



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
REGULAR CLOSED SESSION**

Tuesday, March 25, 2025

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

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

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. 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.
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.
3. Existing litigation pursuant to Government Code section 54956.9(d)(1):
 - a. *James Porter v. East Bay Municipal Utility District*
WCAB Case No: ADJ15793200

(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
- Proposed updates to 2025 Assignments for Committees, Joint Powers Authorities, and Associations

ANNOUNCEMENTS FROM CLOSED SESSION:

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

COMMITTEE REPORTS:

- Finance/Administration
- Planning
- Legislative/Human Resources

CONSENT CALENDAR: (Single motion and vote approving 9 recommendations including 1 resolution.)

1. Approve the Regular Meeting Minutes of March 11, 2025.
2. File correspondence with the Board.
3. Award a contract beginning on or after March 25, 2025 to the lowest responsive/responsible bidder, Jesse Mack Company, Inc., for supplying a remote-controlled mower with tracks and forestry flail for a total cost, after the addition of taxes, not to exceed \$120,950, under Request for Quotation No. 2510.
4. Award a sole source contract beginning on or after March 25, 2025, to SPX Flow US, LLC, for supplying one surface aerator assembly and associated services for the Main Wastewater Treatment Plant for a total cost, after the addition of taxes, not to exceed \$335,000.
5. Authorize an amendment to the contract originally awarded under Board Motion No. 012-23 with Crayon Software Experts LLC, to increase the contract amount by \$650,000 to a total amount not to exceed \$2,884,544 through January 31, 2026 for supplying Microsoft Enterprise Agreement for Microsoft Office 365, Enterprise Mobility and Security, Endpoint Operating Systems, and management software required to manage the District's workstation fleet and additional Microsoft productivity software.

CONSENT CALENDAR: (Continued)

6. Authorize an amendment to the agreement originally authorized under the General Manager's authority with Stop Global Yawning, Inc. dba WHM Creative to increase the agreement amount by \$12,250 to a total amount not to exceed \$91,250 for digital advertising services to support workforce planning goals, promote difficult-to-recruit classifications, and increase awareness of mission-critical water and wastewater careers.
7. Authorize actions related to paving and other related services.
 - 7a. Authorize amendments to the agreements originally authorized under Board Motion No. 121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; J.V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies to increase the aggregate amount of the agreements by \$5,200,000 to a total aggregate amount not to exceed \$20,200,000 and extend the agreements term to March 25, 2026 for paving and other related services.
 - 7b. Authorize additional agreements for paving and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on March 25, 2025, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
8. Approve the February 2025 Monthly Investment Transactions Report.
9. Adopt a resolution to appoint East Bay Municipal Utility District Director April Chan to the Board of Directors of the Association of California Water Agencies Joint Powers Insurance Authority and appoint Lisa A. Sorani, Manager of Employee Services, as the alternate. (Resolution)

DETERMINATION AND DISCUSSION:

10. Provide direction to staff on revisions to Policy 4.14 – Reimbursement of Director Expenses.
11. Provide direction to staff on Single-Family Residential Accounts Arrearage Management Program to address delinquent debt.
12. 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
 - Community Water Academy Update
 - Screening of EBMUD/Alphabet Rockers Song

REPORTS AND DIRECTOR COMMENTS:

13. Other Items for Future Consideration.
14. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 8, 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 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

W:\Board of Directors - Meeting Related Docs\Agendas 2025\03252025_regular agenda.docx

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics	
Tuesday, March 25, 2025	Finance/Administration Committee	8:30 a.m. Boardroom	• Monthly Investment Transactions Report • Revisions to District Policy 4.14 – Reimbursement of Director Expenses	
	Budget Workshop No. 2	9:00 a.m. 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	• Closed Session • Regular Meeting	
	Legislative/Human Resources Committee	TBD Boardroom		
	Board of Directors	11:00 a.m. Boardroom		
		1:15 p.m. Boardroom		
Tuesday, April 22, 2025	Finance/Administration Committee	TBD	• Closed Session • Regular Meeting	
	Board of Directors	11:00 a.m. Boardroom		
		1:15 p.m. Boardroom		
2025 Board Committee Members				
	Finance/Administration	Katz {Chair}, Lewis, Oddie		
	Legislative/Human Resources	Gómez {Chair}, Oddie, Smith		
	Planning	Chan {Chair}, Gómez, Lewis		
	Sustainability	Smith {Chair}, Gómez, Katz		

APPENDIX

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

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

Online*

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

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

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

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

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

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

In person

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

Via Zoom

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

Submitting written comments or materials

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

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

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 25, 2025

MEMO TO: Board of Directors

FROM: Marguerite Young, President 

SUBJECT: Proposed Updates to 2025 Assignments for Committees, Joint Powers Authorities, and Associations

Listed below are proposed updates to assignments for Board committees, joint powers authorities, and associations for calendar year 2025. The Board will consider approving the updates at its March 25, 2025 meeting. If approved, Director Lewis will assume the role of Finance/Administration Committee Chair effective March 25, 2025.

Planning

Director Chan, Chair
Director Gómez
Director Lewis

2nd Tuesday of the month at 9:00 a.m.
Administration Center Building

Legislative/Human Resources

Director Gómez, Chair
Director Oddie
Director Smith

2nd Tuesday of the month at 10:00 a.m.
Administration Center Building

Finance/Administration

Director Lewis, Chair
Director Katz
Director Oddie

4th Tuesday of the month at 10:00 a.m.
Administration Center Building

Sustainability

Director Smith, Chair
Director Gómez
Director Katz

4th Tuesday, quarterly, time to be determined
Administration Center Building

**DSRSD/EBMUD Recycled
Water Authority (DERWA)**

Director Chan
Director Gómez
Director Smith, Alternate

1st Monday in Feb.;
3rd Monday in May;
4th Monday in March, July, Sept., and Nov.
meets at 6:00 p.m.
Contact: Florence T. Wedington
Tel: 510-287-1625

Freeport Regional Water Authority

Director Gómez
Director Oddie
Director Katz, Alternate

2nd Thursday, quarterly at 10:00 a.m.,
location to be announced

Los Vaqueros Reservoir Joint Powers Authority

Director of Water and Natural Resources
Tognolini

***2nd Wednesday of the month at 9:30 a.m.,
location to be determined***

Contact: Grace W. Su
Tel: 510-287-7013

Retirement Board

Director Chan
President Young

3rd Thursday odd numbered months at 9:00 a.m.

Administration Center Building
Contact: Valerie Weekly
Tel: 510-287-0760

Upper Mokelumne River Watershed Authority

Director Smith
Director Oddie, Alternate
Director Katz, Alternate
Director Gómez, Alternate

***4th Friday of January, April, and October; and
third Friday of August, at 10:00 a.m.***

McLean Hall, Pardee Center

EBMUD/EBRPD Liaison

Director Oddie
Director Smith
Director Katz, Alternate

***Meeting dates, times, and location to be
determined***

Business Forum (Ad Hoc)

***Meeting dates, times, and location to be
determined
Board Representatives to be determined as
needed***

Oakland Chamber of Commerce

Director Oddie
Director Lewis, Alternate
President Young, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Chan, Member
Director Katz, Alternate
Director Lewis, Alternate

Special Districts Association of Contra Costa County

Director Smith, Member
Director Gómez, Alternate
Director Chan, Alternate

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 20, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Planning Committee Minutes – March 11, 2025

Chair April Chan called to order the Planning Committee meeting at 9:00 a.m. in the Administration Building Boardroom. Directors Luz Gómez and Valerie D. Lewis 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, Director of Operations and Maintenance David A. Briggs, Manager of Maintenance and Construction/Water Operations Crystal Y. Yezman, Manager of Maintenance and Construction/Water Operations Roberto C. Cortez, Manager of Water Quality Susan M. Teefy, Senior Civil Engineer Gus Cicala, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled, “Water Quality Program Annual Update,” dated March 11, 2025; 2) Presentation entitled, “Miller Road Trench Soil Management Update,” dated March 11, 2025; and 3) Presentation entitled, “Updated Plans for Alcohol and Personal Watercraft Prohibitions at Camanche Reservoir,” dated March 11, 2025.

Water Quality Program Annual Update. Manager of Water Quality, Susan M. Teefy, reported that the District met 97 percent (129 of 133) of its internal water quality goals and complied with all state and federal drinking water standards. As in previous reports, levels for disinfection byproducts (DBPs) - trihalomethanes and haloacetic acids, were higher than District targets. Ms. Teefy reviewed goals for chlorine residuals in the distribution system and reported one aluminum sample at the Sobrante Water Treatment Plant exceeded District goals. New U.S. Environmental Protection Agency (EPA) regulations on six per- and poly-fluoroalkyl substances PFAS compounds require compliance with Maximum Contaminant Levels by 2029. The District’s 2023 analysis under of 29 different PFAS under the federal Unregulated Contaminant Monitoring Rule 5 indicates that blending will help meet these standards. Several federal drinking water regulations are pending as the EPA sets new priorities. District monitoring programs (customer sampling voucher program, regulatory monitoring data, school sampling, and other sampling data) confirm the absence of lead in customer drinking water. Under the federal Lead and Copper Rule revised in 2021, the service line inventory requirement was expanded to include customer-side galvanized service lines (termed Galvanized Requiring Replacement (GRR) in the inventory), that were formerly connected to a District-side lead service line. The EPA finalized additional changes to lead regulations in October 2024 and the District completed its inventory of these service lines by the October 2024 deadline. Approximately 3,900 GRRs in the service area were identified and affected customers were notified. Sampling from customer taps shows that GRRs are not exposing customers to elevated levels of lead and all samples from homes with GRRs have been less than the detection limit for reporting. As of this reporting period, over 4,700 customers have requested lead sample vouchers and

starting in 2027, the District will be required to sample from at least 20 percent of schools in the service area per year for five years. After five years, the District must offer school sampling upon request. She highlighted upcoming lead monitoring requirements for 2027; state microplastics sampling protocols under Senate Bill 1422; and ongoing discussions about fluoride in drinking water. The Committee thanked Ms. Teefy and asked about potential causes of elevated DBP levels and ongoing discussions around fluoride in drinking water. Director Lewis requested additional information on constituents are analyzed in wastewater testing. It was moved by Director Gómez, seconded by Director Lewis and carried (3-0) to accept the report.

Miller Road Trench Soil Management Project (Project) Update and Availability of the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). Senior Civil Engineer Gus Cicala provided the presentation. The District owns three stockpile sites: Briones (San Pablo), Miller Road (Castro Valley), and Amador (San Ramon). The Miller Road site, operational since 1975 with a 125,000 CY capacity, is over 90 percent full (116,000 CY). Large-scale soil removals occurred in 2005, 2012, and 2019. In 2024, Alameda County used about 2,000 CY from Miller Road for Redwood Road repairs, with potential for future landslide repairs. The Project continues Miller Road's operation, including soil import, storage, and removal. Increased soil volumes are expected due to growing District needs. The District is expanding its use of direct hauling which decreases use of EBMUD temporary stockpile sites and a reduction in truck trips to and from Miller Road. Mr. Cicala outlined historical trench soil management practices which involves double handling and hauling. He discussed lessons learned from the 2019 soil removal project and Alameda County's requirement for the District to apply for a Conditional Use Permit (CUP) to continue operating the site which includes a California Environmental Quality Act review. The District prepared a Draft IS/MND which identified transportation and wildfire impacts to be less than significant with mitigation. He reviewed key mitigation measures to address transportation safety and next steps. The Draft MND public comment period runs March 20–April 21. Staff will present at the Castro Valley MAC Land Use meeting March 24 and at a virtual meeting on April 3. The Board will consider adopting the Final MND on August 12, and staff will submit the CUP application to the county in September 2025. Mr. Cicala, Director of Operations and Maintenance David A. Briggs, and General Manager Clifford C. Chan addressed Committee questions regarding community outreach; CUP requirements; onsite soil reuse instead of off-hauling during projects; the meeting with the MAC; and whether District forces would be used to haul the soil during the Project. Director Chan asked for information on the meeting date with the MAC. The Committee asked staff to be mindful about community outreach, to communicate with the schools in the vicinity of the project, and to update the Committee after the MND public comment period. It was moved by Director Lewis, seconded by Director Gómez and carried (3-0) to accept the report.

Updated Plans for Alcohol and Personal Watercraft (PWC) Prohibitions at Camanche Reservoir. Director of Water and Natural Resources Michael T. Tognolini provided the presentation. The District's Watershed and Recreation Rules and Regulations (Rules and Regulations) govern activities for East Bay and Mokelumne Watersheds and recreation areas. Last updated in 2018, proposed revisions were presented at the November 12, 2024 Planning Committee and December 10, 2024 Board meetings. Updates included prohibiting alcohol at Camanche Reservoir from May to September starting in 2025, permanently banning PWCs, adding definitions for electric bicycles and scooters, and editorial changes for clarity. The revisions were presented to the Camanche Regional Park Advisory Board (CRPAB) on

November 21, 2024. During the December 10 Board meeting, the Board requested additional revisions and time to discuss the proposed changes. Staff paused updates to the Rules and Regulations to focus on reopening District boat ramps, closed since November 2025 due to golden mussels found in the Stockton Delta in October 2024. Mr. Tognolini noted the seasonal alcohol prohibition does not require amending the Rules and Regulations and is scheduled to begin May 1. The prohibition will apply to the recreation area only and residents of the Camanche mobilehome parks will not be prohibited from possessing alcohol within the mobilehome park boundary. Public outreach includes website updates, social media, and signage. Due to potential impacts on PWC use from new reservoir protection measures, the PWC ban is on hold. Next steps include implementing the alcohol prohibition; refining the reservoir reopening plan; and revisiting Rules and Regulations updates in 2026. Director Gómez reported meeting with mobilehome park residents and their concerns about use of electronic billboards, opposition to the alcohol prohibition, more visitor education, and discussions with the District. Addressing the Committee was Donald Carter, Chairman of the North Shore Camanche Mobilehome Park Owners Association who commented on an opportunity for mobilehome park residents to discuss the alcohol prohibition with the District, the prohibition's impact on houseboat owners, and data to support the prohibition. General Manager Clifford C. Chan said staff will follow up with Mr. Carter. It was moved by Director Gómez, seconded by Director Lewis and carried (3-0) to accept the report.

- Director Lewis left the meeting at 9:55 a.m. and returned at 9:57 a.m.

Adjournment. Chair Chan adjourned the meeting at 9:58 a.m.

CCC:RSC

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 20, 2025

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative/Human Resources Committee Minutes – March 11, 2025

Chair Luz Gómez called to order the Legislative/Human Resources Committee meeting at 10:01 a.m. in the Administration Building Boardroom. Directors Jim Oddie and Joey D. Smith were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Manager of Legislative Affairs Kathy Viatella, Special Assistant to the General Manager Derry L. Moten, Director of Human Resources Cindy R. Charan, Manager of Recruitment and Classification Vincent L. James, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled, “Diversity, Equity, and Inclusion Strategic Plan Update”, dated March 11, 2025; and 2) Presentation entitled, “Understanding Assembly Bill 1484 and Its Impact on Temporary Employees”, dated March 11, 2025.

Legislative Update. Manager of Legislative Affairs Kathy Viatella reviewed Legislative Report No. 02-25 which contained three bills and information on water rate assistance legislation. AB 823 (Boerner) - Solid waste: plastic microbeads, introduced on February 19, 2025, expands the existing ban on microbeads in rinse-off personal care products; and The bill would prohibit the sale and distribution of personal care products, cleaning products, and coatings like paint containing plastic microbeads, whether used as abrasives for cleaning, exfoliating, or polishing or for any other purpose. SB 31 (McNerney) Water quality: recycled water as amended on February 10, 2025, is intended to facilitate the use of nonpotable recycled water by updating Title 22 of the California Code of Regulations, the state regulations that govern its use. SB 394 (Allen) Water theft: fire hydrants 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. SB 394 also clarifies that utilities may bring civil actions for tampering with a fire hydrant or diverting water from a fire hydrant. Staff is recommending support positions on the three bills. Next, she provided information on water rate assistance legislation introduced in February 2025. She described how AB 532 (Ransom) which is sponsored by the California Municipal Utilities Association would make changes to existing law. SB 350 (Durazo) is seeking to change water rate assistance legislation and is sponsored by Clean Water Action, Community Water Center, and Leadership Counsel for Justice and Accountability. Staff will continue to monitor these bills, continue advocating for the District’s interests with legislative bodies, and will update the Committee on any significant developments. Ms. Viatella addressed Committee questions on whether the passage of SB 31 would impact the District’s recycled water goals and amphibians in lakes. It was moved by Director Smith, seconded by Director Oddie, and carried (3-0) by voice vote to support the staff recommendation.

Diversity, Equity, and Inclusion Strategic Plan (DEISP) Update. The DEISP is divided into five strategic pillars (Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility) which guide plan implementation. Special Assistant to the General Manager Derry L. Moten provided an update on District initiatives for the first three DEISP strategic pillars. Under Leadership Commitment, the District has adopted *The Leadership Challenge* by Kouzes and Posner as its core leadership competency framework for managers and supervisors. Its leadership competencies have been integrated into Senior Management Team (SMT) members' performance appraisals and all District leadership training and talent development programs include its leadership principles. Under Workforce Diversity, a 10-week digital advertising campaign was launched from October to December 2024, to elevate awareness of EBMUD as a diverse and desirable workplace. The campaign used social media platforms, publication ads, and Bay Area Rapid Transit (BART) placements to highlight mission-critical District careers and was well received. Next, he highlighted the District's internship programs, a critical component of workforce diversity and talent pipeline development and the internship flow chart which depicts how sponsored and direct internships can lead to various District civil service positions. Annually, approximately 65 interns and trainees participate in the programs. Under Inclusive Culture, staff is engaged in addressing results from the employee experience survey. Priority areas identified for improvement include enhancing leadership, open and honest communication, and supporting career growth and recognition. Mr. Moten discussed the action planning process, and District-wide activities to promote career development and open and honest communication. Staff will continue implementing the DEISP and is scheduled to provide the next Committee update in April. Mr. Moten addressed Committee questions on the estimated timeline for staff to complete training, staff feedback on the trainings, tracking employees' promotion interests, and how often the District plans to conduct the employee experience survey. Mr. Moten and General Manager Clifford C. Chan responded to questions on the SMT's response to including leadership competencies in their performance appraisals. Addressing the Committee was Eric Larsen, President, AFSCME Local 444 who commented on developing trades training programs, hiring entry level staff to lower barriers to entry, barriers in internal promotions, and the union's proposal for the District to conduct separate, concurrent recruitments for internal and external candidates.

Assembly Bill 1484 (AB 1484) – Temporary Public Employees. Director of Human Resources Cindy R. Charan and Manager of Recruitment and Classification Vincent L. James presented an overview of AB 1484 which went into effect January 1, 2024 and the District's efforts to address the bill. Key requirements for public employers include including temporary employees in the same bargaining unit as their permanent counterparts; engaging in timely collective bargaining with the union to establish employment terms specific to temporary employees; and timely providing temporary employees and the unions with employment provision information. Ms. Charan reviewed the types of temporary positions at the District noting temporary construction and limited-term positions already meet the requirements of AB 1484; six-month temporary positions were not part of the union prior to passage of the bill. Temporary employees also have rights and protections and as part of negotiations, the District is discussing other potential benefits that may apply. Manager of Recruitment and Classification Vincent L. James reviewed information and processes in place or being implemented to assist six-month temporary employees on their pathway to regular employment at the District. Next steps involve finalizing negotiation agreements, ensuring full District compliance with AB 1484, and continuing to enhance temporary employment experience at the District. Staff will

continue to update the Committee on implementation of AB 1484. Addressing the Committee was Eric Larsen, President, AFSCME Local 444 who commented on the union's proposals and discussions with the District regarding six-month temporary employees; the union's PERB charge relating to this matter; current bargaining proposals; and giving hiring preferences to temporary employees. Ms. Charan acknowledged the length of time the District and the union have been discussing AB 1484 and clarified the bill does not include provisions requiring public employers to give hiring preferences to temporary employees. She also commented on case law and how preferential avenues violate the District's existing civil service rules and the Municipal Utility District Act. Ms. Charan addressed Committee questions about the Board's authority to amend civil service rules or the Municipal Utility District Act relating to temporary employment.

Adjournment. Chair Gómez adjourned the meeting at 11:14 a.m.

CCC/RSC

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MINUTES

**Tuesday, March 11, 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 11:17 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

- Addressing the Board were the following: 1) John Halseth, Member Relations Secretary, AFSCME Local 444 commented on standby pay and asked the District to accept Local 444's proposal to increase standby pay; and 2) Eric Larsen, President, AFSCME Local 444 commented on Local 444's proposal for the District to provide a 100 percent employer paid health insurance benefit for retirees.

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

At 1:03 p.m., General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. President Marguerite Young called to order the Regular Meeting of the Board of Directors at 1:37 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.

PRESENTATIONS

General Manager Clifford C. Chan announced a District project and two staff received awards from the San Francisco Bay Section of the California Water Environment Association (CWEA). The Wastewater Department's Pump Station M Rehabilitation Project, Advanced Oxidation Process for Odor Control was awarded the 2024 Engineering Achievement of the Year Award for demonstrating an innovative method for controlling odors. Director Oddie presented the award and thanked the following staff in attendance representing the project team: William Chaffer, Supervising Construction Inspector; Angela El-Telbany, Senior Civil Engineer; Robert Mac, Senior Electrical Engineer; Donald Pluth, Senior Construction Inspector; Deborah Russell, Senior Civil Engineer; Martin Serena, Assistant Engineer; Robert (Brad) Thomas, Senior Construction Inspector; and Rachel Weber, Associate Civil Engineer. Next, he announced two Wastewater Department staff received individual awards. Associate Civil Engineer Maxwell Armenta (not in attendance) was selected for the CWEA 2024 Outstanding Young Professional of the Year award. Maxwell has been a CWEA member for five years, a leader in the Students and Young Professionals Committee for over three years, and served a lead role on the education planning team for CWEA's annual conference in April. Assistant Engineer Celia Kitchell was selected for the CWEA 2024 Al Ditman Professional Development Training award. Celia has served four years, two of those as chair, with the San Francisco Bay Section's Professional Development Committee which organizes trainings and seminars for wastewater industry professionals. Celia's efforts have played a major part of the success of the Section's training program. Director Lewis congratulated Celia and presented the award.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Kelley Taylor, South Shore Camanche Homeowners Association President commented on the updated plans for the alcohol and personal watercraft bans at Camanche Reservoir, previous requests for data to support the bans, and asked the District to partner and meet with residents before implementing the bans; and 2) Matthew Taylor commented on partnering with the District and for mobilehome park residents to have input on developing rules at Camanche.

CONSENT CALENDAR

- Agenda Item 8 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director Lewis, seconded by Director Gómez, to approve the recommended actions for Items 1-7 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. 034-25** – Approved the Special Meeting Minutes and Regular Meeting Minutes of February 25, 2025.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Water Supply Update,” dated March 11, 2025; **2)** Speakers’ Bureau and Outreach Record CY25, dated March 11, 2025; and **3)** Email dated March 10, 2025 (with attachments) from Ivette Rivera to Office of the Secretary regarding Please include this email and the attached document to the Board of Directors packet for tomorrow's EBMUD open board meeting, in the afternoon. Thank you... Fwd: FYI: Ivette Rivera (EEOC R2S) v AFSCME (plus doc previously served on Eric Larsen.).
3. **Motion No. 035-25** – Awarded 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. **Motion No. 036-25** – Authorized 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. **Motion No. 037-25** – Authorized 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. **Motion No. 038-25** – Authorized 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. **Motion No. 039-25** – Authorized 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.
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.**

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

Director Lewis introduced Wendall A. Mitchell and provided an overview of his background and experience. Director Lewis thanked Mr. Mitchell for being willing to serve as a Standby Officer. Next, Director Smith introduced Ahmad Anderson and provided an overview of his background and experience. Director Smith thanked Mr. Anderson for being willing to serve as a Standby Officer.

- Motion by Director Oddie, seconded by Director Chan, to approve the recommended actions for Item 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).

Resolution No. 35440-25 – 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.

DETERMINATION AND DISCUSSION

9. Legislative Update.

General Manager Clifford C. Chan reported the Legislative/Human Resources Committee met earlier and supported the staff recommendation for the three bills in Legislative Report No. 02-25. Manager of Intergovernmental Affairs Kathy Viatella stated the meeting agenda listed SB 823, however the correct bill number is AB 823 (Boerner) Solid waste: plastic microbeads. Ms. Viatella asked if the Board would like an overview of the three bills. Legislative/Human Resources Committee Chair Luz Gómez commented Ms. Viatella's review during the Committee meeting was clear and thorough. President Young requested an overview of SB 31 (McNerney) Water quality: recycled water. As amended on February 10, 2025, SB 31 is intended to facilitate the use of nonpotable recycled water by updating Title 22 of the California Code of Regulations, the state regulations that govern its use. Ms. Viatella reviewed SB 31 and in response to a question during the Legislative/Human Resources Committee meeting, clarified the recycled water is treated to a tertiary standard and would protect public health and do no harm to wildlife that may inhabit the water. Next, she provided information on water rate assistance legislation introduced in February 2025. AB 532 (Ransom), which is sponsored by the California Municipal Utilities Association, would make changes to existing law. SB 350 (Durazo) which is sponsored by Clean Water Action, Community Water Center, and Leadership Counsel for Justice and Accountability, seeks to change water rate assistance legislation. The Board discussed the bills and asked questions regarding the legislature's intent to create a revised Low-Income Household Water Assistance Program (LIHWAP) focusing on water systems with fewer than 3,000 connections or those serving predominantly disadvantaged communities; ratepayers' ability to voluntarily opt out of contributing to a program; information on the third-party administrators of the LIHWAP implemented by the Department of Community Services and Development in Fiscal Year 2021-2022; potential impacts if agencies are required to automatically enroll customers in a rate assistance program; and whether a local agency can adopt its own opt-out program and incorporate it into its Proposition 218 notice. Ms. Viatella confirmed staff will continue to monitor these bills and work with the bill authors to address the Board's comments and concerns.

- Motion by Director Lewis, seconded by Director Chan, 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).

Motion No. 040-25 – Received Legislative Report No. 02-25 and approved positions on the following bills: 1) SUPPORT AB 823 (Boerner) Solid waste: plastic microbeads; 2) SUPPORT SB 31 (McNerney) Water quality: recycled water; and 3) SUPPORT SB 394 (Allen) Water theft: fire hydrants; and received information on Water Rate Assistance Legislation.

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 March 5: gross water production; total system storage (628,590 acre-feet); precipitation in the East Bay (14.8 inches) and in the Mokelumne (26.6 inches); and the snow depth (74 inches) and snow water content (19.6 inches) at Caples Lake. He reviewed snowpack levels and snow water equivalent in the Sierras as of March 6; precipitation forecasts across the states for March 13-19, 2025; projected Mokelumne precipitation for Rainfall Year 2025; and 2025 total system storage projections. Mr. Cortez responded to questions on when the State would determine water year types and projections for the District.

General Manager Clifford C. Chan announced the February 2025 Monthly Report was included in the agenda materials and 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 25, 2025 Finance/Administration Committee Meeting.
- Chair April Chan reported the Planning Committee met earlier and received reports on the Annual Water Quality Program; Miller Road Trench Soil Management Project Update and Availability of the Draft Mitigated Negative Declaration; and Updated Plans for Alcohol and Personal Watercraft Prohibitions at Camanche Reservoir.
- Chair Luz Gómez reported the Legislative/Human Resources Committee met earlier and received reports on the Legislative Update; the Diversity, Equity, and Inclusion Strategic Plan Update; and Assembly Bill No. 1484 – Temporary Employees.

12. Other Items for Future Consideration.

None.

13. Director Comments.

- Director Gómez reported attending the San Ramon State of the City Address on March 5; the swearing-in ceremony for Assemblymember Annamarie Ávila Farías in Martinez on March 6; and the East Bay Leadership Council Leadership Series event in Pleasant Hill on March 10.
- Director Katz reported attending the East Bay Wildfire Coalition meeting in El Cerrito on February 27.

- Director Lewis reported attending the 70th Anniversary Luncheon of the Oakland Chapter of Jack and Jill in Oakland on March 1.
- Director Oddie reported attending the San Leandro City Council meeting on March 3 and plans to attend the following: Alameda County Mayors Conference in Piedmont on March 12; Ward 5 meet and greet in Alameda on March 13; Alameda County Special Districts Association Annual Dinner in Castro Valley on March 13; State of the City Address in San Leandro on March 18; State of the City Address in Alameda on March 20; Alameda County Unincorporated Services Committee meeting in San Leandro on March 26; and the East Bay Economic Development Alliance East Bay Innovation Awards event in Oakland on March 27.
- Director Smith reported attending the East Bay Wildfire Coalition meeting in El Cerrito on February 27; receiving the Charles A. Hayes award at the Northern California Chapter of the Coalition of Black Trade Unionists Annual Scholarship Awards dinner in Oakland on February 28; attending the North Richmond Municipal Advisory Committee on March 4; and plans to attend the Ward 1 meet and greet in Richmond on March 12.
- President Young reported on plans to provide a presentation on EBMUD at the Orinda Valley Garden Club on March 12 and to attend the Alameda County Mayors Conference in Piedmont on March 12.
- Director Chan had no report.

ADJOURNMENT

President Young adjourned the Regular Meeting at 2:47 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: March 25, 2025

Marguerite Young, President of the Board



BOARD ACTION

Agenda Number:	3.	Meeting Date:	March 25, 2025
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TITLE	REMOTE-CONTROLLED MOWER WITH TRACKS AND FORESTRY FLAIL
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a contract beginning on or after March 25, 2025 to the lowest responsive/responsible bidder, Jesse Mack Company, Inc., for supplying a remote-controlled mower with tracks and forestry flail for a total cost, after the addition of taxes, not to exceed \$120,950, under Request for Quotation (RFQ) No. 2510.
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SUMMARY	The contract shall provide a remote-controlled mower with tracks and forestry flail (mulcher) to be used for wildfire fuel management on East Bay watershed lands. This specialized mower is capable of safely mowing on steep slopes of up to 60 percent. It will reduce the need to deploy rangers on difficult terrain, saving money, increasing productivity, and improving safety for staff. The acquisition of this mower is essential to achieving seasonal fuel reduction standards required on East Bay watershed lands.
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DISCUSSION	In order to protect water quality, watershed resources, and adjacent communities from wildfire, EBMUD manages vegetation to reduce the wildfire hazard on the East Bay watershed lands. The use of the specialized mower is essential in completing the annual maintenance of these fire fuels. Mechanized equipment enables this critical work to be completed in a safe and cost-effective manner. The procurement of this specialized equipment supports the guidance and strategies for fire and fuels management on the District's watershed lands contained in the East Bay Watershed Master Plan and the East Bay Fire Management Plan. This item supports the District's Water Quality and Environmental Protection Strategic Plan goal.
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VENDOR SELECTION	An RFQ was posted on the District's website, sent to eight firms, and advertised in the Oakland Tribune. Three responses were received. Jesse Mack Company, Inc. was the lowest responsive bid and met the RFQ requirements.
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SUSTAINABILITY	Economic Funding for this purchase is available in the Fiscal Year 2025 adopted capital budget for East Bay Watershed Management.
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Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2025, Award #7000012, Page 20	Budget Coding: 11.484.0000.2015019.55210.000000	Approved: 	
Attachment(s): P-035; P-061			

Title:	Remote-Controlled Mower with Tracks and Forestry Flail	Meeting Date:	March 25, 2025
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ALTERNATIVES

Do not award this contract. This alternative is not recommended because the specialized equipment is necessary to meet the fire management goals on East Bay watershed lands.

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

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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					DATE:							
Materials and Supplies Agreement - RFQ No. 2510 Remote Controlled Machine With Tracks and Forestry Flail					March 6, 2025							
CONTRACTOR: Jesse Mack Company, Inc. Visalia, CA					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		2%		0.0%				
\$120,950 *		White		Men		Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
PRIME: Jesse Mack Company, Inc.	\$120,950	White	X		100.0%							
SUBS: None												
TOTAL		\$120,950				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		5		0		1		6				
Percent of Total Employees:		83.3%		0.0%		16.7%						
MSA Labor Market %:		28.0%		23.6%		48.4%						
MSA Labor Market Location:		California										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration : NA *Total not to exceed: \$120,950												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Remote Controlled Machine With Tracks and Forestry Flail			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Materials and Supplies Agreement - RFQ No. 2510		DATE: 3/6/2025	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	0	1	0	0	1	16.7%	48.4%
Jesse Mack Company, Inc. Jess McElree 29466 Rd 156 Visalia, CA 93292 559-622-9911		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	1	0	0	1	16.7%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	California		# Employees-Co. Wide:		6		Bay Area: 0
P	Unclassified	Company Wide	INFORMATION NOT PROVIDED						
Fiber Marketing International, Inc. dba FMI Equipment Lauren Mann 11111 E Trent Ave Spokane, WA 99206 925-278-6399		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	Unclassified	Company Wide	INFORMATION NOT PROVIDED						
Fiber Marketing International, Inc. dba Fiber Marketing International John Milhous 11111 E Trent Ave Spokane, WA 99206 530-443-5608		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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



BOARD ACTION

Agenda Number:	4.	Meeting Date:	March 25, 2025
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TITLE	PURCHASE OF MWWTP SECONDARY REACTORS SURFACE AERATOR
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Award a sole source contract beginning on or after March 25, 2025, to SPX Flow US, LLC, for supplying one surface aerator assembly and associated services for the Main Wastewater Treatment Plant (MWWTP) for a total cost, after the addition of taxes, not to exceed \$335,000.
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SUMMARY	This purchase is for one 100 horsepower (HP) surface aerator and associated components to replace a 50 HP surface aerator in Reactor 5 as part of the MWWTP Grit Dewatering Equipment Replacement and Reactor Drain Improvements construction under SD-432. This project was discussed at the November 26, 2024 Infrastructure Workshop.
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DISCUSSION	The District is preparing for upcoming regulatory limits on nutrients in its discharge from the MWWTP. To further test nutrient removal capabilities and support the biological nutrient removal process using existing infrastructure, increasing oxygen transfer within the MWWTP's eight reactors is vital. Oxygen is currently transferred in each reactor using two 50 HP and one 100 HP surface aerators. To increase oxygen transfer and inform future improvements, staff plans to upgrade one 50 HP surface aerator in Reactor 5 to 100 HP. This purchase will allow performance testing to occur this dry weather season (April 2025 through October 2025). If successful, the aerators in the other seven reactors will be upgraded in the future. This purchase supports the District's Water Quality and Environmental Protection Strategic Plan goal.
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VENDOR SELECTION	Philadelphia Mixing Solutions, now a subsidiary brand under SPX Flow US, LLC, is the original manufacturer of the aerators used at the reactors. Sole sourcing is required to ensure the oxygen transfer performance matches the performance of existing 100 HP units and absolute compatibility with existing opening size, configuration, and other components.
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Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025; Award #7000330; Page 113	Budget Coding: 21-928-2015191-55110		Approved: 
Attachment(s): P-035; P-061			

Title:	Purchase of MWWTP Secondary Reactors Surface Aerator	Meeting Date:	March 25, 2025
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SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Year 2025 adopted capital budget for Preliminary Treatment.

Social

The purchase will upgrade an existing surface aerator and increase operational performance and efficiency.

Environmental

The purchase will help to improve the District's ability to meet future regulatory requirements and ensure compliance with the MWWTP's National Pollution Discharge Elimination System Permit discharge requirements.

ALTERNATIVES

Do not award this contract. This alternative is not recommended because it will delay nutrient removal performance results that will inform future capital improvements needed to meet upcoming nutrients regulatory permit limits.

Purchase aerator from a different vendor. This alternative is not recommended because it would require a new design of an aerator to fit with the existing components and costly performance testing causing delays and additional costs.

I: \Sec\2025 Board Related Items\032525 Board Agenda Items\WW - Purchase MWWTP Secondary Reactors Surface Aerator.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 Purchase of MWWTP Secondary Reactors Surface Aerator						DATE: March 10, 2025					
CONTRACTOR: SPX Flow US, LLC Charlotte, NC				Sole Source		PERCENTAGE OF CONTRACT DOLLARS					
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		2%		0.0%			
\$335,000 *				Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: SPX Flow US, LLC	\$335,000							100.0%			
SUBS: None											
TOTAL	\$335,000				0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	238	60	61	359							
Percent of Total Employees:	66.3%	16.7%	17.0%								
MSA Labor Market %:	39.0%	33.7%	27.3%								
MSA Labor Market Location:	USA										
COMMENTS											
Contract Equity Participation: Zero Contract Equity Participation. Firm is unclassified. Contract Duration: NA *Total not to exceed: \$335,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	5.	Meeting Date:	March 25, 2025
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TITLE	AMEND CONTRACT FOR ENTERPRISE AGREEMENT FOR PRODUCTIVITY SUITE, CLOUD BASED SERVICES, ENDPOINT OPERATING SYSTEMS AND CONFIGURATION MANAGER
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an amendment to the contract originally awarded under Board Motion No. 012-23 with Crayon Software Experts LLC, to increase the contract amount by \$650,000 to a total amount not to exceed \$2,884,544 through January 31, 2026 for supplying Microsoft Enterprise Agreement for Microsoft Office 365, Enterprise Mobility and Security, Endpoint Operating Systems, and management software required to manage the District's workstation fleet and additional Microsoft productivity software.
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SUMMARY	This agreement provides Microsoft Office 365, Enterprise Mobility and Security, Endpoint Operating Systems, and management software required to manage the District's workstation fleet, and additional Microsoft productivity software. This agreement provides the ability to upgrade licenses and add new productivity products that are required by District staff.
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DISCUSSION	In January 2023, the Board authorized under Motion No. 012-23 a three-year enterprise agreement with Crayon Software Experts LLC to provide the District with Microsoft Office 365, Enterprise Mobility and Security (including Microsoft Entra for multifactor authentication and conditional access), Endpoint Operating Systems (including Windows 10 and 11 for all District laptops and desktops), and management software (including Microsoft Intune for deployment, updates, and management of all District laptops, desktops, and smartphones) necessary for maintaining and operating the District's workstation fleet. The enterprise agreement also provides a vehicle to upgrade licenses and to add different productivity products required by District staff. Over the three-year term of the enterprise agreement, the cost of increased usage, upgrades, and newly-licensed productivity products, including additional purchases planned for Fiscal Year 2025, will exceed the original Board-approved amount by \$650,000. The annual costs for the first two years was \$783,485 and \$967,134, respectively. The annual cost for the third year is estimated to be \$1,133,935. This contract supports the District's Long-Term Financial Stability Strategic Plan goal.
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Originating Department: Information Systems	Department Director or Manager: Orlando W. Leon	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025	Budget Coding: 252/8876500/4008765/52430		Approved: 
Attachment(s): P-035; P-061			

Title:	Amend Contract for Enterprise Agreement for Productivity Suite, Cloud Based Services, Endpoint Operating Systems and Configuration Manager	Meeting Date:	March 25, 2025
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**VENDOR
SELECTION**

Under Public Contract Code, Section 10298, agencies such as EBMUD are specifically allowed to purchase directly from State of California contracts or through State-authorized participating agreements without pursuing separate competitive bidding. The State of California, Department of General Services, has issued a software cooperative agreement contract to Crayon Software Experts LLC (SCA-19-70-0204C). By leveraging the State of California contract, the District was able to receive highly favorable quotes with pre-negotiated pricing.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the FY 2025 adopted operating budget.

ALTERNATIVES

Do not authorize the amendment. This alternative is not recommended because Microsoft Office 365 is the District's primary productivity and collaboration product. Enterprise Mobility and Security features provide additional security, better availability, and more accessibility to District data. The Endpoint Operating Systems ensure that all Windows clients remain supported with security updates. The management software allows the District to deploy and centrally manage the District's pool of workstations, laptops, and servers. The additional productivity applications are currently being used by multiple District workgroups.

Replace Microsoft Enterprise Agreement with alternative products. This alternative is not recommended because time and resources have been spent configuring the current products.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Material and Supplies Agreement - Amendment Amend Contract for Enterprise Agreement for Productivity Suite, Cloud Based Services, Endpoint Operating Systems and Configuration Manager						DATE: March 12, 2025						
CONTRACTOR: Crayon Software Experts LLC Dallas, TX 75251					PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$650,000 *					FIRM'S OWNERSHIP		White Men		25%		0.0%	
					Ethnicity	Gender	White Women		6%		0.0%	
							Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Crayon Software Experts LLC		\$650,000	Foreign									100.0%
SUBS: None												
TOTAL		\$650,000				0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
			White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:			47		32		28		107			
Percent of Total Employees:			43.9%		29.9%		26.2%					
MSA Labor Market %:			39.0%		33.7%		27.3%					
MSA Labor Market Location:			USA									
COMMENTS												
Contract Equity Participation: Zero Contract Equity participation. Firm is foreign owned. Contract Duration: Three-years starting January 2023 *Total not to exceed: \$2,884,544 = \$2,234,544 (Original) + \$650,000 (Amendment)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:	Amend Contract for Enterprise Agreement for Productivity Suite, Cloud Based Services, Endpoint Operating Systems and Configuration Manager		Ethnic Minority Percentages From U.S. Census Data						
					B	H	A/PI	AI/AN	TOTAL
			National		10.5	10.7	3.7	0.7	27.3
Material and Supplies Agreement - Amendment		DATE: 3/12/2025	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub		Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	Foreign	Company Wide	6	7	12	0	25	23.4%	27.3%
Crayon Software Experts LLC Candy Kareem 12221 Merit Drive, Suite 1400 Dallas, TX 75251		Manager/Prof	4	7	10	0	21	27.3%	
		Technical/Sales	2	0	2	0	4	13.3%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
469-329-0290		AA Plan on File:	NA		Date of last contract with District:		1/24/2023		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		107		Bay Area: 0

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



BOARD ACTION

Agenda Number:	6.	Meeting Date:	March 25, 2025
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TITLE	AMEND AGREEMENT FOR DIGITAL WORKFORCE ADVERTISING CAMPAIGN
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Authorize an amendment to the agreement originally authorized under the General Manager's authority with Stop Global Yawning, Inc. dba WHM Creative (WHM Creative) to increase the agreement amount by \$12,250 to a total amount not to exceed \$91,250 for digital advertising services to support workforce planning goals, promote difficult-to-recruit classifications, and increase awareness of mission-critical water and wastewater careers.
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SUMMARY	Digital advertising services will strategically place and purchase advertising for 4-6 weeks on social media platforms to achieve broad reach and maximum visibility of the District's campaign content. Services will also include analytics measurement, digital optimization, and real-time analysis to ensure the campaign performs cost effectively with maximum impact.
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DISCUSSION	In June 2024, the General Manager authorized these services for a total amount not to exceed \$79,000. In fall 2024, the District launched a 10-week digital advertising campaign with WHM Creative to enhance awareness of water and wastewater career opportunities. The campaign targeted job seekers through social media, emphasizing mission-critical roles and positioning EBMUD as an employer of choice. The initiative generated 5.6 million impressions, 35,000 clicks to the careers webpage, and 1,524 job applications, demonstrating strong engagement and interest. Following the campaign's success, a targeted recruitment in January 2025 for Water Treatment Operator Trainee and Wastewater Operator Trainee positions resulted in 500 and 300 applications, respectively. Building on the campaign results, the District proposes extending the digital advertising campaign in spring 2025 to further strengthen education and awareness efforts. The next phase will focus on promoting EBMUD's value propositions, addressing frequently asked questions, and continuing to support recruitment for difficult-to-fill positions, including Electricians, Electrical Engineers, and Maintenance Machinists. By leveraging data-driven insights from the previous campaign, EBMUD aims to sustain its momentum in workforce attraction and retention. This work supports the District's Workforce Planning and Development Strategic Plan goal.
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CONSULTANT SELECTION	In 2024, District staff reached out to four digital advertising agencies for proposals. Two agencies responded, one of which declined the opportunity to provide services to the District.
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Originating Department: Office of the GM - Communications	Department Director or Manager: Kelly A. Zito	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2025	Budget Coding: 11.116.1937.8871100.52410.000000	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreement for Digital Workforce Advertising Campaign	Meeting Date:	March 25, 2025
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WHM Creative is uniquely qualified to perform this second phase for the workforce advertising campaign that began fall 2024 because of their extensive experience with digital media optimization and placement, proprietary media dashboard, familiarity with the District's strategic communication priorities, and prior experience developing the District's centennial documentary film, logo, and historical flipbook.

SUSTAINABILITY**Economic**

Funding for this purpose is available in the Fiscal Year 2025 adopted operating budget.

Social

The digital assets developed for the campaign will promote the District as an employer of choice in the Bay Area and will be widely distributed on social media and other digital platforms and used in long-term outreach and recruitment efforts.

ALTERNATIVE

Do not approve the amendment to this agreement. This alternative is not recommended because these services provide specialized marketing expertise that supports the digital outreach of recruitment information and supports the District's Workforce Planning and Development Strategic Plan goals.

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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					DATE:							
Professional Services Agreement - Amendment Amend Agreement for Digital Workforce Advertising Campaign					March 17, 2025							
CONTRACTOR: Stop Global Yawning, Inc. Dba WHM Creative Oakland, CA			Sole Proposer/ Local Business/ Small Business		PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%				
		Ethnicity		Gender		White Women		6%		100.0%		
\$12,250 *		White		Women		Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Stop Global Yawning, Inc. Dba WHM Creative SUBS: None		\$12,250	White		x		100.0%					
TOTAL		\$12,250				0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		3		11		4		18				
Percent of Total Employees:		16.7%		61.1%		22.2%						
MSA Labor Market %:		28.0%		24.2%		47.8%						
MSA Labor Market Location:		Oakland										
COMMENTS												
Contract Equity Participation - 100% White Women participation.												
*Total not to exceed: \$91,250 = \$79,000 (Original) + \$12,250 (Amendment)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	7a.-7b.	Meeting Date:	March 25, 2025
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TITLE

AMEND AGREEMENTS FOR PAVING AND OTHER RELATED SERVICES

ACTION

☒ Motion:

☐ Resolution:

☐ Ordinance:

RECOMMENDED ACTION

- Authorize amendments to the agreements originally authorized under Board Motion No. 121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; J.V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies to increase the aggregate amount of the agreements by \$5,200,000 to a total aggregate amount not to exceed \$20,200,000 and extend the agreements term to March 25, 2026 for paving and other related services.
- Authorize additional agreements for paving and other related services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on March 25, 2025, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

SUMMARY

In repairing and replacing water distribution pipelines and appurtenances, the District performs approximately 4,000 annual street excavations to support maintenance work and pipeline replacement. Restoring the street in accordance with local agency encroachment permit requirements includes replacing asphalt pavement and completing related paving services (e.g., asphalt sealing). These agreements are required to address peaks in seasonal workload and to collaborate and partner with cities and counties in performing joint paving projects. Amending the agreements will increase the authorization and duration of the existing services contract.

The original agreements were authorized under Board Motion No. 121-22 for \$5,000,000 on June 14, 2022 for one year; an amendment to the agreements for an additional \$5,000,000 for a total amount not to exceed \$10,000,000 and extend for one year was authorized under Board Motion No. 085-23 on May 9, 2023; and an amendment to the agreements for an additional \$5,000,000 for a total amount not to exceed \$15,000,000 and extend for one year was authorized under Board Motion No. 062-24 on April 9, 2024.

DISCUSSION

The District has utilized contract paving services since the early 1990s to meet workload peaks, work with cities and counties on joint paving projects, and perform specialized paving District

Originating Department: Maintenance and Construction	Department Director or Manager: Crystal J. Yezman	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award#7000005; Page 29, Award#7000003; Page 32, Award#7000006; Page 33, Award#7000024; Page 34.	Budget Coding: 11.747.Variou.53530	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreements for Paving and Other Related Services	Meeting Date:	March 25, 2025
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forces do not typically perform. Many cities have extensive paving plans which must be coordinated with District work to replace street paving from curb-to-curb.

The services contracted for in these agreements cannot be satisfactorily performed under the District civil service and therefore contracting out is proper. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

In February 2022, a request for qualifications was sent to 11 potential proposers. Five service providers submitted qualifications. ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; J. V. Lucas Paving, Inc.; and MCK Services, Inc. were selected based on previous positive service experiences and relationships with the District. Additional service providers may be added as they are identified through other public agencies or the District's Equalizer Newsletter. As service providers are added, they will be selected for specific jobs on a rotational basis except in cases where the estimated cost of the individual job exceeds \$10,000. In those cases, staff will request quotes from three service providers (or all approved service providers if less than three) and the work will be awarded to the lowest responsive bidder.

Work under these agreements is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. All listed service providers are licensed to perform work in California and are not on the State DIR debarment list.

In the event another public agency chooses to manage the construction, that agency will be responsible for complying with public contracting requirements and the District will pay that agency the District's share of the project costs.

SUSTAINABILITY

Economic

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

The authorized funds also allow the District to participate in joint paving projects with local agencies which provide cost savings and streamlined contract management.

Social

Local 444 was notified of this amendment on January 31, 2025. Local 444 raised issues related to contracting out work that could be performed by District forces. The District and Local 444 met on February 10, 2025 and March 10, 2025 but were unable to resolve the union's concerns.

ALTERNATIVES

Do not perform this work. This alternative is not recommended because pavement restoration must be performed.

Title:	Amend Agreements for Paving and Other Related Services	Meeting Date:	March 25, 2025
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Perform all work with District staff. This alternative is not recommended because without additional resources, the paving backlog will increase and the District would be unable to participate in joint paving agreements with other public agencies.

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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						DATE:					
General Services Agreement - Amendment Amend Agreements for Paving and Other Related Services						February 10, 2025					
CONTRACTOR: Various Firms (See Below)				PERCENTAGE OF CONTRACT DOLLARS							
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		40.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$5,200,000 *		See Below		-		Ethnic Minorities		25%		60.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
ALB, Inc.	\$1,040,000	Hispanic	X				20.0%				
American Asphalt Repair & Resurfacing Co., Inc.	\$1,040,000	Hispanic	X				20.0%				
Carone & Company, Inc.	\$1,040,000	White	X		20.0%						
J.V. Lucas Paving, Inc.	\$1,040,000	Hispanic	X				20.0%				
MCK Services, Inc.	\$1,040,000	White	X		20.0%						
SUBS:											
None											
TOTAL		\$5,200,000				40.0%	0.0%	60.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		See Attached Form P-061									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation: 40% White Men and 60% Ethnic Minority participation. Contract Duration: One-year											
*Total not to exceed: \$20,200,000 = \$5,000,000 (Original) + \$5,000,000 (Amendment 1) + \$5,000,000 (Amendment 2) + \$5,200,000 (Amendment 3)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



BOARD ACTION

Agenda Number:	8.	Meeting Date:	March 25, 2025
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TITLE	MONTHLY INVESTMENT TRANSACTIONS REPORT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Approve the February 2025 Monthly Investment Transactions Report.
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SUMMARY	In accordance with Policy 4.07 – Investments, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The February 2025 report is being brought to the Board for consideration. This report was presented at the March 25, 2025 Finance/Administration Committee meeting.
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DISCUSSION	Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors is presented in the quarterly investment report. In February 2025, the portfolio decreased from \$587.7 million to \$571.8 million. Net transactions decreased the total by \$16.7 million. Interest received added approximately \$686,000 to the portfolio. Deposits into short-term liquidity funds totaled \$11.3 million, and the District withdrew \$39.6 million. The District did not purchase any securities. No securities matured, and no securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of approximately \$11.6 million.
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Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? N/A	Board Action Type: Financial
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): February 2025 Monthly Investment Transactions Report			

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Monthly Investment Transactions Report

February 2025

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

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

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


[Sophia Skoda \(Mar 6, 2025 16:53 PST\)](#)
Approved by: Sophia D. Skoda, Finance Director

03/06/2025

Date

SDS:KM:SLS



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
February 2025

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	431,825,050	(20,000,000)	370,002	412,195,051
007 - Wastewater Consolidated	101,484,402	(5,000,000)	121,763	96,606,165
049 - Ferc Partnership	2,187,411	-	-	2,187,411
009 - BACWA	2,474,620	-	-	2,474,620
015 - DERWA	1,093,708	-	-	1,093,708
002 - FRWA	1,093,708	-	-	1,093,708
014 - IICP	164,605	-	-	164,605
010 - UMRWA	69,995	-	-	69,995
003 - Employees Retirement	9,700,108	(3,284,000)	-	6,416,108
099 - Wells Fargo**	37,633,022	11,628,438	194,438	49,455,898
Total	587,726,628	(16,655,562)	686,202	571,757,268

* Portfolio balance presented at face value.

**Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.

A portion of the balance in Wells Fargo is swept to a money market fund to increase investment earnings.

Sherry Sarcos
 Prepared by: Sherry Sarcos, Accounting Technician

03/06/2025
 Date

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

03/06/2025
 Date

David Glasser
 Approved by: David Glasser, Controller

03/06/2025
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	-	-	-	-	-	(20,000,000)	-	(20,000,000)
007 - Wastewater Consolidated	-	-	-	-	-	(5,000,000)	-	(5,000,000)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	11,266,000	-	-	-	(14,550,000)	-	(3,284,000)
Investment Activity Total	-	11,266,000	-	-	-	(39,550,000)	-	(28,284,000)
099 - Wells Fargo	-	(11,266,000)	-	-	-	39,550,000	(16,655,562)	11,628,438
Total	-	-	-	-	-	-	(16,655,562)	(16,655,562)

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



Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

03/06/2025

Date



Approved by: Robert L. Hannay, Treasury Manager

03/06/2025

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Deposits										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	2/28/2025	2/28/2025	N/A	5,645,000	5,645,000	-	5,645,000
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	2/14/2025	2/14/2025	N/A	5,621,000	5,621,000	-	5,621,000
					Total		11,266,000			
099 - Wells Fargo	Cash	WELLS FARGO Cash	CASH2017	2/28/2025	2/28/2025	N/A	11,822,876	11,822,876	-	11,822,876
					Total		11,822,876			
							23,088,876	23,088,876	-	23,088,876



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

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

No Transactions this Period



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

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

No Transactions this Period

- - - -



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
February 2025

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/27/2025	2/27/2025	N/A	8,000,000	8,000,000	-	8,000,000
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/14/2025	2/14/2025	N/A	4,000,000	4,000,000	-	4,000,000
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	2/14/2025	2/14/2025	N/A	4,000,000	4,000,000	-	4,000,000
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	2/14/2025	2/14/2025	N/A	4,000,000	4,000,000	-	4,000,000
					Total		20,000,000			
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/27/2025	2/27/2025	N/A	2,000,000	2,000,000	-	2,000,000
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/14/2025	2/14/2025	N/A	1,000,000	1,000,000	-	1,000,000
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	2/14/2025	2/14/2025	N/A	1,000,000	1,000,000	-	1,000,000
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	2/14/2025	2/14/2025	N/A	1,000,000	1,000,000	-	1,000,000
					Total		5,000,000			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	2/27/2025	2/27/2025	N/A	14,550,000	14,550,000	-	14,550,000
					Total		14,550,000			
							39,550,000	39,550,000	-	39,550,000



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
February 2025

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	459,018	(89,017)	370,002
007 - Wastewater Consolidated	169,506	(47,743)	121,763
049 - Ferc Partnership	-	-	-
009 - BACWA	16,189	(16,189)	-
015 - DERWA	14,803	(14,803)	-
002 - FRWA	13,497	(13,497)	-
014 - IICP	6,257	(6,257)	-
010 - UMRWA	5,459	(5,459)	-
003 - Employees Retirement	1,474	(1,474)	-
Interest Transactions Total	686,202	(194,438)	491,765
099 - Wells Fargo	-	194,438	194,438
Total	686,202	-	686,202

*Coupon and other interest received; reinvestment unavailable.

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

Sherry Sarcos
 Prepared by: Sherry Sarcos, Accounting Technician

03/06/2025
 Date

Kevin Ma
 Reviewed by: Kevin Ma, Accounting Supervisor

03/06/2025
 Date

David Glasser
 Approved by: David Glasser, Controller

03/06/2025
 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
February 2025

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Transferred to Wells Fargo)										
001 - Water System Consolidated	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	89,017	89,017
							Total	-		89,017
007 - Wastewater Consolidated	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	47,743	47,743
							Total	-		47,743
003 - Employees Retirement	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	1,474	1,474
							Total	-		1,474
002 - FRWA	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	13,497	13,497
							Total	-		13,497
009 - BACWA	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	16,189	16,189
							Total	-		16,189
010 - UMRWA	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	5,459	5,459
							Total	-		5,459
014 - IICP	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	6,257	6,257
							Total	-		6,257
015 - DERWA	Cash	WELLS FARGO Cash	CASH2017	2/3/2025	2/3/2025	N/A	-	-	14,803	14,803
							Total	-		14,803
							-	-	194,438	194,438



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
February 2025

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Reinvested)										
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	2/28/2025	2/28/2025	N/A	-	-	102,096	102,096
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/3/2025	2/3/2025	N/A	-	-	80,775	80,775
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	2/3/2025	2/3/2025	N/A	-	-	89,827	89,827
001 - Water System Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	2/3/2025	2/3/2025	N/A	-	-	97,304	97,304
								Total		370,002
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	2/28/2025	2/28/2025	N/A	-	-	37,766	37,766
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	2/3/2025	2/3/2025	N/A	-	-	27,293	27,293
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	2/3/2025	2/3/2025	N/A	-	-	27,288	27,288
007 - Wastewater Consolidated	Money Market Mutual Funds	State Street MM	GVMXX	2/3/2025	2/3/2025	N/A	-	-	29,416	29,416
								Total		121,763



BOARD ACTION

Agenda Number:	9.	Meeting Date:	March 25, 2025
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TITLE **APPOINT REPRESENTATIVES TO THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Adopt a resolution to appoint East Bay Municipal Utility District (EBMUD) Director April Chan to the Board of Directors of the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA) and appoint Lisa A. Sorani, Manager of Employee Services, as the alternate.

SUMMARY EBMUD is a member of the ACWA JPIA which sets policies for benefits such as medical, dental, vision, life, employee assistance, and disability for member agencies across California. EBMUD participates in the ACWA JPIA's Anthem Blue Cross Classic PPO Medical Plan, Anthem Blue Cross Consumer-Driven Health Plan, and a United Healthcare Senior Advantage Plan for EBMUD retirees. The ACWA JPIA is governed by a Board comprised of one representative and an alternate from each member agency. Former EBMUD Director John Coleman was appointed to serve as the EBMUD representative on the ACWA JPIA Board in 2012 and served in that capacity until he left the District in 2024. Former Manager of Human Resources Delores Turner was appointed to serve as the alternate at the same time. EBMUD is not currently represented on the ACWA JPIA Board.

DISCUSSION In July 2012, the Board appointed former Director John Coleman and former Manager of Human Resources Delores Turner to serve on the ACWA JPIA Board. EBMUD has not been represented on the ACWA JPIA Board of Directors since John Coleman left the District in March 2024.

The ACWA JPIA bylaws state, "The [ACWA JPIA] Board of Directors shall be composed of one representative from each Member of the Authority, who shall be a member of the governing board thereof selected by the governing board of that Member, as provided for in the Agreement creating the Authority. Each Member shall also appoint at least one alternate, who shall be an officer, member of the governing board or employee of that Member. The alternate may vote, but only in the absence of the regular representative."

ACWA JPIA member representatives or their alternates are encouraged but not required to attend the annual ACWA JPIA Board meetings and any other meetings of the Board. In accordance with the ACWA JPIA bylaws, the annual Board meetings are normally held at the location of the ACWA spring or fall conference at a time immediately before or after such

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

Title:	Appoint Representatives To The Association Of California Water Agencies Joint Powers Insurance Authority Board	Meeting Date:	March 25, 2025
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conference. May appoint a proxy other than the alternate, who may vote in absence of the representative and alternate.

Special meetings at other times shall be held at locations designated by the President or the Executive Committee or approved by the consent of the voting Directors given either before or after the meeting and filed with the Secretary of the Authority.

ACWA JPIA Board of Directors are required to complete and submit a Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700 to the FPPC within 30 days of appointment, and annually, thereafter.

This action supports the District's Customer and Community Services and Workforce Planning and Development Strategic Plan goals.

SUSTAINABILITY**Economic**

The ACWA JPIA Board will meet during the ACWA spring or fall conference. The EBMUD representatives' expenses, per diem, and fees incurred to participate in the ACWA conference will be paid by the District.

ALTERNATIVE

Do not appoint representatives to the ACWA JPIA Board of Directors. This alternative is not recommended because the ACWA JPIA agreement and bylaws require member agencies like EBMUD to appoint a representative and an alternate to serve on the ACWA JPIA Board.

I:\Sec\2025 Board Related Items\03252025 Board Agenda Items\SEC – Appoint Representatives To The ACWA JPIA Board.docx

Bylaws

Association of California Water Agencies Joint Powers Insurance Authority

**June 15, 1979
Revised on November 28, 2022**

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Bylaws Of The

Association of California Water Agencies

Joint Powers Insurance Authority

For the Regulation, Except as Otherwise Provided by Statute or the Agreement Creating the Association of California Water Agencies Joint Powers Insurance Authority.

Article I — Offices

Section 1. Principal Executive Office.

The principal executive office for the transaction of business of the Authority is hereby fixed and located at 2100 Professional Drive, Roseville, CA 95661-3700; mailing address P.O. Box 619082, Roseville, CA 95661-9082. The Executive Committee of the Authority shall have the authority to change the location of the principal executive office from time to time. Any such change shall be noted in the Bylaws by the Secretary, opposite this section, or this section may be amended to state the new location.

Section 2. Other Offices.

Other business offices may at any time be established by the Executive Committee at any place or places where the Authority is qualified to do business.

Article IA — Definitions

The definition of terms used in these Bylaws shall be those definitions contained in the Agreement creating the Authority unless the context requires otherwise.

Article II — Board Of Directors

Section 1. Composition and Selection.

The Board of Directors shall be composed of one representative from each Member of the Authority, who shall be a member of the governing board thereof selected by the governing board of that Member, as provided for in the Agreement creating the Authority. Each Member shall also appoint at least one alternate, who shall be an officer, member of the governing board or employee of that Member. The alternate may vote, but only in the absence of the regular representative. "Absence", as the term is used in this section, includes "vacancy" as defined in Section 2 of this Article II.

If a Member's membership in the Authority is terminated for whatever reason and by whatever method, that Member shall no longer have a representative on the Board of Directors, Executive Committee, or any other Committee of the Authority, except that the Vice President of the Association of California Water Agencies may serve *ex officio* as a member of the Executive Committee even though he or she does not represent a Member.

Section 2. Vacancies.

A vacancy or vacancies in the Board of Directors shall be deemed to exist in case of death, resignation, expiration of term, removal by the Member that made the appointment, or when the Director ceases to be a member of the governing board of the appointing Member. Vacancies in the positions of Director or alternate shall be filled in the manner provided for regular appointment of such persons in the Agreement creating the Authority and these Bylaws.

Section 3. Annual Meeting.

(a) Time and Place Held. The annual meeting of the Board of Directors shall be held each year on a date, place, and time designated by the Executive Committee. Written notice of each annual meeting shall be given to each Member and its Director electronically or by mail or other means of written communication, in the manner provided by the Ralph M. Brown Act, California Government Code Section 54950, *et seq.*, not later than forty-five (45) days preceding the meeting. Such notice shall specify the place, the date, and the hour of such meeting. Notice shall be given by first-class mail when it cannot be given by electronic mail.

(b) Business to be Transacted.

- (1) Election of Executive Committee members shall take place as required under the Agreement creating this Authority and by these Bylaws.
- (2) The Board shall review, modify if necessary, and approve the annual operating budget of the Authority.
- (3) The Board shall receive reports of the operations and affairs of the Authority.
- (4) Any other business may be transacted which is within the powers of the Board of Directors.

(c) Additional Notice. An additional written notice shall be given to each Member and its Director in the same manner as set forth above in Section 3. (a), but not later than fourteen (14) days before the meeting. This additional notice shall list:

- (1) Those matters which are intended to be presented for action by the Board of Directors;
- (2) If members of the Executive Committee are to be elected, the names of nominees intended at the time of the notice to be presented for election;
- (3) The general nature of any proposal to be presented for action with respect to approval of (i) a new Member, (ii) a contract or other transaction of the Authority with an interested Member, (iii) amendment of the Agreement creating the Authority, (iv) the cancellation of a Member's participation in the joint program, (v) voluntary termination of the Agreement creating the Authority, or (vi) a distribution in termination; and
- (4) Such other matters, if any, as may be expressly required by statute or by the Agreement creating the Authority.

Section 4. Special Meetings.

Special meetings of the Board of Directors, for the purpose of taking any action permitted by statute and the Agreement creating the Authority, may be called at any time by the President, or by the Vice President in the absence or disability of the President, or by three (3) members of the Executive Committee of the Authority or by not less than one-third (1/3) of the voting Directors. Upon request in writing that a special meeting of the Board of Directors be called for any proper purpose, directed to the President, Vice President, or Secretary of the Authority, by any person or persons entitled to call a special meeting of the Board of Directors, the officer receiving such request forthwith shall cause notice to be given to the Members that a meeting will be held at a time requested by the person or persons calling the meeting, not less than thirty-five (35) or more than sixty (60) days after receipt of the request. Notice of any special meeting shall be given in compliance with the Ralph M. Brown Act, California Government Code Section 54950, *et seq.* Such notice shall specify the place, date and hour of such meeting, the nature of the business to be transacted, and if applicable, the names of nominees for members of the Executive Committee intended at the time of the notice to be presented for election. No business other than that specified in the notice of a special meeting may be transacted at that meeting.

Section 5. Place of Meetings.

All annual or other meetings of the Board of Directors shall normally be held at the location of the Association of California Water Agencies' Spring or Fall Conference and at a time immediately before or after such conference. Special meetings at other times shall be held at locations designated by the President or the Executive Committee or approved by the consent of the voting Directors given either before or after the meeting and filed with the Secretary of the Authority.

Section 6. Quorum.

At any meeting, the presence in person by the Director or alternate of at least fifty (50) Members shall constitute a quorum for the transaction of business. The Members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal from the meeting of enough Members to leave less than a quorum. If any action taken (other than adjournment) is approved by a number of Members at least equal to a majority of the Members required to constitute a quorum, except for actions specifically requiring more than a majority, the validity of such action shall not be subject to question on the basis that a quorum was not present at the time such action was taken.

Section 7. Adjourned Meetings.

- (a) Adjournment.** Any Board of Directors' meeting, annual or special, whether or not a quorum is present may be adjourned from time to time by the vote of a majority of the Directors of Members present, but in the absence of a quorum, except as provided in Section 6 of this Article II, no other business may be transacted at such a meeting.
- (b) Notice.** When any Board of Directors' meeting, either annual or special, is adjourned for forty-five (45) days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Except as specifically provided herein, or by the Ralph M. Brown Act, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted thereat, other than by announcement of the time and place thereof at the meeting at which such adjournment is taken and posting such notice as required by Section 54955 of the Government Code.

Section 8. Nominations for Executive Committee Members.

Members may nominate members from the Board of Directors to the Executive Committee in the following manner:

- (a)** On forms provided by the Authority, a Member may place into nomination its member of the Board of Directors for any open position with the concurrence of three (3) Members in addition to the nominating Member.
- (b)** Nominating forms must be completed and received by the Authority at least thirty (30) days before the Board of Directors' meeting, at which the election will occur.
- (c)** This Member nomination process shall be the sole method for placing candidates into nomination for Executive Committee positions.

Section 9. Voting.

Unless a record date for voting purposes is set by the Executive Committee, Districts and Friends of ACWA which are Members on the day of the meeting of the Board of Directors shall be entitled to vote at such meeting. Such vote may be by any acceptable means, provided, however, that all elections for members of the Executive Committee must be by ballot upon demand made by a Member at any election and before the voting begins, and no action may be taken by secret ballot. If a quorum is present, the affirmative vote of the majority of the Members voting in the prescribed manner shall be the act of the Board, unless the vote of a greater number is required by the Agreement creating the Authority or other sections of these Bylaws. Every Member shall have only one vote.

Section 10. Inspectors of Election.

- (a) **Appointment.** In advance of any meeting of the Board of Directors, the Executive Committee may appoint any persons, other than nominees for office, as inspectors of election to act at such meeting or any adjournment thereof. If inspectors of election be not so appointed, the President or Vice President in his or her absence, may, and on the request of any Member's representative or alternate, shall make such appointment at the meeting. The number of inspectors shall be three (3), at least one of whom shall be a voting member of the Board of Directors. In case any person appointed as inspector fails to appear or fails or refuses to act, a vacancy shall be deemed to exist, and on the request of any Member, shall be filled by appointment by the Executive Committee in advance of the meeting, or at the meeting by the President, or the Vice President in his or her absence.
- (b) **Duties.** The duties of such inspectors shall include: Determining the current number of Members, the Members represented at the meeting, and the existence of a quorum; receiving votes, ballots or consents; hearing and determining all challenges and questions in any way arising in connection with the right to vote; counting and tabulating all votes or consents; determining when the polls shall close; determining the results; and all such other acts as may be proper to conduct the election or vote with fairness to all Members.
- (c) **Procedure.** The inspectors of election shall perform their duties impartially, in good faith, to the best of their ability and as expeditiously as is practical. The decision, act or certificate of a majority of the inspectors shall be effective in all respects as the decision, act or certificate of all. Any report or certificate made by the inspectors of election is *prima facie* evidence of the facts stated therein.

Article III — Executive Committee

Section 1. Composition, Selection and Term of Office.

The Executive Committee shall consist of nine (9) members, including eight (8) members elected by the Board of Directors from its voting Members and the Vice President of the Association of California Water Agencies, who shall be an *ex officio* member of the Executive Committee. Commencing with the first Board of Directors' meeting held in 2013 four (4) members shall be elected in every odd-numbered year and shall serve four-year terms until their respective successors are elected. Commencing with the first Executive Committee meeting held after the 2013 Board of Directors' election, the Executive Committee shall appoint two of its members to serve two-year terms as President and Vice President of the Board of Directors. There shall be no limit to the number of two-year terms a person may serve as the President or the Vice President of the Board of Directors. All members of the Executive Committee, except the Vice President of the Association of California Water Agencies, shall be Directors of Members which participate in the ACWA/JPIA's Liability, Property, Workers' Compensation, and at least one of the Employee Benefits Programs.

In order to prevent any JPIA Member from having more than one vote on the Executive Committee, a JPIA Member Entity shall not have more than one vote regardless of the number of representatives sitting on the Executive Committee.

Upon their adoption by the Members, these four-year terms shall be implemented as agreed upon by the Executive Committee.

The President, or in his or her absence, the Vice President shall serve as Chair of the Executive Committee.

Section 2. Vacancies.

(a) Existence of Vacancies. A vacancy or vacancies in the Executive Committee shall be deemed to exist in case of the death, resignation, expiration of term, termination of membership on the Board of Directors, removal of any member by the Board of Directors, declaration of unsound mind by order of court, conviction of a felony, increase in the authorized number of members, or if the Board of Directors fail, at any annual or special meeting of the Board at which any members of the Executive Committee are elected, to elect the full authorized number of members to be voted for at that meeting. A vacancy may also be deemed to exist because of the unexcused absence of a member of the Executive Committee, other than the Vice President of the Association of California Water Agencies, from two (2) consecutive meetings thereof, and may be cause for removal of said member by the Executive Committee.

- (b) Vacancies Filled by Executive Committee.** Vacancies in the Executive Committee, except for a vacancy created by the removal of any member by the Board of Directors and a vacancy in the office of Vice President of the Association of California Water Agencies, may be filled on an interim basis by a vote of the majority of the remaining voting members, though less than a quorum, or by a sole remaining voting member of the Executive Committee, and each member so appointed shall hold office until his or her successor is elected at the next election meeting of the Board of Directors.
- (c) Vacancies Filled by Board of Directors.** The voting members of the Board of Directors may elect a member of the Executive Committee at any time to fill any vacancy or vacancies or seat filled on an interim basis by the Executive Committee. A vacancy on the Executive Committee created by the Board of Directors removing a member may be filled only by the vote of a majority of the representatives of Members at a Duly Constituted Board Meeting at which a quorum is present.

Section 3. Meetings.

- (a) Call.** Meetings of the Executive Committee for any purpose or purposes may be called at such times and places as designated by the President, or in his or her absence, by the Vice President or by three (3) members of the Executive Committee.
- (b) Notice.** Notice of the time and place of special meetings shall be given in writing to the members of the Executive Committee, and it shall be delivered personally, electronically, or by mail to each member at least twenty-four (24) hours before the time of such meeting. Such notice shall specify the business to be transacted at the meeting.

Section 4. Action at Meetings: Quorum and Required Vote.

The presence of any five (5) of the nine (9) voting members of the Executive Committee at a meeting shall constitute a quorum for the transaction of business. Every act by a majority of the voting members of the Executive Committee present at a meeting duly held at which a quorum was present shall be regarded as an act of the Executive Committee, unless a greater number is required by law, by the agreement creating the Authority, or by these Bylaws. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of members, provided that any action taken is approved by at least five (5) members.

Section 5. Adjourned Meetings.

- (a) Adjournment.** A quorum of the members may adjourn any Executive Committee meeting to a stated day, hour and place; provided, however, that in the absence of a quorum, a majority of the voting Committee members present at any meeting may adjourn from time to time.

(b) Notice of Adjournment. If a meeting is adjourned for more than twenty-four (24) hours, at least twenty-four (24) hours written notice of such adjournment to another time or place shall be given prior to the time of the adjourned meeting to the members who were not present at the time of adjournment. Otherwise, notice of the time and place of holding an adjourned meeting need not be given if the time and place are fixed at the time of adjournment.

Article IV — Standing Committees

Section 1. Finance and Audit Committee.

The Finance and Audit Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies, each of whom shall be a finance officer of the District from which said person is selected and have a financial background. The Board President shall appoint members of the Committee.

Section 2. Liability Program Committee.

The Liability Program Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies participating in the Liability Program. These committee members will be a combination of Directors and staff of member agencies. The Board President shall appoint the members of the Committee.

Section 3. Property Program Committee.

The Property Program Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies participating in the Property Program. These committee members will be a combination of Directors and staff of member agencies. The Board President shall appoint the members of the Committee.

Section 4. Workers' Compensation Program Committee.

The Workers' Compensation Program Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies participating in the Workers' Compensation Program. These committee members will be a combination of Directors and staff of member agencies. The Board President shall appoint the members of the Committee.

Section 5. Employee Benefits Program Committee.

The Employee Benefits Program Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies participating in the Employee Benefits Program. These committee members will be a combination of Directors and staff of member agencies. The Board President shall appoint the members of the Committee.

Section 6. Risk Management Committee.

The Risk Management Committee shall be composed of nine (9) representatives. Members of the Executive Committee will serve as Chair and Vice Chair; seven (7) representatives will be selected from member agencies participating in any of the Programs. These committee members will be a combination of Directors and staff of member agencies. The Board President shall appoint the members of the Committee.

Section 7. Personnel Committee.

The Personnel Committee shall be composed of four (4) members. These Committee members will be a combination of the Board President, the Board Vice President, and two members of the Executive Committee appointed by the Board President.

Section 8. Meetings.

The Committees shall meet from time to time as directed by the Executive Committee or by the Committee Chair.

Article V — Officers And Employees

Section 1. Officers.

The officers of the Authority shall be a President, a Vice President, a Chief Executive Officer, a Secretary, an Auditor/Controller, and a Treasurer. The Executive Committee may, in addition, provide for such other officers as it deems necessary for the performance of the business of the Authority.

Section 2. Election and Term of Office.

The Executive Committee shall appoint a President and Vice President of the Authority from the Executive Committee's eight (8) elected members for two-year terms. The President and Vice President shall also serve as Chair and Vice Chair of the Executive Committee. In the event the President or Vice President so appointed ceases to be a member of the Board, the resulting vacancy in the office of President or Vice President may be filled, on either an interim or a permanent basis, at the next regular meeting of the Executive Committee held

after such vacancy occurs. In the absence or inability of the President to act, the Vice President shall act as President. The President, or in his or her absence the Vice President, shall preside at and conduct all meetings of the Board and shall chair the Executive Committee.

Section 3. Officers and Employees.

The Executive Committee shall appoint, or may empower the President to appoint, subject to ratification by the Executive Committee, all officers of the Authority. Except as may otherwise be provided in the agreement creating the Authority or the Bylaws, such officers shall hold office at the pleasure of the Executive Committee or for such term as the Executive Committee may provide by agreement. The Executive Committee shall also appoint such other officers as may be necessary to carry out the purposes of the Authority. All officers and employees shall have such authority and perform such duties as are provided in the Agreement creating the Authority, or as are provided in the Bylaws or as the Executive Committee may from time to time determine. The Executive Committee may provide for the payment of compensation to officers or employees for their services to the Authority.

Section 4. Vacancies.

A vacancy in any office because of death, resignation, removal, disqualification, expiration of term, or any other cause shall be filled in the manner prescribed in the agreement creating the Authority and the Bylaws for regular appointments to such office.

Section 5. Removal and Resignation.

- (a) Removal.** The President, the Vice President or any other Executive Committee member other than the Vice President of the Association of California Water Agencies may be removed, without cause, by the Board of Directors, at any regular or special meeting thereof by a two-thirds (2/3) vote of the voting members of the Board at any Duly Constituted Board Meeting. An officer chosen by the Executive Committee may be removed without cause, by that Committee by a two-thirds (2/3) vote of all of the members of that Committee (subject to the rights, if any, of an officer or employee under any contract of employment).
- (b) Resignation.** Any officer or Executive Committee member may resign at any time by giving written notice to the Executive Committee or to the President, or to the Chief Executive Officer of the Authority, without prejudice, however, to the rights, if any, of the Authority under any contract to which such officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. President.

The President shall be one of the eight (8) elected members of the Executive Committee and shall be the chief elected official of the Authority. The President shall preside at all meetings of the Board of Directors and Executive Committee. The President shall be *ex officio* a member of all the standing committees and shall have such other powers and duties as may be prescribed by the Board of Directors, the Executive Committee, the Agreement creating the Authority or these Bylaws.

Section 7. Vice President.

In the absence or disability of the President, the Vice President shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall be a member of the Executive Committee and have such other powers and perform such other duties as from time to time may be prescribed by the Board of Directors or the Bylaws.

Section 8. Chief Executive Officer.

The Chief Executive Officer shall keep, or cause to be kept, at the principal executive office of the Authority a list of all designated representatives and alternates of each Member.

The Chief Executive Officer shall give, or cause to be given, notice of all the meetings of the Board of Directors and of the Executive Committee required by the Bylaws or by statute to be given, and shall have such other powers and perform such other duties as may be prescribed by the Executive Committee, the Agreement creating the Authority, or the Bylaws.

The Chief Executive Officer shall have the duty of administering the joint protection programs of the Authority, as provided for in the Agreement creating the Authority, shall have direct supervisory control of and responsibility for the operation of the Authority including appointment of necessary employees thereof, subject to prior authorization of each position by the Executive Committee, and shall have such other related duties as may be prescribed by the Executive Committee or elsewhere in the Bylaws.

Section 9. Treasurer.

The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct financial records of the Authority, including accounts of its assets, liabilities, receipts, and disbursements, and shall have such other duties as are provided for in the Agreement creating the Authority.

Section 10. Auditor/Controller.

The Auditor/Controller shall perform those duties required by California Government Code Sections 6505 and 6505.5, including the following:

- (a) Contract with a certified public accountant to make an annual audit of the accounts and records of the Authority as such audit is provided for in the agreement creating the Authority. The minimum requirements of the audit shall be prescribed by the State Controller, as provided in Section 26909 of the Government Code; and
- (b) Draw, or cause to be drawn, warrants, and electronic payments used to pay demands against the Authority when the demands have been approved by the Chief Executive Officer or his or her designee; and
- (c) Such other duties as may be provided by the Executive Committee, the Agreement creating the Authority, or the Bylaws.

Section 11. Secretary.

The Secretary shall record or cause to be recorded, and shall keep or cause to be kept, at the principal executive office of the Authority or such other place as the Executive Committee may order, a book of minutes of actions taken at all meetings of the Board of Directors and Executive Committee, whether regular or special (and, if special, how authorized), the notice thereof given, the names of those present at the meetings, and the proceedings thereof.

Article VI — Miscellaneous

Section 1. Annual Report.

The Board of Directors of the Authority shall cause an annual report to be made available to the Members not later than twelve (12) months after the close of each fiscal year. Such report shall contain the audited financial statements and such other information as may be required by law.

Section 2. Defense of Agents of the Authority.

- (a) For the purposes of this Article, "agent" means any person who is or was an officer, employee or other duly authorized agent of the Authority, while acting on behalf of the Authority.
- (b) The Authority shall provide for the defense of any civil action or proceeding brought against any such agent of the Authority in his or her official or individual capacity or both, on account of an act or omission within the scope of his or her employment as an agent of the Authority, and to the extent of such defense as is provided for in California Government Code Section 995 *et seq.*

Section 3. Contribution Among Members of the Authority.

Pursuant to the provisions of Government Code Section 895 *et seq.*, the Members of the Authority are jointly and severally liable for any liability which is otherwise imposed by law upon any one of the Members or upon the Authority for injury caused by a negligent or wrongful act or omission occurring in the performance of the ACWA JPIA's Joint Powers Agreement. However, as between the Authority's Members themselves, if a Member of the Authority is held liable for any such liability and pays in excess of its *pro rata* share in satisfaction of such liability, such Member is entitled to contribution from the other Members of the Authority. An ACWA JPIA Member's *pro rata* share will be based on that Member's premium contributions paid in the fiscal year in which the liability arose, compared with the premium contributions paid by all ACWA JPIA Members in such fiscal year. No Member may be compelled to make a contribution to the satisfaction of such a liability, beyond its own *pro rata* share of the entire liability.

Section 4. Inspection of Authority Records.

The accounting books and records, the list of Members' designated representatives, and minutes of proceedings of the Board of Directors and the Executive Committee and all other committees of the Authority shall be open to the inspection of any Member at any reasonable time. Members shall provide ten (10) days notice of intent to inspect records. Such inspection by a Member may be made in person or by agent or attorney, and the right of inspection includes the right to copy and make extracts.

Section 5. Checks and Drafts.

All checks, drafts or other orders of payment of money, notes or other evidences of indebtedness, issued in the name of or payable to the Authority, shall be signed or endorsed by the President and Treasurer or by such person or persons and in such manner as, from time to time, shall be determined by the Executive Committee.

Section 6. Register of Checks.

A register of all checks, warrants, and electronic payments not previously reviewed and approved by the Executive Committee shall be made available to the Executive Committee at each of its meetings for the Committee's review and approval.

Section 7. Execution of Contracts.

The Executive Committee may authorize any officer or officers, or agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Authority, and such authorization may be general or confined to specific instances except as otherwise provided by these Bylaws. Unless so

authorized by the Executive Committee, no officer, agent or employee shall have any power or authority to bind the Authority by any contract or engagement or to pledge its credit or to render it liable for any purpose or for any amount.

Section 8. Rules of Procedure for Meetings.

All meetings of the Board of Directors and Executive Committee including, without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Sections 54950 *et seq.*

Article VII — Amendments

Section 1. Power of Board of Directors.

New bylaws may be adopted or these Bylaws may be amended or repealed by the affirmative vote of a majority of the voting members present at any Duly Constituted Board Meeting.

Section 2. Power of Executive Committee.

Subject to the provisions of Section 1 of this Article, amendments to these Bylaws, other than amendments changing the authorized number of members of the Executive Committee, may be adopted by the Executive Committee. Any amendment adopted by the Executive Committee shall be on the agenda of the next meeting of the Board of Directors for ratification.

Article VIII—Nonclaim Disputes

Section 1. Definition

Nonclaim disputes is any dispute that is not directly related to a claim made under a Memorandum of Coverage. Dispute means a difference that arises between two or more parties in connection with or arising out of the JPIA Agreement (including any dispute as to the termination or invalidity of the agreement or any provision of it). The definition of dispute has the broadest scope permitted by law and includes all assertions between the parties, including but not limited to any assertion for improper calculation of rates, Experience Modification, dividends and refunds, fraud, misrepresentation, negligence, libel and slander, misuse or theft of funds, unfair trade practices or other tort law assertions,

Section 2. Procedure

- (a) Request for Reconsideration.** The member will make a written request to the Authority for the Executive Committee to reconsider their position, citing the arguments in favor of the member and any applicable case law that

applies. The member can also, request a personal presentation to the Executive Committee, if it so desires.

- (b) Executive Committee Appeal.** The Executive Committee will review the matter and reconsider the Authority's position. This committee appeal process is an opportunity for both sides to discuss and substantiate their positions based upon legal arguments and the most complete information available. If the member requesting reconsideration is represented on the Executive Committee, that committee member shall be deemed to have a conflict and shall be excluded from any vote.
- (c) Arbitration.** If the member is not satisfied with the outcome of the Executive Committee appeal, the next step in the appeal process is arbitration. The arbitration will be binding on the parties and is agreed upon by acceptance of membership with the Authority. The matter will be submitted to a mutually agreed arbitrator or panel of arbitrators for a determination. The decision of the arbitrator or panel is final. Both sides agree to abide by the decision of the arbitrator. The cost of the arbitration will be shared equally by the involved member and the Authority.

Joint Powers Agreement

Creating The

Association of California Water Agencies Joint Powers Insurance Authority

Adopted May 9, 1979
Revised on May 7, 2012

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Joint Powers Agreement

Creating The

Association Of California Water Agencies Joint Powers Insurance Authority

THIS AGREEMENT is made and entered into in the County of Placer, State of California, by and among the water districts and agencies (hereinafter "Districts") and other public entities (hereinafter "Friends of ACWA") organized and existing under the laws of the State of California, which are parties signatory to this Agreement and listed in Appendix "A", which is attached hereto and made a part hereof. Said Districts and Friends of ACWA are sometimes referred to herein as "parties" or "Members".

Recitals

WHEREAS, California Government Code Section 6500 *et seq.* provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

WHEREAS, California Government Code Section 990.8 provides that two or more local entities may, by a joint powers agreement, provide insurance or reinsurance for any purpose by any one or more of the methods specified in Government Code Section 990.4; and

WHEREAS, the parties to this Agreement desire to join together for the purpose of establishing pools for self-insured losses and purchasing excess insurance or reinsurance and administrative services in connection with joint protection programs for said parties; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement to do so;

NOW THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

Article 1 — Definitions

The following definitions shall apply to the provisions of this Agreement:

- (a) **"Auditor/Controller"** shall mean that person, designated by the Executive Committee who is required to draw, or cause to be drawn, checks, warrants, and electronic payments on behalf of the Authority, and to provide for an annual audit.
- (b) **"Authority"** shall mean the Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA) created by this Agreement.
- (c) **"Board of Directors" or "Board"** shall mean the governing body of the Authority.
- (d) **"Chief Executive Officer"** shall mean that employee of the Authority who is so appointed by the Executive Committee and ratified by the Board of Directors at the next meeting, unless approved unanimously by the Executive Committee.
- (e) **"Claims"** shall mean demands made against Members which are within the Authority's joint protection programs as developed by the Board of Directors.
- (f) **"Deposit Premium"** shall mean the amount determined by the Executive Committee annually, as necessary to fund each joint protection program of the Authority.
- (g) **"Director"** shall mean that individual selected by the Member, from its governing body, to represent the Member on the ACWA/JPIA Board of Directors.
- (h) **"District"** shall mean those entities of local government empowered by law to replenish ground waters, distribute, control, treat, develop, acquire, use, store or supply water, or empowered by laws to protect, drain or reclaim lands within the State of California, including but not limited to irrigation districts, California water districts, municipal water districts, county water districts, municipal utility districts, and drainage, water replenishment, reclamation districts, flood control districts, conservation districts, sanitation districts, sanitary districts, special act districts, cities, and joint powers authorities which are signatories to this Agreement and are members of the Association of California Water Agencies (ACWA), or are affiliated with ACWA based on their meeting the criteria currently specified by ACWA for ACWA Affiliates – "Friends of ACWA".
- (i) **"Duly Constituted Board Meeting"** shall mean any Board of Directors meeting noticed and held in the required manner and at which a Quorum was determined to be present at the beginning of the meeting.

- (j) **"Excess Insurance"** shall mean that insurance or reinsurance which may be purchased on behalf of the Authority to protect the funds of the Members.
- (k) **"Executive Committee"** shall mean the Executive Committee of the Board of Directors of the Authority.
- (l) **"Finance and Audit Committee"** shall mean the committee of the Authority composed of financial staff of districts appointed by the Board President and ratified by their Districts.
- (m) **"Fiscal Year"** shall mean that period of twelve (12) months which is established as the fiscal year of the Authority.
- (n) **"Friends of ACWA"** shall mean those public agencies that do not meet the definition of **"District"** who are members of the ACWA or are affiliated with ACWA based on their meeting the criteria currently specified by ACWA for ACWA Affiliates – "Friends of ACWA," and which are also signatories to this Agreement.
- (o) **"Insurance"** shall mean and include a joint protection program, self-insurance through a funded program, and/or any commercial insurance or reinsurance contract.
- (p) **"Member"** shall mean either a **"Friend of ACWA"** or a **"District"** which is a signatory to this Agreement.
- (q) **"Policy Year"** shall mean a period of time, usually twelve (12) months, determined by the Executive Committee into which each joint protection program is segregated for ease in determining deposit premiums, incurred losses, and retrospective premium calculations.
- (r) **"Retrospective Premium Adjustment"** shall include the terms "Retrospective Premium" and "Retrospective Adjustment" and shall mean the amount determined by the cost allocation plans and formulas adopted from time to time by the Board as a Member's share of losses, expenses, and contribution to the catastrophe fund or other reserve.
- (s) **"Secretary"** shall mean the person appointed by the Executive Committee to record or cause to be recorded, and keep or cause to be kept, at the principal executive office or such other place as the Executive Committee may order, a book of minutes of actions taken at all meetings of the Board of Directors and Executive Committee.
- (t) **"Treasurer"** shall mean the person appointed by the Executive Committee to keep and maintain, or cause to be kept and maintained, adequate and correct financial records of the Authority.

Article 2 — Purposes

This Agreement is entered into by Members pursuant to the provisions of California Government Code sections 990, 990.4, 990.8 and 6500 *et seq.*, in order to provide comprehensive and economical public liability, workers' compensation, unemployment, health, accident and/or dental, and property coverage, or coverage for other risks to which the Board of Directors may agree.

Additional purposes are to reduce the amount and frequency of losses, and to decrease the cost incurred by Members in the handling and litigation of claims. These purposes shall be accomplished through the exercise of the powers of such Members jointly in the creation of a separate entity, the Association of California Water Agencies Joint Powers Insurance Authority (the Authority), to administer joint protection programs wherein Districts and Friends of ACWA will separately pool their losses and claims, and jointly purchase excess insurance and/or reinsurance and administrative and other services, including claims adjusting, data processing, risk management consulting, loss prevention, legal, and other related services.

It is also the purpose of this Agreement to provide, to the extent permitted by law, for the inclusion at a subsequent date of such additional Members organized and existing under the laws of the State of California as may desire to become parties to the Agreement and members of the Authority, subject to approval by the Board of Directors.

Article 3 — Parties To Agreement

Each party to this Agreement certifies that it intends to and does contract with all other parties who are signatories to this Agreement and, in addition, with such other parties as may later be added as parties to and signatories to this Agreement pursuant to Article 21. Each party to this Agreement also certifies that the deletion of any party from this Agreement, pursuant to Article 22 or Article 23, shall not affect this Agreement or such party's intent to contract as described above with the other parties to the Agreement then remaining.

Article 4 — Term Of Agreement

This Agreement became effective on the date of execution hereof by the last of sixty (60) Districts with a combined 1978/79 liability policy premium of \$2 million, and it shall continue until and unless terminated as hereinafter provided.

Article 5 — Creation Of Authority

Pursuant to Section 6500 *et seq.* of the California Government Code, there is hereby created a public entity separate and apart from the parties hereto, to be known as the Association of California Water Agencies Joint Powers Insurance Authority. Pursuant to Government Code Section 6508.1, the debts, liabilities and

obligations of the Authority shall not constitute debts, liabilities or obligations of any party to this Agreement or of any District or Friend of ACWA.

Article 6 — Powers Of Authority

- (a) The Authority shall have the powers common to Members and is hereby authorized to do all acts necessary for the exercise of said common powers, including, but not limited to, any or all of the following:
 - (1) To make and enter into contracts;
 - (2) To incur debts, liabilities or obligations;
 - (3) To acquire, hold or dispose of property, contributions and donations of property, funds, services and other forms of assistance from persons, firms, corporations and governmental entities;
 - (4) To sue and be sued in its own name; and
 - (5) To exercise all powers necessary and proper to carry out the terms and provisions of this Agreement, or otherwise authorized by law.
- (b) Said powers shall be exercised pursuant to the terms hereof and in the manner provided by law, and in accordance with Government Code Section 6509, the foregoing powers shall be subject to the restrictions upon the manner of exercising such powers pertaining to the Walnut Valley Water District as specified in The California Water District Law (California Water Code Sections 34000 *et seq.*).

Article 7 — Board Of Directors

- (a) The Authority shall be governed by the Board of Directors which is hereby established and which shall be composed of one representative from each Member, who shall be a Member director selected by the governing board of that Member. Each Member, in addition to appointing its member of the Board, shall appoint at least one alternate who shall be an officer, member of the governing board, or employee of that Member. The alternate appointed by a Member shall have the authority to attend and participate in any meeting of the Board when the regular member for whom he or she is an alternate is absent from said meeting.
- (b) Each Director or alternate of the Board shall serve until a successor is appointed. Each Director or alternate shall serve at the pleasure of the Member by which he or she has been appointed.
- (c) Each Director representing a Member, or his or her alternate, shall have one vote.

Article 8 — Powers Of The Board Of Directors

The Board of Directors of the Authority shall have the following powers and functions:

- (a) The Board shall elect from its voting members pursuant to Article 10 of this Agreement an Executive Committee.
- (b) The Board may review all acts of the Executive Committee, and shall have the power to modify and/or reverse any decision or action of the Executive Committee upon a majority vote of the voting Directors present at any Duly Constituted Board Meeting.
- (c) The Board shall review, modify if necessary, and approve the annual operating budget of the Authority, prepared by the Executive Committee pursuant to Article 11 (d).
- (d) The Board shall receive and review periodic accountings of all funds under Articles 17 and 18 of this Agreement.
- (e) The Board shall have the power to conduct on behalf of the Authority all business of the Authority, including that assigned to the Executive Committee, which the Authority may conduct under the provisions hereof and pursuant to law.
- (f) The Board shall have such other powers and functions as are provided for in this Agreement or in the Bylaws.

Article 9 — Meetings Of The Board Of Directors

- (a) **Meetings.** The Board shall provide for at least one annual regular meeting. It may also provide for adjourned regular meetings, special meetings, or meetings upon call of the President of the Board.
- (b) **Minutes.** The Secretary of the Authority shall cause minutes of regular, adjourned regular, and special meetings (but not of any closed-session portion of any such meeting) to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to each Member.
- (c) **Quorum.** Any fifty (50) voting members of the Board present when the meeting is called to order shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. A vote of the majority of those voting members present and voting in the prescribed manner at any Duly Constituted Board Meeting shall be sufficient to constitute action by the Board except as otherwise specifically set forth in this Agreement or in the Bylaws.

- (d) **Compliance with the Brown Act.** All meetings of the Board, including, without limitation, regular, adjourned regular, and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Section 54950 *et seq.*

Article 10 — Executive Committee

- (a) There shall be an Executive Committee of the Board of Directors which shall consist of nine (9) members, as provided in the Bylaws. Eight (8) members of the Executive Committee shall be elected by the Board of Directors from its voting members as provided in the Bylaws. The ninth member of the Executive Committee shall be the Vice President of the Association of California Water Agencies, who shall be an *ex officio* member of the Executive Committee.
- (b) The Executive Committee shall appoint a President and a Vice President of the Board of Directors from among the eight (8) Executive Committee members elected by the Board of Directors, as provided in the Bylaws. The President of the Board, or the Vice President in his or her absence, shall serve as the Chair of the Executive Committee.
- (c) The unexcused absence of a member of the Executive Committee, other than the Vice President of the Association of California Water Agencies, from two consecutive meetings may be cause for the removal of said member by the Executive Committee.
- (d) Vacancies on the Executive Committee shall be filled as provided in the Bylaws.

Article 11 — Powers Of The Executive Committee

The Executive Committee shall have the following powers:

- (a) The Executive Committee shall determine details of and select the joint protection program or programs of the Authority.
- (b) The Executive Committee shall determine and select all insurance, including excess insurance and reinsurance, necessary to carry out the joint protection program or programs of the Authority.
- (c) The Executive Committee shall have authority to contract for or develop various services for the Authority, including, but not limited to, claims adjusting, loss control and risk management consulting.
- (d) The Executive Committee shall cause to be prepared the operating budget of the Authority for each fiscal year, subject to review, modification and approval by the Board, as provided for in Article 8 (c).

- (e) The Executive Committee shall receive and act upon reports of all other committees and from the Chief Executive Officer.
- (f) The Executive Committee shall appoint the President, Vice President, Chief Executive Officer, Secretary, Treasurer, and Auditor/Controller of the Authority.
- (g) The Executive Committee shall have the authority to engage, retain, and discharge persons, firms, or other organizations as the Executive Committee deems necessary for the administration of the Authority. The Executive Committee may delegate this authority to the Chief Executive Officer of the Authority.
- (h) The Executive Committee shall exercise general supervisory control of and provide policy to the Chief Executive Officer.
- (i) Additional committees and sub-committees shall be established by the Executive Committee as it deems necessary to best serve the interests of the Authority.
- (j) The Executive Committee shall have such other powers and functions as are provided for pursuant to this Agreement.

Article 12 — Meetings Of The Executive Committee

The meetings of the Executive Committee shall be held and conducted as provided in the Bylaws. The Committee shall make periodic reports to the Board of Directors, advising the Board of its decisions and activities.

Article 13 — Officers Of The Authority

- (a) **President and Vice President.** The President and Vice President of the Board shall be appointed by the Executive Committee from among the Executive Committee's eight (8) elected members. In the event the President or Vice President so appointed ceases to be a member of the Board, the resulting vacancy in the office of President or Vice President may be filled on either an interim or a permanent basis at the next regular meeting of the Executive Committee held after such vacancy occurs. In the absence or inability of the President to act, the Vice President shall act as President. The President, or in his or her absence the Vice President, shall preside at and conduct all meetings of the Board, and shall chair the Executive Committee.
- (b) **Chief Executive Officer.** The Chief Executive Officer shall have the general administrative responsibility for the activities of the Authority and shall appoint all necessary employees thereof, subject to prior authorization of

each position by the Executive Committee and shall perform such other duties as may be assigned by the Executive Committee.

- (c) **Auditor/Controller.** The Auditor/Controller shall be appointed by the Executive Committee. The duties of the Auditor/Controller shall be as set forth in Articles 17 and 18 of this Agreement.
- (d) **Secretary.** The Secretary shall be appointed by the Executive Committee and shall be responsible for all minutes, notices, and records of the Authority.
- (e) **Treasurer.** The Treasurer shall be appointed by the Executive Committee. The duties of the Treasurer shall be as set forth in Articles 17 and 18 of this Agreement.
- (f) The Executive Committee shall have the power to appoint such other officers as may be necessary to carry out the purposes of this Agreement.

Article 14 — Standing Committees

The Board or the Executive Committee may establish standing committees from time to time, as provided in the Bylaws.

Article 15 — Insurance Coverage

- (a) The Authority shall maintain such levels of insurance coverage for Members as may be determined by the Executive Committee. Such coverage may provide for binding arbitration before an independent arbitration panel of any disputes concerning coverage between the Authority and a Member.
- (b) The Insurance coverages provided for Members by the Authority may include protection for comprehensive and economical public liability, property, workers' compensation, employee benefits, or coverage for other risks which the Executive Committee may determine to be advisable.
- (c) The Executive Committee may arrange for group policies to be issued for Members interested in obtaining additional coverage, at an additional cost to those participating Members.
- (d) The Executive Committee may arrange for the purchase of Excess Insurance. The Executive Committee may discontinue purchase of this Excess Insurance, if at a future time it is no longer needed to protect the Authority's funds.

Article 16 —Implementation Of The Joint Protection Program

- (a) The Board of Directors shall establish the insurance coverages provided for in Article 15, the amount of deposit premiums, and the precise cost

allocation plans and formulas, and shall provide for the handling of claims, and the pro forma financial statements of each joint protection program, and shall specify the amounts and types of Excess Insurance or reinsurance to be procured.

- (b) The Deposit Premium for each Member for each joint protection program shall be determined by the Executive Committee.
 - (1) Deposit Premiums shall be based on estimated costs for a given program year. Costs shall include estimates for claims, excess insurance/reinsurance, general & administrative expenses, program reserves and include an estimate for interest earnings.
 - (2) Each Member's share of the Deposit Premium for the given program year shall generally be based on its payroll and past loss history for the Liability, Workers' Compensation, and Employee Benefits Programs and scheduled values for the Property Program.

The Executive Committee may make retrospective premium adjustments to prior program years.

- (c) The Retrospective Premium Adjustment, and all other adjustments to the Authority's financial records respecting each Member, shall be made annually. All premiums shall be due and payable within thirty (30) days after the invoice date.
- (d) Inasmuch as some Members may experience an unusually high dollar value of losses during a single Policy Year, which would increase their Retrospective Premium substantially above the Deposit Premium for that joint protection program for that Policy Year and cause budgetary problems, the Executive Committee may allow for payment of a portion of such additional Retrospective Premium to be made over a period of time, not to exceed five years, with reasonable interest.
- (e) The Executive Committee shall have the power to disburse or distribute reserve funds for their intended purposes.

Article 17 — Accounts And Records

- (a) **Annual Budget.** The Authority shall annually adopt an operating budget, pursuant to Article 8 (c) of this Agreement.
- (b) **Funds and Accounts.** The Treasurer of the Authority shall establish and maintain such funds and accounts as required by the Executive Committee and as required by generally accepted accounting principles. Books and records of the Authority shall be open to any inspection at all reasonable times by authorized representatives of Members as otherwise required by law.

- (c) **Treasurer's Report.** The Treasurer shall present a complete written report of all investment activities for the most recently completed fiscal year to the Board at its regularly scheduled meeting.
- (d) **Annual Audit.** The Auditor/Controller shall provide for a certified, annual audit of the accounts and records of the authority, which audit shall be made by a certified public accountant and shall conform to generally accepted auditing standards. Such report shall be presented to the Executive Committee and, following its approval by the Executive Committee, shall be presented to the Board of Directors for concurrence.

Article 18 — Responsibility For Monies

- (a) The Treasurer of the Authority shall have the authority to delegate the signatory function of Treasurer to such persons as are authorized by resolution of the Executive Committee.
- (b) A bond in the amount determined adequate by the Executive Committee shall be required of all officers and personnel authorized to disburse funds of the Authority, such bond to be paid for by the Authority.
- (c) The Treasurer of the Authority shall assume the duties described in California Government Code Section 6505.5, including:
 - (1) Receive and acknowledge receipt for all money of the Authority and place it in the treasury of the Authority;
 - (2) Be responsible upon his or her official bond for the safekeeping and disbursement of all of the Authority's money so held by him or her;
 - (3) Pay, when due, out of money of the Authority so held by him or her, all sums payable on outstanding bonds and coupons of the Authority;
 - (4) Pay any other sums due from Authority money only upon checks, warrants, or electronic payments approved by the Chief Executive Officer or his or her designee. The checks, warrants, or electronic payments shall be reviewed by the President of the Board and the Chair of the Finance & Audit Committee.

Article 19 — Responsibilities Of The Authority

The Authority shall perform the following functions in discharging its responsibilities under this Agreement:

- (a) Provide insurance coverage as necessary, including but not limited to a self-insurance fund and commercial insurance, as well as excess coverage, reinsurance, and umbrella insurance, by negotiation or bid, and purchase, as necessary.

- (b) Assist Members in obtaining insurance coverage for risks not included within the coverage of the Authority.
- (c) Assist each Member's designated risk manager with the implementation of that risk management function as it relates to risks covered by the joint protection programs within the Member.
- (d) Provide loss prevention and safety consulting services to Members as required.
- (e) Provide claims adjusting and subrogation services for Claims covered by the Authority's joint protection programs.
- (f) Provide loss analysis and control by the use of statistical analysis, data processing, and record and file keeping services, in order to identify high exposure operations and to evaluate proper levels of self-retention and deductibles.
- (g) Review Member contracts to determine sufficiency of indemnity and insurance provisions when requested.
- (h) Conduct risk assessments for each Member.
- (i) The Authority shall have such other responsibilities as deemed necessary by the Board of Directors or Executive Committee.

Article 20 — Responsibilities Of Members

Members shall have the following responsibilities:

- (a) The governing board of each Member shall appoint a representative and at least one alternate representative to the Board of Directors, pursuant to Article 7 of this Agreement.
- (b) Each Member shall appoint an employee of the Member to be responsible for the risk management function within that Member and to serve as a liaison between the Member and the Authority as to risk management.
- (c) It is recommended that each Member maintain an active safety officer and/or committee. Each Member shall consider all recommendations of the Authority concerning unsafe practices.
- (d) Each Member shall pay its deposit premium and premium adjustments, including any Retrospective Adjustment, within thirty (30) days after the invoice date. After withdrawal or termination, each Member or former Member or its successor shall pay within 45 days to the Authority its share of any additional premium, when and if required of it by the Executive Committee under Article 24 or Article 25 of this Agreement.

- (e) Each Member shall provide the Authority with such other information or assistance as may be necessary for the Authority to carry out the joint protection programs under this Agreement.
- (f) Each Member shall in any and all ways cooperate with and assist the Authority, and any insurer or reinsurer of the Authority, in all matters relating to this Agreement and covered claims, and shall also comply with all Bylaws, rules and regulations adopted by the Board of Directors and Executive Committee.

Article 21 — New Members

The Authority shall allow new Members entry into its joint protection programs only upon approval by the Board, or by the Executive Committee if specifically delegated such authority by resolution of the Board, which resolution may impose such conditions or limitations upon such authority of the Executive Committee as the Board deems appropriate. Members entering under this Article may be required to pay their share of the organizational expenses as determined by the Executive Committee, including expenses necessary to analyze their loss data and determine their Deposit Premiums.

Article 22 — Withdrawal

- (a) A Member may withdraw as a party to this Agreement any time prior to its consenting in writing to enter the joint protection program.
- (b) A Member that does not consent in writing to enter the joint protection program must withdraw as a party to this Agreement prior to the effective date of the program, or it will be considered to have voluntarily withdrawn upon such effective date.
- (c) As respects to coverage Programs of the Authority, other than the Employee Benefits Program:
 - (1) A Member that enters or has entered any pooled joint protection program may not withdraw as a participant of that program, as a party to this Agreement, or as a Member of the Authority, for a three-year period commencing on the Member's date of entry into said pooled joint protection program.
 - (2) After the initial three-year non-cancellable commitment to each pooled joint protection program, a Member may withdraw only at the end of said program's Policy Year, provided it has given the Authority a twelve-month written notice of its intent to withdraw from said pooled joint protection program.

- (i) No later than ninety (90) days prior to the end of said pooled joint protection program's Policy Year, any Member having given an Article 22 (d) conditional notice shall make clear to the Authority its final decision on withdrawal. Final notice of actual withdrawal must be given and received by that date in clear, unambiguous form. The staff is instructed to rely on such final notice received on or before ninety (90) days prior to the end of the program's Policy Year, and no rescission of such final notice can be made after close of business ninety (90) days prior to the end of the program's Policy Year. If no such final notice is received by close of business on the required date, staff shall treat the original notice with all its conditions and ambiguities as final notice of withdrawal.
 - (ii) Any participation by a former Member must be effected as a new Member. No benefits will be held over from the withdrawing Member's former status as a previous program participant.
- (3) Members may withdraw from any group purchase program at the conclusion of its Policy Year, without being required to give the twelve-month written notice required for withdrawal from pooled joint protection programs.
- (d) Members may withdraw as a party of the Employee Benefits Program to be effective on the first day of any month by providing written intention of withdrawing to the Authority at least 60 days prior to the proposed effective date of the withdrawal. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Authority which shall acknowledge receipt of such notice of the withdrawal in writing effective upon the proposed filing date, or such other date as the Executive Committee may designate which is not more than 90 nor less than 60 days from the notice in order to bring such notice of withdrawal in compliance with the terms hereof.
- (e) A Member may not withdraw as a party to this Agreement nor as a member of the Authority until it has withdrawn from all of the programs of the Authority.

Article 23 — Cancellation Of Membership Or Participation

- (a) Notwithstanding the provisions of Article 22, the Authority shall have the right to cancel any Member's participation in any joint protection program upon a two-thirds vote of the voting Directors present at any Duly Constituted Board Meeting, provided that a reasonable time shall be afforded, at the discretion of the Board of Directors, to place coverage elsewhere.
- (b) Notwithstanding any other provisions of this Agreement, the participation of any Member of the Authority, including participation in any of the Authority's

programs, shall cease and be canceled automatically at the end of the next complete Policy Year for each program whenever such Member's membership in the Association of California Water Agencies, or its affiliation with said Association based on its meeting the criteria currently specified by ACWA for ACWA Affiliates – "Friends of ACWA," ceases. Such automatic cancellation shall not relieve the Member or former Member of its responsibilities as provided for in Article 24 (b).

- (c) Notwithstanding any other provisions of this Agreement, the participation of any Member of the Authority, including participation in any of the Authority's programs, may be canceled at the discretion of the Executive Committee whenever such Member is dissolved, consolidated, merged or annexed. A reasonable time shall be afforded, in the discretion of the Executive Committee, to place coverage elsewhere. Any such cancellation shall not relieve the Member or former Member of its responsibilities as provided for in Article 24 (b).

Article 24 — Effect Of Withdrawal Or Cancellation

- (a) The withdrawal or cancellation of any Member from this Agreement shall not terminate the same and a Member by withdrawing or being canceled shall not be entitled to payment or return of any premium, consideration or property paid, or donated by the Member to the Authority, or to any distribution of assets, except as provided in Article 25 (c).
- (b) The withdrawal or cancellation of any Member after the effective date of any joint protection program shall not terminate its responsibility to contribute its share of deposit premium, premium adjustments or funds to any funds or insurance program(s) created by the Authority until all claims, or other unpaid liabilities, covering the Program period any part of which the Member was signatory thereto have been finally resolved and a determination of the final amount of payments due by the Member or credits to the Member for the period of its participation has been made by the Executive Committee. In connection with this determination, the Executive Committee may exercise similar powers to those provided for in Article 25 (b) of this Agreement.

Article 25 — Termination And Distribution

- (a) This Agreement may be terminated at any time by the written consent of three-fourths (3/4) of the voting Members, provided, however, that this Agreement and the Authority shall continue to exist for the purpose of disposing of all claims, distribution of assets and all other functions necessary to wind up the affairs of the Authority.
- (b) The Executive Committee is vested with all powers of the Authority for the purpose of winding up and dissolving the business affairs of the Authority. These powers shall include the power to require Members and former

Members, including those which were signatory hereto at the time the Claim arose or was incurred, to pay their share of any additional amount of premium in accordance with loss allocation formulas for final disposition of all Claims and losses covered by this Agreement. A Member's or former Member's share of such additional premium shall be determined on the same basis as that provided for Retrospective Premiums in Article 16 of this Agreement.

- (c) Upon termination of this Agreement all assets of the Authority shall be distributed only among the Members that have been signatories hereto, including any of those Members which previously withdrew pursuant to Article 22 (d) or were canceled pursuant to Article 23 of this Agreement, in accordance with and proportionate to their cash contributions (including premium payments and property at market value when received) made during the term of this Agreement. The Executive Committee shall determine such distribution within six (6) months after disposal of the last pending Claim or loss covered by this Agreement.
- (d) In the absence of an Executive Committee, the Chief Executive Officer shall exercise all powers and authority under this Article. The decision of the Executive Committee or Chief Executive Officer under this Article shall be final.

Article 26 — Provision For Bylaws And Manuals

As soon as practicable after the first meeting of the Board of Directors, the Board shall cause to be developed Authority Bylaws and a Mission Statement.

Article 27 — Notices

Notices to Members hereunder shall be sufficient if delivered to the principal office of the respective Member.

Article 28 — Amendment

This Agreement may be amended at any time by a two-thirds (2/3) vote of the voting Directors present at any Duly Constituted Board Meeting.

Article 29 — Prohibition Against Assignment

No Member may assign any right, claim or interest it may have under this Agreement, and no creditor, assignee or third party beneficiary of any Member shall have any right, claim or title or any part, share, interest, fund, premium or asset of the Authority.

Article 30 — Agreement Complete

The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein.

IN WITNESS WHEREOF, the parties hereto have first executed this Agreement by authorized officials thereof on the date indicated below:

DATE: _____

Member

BY:

Signature of Authorized Representative

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RESOLUTION NO. _____

APPOINTING REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE
ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS
INSURANCE AUTHORITY BOARD OF DIRECTORS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the East Bay Municipal Utility District (District) is a member agency of the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA); and

WHEREAS, ACWA JPIA member agencies are entitled to be represented on the ACWA JPIA Board of Directors; and

WHEREAS, such representative must be a member of the agency's elected board; and

WHEREAS, each member agency also has the right to appoint an alternate representative who shall be an officer, a member of the governing board, or an employee of the member agency; and

WHEREAS, former District Board Director John A. Coleman was previously appointed to serve as the District representative on the ACWA JPIA Board of Directors in 2012 and served in that capacity until he resigned from the District in March 2024; and

WHEREAS, the District has not been represented on the ACWA JPIA Board of Directors since John Coleman left the District in March 2024; and

WHEREAS, the District wishes to appoint District Board Director April Chan to serve as the District's representative on the ACWA JPIA Board of Directors; and

WHEREAS, the District wishes to appoint Manager of Employee Services Lisa A. Sorani as the District's alternate representative on the ACWA JPIA Board of Directors;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that this member agency hereby appoints District Board Director April Chan to serve as the District's representative on the ACWA JPIA Board of Directors.

BE IT FURTHER RESOLVED that this member agency hereby appoints Manager of Employee Services Lisa A. Sorani to serve as the District's alternate representative on the ACWA JPIA Board of Directors.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to transmit a

certified copy of this Resolution to the ACWA JPIA forthwith.

ADOPTED this 25th day of March, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



BOARD ACTION

Agenda Number:	10.	Meeting Date:	March 25, 2025
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TITLE	PROVIDE DIRECTION ON REVISIONS TO POLICY 4.14 – REIMBURSEMENT OF DIRECTOR EXPENSES
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTION	Provide direction to staff on revisions to Policy 4.14 – Reimbursement of Director Expenses.
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DISCUSSION	Policy 4.14 – Reimbursement of Director Expenses was modified during development of the Board of Directors Governance Manual in 2024. At its November 12, 2024 meeting, the Board directed staff to finalize the Manual and related governance policies, including Policy 4.14. During this review, additional revisions were requested to provide descriptions of reimbursable expenses, conference attendance reimbursement, and clarify the reimbursement authorization process. Staff is also seeking Board guidance on whether Directors should continue receiving mileage reimbursement for attending Board and committee meetings. Staff will revise the policy based on Board feedback and present the final draft policy at an upcoming Finance/Administration Committee meeting for review and Board meeting for approval. This item was discussed at the March 25, 2025 Finance/Administration Committee meeting.
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SUSTAINABILITY	Economic Ensures the EBMUD Board of Directors are reimbursed for reasonable, actual and necessary expenses incurred in the performance of duties. Social There are no social impacts anticipated by the proposed revisions to Policy 4.14. Environmental There are no environmental impacts anticipated by the proposed revisions to Policy 4.14.
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ALTERNATIVE	<u>Do not revise Policy 4.14.</u> This alternative is not recommended because it would leave in place a policy that does not reflect current operating practices and is not consistent with Board directives. The Board approved revisions to the policy during development of the Board of Directors Governance Manual and staff is seeking guidance and approval on additional policy revisions.
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I:\Sec\2025 Board Related Items\032525 Board Agenda Items\FIN\Provide Direction on Revisions to Policy 4.14.docx

Originating Department: Internal Audit	Department Director or Manager: Barry N. Gardin	CEP Forms? N/A	Board Action Type: Policies
Funds Available: N/A	Budget Coding: N/A		
Attachment(s): Policy 4.14R			

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Policy 4.14R

EFFECTIVE [25](#)

[22-NOV-22](#)

SUPERSEDES [22 NOV 22](#)

[24-MAR-20](#)

REIMBURSEMENT OF DIRECTOR EXPENSES

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

Reimburse Directors as provided in the Municipal Utility District ~~(MUD)~~-Act, Public Utilities Code Section 11908.1, for [reasonable](#), actual [and](#) necessary expenses that are incurred in the performance of duties authorized or requested by the Board.

Purpose and Scope

[EBMUD reimburses Directors for reasonable, actual and necessary expenses incurred in the performance of duties authorized or requested by the Board. Each Director is encouraged to participate in outside activities and organizations that further the interests of the District. Expenses incurred by Directors in connection with such activities are reimbursable, when authorized in advance or subsequently approved by the Board President. Directors will not receive personal gain or incur personal loss for their activities.](#)

Reimbursable Expenses

[Directors are eligible for the reimbursement of expenses incurred in connection with attendance as a representative of the District at events such as conferences and association meetings. Reimbursable expenses include:](#)

- [• Travel;](#)
- [• Lodging;](#)
- [• Meals;](#)
- [• Technology Expenses; and](#)
- [• Other related expenses incurred in the performance of official District business in accordance with the Guidelines for Reimbursement of Board of Director Expenses, attached to this policy.](#)

Authorization of Reimbursement **Authorized Expenses**

[Reimbursement of Director expenses must be approved as follows:](#)

- [• The President of the Board of Directors will pre-authorize or approve Reimbursable ~~e~~Expenses incurred by fellow Directors ~~in connection with attendance as a representative of the District at meetings, associations and other groups and will approve travel and other related expenses incurred in the performance of official District business.~~](#)
- [• The Vice President of the Board of Directors will approve expenses incurred by the Board President, and in the President's absence, may approve expenses incurred by fellow Directors.](#)
- [• In the absence of both the President and Vice President, the Immediate Past President who currently sits on the Board may also approve expenses incurred by fellow Directors, including the President and Vice President. ~~In the absence of the President and/or Vice President, the Immediate Past President may also approve expenses of fellow Directors including the President and Vice President.~~](#)

- Any expense that does not meet the criteria for reimbursement ~~is not~~ specified in this Policy must be approved by the Board in a public meeting before it is incurred.
- Under no circumstance may any Director be authorized to approve their own expenses. ~~Reimbursable Director expenses will be reasonable, and in accordance with the guidelines attached to this policy.~~

Rules Applicable to Reimbursable Expenses

The following rules apply to Reimbursable Expenses:

- Directors will exercise responsible fiscal management in incurring expenses as required by Policy 6.04, Ethics of the EBMUD Board of Directors. All expenses must be reasonable and necessary, and Directors will exercise prudence in all expenditures.
- Reimbursable Expenses will be incurred and reimbursed in accordance with the *Guidelines for Reimbursement of Board of Director Expenses*, attached to this Policy.
- Each Director must use government and group rates offered by a transportation or lodging provider, when available.
- EBMUD does not provide credit cards to Directors. Upon incurring expenses, Directors will submit a reimbursement request, accompanied by evidence of payment of such expenses that will meet the District's requirements.
- Each Director may be reimbursed for attendance at only one conference per year (that requires significant travel and lodging), unless the Director's attendance at a conference is necessary because the Director serves on a joint powers authority, regional committee or other body required to meet at the conference.
- Upon return from any conference attended on behalf of the District, a Director shall file with the Secretary of the District a written report on the Director's activities at the conference (e.g., what was learned at the conference that may be helpful to the Board or the District and what meetings or sessions the Board member attended).
 - The Secretary shall send a copy of the report to the Board President.
 - A Director shall not be eligible for reimbursement until they have filed the report with the Secretary.
- At the next Board meeting, following attendance at a conference or meeting for which a Director has received expense reimbursement, the Director shall briefly report on the meeting. If multiple Directors attended, a joint report may be made.

Authority

Resolution No. 32874-94, August 9, 1994
Amended by Resolution No. 33414-04, March 23, 2004
Amended by Resolution No. 33471-05, April 26, 2005
Amended by Resolution No. 33661-08, March 11, 2008

Reimbursement of Director Expenses

NUMBER 4.14

PAGE NO.: 3

EFFECTIVE DATE: [25 MAR 25](#)
~~[22 NOV 22](#)~~

Amended by Resolution No. 33756-10, February 23, 2010
Amended by Resolution No. 33919-13, March 26, 2013
Amended by Resolution No. 33923-13, April 9, 2013
Amended by Resolution No. 35061-17, September 26, 2017
Amended by Resolution No. 35168-20, March 24, 2020
Amended by Resolution No. 35325-22, November 22, 2022

References

Government Code Section 53232.2
[Government Code Section 53232.3](#)
Public Utilities Code Section 11908.1
IRS Publication 463 – Travel, Entertainment, Gift and Car Expenses
Policy 6.04 – Ethics of the EBMUD Board of Directors
[Resolution No. 35428-24 dated November 26, 2024](#)
[EBMUD District Vehicle Guidelines](#)
[EBMUD Board of Directors Governance Manual](#)

GUIDELINES FOR REIMBURSEMENT OF BOARD OF DIRECTOR EXPENSES

PURPOSE – These guidelines are used to reimburse Board of Directors (Director) for actual, reasonable and necessary expenses while engaged in official District business, as provided in MUD Act Section 11908.1, pursuant to Policy 4.14.

Internal Revenue Service (IRS) Requirement

The District operates under an Accountable Plan, as defined in Internal Revenue Service Regulations 1.62.2. An Accountable Plan is one in which expense reimbursements are not taxable income, not wages, and not included as income. To be an Accountable Plan (according to the IRS), your employer's reimbursement or allowance arrangement must include the following rules:

- Your expenses must have a business connection - that is, you must have been paid or incurred deductible expenses while performing services as a 'Director of the District'.
- You must adequately account to your employer for these expenses within a reasonable period of time.
- You must return any excess reimbursement or allowance within a reasonable period of time.

Reasonable Period of Time: The definition of reasonable period of time depends on the facts and circumstances of your situation. However, regardless of the facts and circumstances of your situation, actions that take place within the times specified in the following list will be treated as taking place within a reasonable period of time.

~~• You receive an advance within 30 days of the time you have an expense.~~

- You adequately account for your expenses within 60 days after they were paid or incurred.
- You return any excess reimbursement within 120 days after the expense was paid or incurred.
- You are given a periodic statement (at least quarterly) that asks you to either return or adequately account for outstanding advances and you comply within 120 days of the statement.

Authorization

Reimbursable Expenses That Require Prior Authorization

- Conferences, seminars, or similar training courses requiring either a registration fee or overnight lodging costing \$100 or more.
- Travel to destinations in excess of 150 miles from the Director's normal place of work or for overnight lodging of more than one night related to business travel.
- Travel advances and/or prepayment of business expenses that require submission to the Office of the Secretary.

- [Use of international data or telecommunications plans while traveling for non-District related purposes to remain in contact and available for District related communications.](#)

Note: The Board President approves all prior authorization requests from Directors. The Board Vice President approves all prior authorization requests from the Board President, and in the President's absence, may approve [fellow Director's](#) authorization requests. In the absence of the President and/or the Vice President, the Immediate Past President [who currently sits on the Board](#) may also approve authorization requests [including requests from the President or Vice President](#). Any expenses incurred without prior written approval will not be reimbursed unless it is an emergency related to District business.

[Prior to the beginning of each fiscal year, the Secretary will provide the Board with a draft calendar of conferences and activities for the fiscal year that may require reimbursable lodging, registration or airfare. By June 10 of each year, each Director shall provide the Secretary with a written forecast of the Director's planned event attendance for the fiscal year. The written forecast can include conferences or activities that were not on the draft calendar provided by the Secretary. The Secretary will submit the written forecasts to the Board President for review and approval.](#)

Reimbursable Expenses That Do Not Require Prior Authorization

- Conference, seminar or similar training registration fees costing less than \$100.
 - One day travel less than 150 miles from the Director's normal place of work.
 - Training with no registration fee or overnight stay.
 - Business meetings or District sponsored events:
 - Regular, adjourned regular, and special meetings of the Board.
 - Board committee meetings (as a member or alternate at the request of the committee chairperson) whether standing or ad hoc.
 - Seminars, and non-District meetings or functions when attending as a representative of the Board.
 - Other services rendered as a Director.
 - Typical reimbursed monthly expenses:
 - Meals – Refer to meals section.
 - Mileage – Refer to use of private owned vehicles section.
 - Tolls – No receipt required.
 - Parking – Receipt required.
 - Monthly internet charges – Reviewed and approved by Chief Information Officer. Expenses must be submitted within six months of being incurred or expense payment being made.
-

Qualifications

Director business expenses are reimbursed or paid directly by the District provided they are ordinary, necessary, reasonable, and within the scope of District business for the individual requesting reimbursement. Expenses must meet the following general qualifications:

- Expenses incurred must comply with the provisions of this policy and all expenses must be properly authorized.
- Expenses and business purpose to the District must be adequately documented and explained. Reimbursement of actual expenses requires submission of receipts for all expenses except per diem reimbursement for luggage handling and housekeeping tipping, or reimbursement of bridge tolls.

Allowable Expenses

Registration Fees

- Registration fees incurred to participate in conferences, training courses or other similar activities directly related to District business or interests are reimbursable.

Meals

Reimbursement for meals requires an itemized receipt and is limited to the IRS approved per diem rate for the area of travel. Per diem rates are subject to change at any time. The IRS approved per diem rate will be disbursed in whole dollar amounts to approximate 20 percent for breakfast, 30 percent for lunch, and 50 percent for dinner. Current per diem rates can be reviewed at the U.S. General Services Administration website, [GSA Home](#). Click the link to "Per Diem Lookup".

Meal expenses (breakfast, lunch, or dinner) are reimbursable for Directors under these specified conditions:

- For one-day training, conferences, seminars, meetings, and trips.
- Business meal costs incurred must be reasonable, necessary and at appropriate locations. You must include the names of participants (if being claimed for reimbursement), and the specific business purpose of the meal. Food may be provided at on-site gatherings such as ward events.

It is the Director's responsibility to make necessary arrangements with the host for special dietary requirements. If the Director's special dietary needs request is denied by the host, the Director should receive a meal reimbursement for that meal. The Director is required to provide written details from the host indicating the special dietary needs request cannot be fulfilled.

Car Rentals

Car rentals are only approved if public transportation is not reasonably available in the area of travel. Car rentals should be for compact or mid-sized models without upgrades for one or two persons sharing transportation. For three or more persons, or as required to meet District business needs, a larger model may be rented.

The District may contract with a vehicle rental company as a preferred provider. Such a preferred provider will offer governmental rates to Directors for all travel and will not offer liability or collision insurance to Directors on District business because the District is self-insured.

Use of Privately Owned Vehicles

Reimbursement for mileage expenses incurred shall be determined as follows:

- Local and long-distance travel shall be reimbursed at the authorized IRS rate per mile.
- Long distance travel - Mileage expenses shall be based upon direct mileage between destinations as determined from established tables of highway distances.
- Directors are personally responsible to pay all traffic citations, parking tickets and any resulting towing or impound charges.
- Mileage to and from the airport and parking at the airport. A receipt is required for cabs, ride-sharing, shuttle service or airport parking.

Note: The mileage reimbursement, plus related enroute expenses per Director, shall not exceed the corresponding lowest quoted round-trip airfare plus an allowance of \$50 covering avoided costs from Oakland, San Francisco, Sacramento or San Jose to the terminal point nearest the point of destination. Lowest quoted round-trip airfare [represents the fare for a direct flight \(for in state travel\), during normal business hours and](#) must be documented through services such as Expedia, Travelocity and Orbitz [or similar travel website](#). Questions regarding “in lieu” fare levels can be verified with the Secretary of the District in advance of travel.

Use of District Fleet Vehicles

[A Director may request use of a District fleet vehicle for travel in connection with attendance as a representative of the District at events. The Director should submit a request to the Office of the Secretary as far in advance as possible but no later than 72 hours before their travel date. The Director will operate the fleet vehicle in accordance with all vehicle laws and District vehicle guidelines. The Director will be responsible for refueling the fleet vehicle in accordance with District vehicle guidelines prior to returning it to the District. The Director will be reimbursed for refueling the fleet vehicle.](#)

[Directors are personally responsible to pay all traffic citations, parking tickets and any resulting towing or impound charges in a timely manner.](#)

Lodging

[Lodging expenses are limited to the GSA per diem rates. The rate may be exceeded if staying at the conference hotel. Lodging expenses must be reasonable. When possible, rates should not exceed the maximum group rates published for the conference.](#) Lodging expenses will be reimbursed only when overnight absence from the Director’s home is required. An itemized receipt must be ~~attached to~~[included with](#) the Expense Report. Overnight lodging is not authorized for conferences or seminars that are within the service area without specific advance written approval from the Board President.

Note: If double, deluxe, suite, or other premium-cost accommodations are requested, reimbursement will be at the [GSA per diem rate](#)~~standard rate for single room occupancy~~. The receipt should be annotated to show the “standard single” rate if the cost of the accommodations exceeds that rate.

Government, corporate or conference rates must be requested, when available, and used if these rates are less than otherwise posted rates.

Transient Occupancy Tax (TOT)

When reserving a hotel reservation for a stay in City of Rancho Mirage, San Francisco and Sacramento cities and counties, complete the TOT exemption form. When you check in, show the hotel staff the form, show them your District ID and sign the TOT exemption form. Exemption forms are found on the Travel and Expense (T&E) [Splashpad page](#).

Airline Fares

Each airline ticket purchased must be at the lowest fare consistent with the business purpose. The District does not reimburse the costs of travel agent fees incurred for the purpose of purchasing airlines tickets. Directors traveling by air for business have the option to reserve and purchase airline tickets on the Internet using their personal credit card and documenting the available fare options that reasonably meet the business purpose.

The following travel service websites are available to research and book reservations:

- Expedia.com
- Travelocity.com
- Orbitz.com
- Travelzoo.com
- Kayak.com

Other travel websites may also be used. Not all airlines are affiliated with these travel service websites, including Southwest, Jet Blue, ATA, etc. Therefore, those airline websites should also be reviewed for cost comparisons for available flights.

After locating the lowest airfare consistent with the business purpose of the trip, if the airfare is greater than \$250 the Director must provide the information from the website(s) (travel service website and, where used, specific airline website) indicating the alternative options available, in addition to the option ticketed. That documentation must show the lowest fare available for the business trip and must accompany the Expense Report for reimbursement or payment to the District.

Miscellaneous

- Internet Access at the hotel or conference center for business use and access to District Information systems.
- Limits on gratuities are described below:
 - Business meals – 18~~5~~ percent of the total cost of the meal for an individual or as automatically charged by the restaurant for a group business meal when substantiated by an itemized receipt.
 - Taxi [or rideshare](#) – 10 percent of the cost of taxi [or rideshare](#) fares.

- Luggage handling and housekeeping – limited to the IRS per diem rate for the area.
 - Laundry services are only reimbursed when travel extends beyond five business days.
 - Minor purchases are reimbursable up to \$500 for non-stock/non-repetitive supplies, or materials that cannot be procured economically through normal channels due to time or the value of the purchase.
-

Unauthorized Expenses

Meals

- Meal allowances are not paid for meals enroute by air when food is provided by the airline, included with the conference registration, or otherwise provided. (Snacks and continental breakfasts such as rolls, juice and coffee shall not be considered meals.)
- Business discussions during mealtime between Directors, and a Director and employees do not constitute a business meal eligible for reimbursement.
- Alcoholic beverages are not reimbursed except for specific events with prior written approval of the Board President.

Car Rental Insurance and Citations

Directors should not purchase, nor shall the District reimburse the cost of liability or collision insurance as the District is self-insured. Insurance authorized by the Director at the time of rental will not be reimbursed. In the event of an accident while using a rental car, refer the car rental agency to the [District's](#) Risk Management Division.

Directors are personally responsible for paying all traffic citations, parking tickets and resulting towing or impound charges in a timely manner.

Airline Fares

Directors will not be reimbursed for the following airline fees:

- Upgraded seating such as first-class, business class, or economy plus
 - When a Director prefers to use a higher class than the economy ticket for reimbursement, the Director must pay the incremental cost of the airfare and provide documentation that shows the incremental cost.
- Early Bird check-in
- Frequent flyer miles or rewards programs
- Cancellation protection or insurance
- Additional travel insurance or premiums

Any requests for a particular airline or routing which results in higher fares will not be reimbursed. The additional costs of airline fares will be the responsibility of the Director.

Miscellaneous

The District provides a cell phone allowance or District cell phones for business related telephone expenses. The District does not provide any additional reimbursement for business or non-business related telephone expenses.

**Travel and
Expense
Authorization**

Travel and Expense Authorizations:

- Must be completed in Elsie for reimbursement of expenses before the expense is incurred unless these guidelines specifically state otherwise.
 - Must be completed by each Director for all travel and approved by the Board President.
 - Travel and Expense Authorizations become a public record upon submission to the District for payment.
-

**Processing Travel
& Expense
Authorizations**

Director

- [Receives permission from the Board President or designee to attend a conference, seminar, or training course.](#)
- Requests Secretary of the District to complete Travel and Expense Authorization in Elsie before expenses are incurred.
- Provides copies of the conference, seminar or training course schedule/agenda to include with the Travel and Expense Authorization.
- Provides written justification stating business purpose for the expense to include with the Travel and Expense Authorization.
- Completes the local TOT exemption form for lodging in California at time of check in if available in that city.

Office of the Secretary

- Prepares Travel and Expense Authorization in Elsie, attaches the required documentation and written request from the Director and obtains approval from the Board President.
- Reviews and approves use of the District Purchase Card for travel and business related expenses and direct travel-related expense payments for up to the total approval amounts shown on Travel and Expense Authorization for transactions requiring payment via purchase/credit card.
- Determines the “reasonableness” of expenses eligible for reimbursement based on time and location of travel, duration of trip and purpose of travel.
- Enters Travel and Expense Authorization with supporting documentation and approvals in Elsie for processing by the Accounting Division.

Board President

- Reviews and approves Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Board Vice President

- Reviews and approves, for the Board President and all other Directors in the President's absence, Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Immediate Past President (who currently sits on the Board)

- In the absence of the Board President and/or the Vice President, reviews and approves for the President, Vice President or other Director's Travel and Expense Authorization for reasonableness and forwards it to the Office of the Secretary.

Accounting Division

- Accounts Payable (AP) staff, under the direction of the Controller, audits Travel and Expense Authorizations submitted for compliance with procedures.
- Prepares direct travel-related expense payments for up to the total approval amounts shown on the Travel and Expense Authorization for transactions requiring payment by check.

Expense Report

Expense Reports must always be completed by each Director for reimbursement of any business expense after the expense is incurred unless these guidelines specifically state otherwise. All Expense Reports must include adequate documented explanations of the business purpose of the expenses. Expense Reports become a public record upon submission to the District for payment.

**Processing
Expense Report**

Director

- Submits Expense Report and supporting receipts to the Office of the Secretary. Do not include any personal information such as personal credit card information, bank account information, home address or personal phone numbers.
- Always ~~check~~ use the most current version of the form in the Forms Shop ~~for the current form. This form is updated to~~ which will include current mileage reimbursement rates, regulatory and processing changes.
- The Director incurring the expense cannot approve their own Expense Report.
- Information in the Expense Report must be authorized in writing (e.g., via email) by the Director incurring the expense

Office of the Secretary

- Reviews Expense Report and attachments.
- Sends Expense Report to the Board President for approval.

- Enters Expense Report with supporting documentation and approvals in Elsie for processing by the Accounting Division.

Board President

- Reviews Expense Report for approval after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before Office of the Secretary enters Expense Report with supporting documentation and approvals into Elsie.

Board Vice President

- Reviews and approves Expense Report for the Board President and all other Directors in the President's absence after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before entering in Elsie.

Immediate Past President ([who currently sits on the Board](#))

- In the Board President and/or Vice President's absence, reviews and approves Expense Report of the President, Vice President or other Directors after expenses are incurred to determine the need, appropriateness, and reasonableness of each item of expense.
- Sends approved Expense Report to Office of the Secretary for final review before entering in Elsie.

Accounting Division

- Audits all Expense Reports for compliance with procedures.
- Returns incomplete Expense Reports to the Office of the Secretary with a request for adjustment or explanation.
- Advises Office of the Secretary when reimbursement is available for distribution to Director.

Prepayment of Expenses

~~Directors requesting prepayment of expenses for a business trip are required to submit their requests to the Secretary of the District at least ten (10) working days prior to their scheduled departure date or event.~~

~~If the District issued a prepayment of expenses, a copy of the Travel and Expense Authorization must be attached to the request. In order to account for prepaid expenses, Expense Reports must be submitted within 15 working days of completion of the business trip.~~

For periodic expenses when a Travel and Expense Authorization is not required (tolls, BART fares, personal car mileage, etc.) an Expense Report should be submitted by the 10th day of the month but no later than 30 days following the expenditure~~within six months.~~

If the Director chooses not to purchase an airline ticket, the information regarding the ticket selection should be sent to the Secretary of the District who will purchase the ticket at the request of the Director. The charge for the amount of the ticket will be recorded as a prepaid expense to be cleared by a subsequent approved Expense Report.

Cancellations

When traveling on District business, the Director must be reasonably certain that they will be able to complete the trip. Canceling a trip for personal reasons must be approved by the Board President and may result in the Director being responsible for any non-refundable costs. Where possible, another Director may be substituted with the approval of the Board President. If a substitution needs to be made, notify the Secretary's Office [as soon as reasonably possible](#) and copy the Board President.

Business and Personal Combined

Any Director who wishes to combine personal and business travel should consult with the Secretary of the District who in consultation with the Controller [prior to the trip](#) will determine a reasonable allocation of costs. Any cost variance in airfare, car rental, or lodging must be clearly identified on the Travel and Expense Authorization. Charges to accommodate personal preferences will not be reimbursed. Use of frequent flyer miles will not be reimbursed. All other expense reimbursement rules apply.

~~Report to Board~~

~~At the next Board Meeting, the Director will make an oral or written presentation to the Board after business travel outside of the District service area or meetings attended at the District's expense are completed. If multiple Directors attended, a joint report may be made.~~

Substantiation of Travel Expenses

Travel expenses shall be substantiated by any of the following sources:

- Board meeting minutes
- Certification of committee attendance signed by the committee chair
- Verification of attendance at authorized meetings and functions signed by the Board President

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BOARD ACTION

Agenda Number:	11.	Meeting Date:	March 25, 2025
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TITLE	SINGLE-FAMILY RESIDENTIAL ACCOUNTS ARREARAGE MANAGEMENT
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ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:
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RECOMMENDED ACTIONS	Provide direction to staff on the Single-Family Residential Accounts Arrearage Management Program to address delinquent debt.
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SUMMARY	In December 2020, the Board adopted Resolution No. 35211-20 (Resolution) establishing an alternative to water shutoffs for delinquent single-family residential (SFR) accounts. Implementation of the SFR Accounts Arrearage Management Program (Program) began in September 2024, at the conclusion of the California Water and Wastewater Arrearage Payment Program (CWWAPP). In addition, some customers received support through the temporary federal Low Income Household Water Assistance Program (LIHWAP), which ended in March 2024. CWWAPP and LIHWAP significantly reduced customer arrearages; however, arrearage levels remain higher than pre-COVID-19 levels.
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DISCUSSION	At the start of the COVID-19 pandemic in 2020, the District suspended water shutoffs and restored water service to accounts previously shut off for non-payment before Governor Newsom's Executive Order that enacted a moratorium on shutoffs. Recognizing the human right to water and the Proposition 218 requirement that customers are responsible for the cost of services received, the District adopted the Resolution on December 8, 2020, to allow the use of flow restrictors to collect delinquent debt from tenant-occupied SFR accounts and the District's Tax Transfer Authority to collect delinquent debt from owner-occupied SFR accounts. Per the Resolution, the implementation of the Program would not occur until after the COVID-19 state of emergency was lifted by Governor Newsom. The COVID-19 state of emergency ended on February 28, 2023. However, the Program could not be implemented until all CWWAPP funds were received and distributed per CWWAPP regulations prohibiting water agencies from resuming water service interruptions until the funds were distributed to all eligible customers. CWWAPP provided two rounds of COVID-19 relief: first was for arrears accrued between March 2020 and June 2021, and the second was for arrears accrued between July 2021 and December 2022. In total, the District received \$30.4 million from CWWAPP. Of this amount, over \$20.3 million was distributed directly to eligible customers to reduce their arrears and \$10.1 million was a reimbursement to the District for its Customers Assistance Program expenditures during this period and administrative costs to distribute CWWAPP fund. In addition to CWWAPP, eligible District
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Originating Department: Customer and Community Services	Department Director or Manager: Andrew L. Lee	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: FY 2025	Budget Coding: N/A		Approved: 
Attachment(s): 1. Arrearage Trend for SFR Accounts; 2. Flow Restrictor Collection Path Results; 3. Flow Restrictors Installed; 4. SRF Liens; 5. Board Resolution No. 35211-20 Authorize Use of Flow Restrictors to Enforce Payment of Delinquent Accounts for Single Family Residences			

Title:	Single-Family Residential Accounts Arrearage Management	Meeting Date:	March 25, 2025
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customers received \$3.2 million in LIHWAP funding before the program concluded on March 31, 2024.

Recent trends indicate 95 percent of SFR customers are making payments within 60 days; the total number of SFR delinquent accounts has declined from 18,927 pre-COVID to 17,681 as of September 2024. Despite the overall reduction in delinquent accounts, the number of accounts past due by more than 100 days has increased significantly, rising from approximately 5,500 pre-COVID to 15,062 (including both tenant- and owner-occupied SFR accounts). This increase has resulted in a substantial increase in total arrearages, growing from \$3.0 million pre-COVID to a high of \$22.9 million in August 2024. Implementation of the Program back in September 2024, has reduced the arrearages to \$13 million. See Attachment 1 for arrearage and delinquency trends for SFR accounts greater than 100 days.

Of the 15,062 SFR accounts that were delinquent more than 100 days in August 2024, 10,792 were tenant-occupied with arrearages totaling approximately \$16.3 million and the remaining 4,270 accounts were owner-occupied with arrearages totaling approximately \$6.6 million. Some of these customers have not made payments since the onset of the COVID-19 pandemic. With all CWWAPP funding distributed and the COVID-19 state of emergency lifted, the District began implementing its Program in September 2024, for tenant-occupied SFR and owner-occupied SFR accounts. An update on these two groups is described below.

Tenant-Occupied SFR Accounts

The District identified the accounts with the longest delinquencies and the highest arrearages (greater than \$2,000) to manage the available resources needed to address the different phases of outreach, including the initial capacity to install between 30 to 40 flow restrictor per week. There were 2,693 tenant-occupied SFR accounts that met these criteria, with arrearages totaling approximately \$8.5 million, and outreach began on September 13, 2024. There are four phases of outreach for tenant-occupied accounts (note that customers who responded and made payment arrangements were removed from the following phase of engagement).

- Phase 1: Send out postcards to remind customers of their past due bills and encourage immediate action.
- Phase 2: Send Service Interruption Notices to inform customers of the potential water service impacts through the installation of a flow restrictor.
- Phase 3: In-person engagement with door hangers placed at customer residences. These customers had 48 hours starting the day after the door hanger was placed to take action.
- Phase 4: Installation of a flow restrictor on the customer's water meter.

See Attachment 2 for a summary of the customer response rate for each phase of outreach. Below is a summary of the results of each phase of outreach for the initial 2,693 customers.

Postcards: 397 customers made payment arrangements after receiving the postcard. The District identified 149 accounts that were abandoned by prior customers during this phase, and these accounts were closed and removed from the collection path. In total, 15.7 percent of the accounts were addressed in this phase. The remaining 2,147 customers moved to the next phase.

Title:	Single-Family Residential Accounts Arrearage Management	Meeting Date:	March 25, 2025
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Service Interruption Notices: The service interruption notices were sent in batches over a five-month period. By February 6, 2025, notices were sent to all 2,147 customers. A total of 174 customers made payment arrangements. The District identified an additional 56 accounts that were abandoned, and these accounts were closed and removed from the collection path. In total, 8.2 percent of the accounts were addressed in this phase. The remaining 1,917 customers moved to the next phase.

Door Hangers: The District made in-person contact and delivered a door hanger informing the customer that a flow restrictor will be installed as soon as three business days later if no action was taken towards making a payment on their unpaid bill. A total of 334 customers responded to the door hangers and made payment arrangements. The District identified an addition 119 accounts that were abandoned, and the accounts were closed and removed from the collection path. In total, 18.6 percent of the accounts were addressed in this phase. The remaining 1,464 customers moved to the next phase.

Flow Restrictor Installations: While the District's outreach process has encouraged some customers to take action on their unpaid bills, approximately 54 percent of the initial group of 2,693 customers remained unresponsive, and therefore, subject to the flow restrictor. To date, the District has installed 934 flow restrictors. A total of 473 customers responded and made payment arrangements (58%). Those customers with active payment arrangements had their flow restrictors removed within an average of one business day. The District identified 115 accounts that were abandoned, these accounts were closed and removed from the collection path. There are still 530 pending flow restrictor installations. See Attachment 3 for locations of where flow restrictors are installed through February 2025.

After a flow restrictor is installed, the District conducts up to three follow-up service order trips to inspect the flow restrictors to ensure the devices have not been tampered with or the customer is not engaging in water theft. Through these inspections, staff discovered device tampering at 11 locations. Once the device tampering was identified, the service was shut off and locked. Three locations engaged in water theft by breaking the lock to restore service. The service for these three accounts were plugged due to the seriousness of the water theft.

In total, approximately 42 percent of customers who had a flow restrictor installed (346 out of 819) are living with the flow restrictor without addressing their arrears. According to Resolution, customers that continue to be delinquent for three months after the installation of a flow restrictor will have their account closed, written off, and transferred to third-party collections. If this phase of collection is carried out, as of February 2025, there are 79 accounts that are past the three-month period that would need to be transferred to third-party collections.

Owner-Occupied SFR Accounts

A total of 4,270 owner-occupied SFR delinquent accounts are subject to collection through the property tax roll. The District initiated outreach in September 2024 by sending postcards reminding customers to take action to address their delinquent balance. Customers that remained unresponsive to the postcard were sent an Intent to Lien and Lien Hearing Notices in October 2024. In November 2024, the District filed liens against owner-occupied SFR accounts that were unresponsive to the Intent to Lien and Lien Hearing Notices. In total, 2,899

Title:	Single-Family Residential Accounts Arrearage Management	Meeting Date:	March 25, 2025
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customers responded to the postcards and notices (68%) and provided some form of payment making up approximately \$2.8 million of the arrearages (42.5%).

After the lien is recorded against the property and if the customer continues to be unresponsive, the District will initiate the process to transfer the lien to the property tax roll. By May 2025, these customers will be sent an Intent to Transfer to County Property Tax Roll Notice. This notice provides customers a final opportunity to contest the delinquent charges at a District public hearing. Following the public hearing, any unpaid delinquent charges will be transferred to the customer's respective county property tax roll in August 2025. Table 1 summarizes the payments collected to-date from owner-occupied SFR account subject to transfer to property tax rolls.

Table 1. Payments Collected from Owner-Occupied SFR Accounts

County	No. of Delinquent Accounts	Total Arrears	No. of Customers Responded (percentage)	Payments Received	Closed Accounts	No. of Liens to be Filed
Alameda	2,778	\$4,605,959	1,869 (67.2%)	\$1,818,279	181	728
Contra Costa	1,492	\$1,974,751	1,030 (69%)	\$ 979,670	93	369
Total	4,270	\$6,580,710	2,899 (67.8%)	\$2,797,949	274	1,097
<i>Note: Accounts enrolled in payment plans that still carry an overdue balance due to partial payments will enter the lien process if they default. If the balance remains unpaid, it will be transferred to the county. Of the 2,899 accounts, a total outstanding balance of \$2.1 million remains, including amounts in active payment plans and balances from closed accounts.</i>						

To date, a total of 787 liens have been filed with a total value of \$1,466,253. There are still 310 accounts to be filed, with a total balance of \$230,000. Based on data from the Multi-Family Residential Lien Program, the District has historically recovered approximately 85 to 90 percent of the unpaid delinquent debt after they are transferred to the property tax roll and anticipates similar recovery rates for the SFR lien process. See Attachment 4 for locations of all liens filed through February 2025.

Defaults on Payment Plan/Arrangement

The District granted 1,378 payment plans to customer accounts that are subject to the flow restrictor totaling \$7,094,216. So far, 561 customers (40%) have defaulted on their plan by not providing the payment within the established timeline. The default rate was significantly lower at 12.9 percent for customers with flow restrictors who made payment arrangements. Depending on where in the collection path these accounts have defaulted, these accounts will be placed in the subsequent action queue (e.g., default on payment plan established at the postcard phase will be advanced to a Service Interruption Notice).

For accounts subject to collection through the property tax roll, 2,899 out of 4,270 customers have made payment arrangements. However, 607 customers (21%) have defaulted on their

Title:	Single-Family Residential Accounts Arrearage Management	Meeting Date:	March 25, 2025
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payment arrangements by missing their scheduled payments. For these accounts, the unpaid overdue balance will be immediately filed as liens on the property and transferred to the county property tax roll following the public hearing.

Abandoned/Closed Accounts

The District identified 439 tenant-occupied accounts totaling \$1.15 million and 274 owner-occupied accounts that were abandoned and closed totaling \$260,000. In most cases, abandoned accounts are being discovered when a new account holder contacts the District to sign on for service. This could indicate that the prior account holder left the premises without contacting the District to close their account. After verification with the new account holder, the unpaid balance on the abandoned accounts are transferred to third-party collections. Additional abandoned accounts will likely be identified as the District continues working through the backlog of delinquent accounts.

Summary of Progress

In August 2024, the District's post-COVID arrearage reached \$22.9 million for both owner and tenant-occupied SFR. As of February 2025, since the Program was implemented, the District recovered (including active payment plans) approximately \$7.1 million from tenant-occupied SFR accounts and \$2.8 million from owner-occupied SFR accounts. This is approximately \$9.9 million of the initial arrears of \$22.9 million leaving \$13 million remaining in arrears. Staff will engage with the remaining 8,099 tenant-occupied SFR customers (less than \$2,000 in arrears), which means the remaining arrearage amount will change.

Based on the data collected from the initial 2,693 customers that have gone through the full collection path (postcard to flow restrictor), when the District reached the flow restrictor installation phase, nearly 64 percent of customers responded by making payment arrangements. Additionally, the data indicates that 346 out of 2,693 customers (13%) did not respond to any of the District's engagement efforts and are living with the flow restrictor. Applying the same customer response rate (see Attachment 2) to the remaining customers in arrears (8,099 accounts), the District estimates that approximately 1,571 additional customers may end up living with a flow restrictor.

The collection path for owner-occupied SFR is more straight-forward with liens being filed against the property and eventually having the unpaid balance transferred to the county property tax roll for collection. Based on historical recovery rates, the District estimates that up to 90 percent or \$5.8 million of the total \$6.6 million unpaid delinquent debt could be recovered through this process.

Accounts that were closed will have their unpaid balance written off to a third-party debt collector. The third-party debt collector would then engage directly with the account holder to collect this unpaid balance. The third-party debt collector receives 18 cents for every dollar they collect on behalf of the District. Based on historical net recovery rates, the District could recover approximately 15 percent of its total write offs.

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Observations and Areas of Consideration

As the District implements the Program to manage customer arrears, staff have made the following observations:

- Flow restrictor installations require more resources than shutoffs (20 to 90 minutes versus a shutoff which takes approximately five minutes) and two staff versus one.
- Five accounts with the flow restrictor have shown a significant increase in water use.
- Eleven services were shut off and locked due to device tampering and water theft activities.
- In-person outreach has seen minimal success due to customers not answering the door.
- The number of customers seeking payment plans have increased significantly since October 2024, and the ability to extend payment plans beyond 12 months has reduced the financial pressure on customers.

Recommendations

Continue addressing the remaining overdue accounts and implementing the Program with changes recommended below.

- Tenant-occupied SFR accounts:
 - Add a third-party collection process for accounts that remain unresponsive to the flow restrictor for over 90 days. This collection process could involve the third-party debt collector to initiate legal action against the account holder while the account remains active (e.g., wage garnishment). As an alternative, the District could shut off the water service, close the account, and collect the unpaid balance through the third-party debt collector.
 - Add water service shutoffs as part of the collection process for accounts that have had a flow restrictor installed, then removed after a payment plan is set up, and subsequently defaulted on their payment plan. In this circumstance, customers with financial hardship will be informed to work with the District to establish payment plans. Water service will only be shutoff if a customer elected not to work with the District.
- Include the use of shutoff for any accounts where the customer threatens District employees. In this scenario, staff will be accompanied with law enforcement or security personnel.
- Explore a new customer engagement process using a third-party service provider to engage with customers who have a flow restrictor for more than 90 days. If a process is developed, the District will re-evaluate shutting off customers who remain unresponsive to the flow restrictor for over 90 days.

District staff will continue to manage customer arrearages by engaging with customers and implementing measures as directed by the Board of Directors.

Title:	Single-Family Residential Accounts Arrearage Management	Meeting Date:	March 25, 2025
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SUSTAINABILITY

Economic

As of February 2025, the District recovered (including active payment plans) approximately \$7.1 million from tenant-occupied SFR accounts and \$2.8 million from owner-occupied SFR accounts. This is approximately \$9.9 million of the initial arrears of \$22.9 million leaving \$13 million remaining in arrears. The District will continue to engage with customers through the new debt collection paths to recover the remaining delinquent debts.

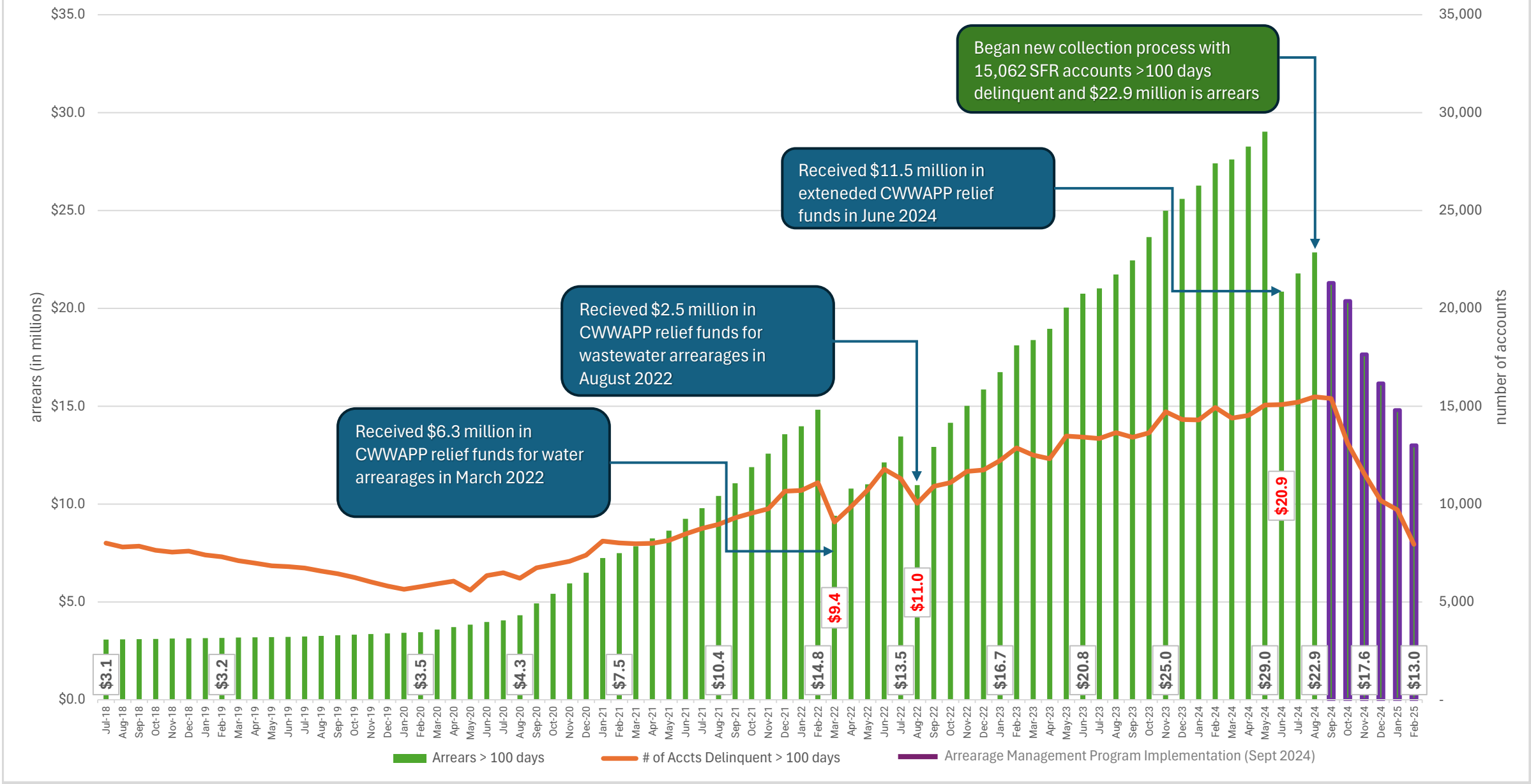
Social

This program allows the District to utilize an alternative to address delinquent debts among SFR customers while recognizing the importance of human right to water.

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Arrearage Trend for SFR Accounts Over 100 Days Delinquent



**Flow Restrictor Collection Path – Customers Delinquent for > 100 days and >\$2,000
Results Through February 2025**

Engagement Type	# Customers Contacted	# Closed Accounts (percentage)	# Responded (percentage)*	# Defaulted (percentage)**	# Customers Escalated to Next Phase
Postcard	2,693	149 (5.5%)	397 (15.7%)	220 (55.4%)	2,147
Service Interruption Notice	2,147	56 (2.6%)	174 (8.3%)	87 (50%)	1,917
Doorhanger	1,917	119 (6.2%)	334 (18.6%)	193 (57.7%)	1,464
Flow Restrictor	934***	115 (12.3%)	473 (57.8%)	61 (12.9%)	346****

* Percentages calculated after closed accounts were removed from "# Customer Contacted" during each engagement type.

** Percentages calculated based on the number of customers who responded by setting up payment plans.

***There are an additional 530 flow restrictors pending installation.

**** Out of the 346 customers with living with flow restrictors, 79 of them have been installed for over 90 days. These accounts would be subject to the next phase:
Third-Party Debt Collection.

**Projections for Remaining Delinquent Accounts - Customers Delinquent for > 100 days and < \$2,000
Based on Percentages Above**

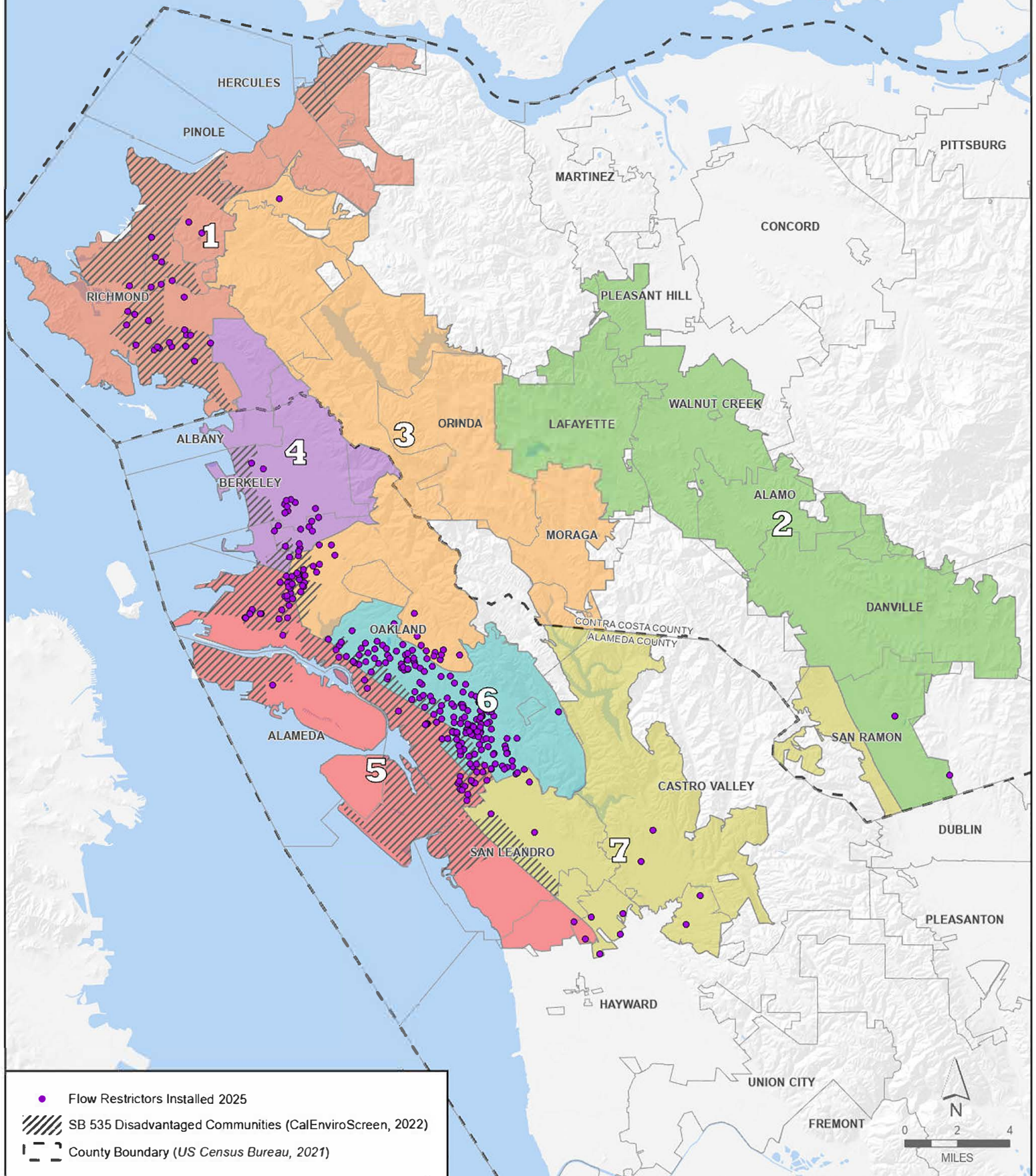
Engagement Type	# Customers Contacted	# Closed Accounts	# Responded (percentage)	# Defaulted (percentage)	# Customers Escalated to Next Phase
Postcard	8,099	445 (5.5%)	1,202 (15.7%)	666 (55.4%)	6,452
Service Interruption Notice	6,452	168 (2.6%)	522 (8.3%)	261 (50%)	5,572
Doorhanger	5,572	357 (6.2%)	970 (18.6%)	560 (57.7%)	4,245
Flow Restrictor	4,245	522 (12.3%)	2,152 (57.8%)	278 (12.9%)	1,571



FLOW RESTRICTORS INSTALLED

FEBRUARY 2025

ATTACHMENT 3



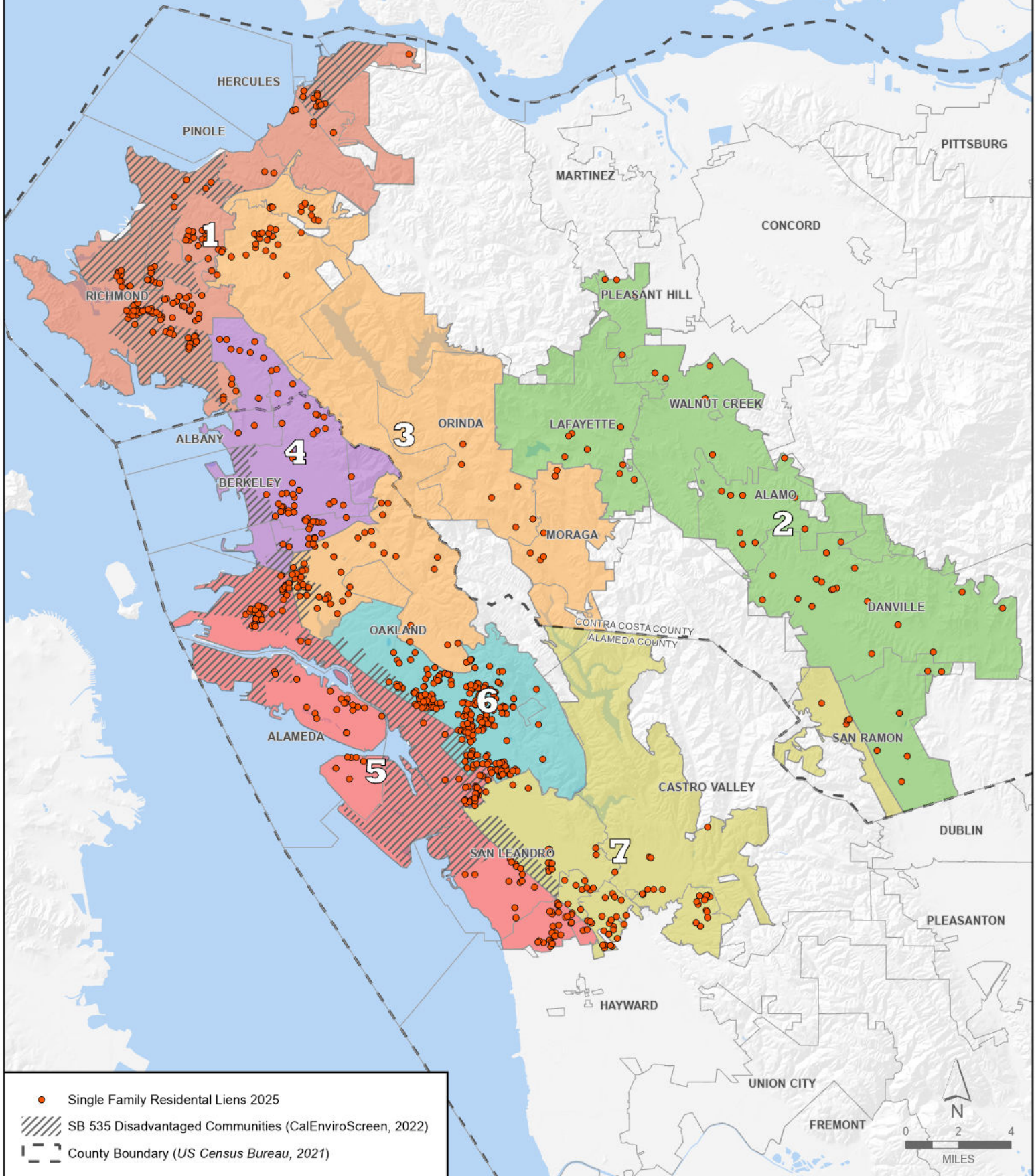
● Flow Restrictors Installed 2025

▨ SB 535 Disadvantaged Communities (CalEnviroScreen, 2022)

--- County Boundary (US Census Bureau, 2021)



ATTACHMENT 4



RESOLUTION NO. 35211-20AUTHORIZE THE USE OF FLOW RESTRICTORS TO ENFORCE THE PAYMENT OF
DELINQUENT ACCOUNTS FOR SINGLE FAMILY RESIDENCES

Introduced by Director Young ; Seconded by Director Mellon

WHEREAS, the government of the East Bay Municipal Utility District (District) is vested in the Board of Directors; and

WHEREAS, the Board of Directors is the legislative body of the District and determines all questions of policy; and

WHEREAS, Section 12811 of the Municipal Utility District Act (MUD Act) authorizes the Board of Directors to provide for the collection of fees, tolls, rates, rentals or other charges in any lawful manner and may provide for collection by action at law, and all remedies for the collection and enforcement thereof are cumulative and may be pursued alternatively or consecutively as the Board of Directors determines; and

WHEREAS, Section 12823 of the MUD Act authorizes the District to terminate water service for non-payment of delinquent accounts under specified circumstances; and

WHEREAS, the District adopted a policy of imposing water service terminations to enforce the payment of delinquent bills for single family residences; and

WHEREAS, in 2012, the state legislature enacted AB 685, which expressed the state-wide policy that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes; and

WHEREAS, in 2019, the state legislature enacted SB 998, which expressed the legislative intent to minimize the number of Californians who lose access to water service due to inability to pay; and

WHEREAS, the District desires to better align its policies with the state-wide policies to minimize the number of Californians who lose access to water service due to inability to pay; and

WHEREAS, the District currently offers a variety of programs to assist customers to pay their water bills, and such programs consist of the Customer Assistance Program (CAP) that makes use of non-rate revenue to reduce costs, payment plans, payment extensions, Water Lifeline, leak adjustments, water audits, water conservation rebates, and distributing water saving devices to assist customers in managing the cost of water service; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in California in response to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the District suspended water service terminations due to non-payment of water bills in response to the COVID-19 pandemic and subsequently on April 2, 2020, Governor Newsom issued Executive Order N-42-20, which imposed a state-wide moratorium on water service terminations for non-payment of water bills; and

WHEREAS, the COVID-19 pandemic has highlighted the importance of maintaining access to water for all District customers to maintain public health; and

WHEREAS, water service termination due to non-payment of water bills disproportionately affects low-income customers living in disadvantaged communities; and

WHEREAS, the District wishes to create a more progressive policy that utilizes flow restrictors as a means to enforce the payment of delinquent accounts for customers in single-family residences; and

WHEREAS, unlike water service termination as a means of enforcement of the payment of delinquent accounts for customers in single-family residences, flow restrictors would allow a customer, who has been delinquent in the payment for water service, to receive a minimal amount of water service sufficient for human consumption, cooking and sanitary purposes; and

WHEREAS, the District must ensure that the costs incurred by customers placed on flow restrictors for non-payment of delinquent bills shall not be subsidized by other customers or otherwise be implemented in a manner inconsistent with the requirements of Proposition 218; and

WHEREAS, the District intends that the installation of flow restrictors would meet two objectives by allowing customers sufficient water to meet basic needs while still enforcing the need to pay for their water bill;

NOW THEREFORE BE IT RESOLVED by the Board of Directors that staff shall implement flow restrictors as a means of enforcement of payment of delinquent accounts by customers in single-family residences and that such implementation shall not occur until the state of emergency declared on March 4, 2020 by Governor Newsom has been lifted.

BE IT FURTHER RESOLVED that in preparation for implementation, the Board of Directors shall direct staff to review and amend all applicable regulations and processes to:

1. Ensure customer support programs including financial assistance, water conservation, and customer outreach efforts are comprehensive and are reaching customers most in need of assistance.

2. Implement the use of flow restrictors as an additional collection strategy to enforce the payment of delinquent accounts by customers in single-family residences and after the District has exhausted all available means of offering financial assistance.
3. Expand the District's lien program as provided for under Section 12811.1 of the MUD Act to owner-occupied single-family residences.
4. Ensure that costs incurred by customers placed on flow restrictors are not subsidized by other customers by increasing its debt collection efforts and by placing the delinquent account in collections no later than three months after the installation of a flow restrictor and continued non-payment of delinquent accounts.
5. Ensure adequate notice to customers of impending installation of flow restrictors.

BE IT FURTHER RESOLVED that the Board of Directors shall direct staff to report the progress of the implementation of flow restrictors at the February 9, 2021 meeting of the Board of Directors as part of the staff report on the progress of the CAP.

ADOPTED this 8th day of December, 2020 by the following vote:

AYES: Directors Coleman, Katz, Linney, McIntosh, Mellon, Patterson and President Young.

NOES: None.

ABSENT: None.

ABSTAIN: None.


President

ATTEST:


Secretary

APPROVED AS TO FORM AND PROCEDURE:


General Counsel

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 25, 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 25, 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 25, 2025 Board meeting.

CCC:RCC:gb

Attachment: Water Supply Update Presentation

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Water Supply Update

Board of Directors

March 25, 2025

Roberto C. Cortez, Manager of Water Operations

An aerial photograph showing a large body of water, likely a reservoir or lake, surrounded by dense green forest. In the background, rolling hills and mountains are visible under a clear sky. The water reflects the surrounding landscape.

Briefing Topics

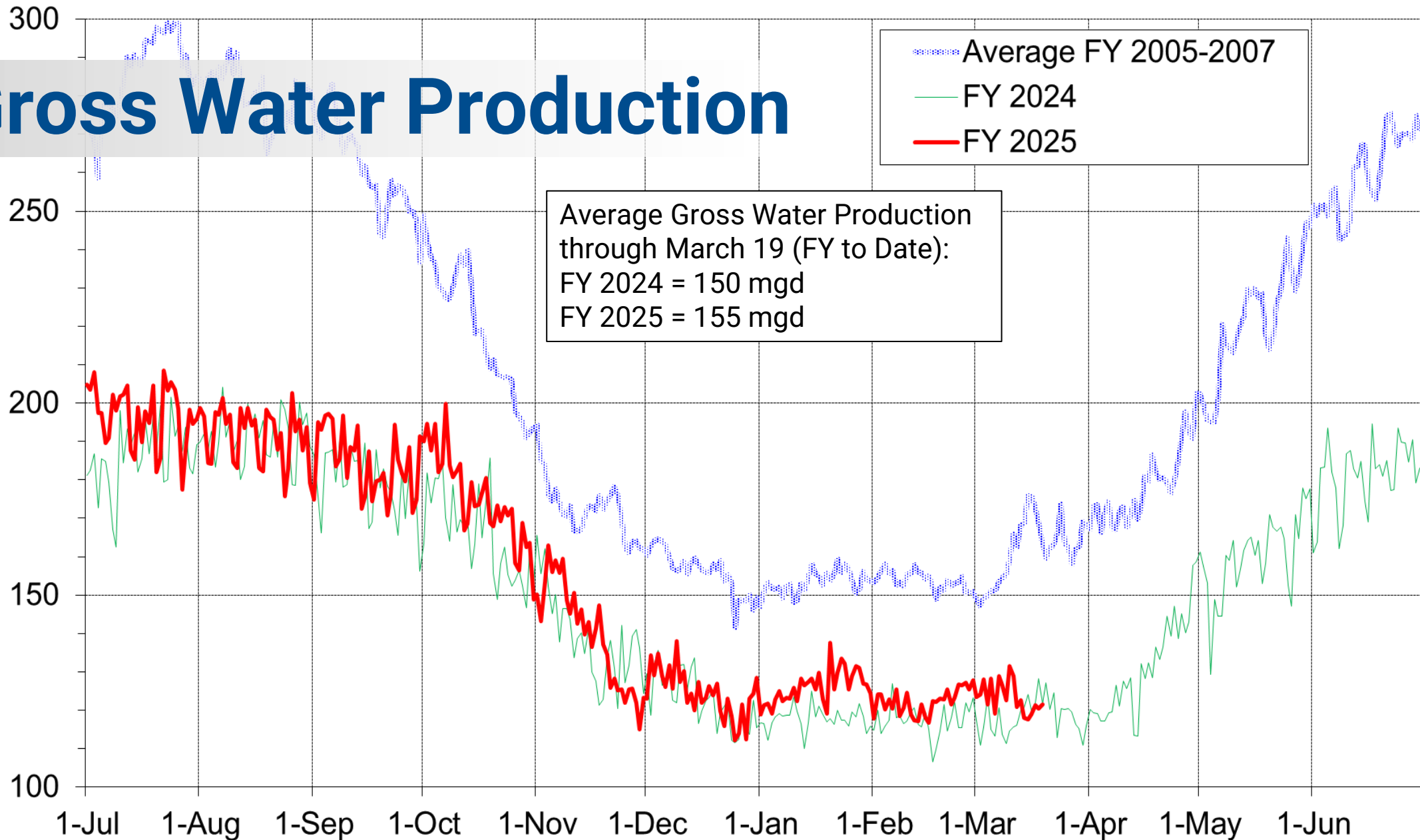
- Current Water Supply
- Water Supply Projections

Current Water Supply

A blue-tinted photograph of a river flowing over rocks, with dense trees in the background. The river is in the foreground, with many rocks visible beneath the water. The background is filled with a dense forest of trees and bushes. The overall scene is serene and natural.

Gross Water Production

Gross Water Production (mgd)



Reservoir Storage

As of 3/19/2025	Current Storage	Percent of Average	Percent of Capacity
Pardee	180,670 AF	97%	89%
Camanche	320,730 AF	111%	77%
East Bay	136,210 AF	100%	91%
Total System	637,610 AF	104%	83%

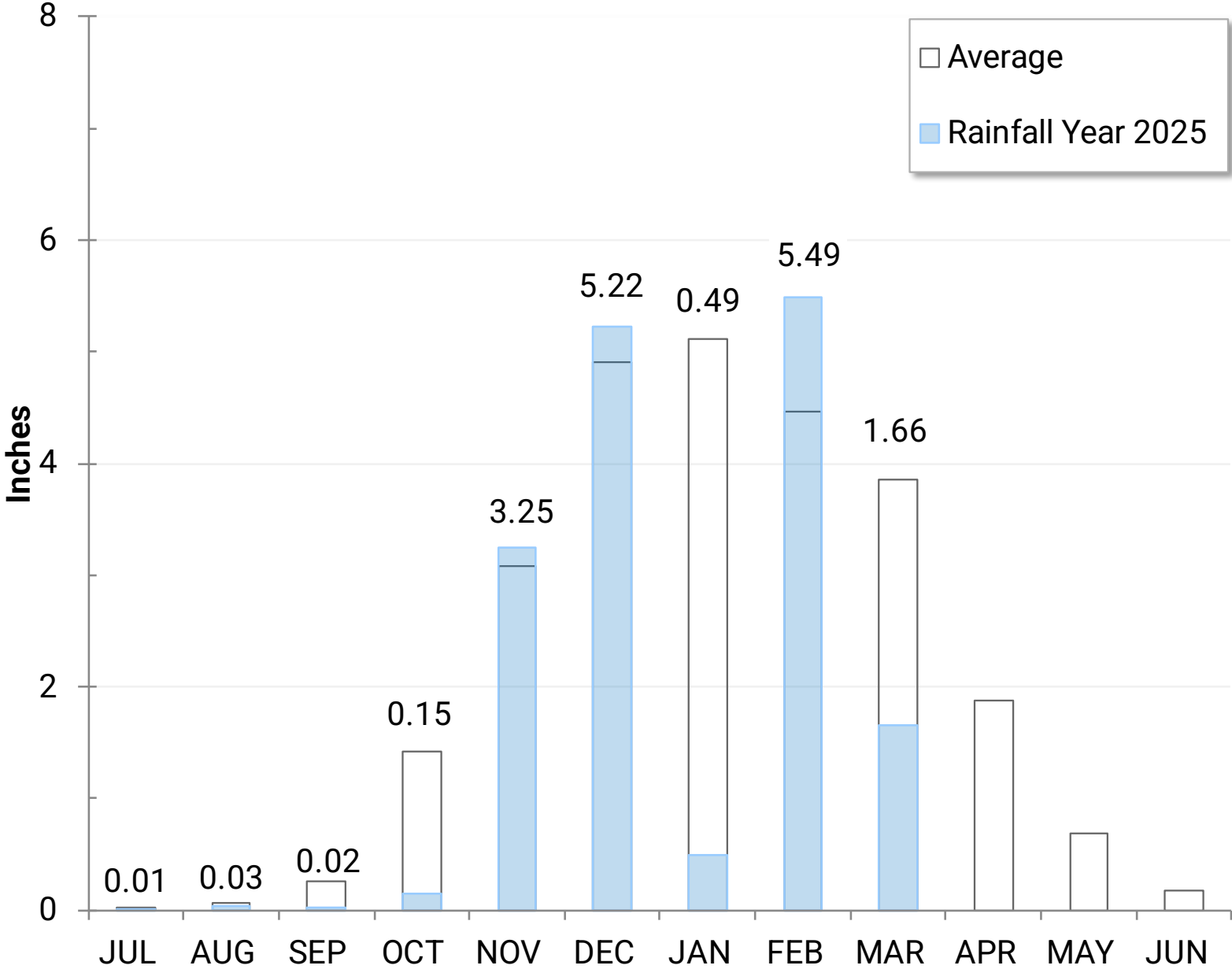
AF: Acre-Feet

Precipitation as of March 19

East Bay: 16.3”
(73% of average)

Weather Station Details

- USL WTP
- Lafayette Reservoir
- Data collected since 1953

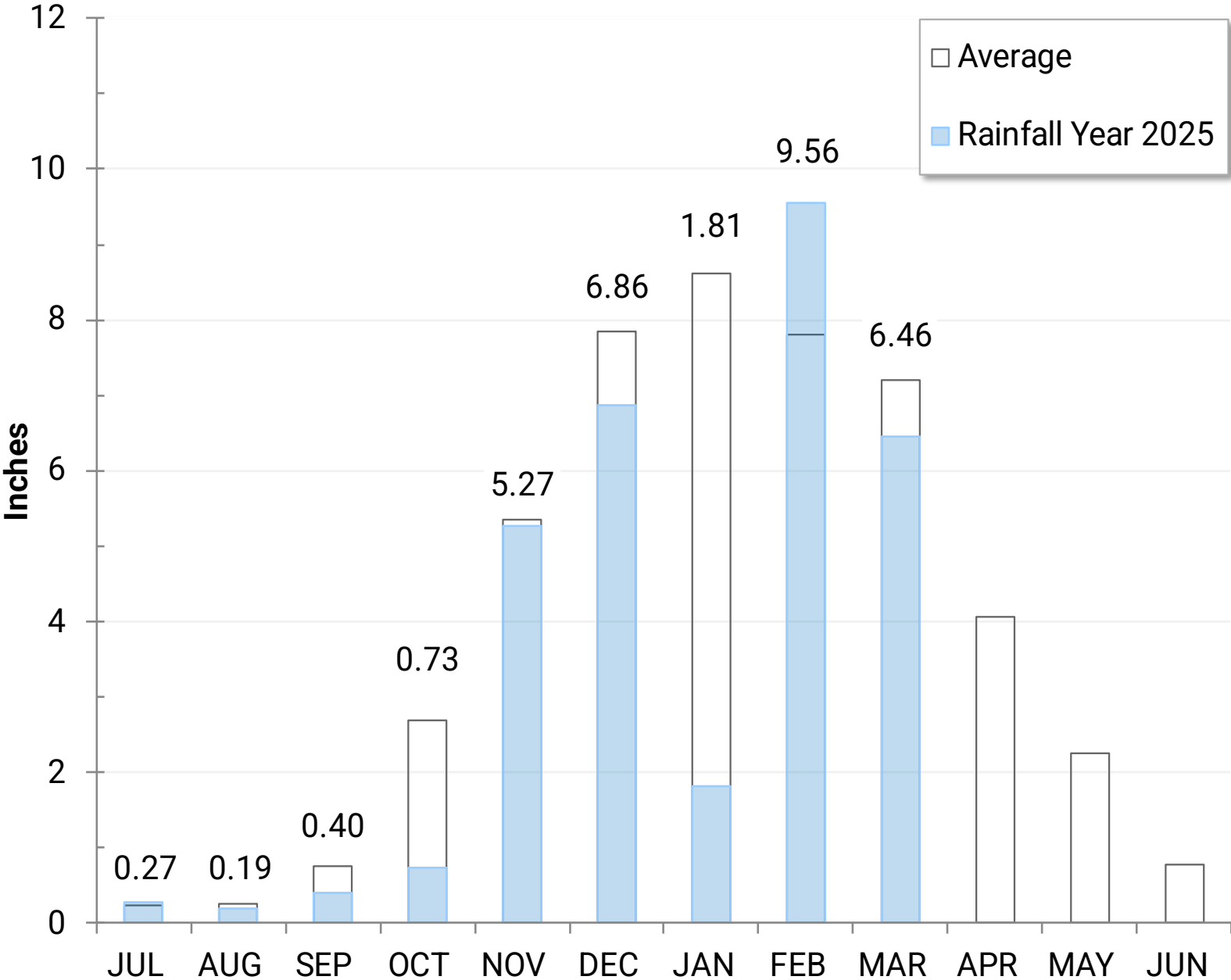


Precipitation as of March 19

Mokelumne: 31.6”
(82% of average)

Weather Station Details

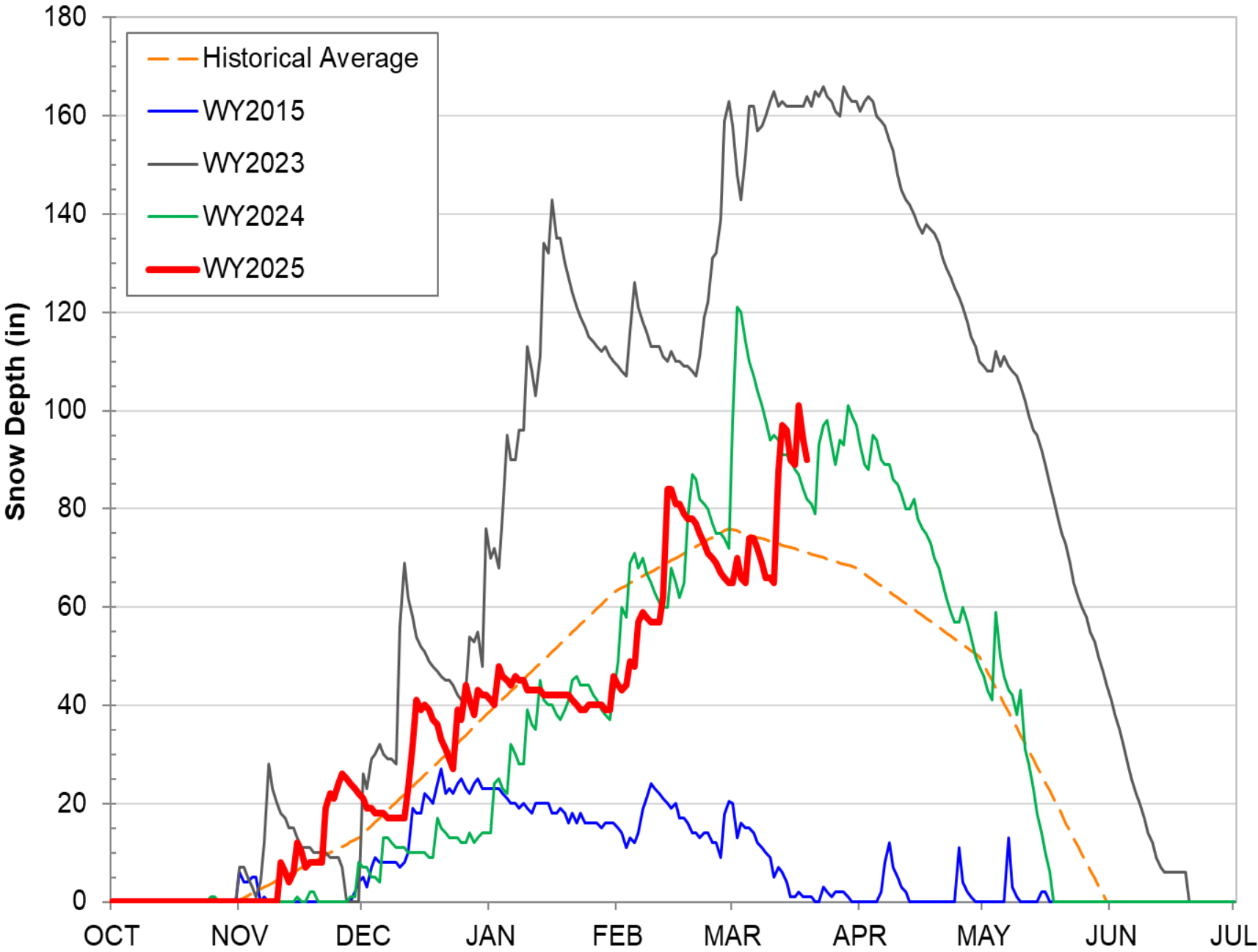
- Calaveras Big Trees
- Caples Lake
- Salt Spring Reservoir
- Tiger Creek Power Station
- Data collected since 1930



Caples Lake Snow as of March 19

Snow Depth – 90”
(127% of average)

Snow Water
Content – 23.8”
(86% of average)





Snowpack as of March 19

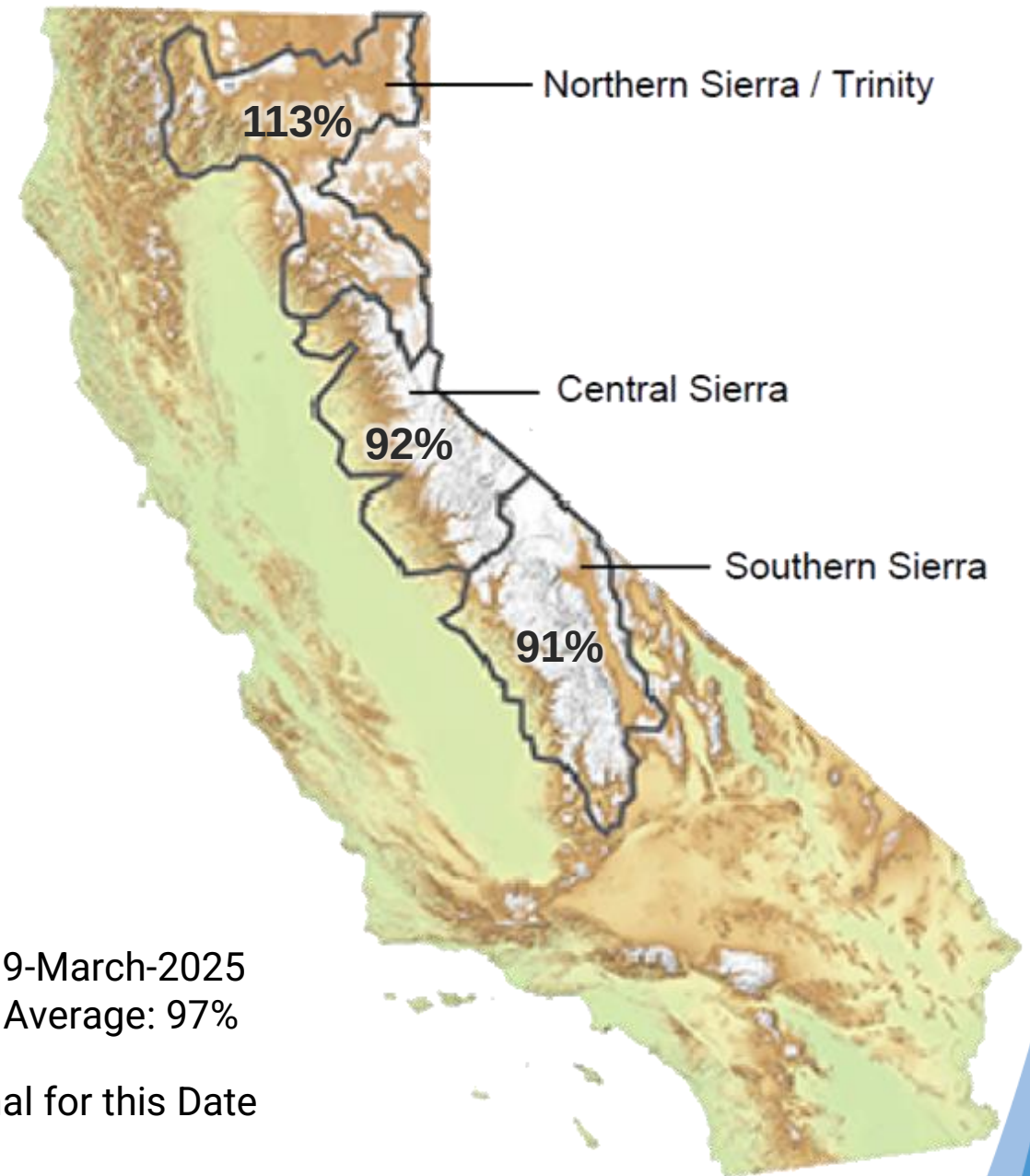
Snow Water Equivalent:

92% of Normal in Central Sierra



Data for: 19-March-2025
Statewide Average: 97%

% of Normal for this Date



Water Supply Projections

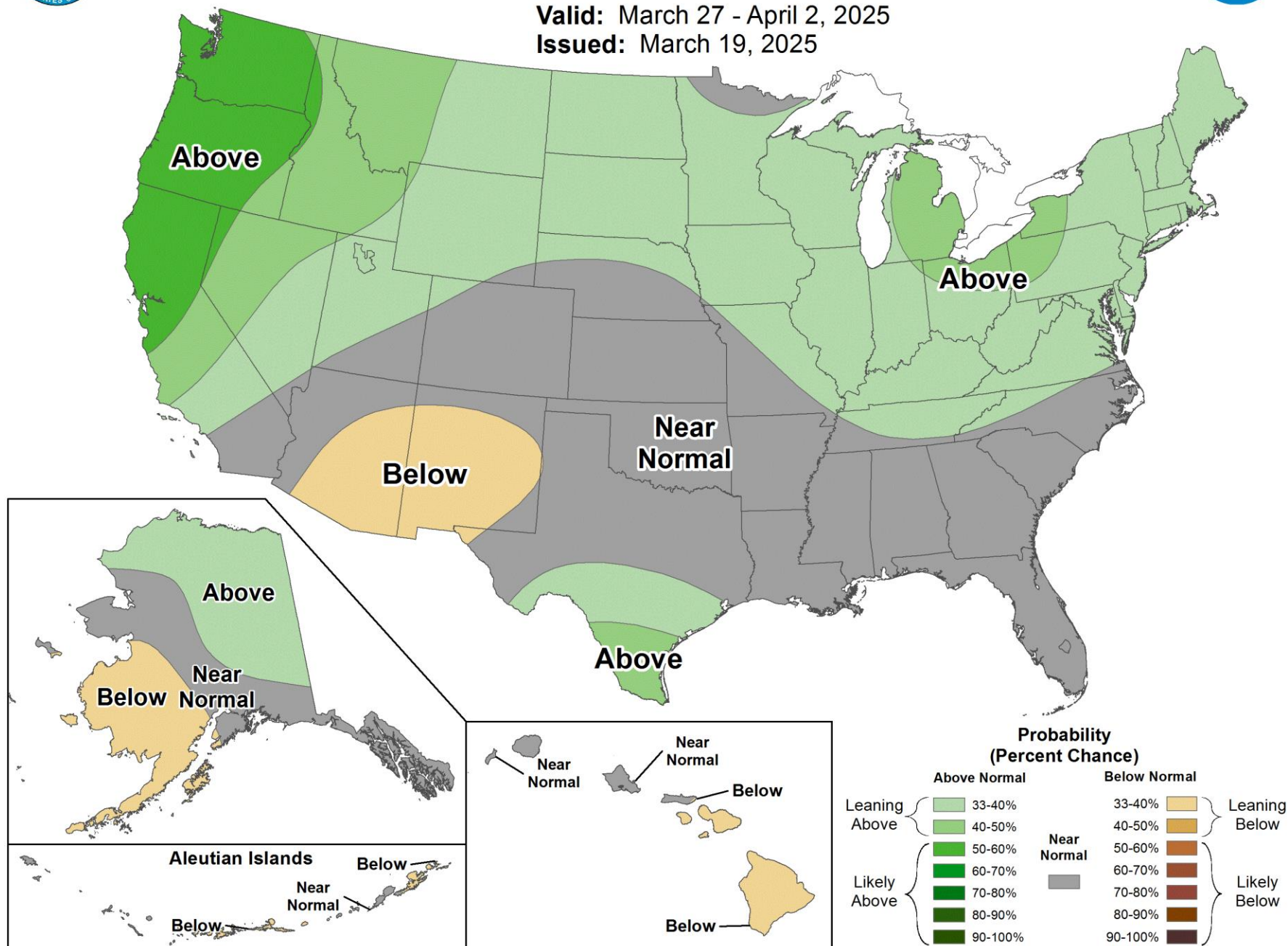


8-14 Day Precipitation Outlook



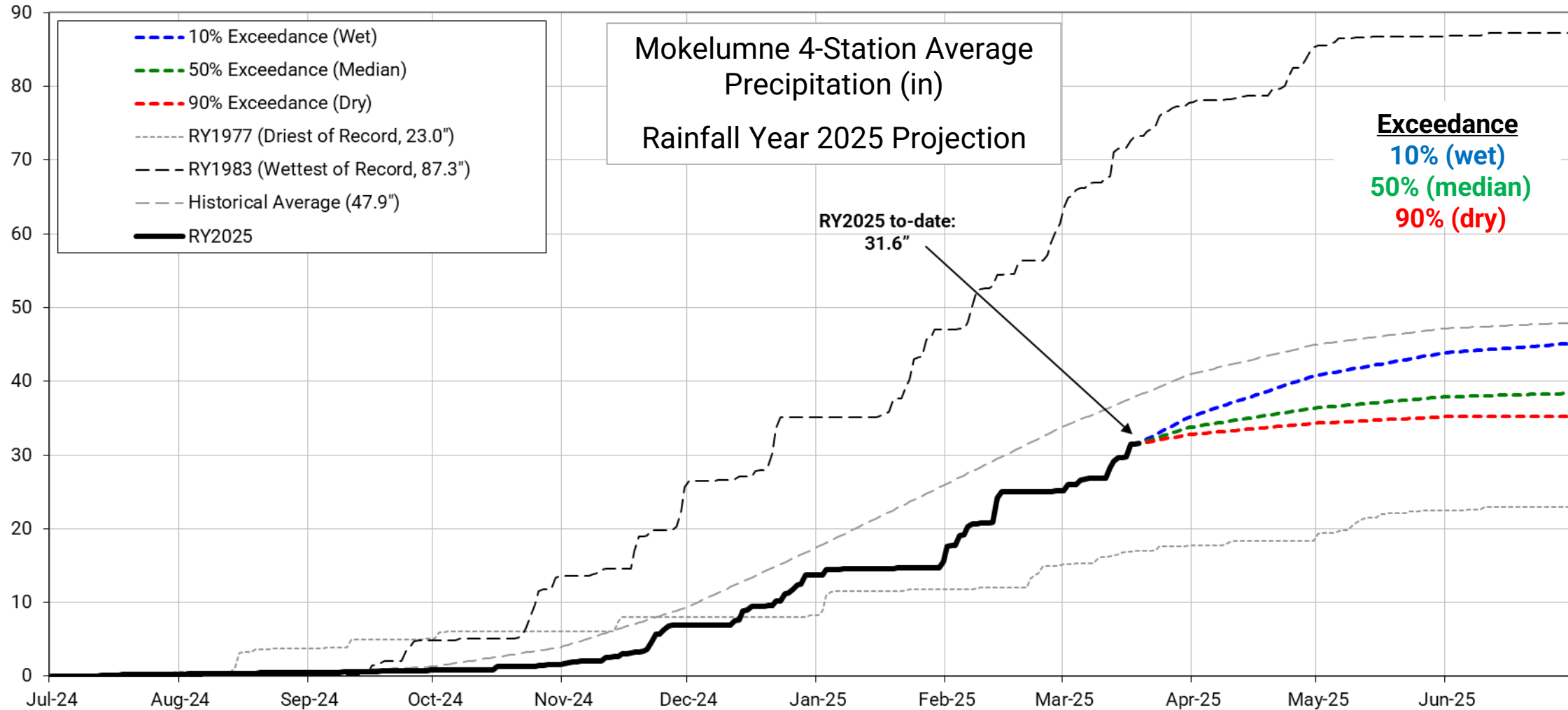
Valid: March 27 - April 2, 2025

Issued: March 19, 2025



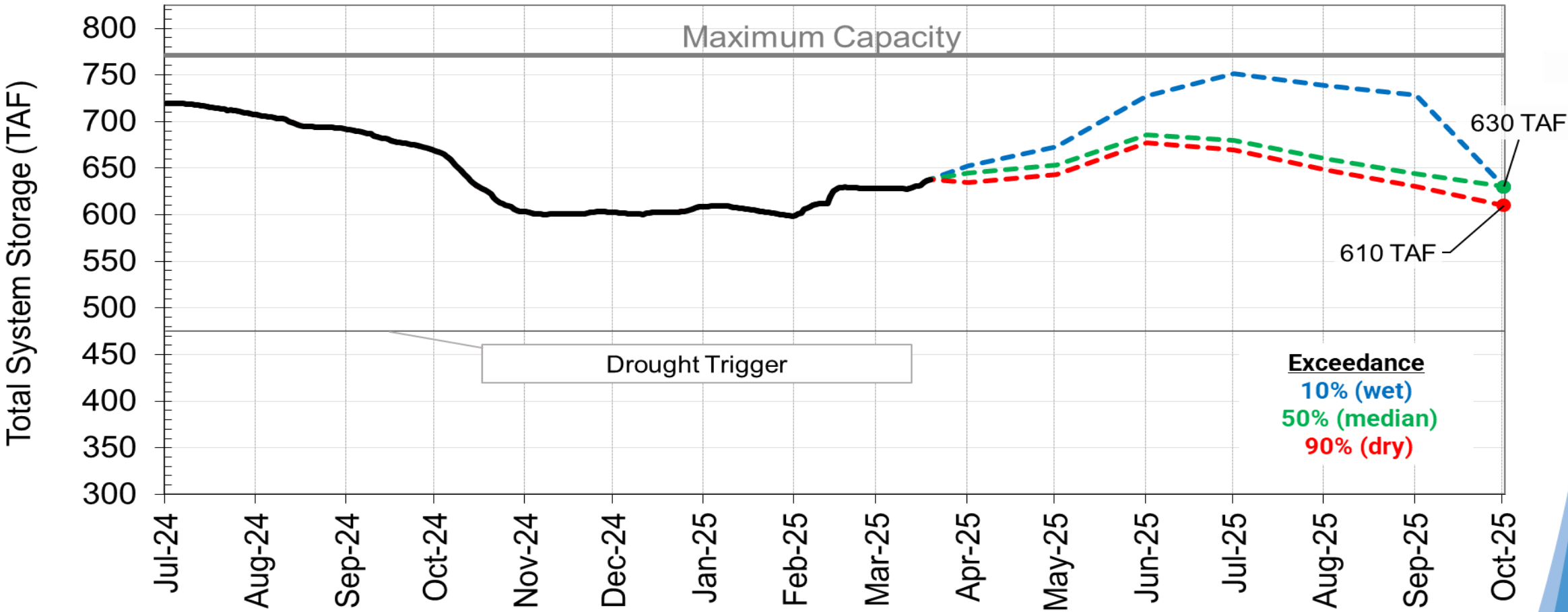
Projected Precipitation

Mokelumne Precipitation Rainfall Year 2025



End of Season Storage

2025 Total System Storage Projections





Questions?



EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 25, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Kelly A. Zito, Special Assistant to the General Manager 

SUBJECT: Community Water Academy Update – March 25, 2025

The District will host its next Community Water Academy (CWA) in April 2025. This will mark the third year of the CWA program, which has been successful in helping community and civic leaders, non-profits, educators, local government staff, and elected officials gain a deeper understanding of EBMUD's water and wastewater systems.

As part of the program, a cohort of about 40 individuals will participate in a series of five sessions that include behind-the-scenes tours of District facilities and talks from EBMUD subject matter experts to learn about the District's operations, policies and projects. The goal of the program is to enhance local leaders' knowledge about the District, in an effort to broaden the community's awareness of the District's mission of protecting public health and the environment.

An update on the CWA program will be presented at the March 25, 2025 Board meeting.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 25, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Kelly A. Zito, Special Assistant to the General Manager 

SUBJECT: Screening of EBMUD/Alphabet Rockers Song – March 25, 2025

The District announced the global release of "H2FLOW," a song and music video created in collaboration with the Oakland-based Grammy Award-winning musical group, Alphabet Rockers, as part of World Water Day.

With an energetic mix of rap and rhythm, "H2FLOW" tells the story of each water drop's journey from the Mokelumne River to the tap, encouraging listeners to skip bottled water and "drink the clean water flow – just like that."

This musical collaboration is part of EBMUD's enhanced education program, which offers hands-on learning experiences such as school field trips, facility tours, webinars, public outreach events, and the Community Water Academy.

A screening of the video will be presented at the March 25, 2025 Board meeting. The Alphabet Rockers will also perform the song live at the Oakland Roots Soccer Club's Earth Day-themed game on April 19, 2025 at the Oakland-Alameda County Coliseum.

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