussions on recommended fluoride levels in drinking water (Post News Group); a highlight of the District's partnership in the Center for Smart Infrastructure (Ground Engineering); and the closure of Kowbird Restaurant and payment to the District (San Francisco Chronicle, Eater, MSN Food and Drink).

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
Х	Wildfire prevention in Orinda Hills	570	3,853	-20
Facebook	Recreation open, boat launches closed	811	2,502	19
Instagram	Meter box finds	1,436	2,855	40
LinkedIn	Upcountry boat launch closures	1,834	10,996	154
Nextdoor	Community Water Academy		10,454	

#### Social Media:

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

- Arroyo Reservoir Demolition (Moraga)
- Cal Shakes Committee (Orinda, Moraga, Contra Costa County)
- East of Hills Facilities Demolition and Improvements (San Ramon, Danville, Alamo)
- Happy Valley Pumping Plant and Pipeline Replacement (Orinda)
- Lafayette Reservoir Tower Seismic Upgrade (Lafayette)
- Lincoln Avenue Pipeline Replacement (Oakland)
- Mokelumne Aqueduct Recoating (Contra Costa County)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Reliez Valley Road Pipeline Replacement Project (Lafayette)
- Tappan Terrace Pipeline Replacement (Orinda)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek)
- Westside Pumping Plant Replacement (Orinda)
- Withers & Reliez Valley Road Pipeline Replacement (Lafayette)

#### **Contract Equity**

**On February 3, the District hosted the Contract Equity Construction Roundtable at its Administration Building in Oakland.** The roundtable was designed to strengthen business partnerships and improve the District's construction contracting process. The event fostered relationships and alliances with District contractors and District staff. The roundtable also served as a platform for open dialogue allowing the participants to work toward achieving shared goals. Approximately 60 people attended.

**On February 13, staff participated in the National Basketball Association Foundation's Supplier Diversity Matchmaking Forum in San Francisco.** Staff provided information on how to do business with the District to 40 firms during matchmaking interviews. Approximately 500 people attended.

#### On February 20, staff participated in the Western Regional Minority Supplier Development Council's 2025 Construction Day in San Francisco. Staff provided information on upcoming District contracting opportunities and how to do business with the District. Approximately 300 people attended.

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

- February 13 Bay Area Rapid Transit's Small Business Certification Forum 500 attendees
- February 13 San Mateo Economic Development Association and San Francisco Airport Business Resource Fair – 300 attendees
- February 19 Women's Business Enterprise Council Pacific's Board Meeting 20 attendees
- February 20 CALTRANS Annual Disadvantaged Business Enterprise Summit 700 attendees

 February 25 – Oakland Latino Chamber of Commerce's Small Business Mixer – 75 attendees

#### Water Conservation

**On February 4, the District hosted, and staff presented at the Landscape Advisory Committee General Meeting.** The presentation highlighted current legislation related to irrigating nonfunctional turf (AB 1572), urban water use targets (SB 606), water management planning (AB 1668) and reduced organic waste targets for 2025 (SB 1383). Water supply updates and strategies to prevent urban heat with waterwise landscapes were also discussed. Approximately 140 people attended.

**On February 25, staff participated in the Landscape Advisory Committee (LAC) Project Committee hybrid meeting in Oakland.** The LAC's Low Water Plant List subcommittee is updating the District's Low Water Plant List for customer use. Approximately 10 people attended.

**On February 26, staff presented at Alliance for Water Efficiency's webinar.** The presentation highlighted a summary of the District's newly released second edition of the Commercial Water Efficiency Guidebook, which provides water conservation guidelines to commercial, industrial, and institutional water customers. Approximately 50 people attended.

**On February 26, staff presented at StopWaste's Water Supply Council virtual meeting.** The presentation highlighted California's Non-Functional Turf Watering Ban (Assembly Bill 1572) and the District's water conservation programs and services. Approximately 50 people attended.

#### WORKFORCE PLANNING AND DEVELOPMENT

**On February 5, 19, and 26, staff attended the California Department of Water Resources'** (**DWR**) **CalSim 3 training workshop.** CalSim 3 is a water resources planning model, jointly developed by DWR and the Mid-Pacific Region of the U.S. Bureau of Reclamation (USBR). The District uses this model to evaluate potential impacts to District operations and associated actions taken by DWR and USBR. Approximately 10 people attended.

**On February 19, staff attended East Bay Regional Park District (EBRPD) Police Department's Joint Powers Authority training.** The training reviewed the procedure for calling in incidents or making reports to law enforcement while on the East Bay watershed. The District contracts with EBRPD for providing police services on District land in Alameda and Contra Costa counties.

**On February 26, District staff and its concessionaires participated in the annual herbicide safety training.** The annual training is required by the State for any employee handling or applying pesticides and was provided by a certified pesticide control advisor. Three concessionaires from Lake Camanche Recreation Company, Rocky Mountain Recreation, and Camanche Hill Hunting Preserve 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 February 23, staff attended the Black Infant Health's Black Joy Parade in Oakland. Staff provided information on District careers, recruitments, the application process, and internship opportunities, including the High School Summer Internship program. Approximately 200 people attended.
- On February 27, staff participated in Laney College's 2025 African American Male Achievement Program's Visit in Oakland. Staff provided information on the District's internship programs, career pathways, and the application process to middle and high school students. Approximately 80 people attended.
- On February 28, staff participated in Bay Area Community Colleges and the Association of Manufacturers Bay Area's Women in Manufacturing Skilled Trades Symposium in Hayward. Staff participated in workshops and breakout sessions with peer agencies and discussed regional strategies for developing a diverse, qualified pipeline of female candidates in the manufacturing skilled trades. Approximately 75 people attended.

#### **Tuition Reimbursement**

	February 2025	FY25 Total
# of Employees	8	90
# of Classes	9	118
Total Reimbursed	\$3,773.55	\$114,040.99

#### **Employment Information**

	February 2025	FY25 Total
Retirements – Regular	2	50
Retirements – Vested	1	8
Hires/Rehires	7	130
Other Separations	8	57

#### FINANCIAL STABILITY

**Capital Budget Transfers.** In February 2025, there were two capital transfers in the Water System for \$0.7 million and there were no capital transfers in the Wastewater System. There were no capital transfers over \$2.5 million. Through February 28, 2025, there have been six capital transfers in FY 2025, for a total of \$4.3 million in the Water System and \$7.3 million in the Wastewater System.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for February is \$52,777. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$13,472 from the Port of Oakland. Earned revenue for FY 2025 is estimated at \$478,553 or 120 percent of the total FY 2025 budget of \$400,000.

**The estimated earned revenue from Mokelumne power sales for February is \$812,783.** The District sold renewable power and related Renewable Energy Certificates (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$100,770 from MCE. Resource Adequacy capacity sales to NRG Business Marketing LLC earned \$80,213. Estimated earned revenue to date through February is \$8,632,103 or 85 percent of the budgeted revenue for FY 2025 \$10,200,000. The forecasted revenue for FY 2025 is \$11,449,523.

There was one material, supply, or construction contract from \$80,001 to \$100,000 and there were two general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in February 2025.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Six Degrees Consulting	2/7/25	White Women	Email security software.	N/A	N/A	\$92,931
Contra Costa County Department of Agriculture	2/10/25	Government Agency	Treatment and control of two adjacent populations of artichoke thistle in the Upper San Leandro Reservoir Watershed.	N/A	N/A	\$56,245
Probolsky Research, LLC	2/10/25	Hispanic Women	Statistical customer opinion research.	N/A	N/A	\$69,900
Wagner Jones Helsley, PC	2/20/25	Private Corp.	Specialized legal services and legal advice in the area of water rights and water supply.	N/A	N/A	\$80,000

#### Water Sales (Consumption)

The following consumption information is the average water consumption in millions of gallons per day (MGD) for the first seven months of FY 2025.<sup>1</sup> Budgeted average daily water consumption for FY 2025 is 143.9 MGD, noting that summer month consumption is generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2024 data for the same period-of-time.

Fiscal Year-to-	Date Billed Water	Consumption	
Usage Type	FY 2025 (MGD)	FY 2024 (MGD)	Year-over-Year (% change)
Residential	79.6	74.6	6.7%
Commercial	55.5	48.6	14.2%
Industrial	20.0	19.5	2.6%
Public Authority	7.3	7.0	4.3%
<b>Total Billed Water Consumption</b>	162.4	149.7	8.5%



Source: Customer Information System

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

#### Water Sales (Expected Revenue)

Water revenues billed through the end of January were \$474.0 million<sup>2</sup> or 12.0% more than the FY 2024 revenue for the same period of \$416.9 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 January are \$7.5 million (1.6%) more than the budgeted water revenue of \$466.5 million.



Source: Customer Information System

<sup>&</sup>lt;sup>2</sup> Water sales includes potable and non-potable water sales.

				FEBRUA	RY 2025 MAIN BRE	AK REPA	IRS				
City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMO		REGENT	PL	2	ASBESTOS CEMENT	6	1962	2,700	2/20/2025	2/21/2025	Y
ALBANY		KAINS	AVE	4	CAST IRON	4	1941	450	2/7/2025	2/7/2025	Y
BERKELEY		BERKELEY	WAY	4	CAST IRON	6	1940	18,000	2/5/2025	2/5/2025	Y
BERKELEY		CHANNING	WAY	4	CAST IRON	8	1934	8,640	1/29/2025	2/3/2025	Y
BERKELEY		DWIGHT	WAY	4	CAST IRON	8	1926	21,600	2/20/2025	2/24/2025	Y
BERKELEY		SPRUCE	ST	4	STEEL	8	1985	0	1/21/2025	2/13/2025	Y
BERKELEY		STODDARD	WAY	4	CAST IRON	4	1939	5,760	2/17/2025	2/20/2025	Y
DANVILLE		CLUB TERRACE		2	ASBESTOS CEMENT	8	1985	5,760	2/3/2025	2/6/2025	Y
DANVILLE		JEWEL	TER	2	ASBESTOS CEMENT	6	1979	9,000	2/28/2025	2/28/2025	Y
DANVILLE		ST HELENA	DR	2	ASBESTOS CEMENT	8	1973	10,080	2/5/2025	2/5/2025	Y
EL CERRITO		FAIRMOUNT	AVE	4	ASBESTOS CEMENT	6	1961	0	1/23/2025	2/5/2025	Y
EL CERRITO		KEARNEY	ST	4	CAST IRON	4	1940	17,280	2/21/2025	2/26/2025	Y
EMERYVILLE		HOLLIS	ST	4	CAST IRON	6	1920	14,400	2/10/2025	2/11/2025	Y
HAYWARD		LAKERIDGE	AVE	7	ASBESTOS CEMENT	6	1985	2,700	2/12/2025	2/12/2025	Y
HAYWARD		OCEAN VIEW	DR	7	ASBESTOS CEMENT	6	1961	21,600	2/3/2025	2/7/2025	Y
LAFAYETTE		HAPPY VALLEY	RD	2	ASBESTOS CEMENT	8	1956	0	1/15/2025	2/11/2025	Y
LAFAYETTE		ROHRER	DR	2	STEEL	16	1965	0	1/28/2025	2/20/2025	Y
OAKLAND	E	15TH	ST	6	CAST IRON	6	1924	900	2/15/2025	2/16/2025	Y
OAKLAND		26TH	ST	3	CAST IRON	6	1936	12,960	2/10/2025	2/18/2025	Y
OAKLAND		26TH	ST	3	CAST IRON	6	1936	13,500	2/18/2025	2/19/2025	Y
OAKLAND		40TH	ST	3	CAST IRON	6	1938	23,040	2/2/2025	2/3/2025	Y
OAKLAND		71ST	AVE	5	CAST IRON	4	1927	3,150	2/14/2025	2/14/2025	Y
OAKLAND		85TH	AVE	6	CAST IRON	6	1911	43,200	2/13/2025	2/18/2025	Y
OAKLAND		91ST	AVE	6	ASBESTOS CEMENT	6	1958	12,960	2/7/2025	2/9/2025	Y
OAKLAND		25TH	AVE	6	CAST IRON	6	1929	14,400	2/3/2025	2/7/2025	Y
OAKLAND		ALMA	PL	6	CAST IRON	4	1940	7,200	1/30/2025	2/3/2025	Y
OAKLAND		CHESTNUT	ST	5	CAST IRON	6	1929	9,000	2/12/2025	2/12/2025	Y
OAKLAND		GILBERT	ST	3	CAST IRON	4	1919	2,700	2/18/2025	2/19/2025	Y
OAKLAND		GREGORY	PL	3	CAST IRON	4	1949	0	1/28/2025	2/5/2025	Y

\*KPI = turn around time to repair the leak

				<b>FEBRU</b>	ARY 2025 MAIN BR	EAK REPA	IRS				
City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		INTERNATIONAL	BL	6	CAST IRON	4	1934	3,600	2/12/2025	2/13/2025	Y
OAKLAND		LOUISIANA	ST	5	CAST IRON	6	1947	900	2/11/2025	2/11/2025	Y
OAKLAND		MAGNOLIA	ST	5	STEEL	8	1967	90,000	2/3/2025	2/4/2025	Y
OAKLAND		MIDDLE HARBOR	RD	5	ASBESTOS CEMENT	8	1941	45,000	2/28/2025	2/28/2025	Y
OAKLAND		PARK	BL	6	CAST IRON	6	1925	0	2/24/2025	2/24/2025	Y
OAKLAND		PINEHAVEN	RD	3	CAST IRON	6	1922	21,600	2/16/2025	2/20/2025	Y
OAKLAND		SUTER	ST	6	CAST IRON	4	1913	10,080	2/14/2025	2/20/2025	Y
OAKLAND		VERNON	ST	3	CAST IRON	8	1950	45,000	2/17/2025	2/17/2025	Y
OAKLAND		WICKSON	AVE	3	CAST IRON	6	1941	0	1/28/2025	2/5/2025	Y
RICHMOND		7TH	ST	1	CAST IRON	8	1924	4,500	2/20/2025	2/20/2025	Y
RICHMOND		9ТН	ST	1	CAST IRON	4	1939	13,500	2/13/2025	2/13/2025	Y
RICHMOND		CHURCH	LN	1	CAST IRON	12	1952	3,600	2/1/2025	2/1/2025	Y
RICHMOND		ESSEX	AVE	1	STEEL	8	1969	27,000	2/20/2025	2/20/2025	Y
RICHMOND		LETTIA	RD	1	STEEL	8	1981	900	2/5/2025	2/5/2025	Y
RICHMOND		REGATTA	BL	1	ASBESTOS CEMENT	12	1961	12,960	2/10/2025	2/18/2025	Y
RICHMOND		VALLEY	LN	3	CAST IRON	6	1949	8,640	1/29/2025	2/3/2025	Y
RODEO		CORAL RIDGE	CIR	1	ASBESTOS CEMENT	6	1978	4,500	2/21/2025	2/21/2025	Y
SAN LEANDRO		ARENA	ST	5	ASBESTOS CEMENT	6	1957	4,320	2/26/2025	2/28/2025	Y
SAN LEANDRO		BOWLING GREEN		7	CAST IRON	4	1941	7,200	2/26/2025	2/26/2025	Y
SAN LEANDRO		DOOLITTLE	DR	5	STEEL	12	1964	2,880	2/10/2025	2/11/2025	Y
SAN LEANDRO		OLIVE	СТ	7	ASBESTOS CEMENT	4	1950	10,080	2/18/2025	2/24/2025	Y
SAN LEANDRO		ROBEY	DR	7	ASBESTOS CEMENT	6	1964	2,250	2/14/2025	2/14/2025	Y
SAN LEANDRO		VIOLET	ST	7	CAST IRON	6	1947	90	2/19/2025	2/21/2025	Y
SAN LORENZO		ELGIN	ST	7	CAST IRON	6	1938	25,920	1/26/2025	2/3/2025	Y
SAN LORENZO		VIA RINCON		5	CAST IRON	4	1944	14,400	2/10/2025	2/11/2025	Y
SAN PABLO		RIVERS	ST	1	CAST IRON	6	1940	900	2/21/2025	2/21/2025	Y
		•	•	•	•	•	Total	640,800	- 1		

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Non-surfacing leaks discovered by leak detection technologies

					FEBRUA	RY 2025 MAIN BRE	AK REPA	IRS				
С	City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
	Bre	aks cau	sed by contractors or othe	er agencies		0						
	Oth	er mair	n breaks			54						
	Tot	al wate	er main repairs			55						



		February 2	025				
(Data collectio	n began September	1, 2017 - CAP applica	tions processed thro	ugh Feb 21 25)			
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25 56	Totals (since 9/1/2017)
New CAP Participants	283	271	265	292	300	218	16,
CAP Renewals	218	193	166	188	191	149	16,
CAP Departures	438	388	372	367	363	280	23,
Total Active CAP Participants w/Active Accounts	10,275	10,367	10,499	10,605	10,765	10,866	
PAYMENT PLANS	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 9/1/2017)
Approved Payment Plans	2,224	3,294	3,203	3,556	3,544	3,123	254,
SERVICE INTERRUPTIONS - RESIDENTIAL	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 9/1/2017)
15-day Final Collection Notices <sup>51</sup>	17,995	17,448	15,162	18,981	15,111	15,125	1,442,
48-hr Service Interruptions Notices 3,52	10,409	12,541	10,779	12,268	9,805	10,423	867
FENANT OCCUPIED - FLOW RESTRICTORS	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 9/1/2024)
Service Interruption Orders/Door Hangers Generated	502			209	388	657	(SINCE 9/1/2024)
Service Interruptions Completed (Flow Restrictor Installed)	-	144	111	93	158	490	-,
Number of Flow Restrictors Removed/Service Restored	-	72	70	63	116	261	
Flow Restrictors Remain Installed as of End of Month	(a)	72	113	143	185	414	
DWNER OCCUPIED - SINGLE-FAMILY LIENS	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 11/1/2024
Liens Filed		-	276	-	190	412	
Released	-	-	-	-	22	20	
Transferred to Alameda Cty.		-		2	-	-	
Transferred to Contra Costa Cty.	-	-	-	-	-	-	
Total Transactions/Month	-	-	276	-	212	432	
LOW RESTRICTOR TAMPERING	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals
Flow Restrictor Tampered	(H)	2	3	-	6	3	
NATER THEFT	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 9/1/2017)
No. of Incidents	14	8	3	7	2		
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	
No. Water Theft Penalties Issued	-	-	-	-	-	-	
No. of Appeals Received		-	-	-		-	
No. of 1st Appeals Approved No. of 1st Appeals Denied	-	-		-	-	-	
	-	-	and an and a second	-	-	-	Totals
MULTI-FAMILY LIENS <sup>1</sup>	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	(since 9/1/2017)
Liens Filed	62	102	189	26	175	77	7,
Released	228	14	340	-	49	12	6
Transferred to Alameda Cty.	-		-	-	-	-	2
Transferred to Contra Costa Cty.		-	-			-	
Total Transactions/Month	290	116	529	26	224	89	16
BAD DEBT - WRITE OFFS <sup>2</sup>	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Totals (since 9/1/2017)
Total Referred to Collection Agency	\$429,404	\$584,747	\$457,574	\$611,715	\$625,300	TBD	21,747
Write-Off % to Billed Revenue	0.53%	0.69%	0.67%	0.81%	1.00%	TBD	

<sup>9</sup> Peo 25 concents were generated, but not mailed to customers since 03-32-32. Customers are receiving payment reminder uports are posted by <sup>3</sup> 48-hour notices were generated, but not mailed to customers since 03-32-32. Customers are receiving payment reminders in-lieu of 48-hours notices.
<sup>81</sup> Total Final Collection Notices sent to all Single Family Residence Accounts (Renter and Owner occupied).
<sup>81</sup> Total Interruption/Lien Notices sent to all Single Family Residence Accounts (Renter and Owner occupied).
<sup>84</sup> Report dated 03-04-25. Pending: Final CAP data pending (data processed through 02-21-25). Updates: Jan 25 CAP data updated.

\*Notes - Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DN will be omitted from this table until the District resumes DNP activities.

Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Lafayette
Meter	7	1	2	21	5	3	1	2	3	1	9	6	2
Illegal Connection	0	1	0	3	0	0	0	0	0	0	0	0	0
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	7	2	2	24	5	3	1	2	3	1	9	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	
	Oakland 360	Orinda 1	Piedmont	Pinole 6	Richmond 98	Rodeo 7	4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	and the second second second	San Pablo 7				
Type/City Meter Illegal							Lorenzo	Leandro		Ramon	Creek	9/1/2017	
Type/City Meter	360	1	1	6	98	7	Lorenzo 2	Leandro 12	7	Ramon 2	Creek 2	9/1/2017 561	

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#### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE:	March 6, 2025
MEMO TO:	Board of Directors
THROUGH:	Clifford C. Chan, General Manager
FROM:	Rischa S. Cole, Secretary of the District C
SUBJECT:	Finance/Administration Committee Minutes – February 25, 2025

Director Valerie D. Lewis called to order the Finance/Administration Committee meeting at 8:30 a.m. in the Administration Building Boardroom. Director Jim Oddie was present at roll call. Chair Andy Katz arrived at 8:45 a.m. (late arrival). Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Manager of Budget Samuel A. Feldman, Treasury Manager Robert D. Hannay, Director of Water and Natural Resources Michael T. Tognolini, and Secretary of the District Rischa S. Cole.

#### Public Comment. None.

**Presentations/Documentation.** 1) Presentation entitled "FY 2025 Semi-Annual Budget & Performance," dated February 25, 2025; 2) Presentation entitled "Employees' Retirement System - Annual Financial Update, Actuarial Valuations, and Contribution rates," dated February 25, 2025; and 3) Presentation entitled "Termination of California Shakespeare Theater Operations," dated February 25, 2025.

<u>Monthly Investment Transactions Report.</u> Director of Finance Sophia D. Skoda reviewed the January report and the drivers that increased the portfolio from \$572.9 million to \$587.7 million. No securities matured, and no securities were called or sold during this time. The portfolio is currently earning approximately 4.3 percent in interest. This item will be submitted to the Board for consideration at its meeting in the afternoon. It was moved by Director Oddie, seconded by Director Lewis, and carried (2-0) by voice vote to accept the report. Chair Katz was absent.

Quarterly Investment, Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for Quarter Ended December 31, 2024. Director of Finance Sophia D. Skoda reviewed the reports for the period October 2024 to December 2024. She highlighted payroll transactions, retirement system payments, and health and insurance payments. The investment portfolio is currently earning approximately 4.3 percent; there were no real estate transactions conducted during this period. In response to a question from the Committee, Treasury Manager Robert D. Hannay explained the negative numbers for life insurance in the Payroll Summary report for October and December 2024. It was moved by Director Lewis, seconded by Director Oddie, and carried (2-0) by voice vote to accept the reports. Chair Katz was absent.

**Fiscal Year (FY) 2025 Semi-Annual Budget Performance Report.** Manager of Budget Samuel A. Feldman presented the report on total revenues and expenses compared to the six-month budget, a summary of major capital cash flow expenses, and year-end projections. For the period July 1, 2024, to December 31, 2024, total Water System and Wastewater System revenues were \$501.1 million (101)

Board of Directors Finance/Administration Committee Minutes of February 25, 2025 March 6, 2025 Page 2

percent of the six-month budget) and \$93.9 million (108 percent of the six-month budget), respectively. For the same period, total Water System and Wastewater System expenses were \$501.4 million (94 percent of the six-month budget) and \$88.5 million (99 percent of the six-month budget), respectively. He highlighted capital cash flow expenses through December 31, 2024 and reported on year-end projections for both systems. Revenues are expected to be above budget for both systems while operating expenses and debt service are projected to be less than budget. Capital expenses for both systems are expected to be slightly above budget. The District anticipates receiving \$300 million from a bond issuance for both systems scheduled for the last quarter of FY 2025. Mr. Feldman addressed Committee questions and staff was asked to provide an update on use of the District's reserves. It was moved by Director Oddie, seconded by Director Lewis, and carried (3-0) by voice vote to accept the report.

### Employees' Retirement System (ERS) Fiscal Year (FY) 2024 Update, Actuarial Valuations, and

FY 2026 Employee and Employer Contribution Rates. Treasury Manager Robert D. Hannay presented the update. The portfolio continued a second year of strong results, returning 12.5 percent following a 10.6 percent return in FY 2023. As of September 30, 2024, the ERS portfolio totaled \$2.7 billion. Overall, between FY 2023 and FY 2024, the pension funded ratio on a valuation value basis increased from 75.2 percent to 76.1 percent while the Health Insurance Benefit (HIB) funded ratio increased from 47.7 percent to 51.8 percent. The ERS adopts an updated Asset Allocation Study every five years which aims to diversify the ERS portfolio and minimize portfolio risk by setting allocations to specific asset classes. The most recent study was completed at the May 23, 2024 Retirement Board meeting. Mr. Hannay reviewed the portfolio asset allocations and changes in the FY 2024 actuarial valuations for the pension and HIB noting the ERS is eliminating its Covered Calls allocation and increasing its U.S. Equity and Fixed Income allocations. At its January 23, 2025 meeting, the Retirement Board adopted actuarial valuations and made a recommendation for the EBMUD Board to set FY 2026 contribution rates equal to the FY 2024 actuarially determined rates from the valuations. Recommended employer pension contribution rates for the 1955/1980 plan increased to 45.43 percent while HIB rates remained unchanged at 4.43 percent. Employer pension contribution rates for the 2013 Tier plan increased to 35.93 percent while HIB rates slightly decreased to 4.22 percent. Contribution rates increased for the pension due largely to changes in assumptions, higher-than-assumed salary increases, and higher than assumed COLAs for retirees. Contribution rates are lower for HIB due to higher-than-expected payroll. Employee contribution rates for the 1955/1980 plan are set in the Memoranda of Understanding between EBMUD and its unions and remain unchanged at 8.75 percent (8.66% for pension and 0.09% for HIB). Contribution rates for 2013 Tier members are governed by the Public Employees' Pension Reform Act and increased to 10.17 percent (10.08% for pension and 0.09% (unchanged) for HIB). Staff will present the FY 2024 actuarial valuations and a recommendation for the Board to adopt the proposed FY 2026 contribution rates at its meeting in the afternoon. Mr. Hannay and Director of Finance Sophia D. Skoda addressed Committee questions regarding the changes in asset allocations, funded ratios, and the projected timeline to achieve full funding of the pension plan. The Committee requested the asset allocation selection information that was provided to the Retirement Board. It was moved by Director Lewis, seconded by Director Oddie, and carried (3-0) by voice vote to accept the report.

<u>Termination of California Shakespeare Theater Operations.</u> Director of Water and Natural Resources Michael T. Tognolini provided the update and reported this item had also been discussed at the February 11, 2025 Planning Committee meeting. Beginning in 1991, Cal Shakes leased land from the

Board of Directors Finance/Administration Committee Minutes of February 25, 2025 March 6, 2025 Page 3

District on the Orinda watershed and constructed the Bruns Amphitheater performing arts venue and associated on-site facilities. In November 2024, Cal Shakes dissolved due to financial insolvency and returned the property to the District at the end of January 2025. They were unable to honor their lease agreement to return the site to its original natural state and left behind substantial structures and facilities. Mr. Tognolini reviewed the structures and facilities and reported it would cost the District approximately \$1 million to remove them. The District plans to identify a new operator who will be required to assume all costs for operating and maintaining the facility. Rent will be based on market conditions and staff anticipates negotiating a lease of up to 15 years. General Counsel Derek T. McDonald explained the lease with Cal Shakes expires in October 2027. Cal Shakes took out Small Business Administration (SBA) loans during the pandemic, some of which have been repaid. However, it is unclear if any of the theater's assets are encumbered by these loans. The District is negotiating a termination agreement with Cal Shakes to ensure all listed assets transfer to the District free and clear. The District aims to finalize the termination agreement before advertising for a new operator. Staff will prepare a request for proposals to identify a new site operator; receive input from community liaisons, including local elected officials; and by summer 2025, negotiate lease terms with a new tenant. The terms will include potential District use of the facility for educational activities, meetings, and events. It was moved by Director Oddie, seconded by Director Lewis, and carried (3-0) by voice vote to accept the report.

Adjournment. Chair Katz adjourned the meeting at 9:17 a.m.

#### CCC/RSC

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